

CANADA
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

ROBIN MOWAT

PLAINTIFF

AND:

UNIVERSITY OF SASKATCHEWAN'S STUDENTS' UNION

DEFENDANT

AFFIDAVIT OF TRENT EVANISKY

I, TRENT EVANISKY, 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 currently a Commerce student at the University of Saskatchewan and as such am a member of the University of Saskatchewan's Student's Union ("USSU").
3. In addition to being a member of the USSU I have also been actively involved within the organization. I spent three years as a Member of Students' Council ("MSC") for the College of Arts and Science, one year as University Students' Council ("USC") Chairperson and have sat on a number of USSU boards including the Elections Board when I was hired last year as the Assistant Chief Returning Officer ("ACRO") for a by-election in the fall of 2004 and rehired for the 2005 general election.

4. I did not work for the USSU during the Referendum to decide whether or not the USSU should join the Canadian Federation of Students ("CFS") that was held on October 4-6, 2005 ("Referendum"). However, I was involved in a "No" Campaign during the Referendum.
5. It is within the framework of these experiences that I question the legitimacy of the Referendum and whether some members of the USSU executive deliberately altered the traditional USSU Referendum process to produce an outcome that met with their own political agenda.

Past Referendums

6. An Operating Committee was struck to oversee the administration of the Referendum known as the Referendum Operating Committee ("ROC"). The ROC was presented to USC at a meeting held on September 15, 2005. The minutes of this meeting are attached as Exhibit "A" of my Affidavit. These minutes are readily available on the USSU web-site and I have no reason to doubt its validity.
7. The ROC was made up of two representatives from the CFS and the USSU's ACRO and Chief Returning Officer. My understating with respect to the later representatives was that these titles were given in name only as most of the duties outlined in the *USSU Elections and Referenda Policy* specifically relate to the responsibility that the CRO and ACRO have to the EB which was never assembled.
8. I find the prospect of the USC being able to hand over responsibility of running a Referendum to a third party very discomfoting. In 2001 a Referendum was held for the creation of a health and dental plan and in 2002 there was a Referendum held on the creation of a universal bus pass. Both of these Referendums involved a third party and a dedicated student fee. In neither of these situations was *Studentcare.net* or *Saskatoon Transit* involved in conducting the Referendum. The EB is recognized in the USSU Governance Procedures Bylaw and has a responsibility to conduct a Referendum that is fair and serves the interests of University of Saskatchewan undergraduate students.

Procedures of the Board

- 9. Typically USSU boards record minutes with details about what was discussed and official motions are recorded with a mover and seconder and are adopted or rejected by a majority vote. The ROC chose to follow a different format for their meeting which is outlined in their September 11th Minutes. These minutes are attached as Exhibit "B" of my Affidavit. These minutes are readily available from the USSU secretary and I have no doubt to question their validity.

- 10. The ROC decided that they would operate on a consensus basis. This seems reasonable but it was not followed throughout the campaign. The most obvious example of this is in the September 21st and 22nd ROC minutes. The minutes state that: "At this point, the CRO and ACRO were unanimous in their opinion that the Referendum could not be held". By reading these minutes it appears as though there was a total collapse of the ROC and that a consensus had been broken on the conducting of the Referendum. A copy of the September 21, 2005 and September 22, 2005 ROC minutes are attached to my affidavit as Exhibits "C".

Engineering Polling Station

- 11. During the 2005 general election, the College of Engineering had the highest voter turnout at 36.49%. For both the 2004 by-election and 2005 general election the polling stations for the College of Engineering was located near the Engineering Students' lounge. It has been this way for as long as I have been involved in Student Government. During the CFS Referendum the polling station was located on a walkway removed from any classrooms or places where students typically gather.

- 12. In the September 27th ROC minutes it is stated that the two representatives from the CFS "walked through Engineering and Agriculture to find a space for the polling station." Having gone through the minutes I can not find any reference to members

of the OC selecting other polling station locations. I attach of copy of these minutes as Exhibit "D" of my Affidavit.

13. Typically these locations are chosen weeks in advance of a USSU election by the USSU staff member responsible for running the election and the information is passed onto USC through the EB. I do not understand why the two members least familiar with the UofS campus tasked themselves with determining the location of this particular polling station and why precedent was ignored.

Obtaining of the Voters List

14. In my experience with past USSU elections, the student enrollment list for undergraduate students at the University of Saskatchewan was acquired by a USSU staff member or by the ACRO or CRO and used as a voters list.
15. At the September 11, 2005 ROC meeting Gavin Gardiner requested the enrollment list. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit "B".
16. Mr. Gardiner was extremely involved in the "Yes" campaign and even appeared in pro-CFS materials that were distributed to students. I do not believe that it is fair that a person who had a public interest in the outcome of the Referendum should have been involved in the logistics of running it.

Composition of the Question

17. I voted during the Referendum. When I received my ballot at the polling station I noted that the Referendum question read "Are you in favour of joining the Canadian Federation of Students?" At the bottom of the ballot there were two boxes marked yes and no.
18. There was no mention of the cost of joining the CFS on the Referendum ballot.

19. I make this Affidavit in support of Robin Mowat's Application pursuant to s. 135 (2)(b) of **The Non-Profit Corporations Act, 1995** declaring the Referendum invalid.

SWORN BEFORE ME at the City of Saskatoon, in the Province of Saskatchewan, this 10 day of May, 2006.

) Trent Evanisky
) TRENT EVANISKY
)
)
)

Jennifer D. Pereira
Jennifer D. Pereira,
A Notary Public in and for the Province of Saskatchewan, being a Solicitor.

This Affidavit was prepared by:
ROBERTSON STROMBERG PEDERSEN LLP
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University Students' Council

Minutes for Thursday, September 15th, 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.

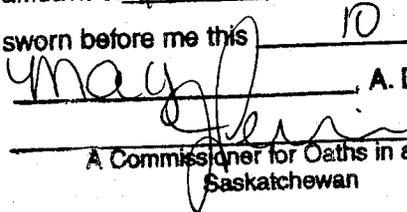
Move to adopt the Agenda.

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 A referred to in the
affidavit of Trent Evanisky
sworn before me this 10 day of
May, A. D. 2006.

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held Tuesday, September 27th 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 22nd 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 28th 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 23rd. 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 WCVM 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 22nd. Voting is set for October 4th-6th. 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. 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 22nd 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 there 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.

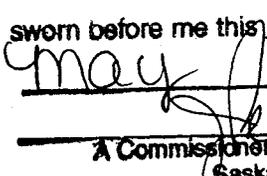
First Meeting of the Election Oversight Committee

Teleconference: Sunday, September 11, 2005

Present: Lucy Watson, Angela Reigner (CFS)
Martin Olszynski, Dorinda Stahl (ACRO and CRO, respectively).

Agenda for first meeting

1. Oversight Committee Format and Rules
2. Referendum details:
3. Polling hours
4. Managing logistics of approval of materials
5. Verification of Student Status
6. Next meeting

This is Exhibit B referred to in the
affidavit of Trent Evanisky
sworn before me this 10 day of
May, A. D. 2006.

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1. The Oversight Committee agreed to the following format:
 - the OC would operate by consensus (this means that everyone must agree, no majority rule).
 - *Roberts' Rules of Order* would only loosely be followed in order to keep the discussion frank and open.

2. Referendum Details: Lucy and Angela suggested voting on October 4-6, 2005; Martin and Dorinda agreed.

Monday September 19th is the beginning of campaigning (this allows over two weeks of campaigning, as consistent with both organizations' policies).

3. Polling hours: 8:30 am – 8:30 pm
 - look into how we should resolve constitutional discrepancies re: paper v. e-ballots
 - possible closure early on the last day
4. Managing logistics of approval of materials:
 - Liable, false, etc...
 - Martin will visit the USSU every morning for materials for approval; email the text to the rest of the OC
5. Verification of Student Status:
 - Student id. v. other kind of ID
 - Gavin to request most recent student enrolment list
 - Look into a scanner for the stations...

6. Meeting next week: Friday – Sunday, TBA.

Addendum to minutes: the constitutional question/crisis?

September 21st and 22nd, 2005

On September 20th, the ACRO noted that the referendum question should be approved by the solicitor (USSU Elections policy, article #). He immediately contacted the CRO. The CRO and the ACRO also recognized that, as membership in the CFS includes a fee of approximately \$9.00 per annum, the referendum was governed explicitly by USSU Constitution, Article 11. What followed would place the referendum on shaky legal ground.

Initially, the CRO and the ACRO were under the impression that while the USSU Constitution must be adhered to, it was their mandate as representatives of the USSU to the Oversight Committee (OC) to ensure that the referendum be held. The duty, as such, of the OC and the representatives therein, was to, as best as possible, bridge together the two constitutions of the USSU and the CFS to create a set of referendum rules to fairly govern the CFS Membership Referendum. As best as possible, both constitutions were to be adhered to. As such, the ACRO was under the impression that USSU policy, while an important benchmark, could be altered. This would turn out to be incorrect. However, as explained below, the CRO and the ACRO did not receive information that would have been critical to understanding their mandate and authority.

Following consultation with the USSU's solicitor regarding the ballot questions, the solicitor made it clear that due to the wording of the USSU constitution, subsequent policies had the force of constitutionally-enacted bylaws, and therefore must be adhered to. The Solicitor referred to a written legal opinion which he provided last year to the entire USC *via* the telephone meeting, and a letter stating his legal opinion in this regard. AT NO TIME WERE THE CRO NOR THE ACRO MADE AWARE OF THIS LETTER FROM ANY REPRESENTATIVE OR MEMBER OF THE USSU HAVING ONLY LEARNED OF IT ON THIS DAY. This letter was of critical importance, and would have made the entire process much less convoluted. The CRO and the ACRO state, for the record, that had they been officially made aware of this letter at the appropriate time, they would have been more prepared for their respective tasks.

At this point, the CRO and the ACRO were unanimous in their opinion that the referendum could not be held as scheduled, as it would violate several provisions of the USSU Elections and Referenda policy. They notified President Gardner as such.

On Thursday evening, September 22nd, the ACRO attended USC and reported to Council that both he and the CRO were of the opinion that the Referendum COULD NOT be binding on the USSU. Shortly thereafter, President Gardner proposed to amend the USSU elections policy, delegating the necessary authority to the Oversight Committee. This matter thus ceased to be the Oversight Committee's (OC) concern (including the CRO and the ACRO). Council voted to postpone voting on the amendment, and the OC continued its work of arranging the referendum.

University of Saskatchewan Students' Union

Oversight Committee Meeting

3:00 pm, Tuesday, September 27, 2005

USSU Board Room

Agenda

1. Polling Stations
2. Legal Consultations.
3. Forum Schedule
4. Advanced polling
5. Enquiry from Student

This is Exhibit D referred to in the
affidavit of Trent Evanisky

sworn before me this 10 day of
May, A. D. 2006

[Signature]
A Commissioner for Oaths in and for
Saskatchewan

Attendance

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

1. Polling Stations

Lucy and Angela reported that they had walked through Engineering and Agriculture to find a space for the polling station. Lucy said that they found a location in the skywalk near both Agriculture and Engineering. She said that it was near a large number of classrooms, so it would be high traffic.

Amy suggested that they make sure there was a wireless connection for the laptops. Martin agreed to ensure there was a wireless connection and would let Amy know in the morning for scheduling.

2. Legal Consultation

Lucy said that the USSU's legal counsel Greg Walen and the CFS' legal counsel Todd Burke had a conversation via telephone today.

Dorinda said that she didn't get a chance to talk to Greg, but Lucy reported that she had spoken briefly to Todd.

Todd told Lucy in their conversation that the meeting with Greg went very well.

Lucy said they discussed the question and they both agreed that the question must be unbiased. She said that Greg disagreed with the inclusion of the lengthier preamble before the question. She said that they both agreed on the question "Are you in favour of membership in the Canadian Federation of Students". She said that it was her understanding that Greg agreed that the fee did not have to be included in the preamble and that information regarding the fee would come out in campaigning.

3. Forum Schedule

Martin said that he did not have a chance to e-mail the campaigners, so it was decided that the OC would meet tomorrow to discuss the forum schedule.

4. Advanced Polling

Lucy said that 3 days was ample in terms of polling. Everyone agreed. It was agreed that Tuesday be considered advanced polling.

5. Enquiry from Student

Martin says that he received an e-mail from Robin Mowat.

Lucy asked what Robin Mowat's status was. She said that it was her understanding that he was an employee of the University not a student.

Lucy said that employees of the University of Saskatchewan administration should not be involved in the internal operations of the Students' Union.

Dorinda suggested sending an e-mail to Mowat asking him if he was an undergraduate student. She agreed that the OC should not answer to non-students about the process and could not be spending time responding to enquiries from non-students.

Martin said that the OC should provide a response regardless of Mowat's status.. He said that he wanted it on the record that he doesn't agree with the decision.

The OC decided to wait for a reply from Mowat regarding his status to get back to him.

OC next meeting date tomorrow at 10:30 a.m.