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Q.B.G. No. 655 of 2006

CANADA
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH

0358

JUDICIAL CENTRE OF SASKATOON

BETWEEN:

ROBIN MOWAT

PLAINTIFF

AND:

UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

DEFENDANT

AFFIDAVIT OF GAVIN GARDINER

I, GAVIN GARDINER, of Saskatoon, in the Province of Saskatchewan, MAKE OATH
AND SAY AS FOLLOWS:

1. That I have personal knowledge of the matters and facts herein deposed to except where stated to be on information learned from someone else and where so stated I believe the information to be true.
2. I am the past President of the University of Saskatchewan Students' Union ("USSU"). I started in this position on May 1, 2004 and completed my term on April 30, 2006. I was President of the USSU during the CFS referendum, which is the subject of this application before the Court.
3. The USSU is a corporation incorporated pursuant to *The Non-Profit Corporations Act*, 1995, Ch. N-4.2, S.S. 1995 (as amended). Appended hereto as "Exhibit A" is a true copy of the Saskatchewan Corporations Branch Corporate Registry profile

report for the USSU effective as of May 26, 2006. According to Article 1 of the USSU Constitution, the USSU is the "organization responsible for the governing of undergraduate student affairs at the University of Saskatchewan". A copy of the USSU Constitution is attached hereto as "Exhibit B".

4. The USSU is organized as follows, according to Article 7 of the USSU Constitution:
 - a. Executive Committee comprised of the President, the Vice-President (Student Issues), the Vice-President (Academic Affairs), the Vice-President (Operations and Finance), the Vice-President (External Affairs), and the General Manager of the USSU, who is an ex-officio, non-voting member of the Executive Committee.
 - b. The Legislature, referred to as the University Students' Council ("USC") comprised of:
 - i. The Executive Committee;
 - ii. One Councillor from each undergraduate college, school or group having an enrollment of less than 1000 students or two councillors from each undergraduate college, school or group having an enrollment of more than 1000 students; one councillor representing the Indigenous Students' Council, one councillor representing the Voyageur Place Residents, and one councillor representing an organization which represents the International Students at the University of Saskatchewan campus.
5. According to Article 5 of the USSU Constitution, membership in the USSU "shall consist of all undergraduate students of the University of Saskatchewan who have been assessed student union fees and who are registered as students and all individuals who have been assessed, voluntarily or otherwise, student union fees." There are approximately 17,000 full and part-time students who are members of the USSU.

6. The powers and duties of the Executive Committee and the USC are set out in Article 7, Part 2, of the USSU Constitution as follows:

A. The Executive Committee shall have the following powers and duties:

- i. To administer the affairs, manage the activities and formulate policies for the USSU and to be accountable to the USC with respect to the same;
- ii. To promote, in cooperation with the USC, the general welfare of undergraduate students at the University of Saskatchewan;
- iii. To administer all monies received by the USSU and to be accountable to USC with respect to the same;
- iv. To maintain proper books of account and have the same audited when required.

B. The USC shall have the following powers and duties:

- i. To establish and pass an annual budget for the USSU;
- ii. To establish standing committees, boards, other committees and commissions from time to time that it considers advisable to make recommendations to the USC;
- iii. To establish policies and direction for the USSU in areas affecting student affairs and to give direction to the Executive Committee with respect to same;
- iv. To promote, in cooperation with the Executive Committee, the general welfare of undergraduate students at the University of Saskatchewan;
- v. to report back, on a regular basis, to the constituency group from which they were elected;
- vi. To have final authority over the interpretation of the USSU Constitution and Bylaws.

7. In addition to the Executive Committee and USC, the USSU has several standing Boards and Committees, including the Operations and Finance Board, the Appointments Board, the Academic Affairs Board, the Student Issues Board, the Code of Ethics Discipline Committee, the External Affairs Board, and the Elections Board.
8. Article 10 of USSU Bylaw No.1 "Governance Procedures", which is attached hereto as Exhibit "C", provides that the Elections Board is chosen by the USC and consists of:
 - a. The Chief Returning Officer
 - b. The Assistant Chief Returning Officer
 - c. Two councillors elected by the USC
 - d. Two members of the USSU who are not members of the Executive Committee or the USC; and
 - e. The General Manager of the USSU, as ex-officio.According to the USSU's "Elections and Referenda Policy", the Elections Board is responsible for overseeing, and has authority over the activities of the USSU as 'they relate to referenda'. A copy of the Elections and Referenda Policy is attached hereto as Exhibit "D". The USC has the authority to accept or reject recommendations of the Elections Board.
9. Article 11 of the USSU Constitution deals with referenda. It provides that a referendum must be held for the purposes of establishing or eliminating a "dedicated student fee", and the results of such a referendum shall be binding upon the Executive Committee and USC. The Constitution provides that if the "dedicated student fee" is proposed by the Executive Committee, the referendum shall be held upon receiving approval of 2/3 of councillors of the USSU (USC) present at a meeting when the proposal is presented. According to the Constitution, referenda shall pass by a simple majority of votes.

A NOTARY PUBLIC in and for the Province of Saskatchewan,
My Appointment expires being a solicitor 2013



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION
THE CONSTITUTION

CONFIRMED the 2nd day of February 2006, by the members in accordance with the Act.

Chairperson, Special General Meeting

Name

The Organization responsible for the governing of undergraduate student affairs at the University of Saskatchewan shall be known as the University of Saskatchewan Students' Union.

Article 2
Vision

The University of Saskatchewan Students' Union strives to be the recognized leader in enhancing the student experience.

Article 3
Mission

The University of Saskatchewan Students' Union exists to represent, serve and support the academic and non-academic needs of undergraduate students of the University of Saskatchewan through accountable, dynamic and unified leadership. It also serves to protect and maintain the integrity of quality, accessible public education.

Article 4
Values

The following principles shall guide the University of Saskatchewan Students' Union in all of its endeavors: innovation; integrity; mutual respect; professionalism; service; social, economic and environmental responsibility; teamwork; and, trust.

Article 5
Membership

Membership in the University of Saskatchewan Students' Union shall consist of all undergraduate students of the University of Saskatchewan who have been assessed student union fees and who are registered as students and all individuals who have been assessed, voluntarily or otherwise, student union fees.

Article 6
Powers, Rights and Privileges

All Members of the University of Saskatchewan Students' Union shall have the following powers, rights and privileges:

- (i) Subject to this Constitution, to be eligible for positions with and to cast a ballot in any election for the Executive of the University of Saskatchewan Students' Union.
- (ii) Subject to this Constitution, to be eligible for positions and to cast a ballot in any election within their respective college, school or group as set out in this Constitution for members of the University Students' Council.
- (iii) To cast a ballot in any referendum held in accordance with this Constitution.
- (iv) To attend, submit motions for, and have speaking and voting privileges at any meeting of members of the University of Saskatchewan Students' Union.
- (v) To attend and have speaking privileges at any meeting of the University Students' Council, subject to Procedures of the University Students' Council.
- (vi) To exercise any other powers, rights and privileges inherent in this Constitution.

Organization

The affairs of the University of Saskatchewan Students' Union shall be governed by the Executive Committee and the Legislature.

Part 1 - Composition:

- A. The Executive Committee shall be composed of the following:
- (i) The Executive:
- The President, responsible for overseeing all affairs of the University of Saskatchewan Students Union.
 - The Vice-President (Student Issues), responsible for all non-academic issues at the University of Saskatchewan.
 - The Vice-President (Academic Affairs), responsible for all academic issues at the University of Saskatchewan.
 - The Vice-President (Operations and Finance), responsible for the operations and services for the University of Saskatchewan Students' Union.
 - The Vice-President (External Affairs), responsible for all government issues (federal, provincial, and municipal) pertinent to the Members.
- (ii) The General Manager of the University of Saskatchewan Students' Union (ex-officio, non-voting)
- B. The Legislature (hereinafter referred to as the "University Students' Council") shall be composed of the following positions:
- The Executive Committee
 - One councillor from each undergraduate college, school or group set out below having an enrollment of less than 1000 students as established by the enrollment in that college, school or group on the last student census conducted by the University of Saskatchewan.
 - Two councillors from each undergraduate college, school or group set out below having an enrollment of 1000 students or more as established by the enrollment in that college, school or group on the last student census conducted by the University of Saskatchewan.
 - One councillor representing the Indigenous Students' Council
 - One councillor representing an organization which represents the International Students at the University of Saskatchewan campus

The undergraduate colleges, schools or groups referred to above shall include and be restricted to the following:

- College of Agriculture
- College of Arts and Science
- College of Commerce
- College of Dentistry
- College of Education
- College of Engineering
- College of Kinesiology
- College of Law
- College of Medicine
- College of Nursing

- School of Physical Therapy
- St. Thomas More College
- Students in Unclassified Studies
- Western College of Veterinary Medicine

Part 2 - Powers and Duties:

A. The Executive Committee shall have the following powers and duties:

- (i) to administer the affairs, manage the activities and formulate policies for the University of Saskatchewan Students' Union and to be accountable to University Students' Council with respect to the same.
- (ii) to promote, in cooperation with the University Students' Council, the general welfare of undergraduate students at the University of Saskatchewan.
- (iii) to administer all monies received by the University of Saskatchewan Students' Union and to be accountable to University Students' Council with respect to the same.
- (iv) to maintain proper books of account and have the same audited when required.

B. The University Students' Council shall have the following powers and duties:

- (i) to establish and pass an annual budget for the University of Saskatchewan Students' Union.
- (ii) to establish standing committees, boards, other committees and commissions from time to time that it considers advisable to make recommendations to the University Students' Council.
- (iii) to establish policies and direction for the University of Saskatchewan Students' Union in areas affecting student affairs and to give direction to the Executive Committee with respect to same.
- (iv) to promote, in cooperation with the Executive, the general welfare of undergraduate students at the University of Saskatchewan.
- (v) to report back, on a regular basis, to the constituency group from which they were elected.
- (vi) to have final authority over the interpretation of the University of Saskatchewan Students' Union Constitution and Bylaws.

Part 3 - Meetings

University Students' Council shall meet not less than once in each calendar month. Additional meetings may be called at the request of the President and shall be called when any four councillors of the University Students' Council make a written request for such a meeting.

<h2>Article 8</h2> <h3>Elections</h3>

Part 1 – Timing of Election

There shall be an election in each year between the first day of February and the thirty-first day of March for all positions on the Executive and the University Students' Council. Voting for the elections may not occur on any day coinciding with the University of Saskatchewan Spring Break (Reading Week).

Part 2 – Eligibility for Office

subject to the following restrictions:

A. The Executive Committee:

- (i) At the time of the election, the candidate must be in good academic standing accordingly with college-specific requirements and maintain same throughout their term.
- (ii) All members of the Executive must qualify as directors in accordance with the *Non-Profit Corporations Act* for Saskatchewan or any successor legislation.

B. The University Students' Council:

- (i) Candidates for the position of councillor must be registered in no fewer than six credit units during the regular session of their term of office in the college, school or group for which they filed their nomination on the last day of the election in which they are a candidate and must remain registered as such in that college, school or group for the remainder of their term of office.

Part 3 – Eligibility for Voting

All members of the University of Saskatchewan Students' Union, whose membership is defined in Article 5, may cast a vote for candidates for positions on the Executive. All members of the University of Saskatchewan Students' Union may cast a vote in their college, school or group for candidates for positions from that college, school or group as councillors of the University Students' Council provided they are registered in that college or school or are a member of that designated group at the time that they cast a vote.

Part 4 – General

The University Students' Council may pass a bylaw 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 Students' Council.

Article 9 Removal

Members of the Executive or councillors of the University Students' Council may be removed involuntarily from office only in the following circumstances:

A. Executive:

Elected Members of the Executive may be removed from office following a motion of non-confidence passed by both a vote of at least two-thirds of the councillors of the University Students' Council in favour of the removal from office and majority vote at a special general meeting for that purpose.

B. Councillors on the University Students' Council:

Councillors may be removed from office following a motion of non-confidence passed by a vote of at least two-thirds of the councillors of the University Students' Council in favour of the removal from office.

Article 10 General Meetings

Annual general meeting of members of the University of Saskatchewan Students' Union held between the first day of the winter term and the thirty-first day of January in each academic year. Members shall receive at least fifteen days notice of the Annual General Meeting.

Special general meetings may be held at the discretion of the University Students' Council.

Article 11
Referendum

Subject to the criteria set out below, a referendum must be held for the purposes of establishing or eliminating a dedicated student fee, and shall be binding upon the Executive and USC. All referenda shall be held in the following circumstances:

- A. If proposed by the Executive, upon receiving approval of two-thirds of councillors of the University Students' Council present at a meeting when the proposal is presented.
- B. If proposed by a member of the University of Saskatchewan Students' Union, upon presentation of a petition containing the signatures of not less than five percent of the members of the University of Saskatchewan Students' Union and upon approval of two-thirds of councillors of the University Students' Council present at a meeting when the petition is presented.

Such a referendum shall pass by simple majority.

Article 12
Amendment of the Constitution

This Constitution may only be amended by a vote of at least two-thirds of the membership of the University of Saskatchewan Students' Union in favour of the amendment present at an annual general meeting or a special general meeting called by the University Students' Council.

Members of the USSU must submit written notice to the General Manager or designate ten days prior to the General Meeting at which the amendment will be considered. The General Manager or designate shall publish the proposed changes at least eight days before the General Meeting considering the amendments.

Article 13
Bylaws

Subject to this Constitution, the University Students' Council shall have the power to pass, amend or repeal any bylaws providing for the operation and better functioning of the University of Saskatchewan Students' Union. Any bylaw passed by the University Students' Council shall be subject to approval and ratification by the membership at the next Annual General Meeting.

Article 14
Dissolution of the Union

Upon dissolution of the University of Saskatchewan Students' Union, all assets of the Students' Union shall be put into the trust of the Board of Governors of the University of Saskatchewan who shall pass them on to a democratic organization of student representative of all undergraduate students on campus, whose main responsibility shall be the governing of undergraduate student affairs at the University of Saskatchewan, as soon as such an organization comes into existence.

A NOTARY PUBLIC in and for the
Province of Saskatchewan,

My Appointment expires Being a solicitor
SMB



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

BYLAW NO. 1: GOVERNANCE PROCEDURES

IT IS HEREBY ENACTED as a by-law of

University of Saskatchewan Students' Union

(hereinafter called the "Students' Union") as follows:

CONFIRMED the 2nd day of February 2006, by the members in accordance with the Act.

Chairperson, Special General Meeting

Article 1
General

- 1.01 Definitions in this by-law and all other by-laws of the Students' Union, unless specifically defined herein or the context otherwise specifies or requires, all terms which are defined in the Act should have the meanings given to such terms in the Act, and in particular:
- (i) "Act" means The Non-Profit Corporations Act, S.S. 1979, c. N-4.1, as may from time to time be amended, and every statute that may be substituted therefor and, in the case of such amendment or substitution, any references in the by-laws shall be read as referring to the amended or substituted provisions therefor;
 - (ii) "Articles" means the Articles of Continuance or the Articles of the Students' Union from time to time in force and effect; and
 - (iii) "By-laws" means all by-laws, save for the Constitution, of the Students' Union from time to time in force and effect.
 - (iv) "Sustainability" means the demonstration of socially, economically, and environmentally responsible behaviour that strives to meet the needs of the present without compromising the ability of future generations to meet their own needs.

Article 2
Registered Office

- 2.01 The Students' Union may from time to time:
- (i) by resolution of the Executive committee change the location of the registered office of the Students' Union within the municipality designated as such by the Articles; and
 - (ii) by special resolution amend its Articles to change the municipality in which its registered office is located to another municipality located in the Province of Saskatchewan.

Article 3
Corporate Seal

- 3.01 The corporate seal of the Students' Union shall be such as the Executive committee may by resolution from time to time adopt.

Article 4
Execution of Contracts and Negotiable Instruments

- 4.01 Contracts or documents requiring execution by the Students' Union may be signed by:
- (i) the General Manager of the Students' Union, or in his/her absence, his or her designate, or;
 - (ii) the President, or in his/her absence, his or her designate.
- 4.02 Cheques and negotiable instruments issued by the Students' Union shall be signed by:
- (i) The Vice President (Operations and Finance), or his/her designate;

instruments must be executed by at least the Vice President (Operations and Finance) or the General Manager of the Students' Union.

Article 5 Meetings

5.01 Executive Committee:

- (i) Meetings of the Executive Committee shall be held at such time and such places as the Executive Committee may, by ordinary resolution, decide upon.

5.02 University Students' Council:

- (i) Procedure: Except for otherwise provided for in these Bylaws, the meetings of the University Students' Council shall be conducted according to Robert's Rules of Order (Revised);
- (ii) Order of Business: All items appearing under the heading of "new business" will be tabled automatically until the next University Students' Council meeting, except in a case where two-thirds of the University Students' Council consider the item to be urgent, in which case it will be considered immediately;
- (iii) Items on the Agenda for the University Students' Council meetings must be conveyed to the President of the Students' Union before noon on the day prior to the University Students' Council meeting in order to be included on the agenda of that meeting.
- (iv) The Executive Committee shall ensure that items included on the agenda are available to the voting members of the University Students' Council by at least noon on the day of the University Students' Council meeting at which time they are to be dealt with;
- (v) Chairperson Pro Tem: The President shall appoint a chairperson Pro Tem who will assume all the responsibilities and duties of an impartial chairperson of the University Students' Council. The chairperson Pro Tem shall hold office at the pleasure of two-thirds of the councillors present at any University Students' Council meeting;
- (vi) A quorum of any meeting of the University Students' Council shall consist of the attendance of one-half plus one of all voting members of the University Students' Council.
- (vii) Proxies: Subject to Constitution, The Non-Profit Corporations Act or the Articles, no member is entitled to appoint a proxy holder.

5.03 Members:

- (i) The Executive Committee shall be responsible to ensure that members receive at least fifteen days notice of the annual general meeting. It is sufficient notice of any meeting of the members of the Students' Union if notice is given by posting conspicuously throughout the University of Saskatchewan the notification thereof;
- (ii) A quorum for any meeting of members shall be at least fifty (50) members. Of these members present, at least fifteen (15) members must be members of the University Students' Council.
- (iii) Adjournment: The chairperson of the meeting may, with the consent of the meeting,

provided such adjournment is for less than thirty days, no notice of the time and place for the holding of the adjourned meeting need to be given to the members other than by announcement at the earliest meeting that is adjourned.

- (v) Votes to govern: At any meeting of the members, unless a special resolution or some other special majority is required by the Constitution, The Non-Profit Corporations Act or the Articles, all questions shall be decided by the majority of votes cast on the question.
- (vi) Proxies: Subject to Constitution, The Non-Profit Corporations Act or the Articles, no member is entitled to appoint a proxy holder.

<p>Article 6 Standing Boards and Committees</p>

6.01 The University Students' Council shall establish the following standing boards and committees:

a) Operations and Finance Board.

The Operations and Finance Board shall be composed of the following members:

- (i) Vice-President (Operations and Finance) as chair;
- (ii) Vice-President (Student Issues) as vice-chair;
- (iii) Four (4) councillors elected by University Students' Council;
- (iv) Two (2) students-at-large appointed by the University Students' Council Appointments Board;
- (v) President, as ex-officio member; and,
- (vi) General Manager of the University of Saskatchewan Students' Union or designate, as ex-officio.

The Operations and Finance Board shall be responsible for:

- (i) considering all financial matters referred to it by the University Students' Council or the Executive Committee and making recommendations to the University Students' Council;
- (ii) seeking to ensure that members of the University of Saskatchewan Students' Union, are, as much as possible, made aware of the financial activities of the University of Saskatchewan Students' Union; and,
- (iii) all issues and communications arising from or to student groups (funding, ratification, insurance, event co-ordination...).

b) Appointments Board.

The Appointments Board shall be composed of the following members:

- (i) President as chair;
- (ii) Four (4) councillors elected by University Students' Council; and,
- (iii) Vice-Presidents, as ex-officio members.

The Appointments Board shall be responsible for:

- (i) making those appointments mentioned in these Bylaws or those requested by the University Students' Council;
- (ii) ensuring that all positions filled by the committee are open for nominations or applications for a period of at least two weeks and that the openings are adequately publicized;

After October fourteenth the President shall hold the power and responsibility of Appointments Board, except in the case of appointing members of the Elections Board.

c) Academic Affairs Board.

The Academic Affairs Board shall be composed of the following members:

- (i) Vice-President (Academic Affairs) as chair;
- (ii) Vice-President (Student Issues) as vice-chair;
- (iii) Three (3) councillors elected by University Students' Council;
- (iv) Three (3) students-at-large appointed by the University Students' Council Appointments Board;
- (v) Academic Affairs Officer; and,
- (vi) President, as ex-officio member.

The Academic Affairs Board shall be responsible for:

- (i) determining all academic policies and programs of the University of Saskatchewan Students' Union, subject to ratification by the University Students' Council;
- (ii) the implementation of those academic policies as requested by University Students' Council; and,
- (iii) issues pertaining to access to education.

d) Student Issues Board.

The Student Issues Board shall be composed of the following members:

- (i) Vice-President (Student Issues) as chair;
- (ii) Vice-President (Academic Affairs) as vice-chair;
- (iii) Three (3) councillors elected by University Students' Council;
- (iv) Three (3) students-at-large appointed by the University Students' Council Appointments Board; and,
- (v) President, as ex-officio member.

The Student Issues Board shall be responsible for:

- (i) the analysis of non-academic issues of the University and shall make recommendations to University Students' Council with regard to these affairs when deemed appropriate.

e) Code of Ethics Discipline Committee.

The Code of Ethics Discipline Committee shall be composed of the following members:

- (i) University Students' Council Chair, as chair;
- (ii) Three (3) councillors elected by University Students' Council and who each must represent a separate college or group; and,

(iii) President, or designate.

In the case that a member of the Code of Ethics Discipline Committee is involved in a complaint brought forward by University Students' Council, that member shall be automatically resigned from the committee and a replacement shall be elected from University Students' Council.

The Code of Ethics Discipline Committee shall be responsible for:

- (i) hearing all complaints filed regarding the University Students' Council Code of Ethics;
- (ii) recommending either disciplinary measures for members to University Students' Council or dismissing any allegations.

f) External Affairs Board.

The External Affairs Board shall be composed of the following members:

- (i) The Vice-President (External Affairs) as chair;
- (ii) The President, as vice-chair;
- (iii) Three (3) councillors elected by University Students' Council;
- (iv) Three (3) students-at-large appointed by the University Students' Council Appointments Board; and,
- (v) The USSU Researcher & Policy Coordinator, as ex-officio member.

The External Affairs Board shall be responsible for:

- (i) Improving communication between students, the USSU, and national and provincial lobbying organizations to which the USSU belongs;
- (ii) Developing, organizing, and implementing the distribution of lobbying campaign information to the USSU membership;
- (iii) Performing periodic assessments of USSU membership in national and provincial lobbying organizations; and,
- (iv) Assisting the USSU Executive and University Students' Council in other lobbying campaigns undertaken by the USSU.

g) Sustainability Board.

The Sustainability Board shall be composed of the following members:

- (i) Vice-President (Student Issues) as chair;
- (ii) Vice-President (Operations and Finance) as vice-chair;
- (iii) Three (3) councillors elected by University Students' Council;
- (iv) Three (3) students-at-large appointed by the University Students' Council Appointments Board; and
- (v) President, as ex-officio member

The Sustainability Board shall be responsible for:

- (i) Ensuring the sustainability of USSU operations through analysis of current and potential business practices and partners;
- (ii) The implementation of operational policies as requested by University Students' Council.

6.02 Operations and Procedures.



THE AFFIDAVIT OF Bonnie Gardner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006.
Bullen
A NOTARY PUBLIC in and for the
Province of Saskatchewan.
My Appointment expires Sept 2
2008

Elections and Referenda Policy

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

0389

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

- 0390
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.
2. *In referenda regarding membership in the Canadian Federation of Students an Oversight Committee shall have authority over the referenda. The Chief Returning*

- 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

- 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,

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.

- 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.

Contact Information:	Research and Policy Coordinator 966-6972		
Policy Number:			
Category:	Elections		
Policy Authority:	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



About The Canadian Federation of Students

Overview of the Federation

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- ▶ Principles
- ▶ Approach
- ▶ Contacts
- ▶ Member Students' Unions

The Canadian Federation of Students and the Canadian Federation of Students-Services were formed in 1981 to provide students with an effective and united voice, provincially and nationally. At the time, it was recognized that for students to be truly effective in representing their collective interests to the federal and provincial governments, it was vital to unite under one banner.

Today, more than 450,000 students from college and university students' unions across the country belong to the Federations.

Because universities and colleges are funded primarily by the federal government and administered exclusively by the provincial government, government policies and priorities determine the quality and accessibility of post-secondary education in Canada.

Tuition fee levels, student financial assistance programs and funding for research are all set directly or indirectly by both levels of government. Thus, it is vital that students collectively organize at the provincial and national levels to ensure that students' rights and concerns are fully represented.



Strength in numbers

No individual students' union, no matter how big or active, has the resources or the political clout to effectively influence the post-secondary education policies of the provincial and federal governments on its own. At best, an individual students' union could have an impact on only a few federal electoral ridings. Governments ignore groups that pose no political threat to them. It is also much more cost effective for a large number of students' unions to pool their resources and work in partnership than for

THIS IS EXHIBIT "C" REFERRED TO IN
AFFIDAVIT OF Gravlin Gardiner
GIVEN BEFORE ME THIS 7th DAY OF
July 2006
Benny a solicitor
NOTARY PUBLIC in and for the
Province of Saskatchewan,
My Appointment expires 2008

each to undertake this work on its own. The Federation serves this purpose, giving campus students' unions across the country a united voice and powerful influence.

The Canadian Federation of Students-Services enables students' unions to collectively pool their resources to provide student owned and operated services such as Travel CUTS, the International Student Identity Card, the Studentsaver Card, Homes4students.ca, the Student Work Abroad Program (SWAP), and the National Student Health Network.

Decisions made democratically

Each students' union has an equal say in setting the policies, direction and priorities of the Federation including how funds are spent. All major decisions are made at provincial and national congresses four times annually at which every member students' union is represented.

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Strategic Approach

For a student organisation to be successful at influencing government policy it must produce quality research, develop relationships with government, and demonstrate that there is public support for its issues.

Research

Thorough, accurate and in-depth research is required to justify any proposal presented to government. The Canadian Federation of Students employs full-time researchers across Canada who study and prepare analyses of government policies and trends within post-secondary education, and develop alternatives to government policy. The Federation's work on discrediting the 10-year prohibition on student loan bankruptcies is recognised as having set the standard for research on the issue.

Lobbying

The primary purpose of the Federation is to represent students' issues and concerns to government. Regular contact with elected and non-elected officials and bureaucrats is how the Canadian Federation of Students' message is conveyed to government.

In Canada, most post-secondary education financing is provided by the federal government but is administered exclusively at the provincial level. Government policies and priorities determine the quality and accessibility of post-secondary education in Canada. Thus, the Federation employs a government relations strategy that addresses both federal and provincial representatives.

Over the years, the Federation has become a strong presence on Parliament Hill and in provincial legislatures across Canada. Federation representatives meet regularly with federal MPs, other government officials and representatives from all political parties in Ottawa and at the provincial level. In addition, the Federation is frequently invited to make presentations to government committees and task forces.

Action

Of course, regular meetings with government and the very best research will have little impact unless the government believes a message has widespread support. The Federation demonstrates this support through the active participation of its members and the general public in activities ranging from petition drives to mass mobilisations. These campaigns raise public awareness of the issues, and correspondingly affect the decisions and policies of government.

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Member Local Students' Unions

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- [Prince Edward Island](#)
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British Columbia

Local 03: University of British Columbia Students' Union-Okanagan
Local 75: Camosun College Student Society
Local 05: Capilano Students' Union
Local 15: Cariboo Student Society
Local 73: City Centre Students' Union
Local 18: Douglas Students' Union
Local 33: Emily Carr Students' Union
Local 76: King Edward Students' Union
Local 26: Kwantlen Student Association
Local 61: Malaspina Students' Union
Local 13: College of New Caledonia Students' Association
Local 72: North Island Students' Association
Prospective Member: Northern Lights College Students' Association
Local 66: Northwest Community College Students' Association
Local 53: Okanagan College Students' Union
Local 86: College of the Rockies Students' Union
Local 04: Selkirk Students' Association
Local 23: Simon Fraser Student Society
Local 89: University of Victoria Graduate Students' Society
Local 44: University of Victoria Students' Society

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Alberta

Local 42: Alberta College of Art and Design Students' Association
Local 21: Graduate Students' Association of the University of Calgary

[TOP](#)

Saskatchewan

Local 09: University of Regina Students' Union
Local 17: University of Saskatchewan Students' Union
Local 101: University of Saskatchewan Graduate Students' Association
Local 90: Saskatchewan Indian Federated College Students' Association

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Manitoba

Local 37: Brandon University Students' Union
Local 103: University of Manitoba Students' Union
Local 96: University of Manitoba Graduate Students' Association
Local 38: Association des étudiantes et étudiants du Collège universitaire de Saint Boniface
Local 08: University of Winnipeg Student Association

[TOP](#)

Ontario

Local 82: Algoma University Students' Union

Local 28: Atkinson Students' Association
Local 102: Brock University Graduate Students' Association
Local 78: Carleton University Graduate Students' Association
Local 01: Carleton University Students' Association
Prospective member: Association étudiante de La Cité collégiale
Local 92: Student Association of George Brown College
Local 93: Glendon College Student Union
Local 54: University of Guelph Central Student Association
Local 62: University of Guelph Graduate Students' Association
Local 32: Lakehead University Student Union
Prospective Member: Laurentian Association of Mature and Part-time Students
Local 30: Laurentian University Students' General Association
Local 88: Association des étudiantes et étudiants francophones de l'Université Laurentienne
Local 39: McMaster University Graduate Students' Association
Local 20: Nipissing University Student Union
Local 25: Ontario College of Art and Design Student Union
Local 94: Graduate Students' Association des étudiant(e)s diplômé(e)s de l'Université d'Ottawa
Local 27: Queen's University Society of Graduate and Professional Students
Local 24: Ryerson Students' Union
Prospective Member: Continuing Education Students at Ryerson
Local 85: St. Paul University Students' Association
Local 99: Scarborough Campus Students' Union
Local 19: University of Toronto Graduate Students' Union
Local 97: Association of Part-Time Undergraduate Students of the University of Toronto
Local 98: University of Toronto Students' Administrative Council
Local 71: Trent Central Students' Association
Prospective Member: Trent University Graduate Student Association
Local 47: University of Western Ontario Society of Graduate Students
Local 56: Wilfrid Laurier University Graduate Students' Association
Local 48: University of Windsor Graduate Students' Society
Prospective Member: University of Windsor Organisation of Part-time Undergraduate Students
Local 49: University of Windsor Students' Alliance
Local 68: York Federation of Students
Local 84: York University Graduate Students' Association

TDP

Québec

Local 83: Concordia Graduate Students' Association
Local 91: Concordia Students' Union
Local 79: Post-Graduate Students' Society of McGill University

TDP

New Brunswick

Local 67: University of New Brunswick Graduate Student Association
Prospective Member: AGÉE de l'Université de Moncton campus d'Édmondston

TDP

Nova Scotia

Local 64: Acadia Students' Union
Local 95: University College of Cape Breton Students' Union
Prospective Member: Dalhousie Association of Graduate Students
Local 11: University of King's College Students' Union
Local 34: Mount Saint Vincent University Students' Union
Local 07: Student Union of Nova Scotia College of Art and Design
Local 69: Association générale des étudiants de l'Université Sainte-Anne

TDP

Prince Edward Island

Local 63: Holland College Student Union
Local 31: University of Prince Edward Island Student Union
Local 70: University of Prince Edward Island Graduate Student Union

TDP

Newfoundland & Labrador

Local 36: Grenfell College Student Union

Local 45: Marine Institute Students' Union

Local 100: Graduate Students' Union of the Memorial University of Newfoundland

Local 35: Memorial University of Newfoundland Students' Union

Local 46: College of the North Atlantic Students' Association

TOP

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July 2006
[Signature]
A NOTARY PUBLIC in and for the
Province of Saskatchewan.

My Appointment expires being a solicitor

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 Bylaw 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 determine 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 local 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 determine 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 twelve (12) 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

Bylaw I

- 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.
- iv. 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;
- v. 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;

Bylaw I

- 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 Federation 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 Students' Council

Minutes for Thursday, November 4th, 2004

Present

Gavin Gardiner, President
 Jeff MacDonald, VP (Operations & Finance)
 Kim Stranden, VP (Student Issues)
 Malvina Gersher, VP (Academic Affairs)
 Lisa Chadwick, Agriculture
 Michael Kowalsky, Arts & Science
 Matthew Leisle, Arts & Science
 Dustin Bartsch, Commerce
 Bobby Birdi, Dentistry
 Rick Bowes, Education
 Matthew Galbraith, Engineering
 Jason Villeneuve, Kinesiology
 Valerie Quintin, Law
 Philip Brost, Medicine
 Jamie Robin, Nursing
 Beverly Wudel, Pharmacy & Nutrition
 Melanie Funk, Physical Therapy
 Jessa Alston-O'Connor, St. Thomas More

Nicholas Ansaldo, St. Thomas More
 Katharine Kirkness, VPRA
 Jessica Heath, WCVN

Also Present

Everisto Mupanguri, Chair
 Thomas Linner, Arts & Science
 Robin Mowat, Arts & Science
 Melissa Gieni, Medicine

Regrets

Marlaina Hauser, Commerce
 Ashley Forbes, Engineering
 Darcy Diachinsky, ISC

Absent

Vacant, Education

1. **Call to Order**
 The meeting was called to order.

2. **Call for Quorum**
 Quorum was present.

3. **Adoption of an Agenda**
 Move to amend the agenda to have item 9.2 under New Business into 8.3 Business. The Bylaw needs to be ratified by the Council before the AGM.
USC MOTION55: Gardiner/Leisle

Carried.

The agenda was adopted as amended.

4. **Introductions and Announcements**
 Councilor Galbraith sent regrets on behalf of Councilor Forbes.

President Gardiner announced that on November 17th the USSU would be holding a town hall meeting at Place Riel Theatre with the help of the External Affairs board. So far there is 2 out of the 5 speakers lined up. Posters will be ready for tomorrow. He also

THIS IS EXHIBIT "G" REFERRED TO IN
 THE AFFIDAVIT OF Gavin Gardiner
 SWORN BEFORE ME THIS 7th DAY OF

July, 2006
[Signature]

A NOTARY PUBLIC in and for the
 Province of Saskatchewan.

My Appointment expires Being a solicitor
smg

announced that the AGM would be held on November 18th at 4p.m. in the STM auditorium. There will be no Council meeting that evening.

Councilor Villeneuve reminded Council that November 5th is the Kinesiology pub crawl. He thanked everyone who came out on the ??? pub crawl.

Councilor Kowalsky apologized for not being able to attend Council for the last few weeks and if anyone wants to know why they can talk to him afterwards. He thanked everyone who attended the Political Studies election night. He stated that he would like to see everyone in attendance at the town hall meeting. On November 19th the ASSU is holding a formal at the Radisson.

Councilor Brost introduced the new Medicine MSC, Melissa Gieni. He noted that this would be his last meeting.

VP Gersher noted that the conference she attended in Ottawa was very interesting.

Councilor Funk announced that Physical Therapy is hosting a beer nite on November 10th.

Councilor Leisle introduced Thomas Linner. He sits on the External Affairs Board as one of the Student-at-large's.

VP Stranden noted that there have been over 400 surveys completed on the Transportation Survey. The responses are fairly positive to the U-Pass. There are about 600 more surveys to complete. On November 11th there will be a ceremony at the Memorial Gates. Tony Whitworth will speak on the history of the Memorial Gates. Afterwards there will be coffee and snacks served at Browsers.

Councilor Ansaldo announced that on November 10th the STMSU is holding their charity auction raising money for the United Way. The event is a date auction.

Councilor Wudel announced that she is organizing a book drive campus wide. If anyone is interested in helping out she can be contacted by email. It is an excellent cause to donate the textbooks to universities over seas.

Councilor Birdi congratulated Councilor Leisle for winning the best costume at Halloween Havoc.

6. Minutes and Reports for Information

6.1 USC Minutes

The minutes for October 28th, 2004, were approved as circulated.

6.2 Executive Committee Minutes

President Gardiner noted that in Questions & Comments each Executive member would give a brief run down of what has happened in the last week.

6.3 Academic Affairs Board Minutes and Report

VP Gersher reviewed the minutes from October 29th, 2004.

Councilor Villeneuve noted that he is concerned with an online textbook exchange that is may affect Browsers services. He suggested that maybe the textbook exchange could be incorporated in with Browsers and still charge a nominal fee. Browsers is losing money already. He does agree with the service but it may end up hurting the operation.

VP MacDonald noted that if the textbook exchange was to take place it could affect Browsers. The people that are currently consigning textbooks are going to continue to do so. There probably is not a risk.

Councilor Heath noted that it is more important to do what is best for the students. If students don't have to pay a fee to exchange their textbooks then that is in their best interest considering tuition hikes.

Councilor Alston-O'Connor noted that currently Browsers is in competition with the tunnel. The tunnel is the same thing as the website so Browsers will not have any new obstacles.

VP Gersher noted that it was suggested to have a Browsers logo on each page. That way if students cannot find what they are looking for on the textbook exchange they can look at Browsers.

Councilor Brost asked what Browsers thinks about the initiative.

VP MacDonald ???

Councilor Kowalsky noted that if it cleans up the tunnel he is in favor of the online version.

Councilor Brost stated that the reason he was asking about Browsers because is unsure whether it is a good idea for the Executive members to nonchalantly not care if one of their operations is going to go under. He personally finds it to be a great idea but finds it disturbing what VP Operations & Finance said.

VP MacDonald apologized for the remark that was not expressed properly.

Councilor Bartsch noted that Commerce has a online textbook exchange format on the website if anyone is wanting to take a look at it. It works well.

6.9 External Affairs Board Minutes and Report

President Gardiner presented the minutes from November 3rd, 2004.

8. Business

8.1 Response to the Minister of Learning's attendance at the conference in Ontario

President Gardiner noted that the Minister's comments have not been received yet and will table until next meeting.

Move to table until next week.

USC MOTION56: Gardiner/Brost

Carried.

8.2 External Lobbying Options

President Gardiner noted that in the document there is one motion coming out which is 3 recommendations; first being that the USSU remain in CASA, second being to seek prospective membership in CFS (reason being is to have full access to fully and fairly evaluate) and third being to set up a strong independent provincial lobbying component within the administration of the USSU. With the later recommendation there is no membership needed.

Move to approve the external lobbying options.

Carried.

USC MOTION57: Gardiner/Leisle

*****Abstention noted by Councilor Villeneuve, Councilor Kirkness, Councilor Bartsch, Councilor Galbraith**

Councilor Villeneuve noted that the wording with the second point "the USSU seek prospective membership". Why does the USSU need to seek prospective membership in order to evaluate the organization. It should be evaluated and then seek prospective membership.

President Gardiner noted that with prospective membership we are bound to a referendum question in the fall. This should not scare councilors off. The reason for taking a prospective membership is to have full access at the CFS Conference. It is essential in order to evaluate the organization. The structure of the organization needs to be seen first hand and make an unbiased decision.

Move to extend speaking rights to Robin Mowat.

USC MOTION58: Leisle/Gardiner

Carried.

Robin Mowat noted that according to the constitution it states that all members of the USSU have the right to speak at USC meetings. He stated that he came to the meeting tonight to speak against the motion. He noted that when he ran for President of the USSU he made a promise that he would evaluate the USSU's membership with CASA and he kept that promise. On April 1st, 2004, USC approved the final report and recommendations of the AdHoc CASA Assessment Committee of Council. This committee worked for 6 months on the very question that is being asked today. This committee took a comprehensive study survey of every college on campus through MSC's of what each college's priorities for lobbying and purposes for affiliation were. Those numbers were compared to CASA, CFS and non-affiliation and the results were to

remain with CASA. The motion is unnecessary and has unnecessary expenses that come along with it. The strong provincial lobbying component of the motion is worthy, which has been lacking. He would recommend hiring a provincial lobbyist to go door to door with MLA's. The money will be there. This is not in the best interest of the USSU.

Councilor Ansaldo spoke against Robin Mowat's comments. The question being asked is whether we can go forward and objectively view equally the CFS and CASA. It is important to be at CFS in person to properly evaluate.

Thomas Linner spoke against Robin Mowat's comments and urged councilors to vote for the motion. The important thing about this is to take CASA, CFS and provincial lobbying organization and evaluate them equally. It currently is not a debate between CASA and CFS. Council has to be able to see the differences.

Move to extend speaking rights to President Gardiner.

USC MOTION59: Stranden/Ansaldo

Carried.

Councilor Brost spoke in agreement with the motion and addressed Robin Mowat's comment. By voting in favor of the motion it would not be discounting what last year's council did.

Councilor Alston-O'Connor noted that last year's council was not familiar with CASA other than the AdHoc Committee. She is glad to see different options and to look at all three options and see what council thinks is best.

Councilor Heath stated that it is not necessarily a bad thing to have to have a referendum. It is a good opportunity for students to become interested in what organizations we are involved in and what the potential benefits are. She noted that this council is strong and if the motion passes it is because council believes in it.

Councilor Kirkness asked for council to look at what the recommendation actually says. If CFS is chosen then a referendum must take place and students decide what organization is to be chosen. And then what happens is council is bound by the referendum by students who really do not understand the situation. She feels that it is a good idea to look into both options but what is being said is that a referendum will take place and students are not going to be educated on the decision.

VP MacDonald noted that being bound by the referendum results is what democracy is about. You end up with what was voted for. There are a lot of resources to properly educating students. The ability is there to inform students.

Councilor Leisle expressed his disappointment of Councilor Kirkness's lack of trust with council and lack of faith with the students. It is a tough decision. The point of the recommendations is to inform the students. It would be reckless to go to the students with no information and ask them to vote. In this situation as much information as possible is being compiled and then going to the students.

Councilor Kowalsky noted that councils change every year. One council may have a completely different vision than the year before or the year to come. CASA is making it a little more stringent where you must go through a prospective membership phase on the way in and the way out. He believes that there are four options; CASA, CFS, neither or could be with both. It needs to be approached objectively and with an open mind. He would like to see the report from last year.

Robin Mowat noted that it is important to have strong provincial lobbying. The motion as it stands has other effects. The report has not been seen from last year. All of the information that is needed to vote on the motion is not present.

Thomas Linner noted that Robin Mowat has raised a good point on the CASA report. It is important to see that report but it is part of a process with this motion passing.

VP MacDonald noted that he read the report from last year and stated that there wasn't much to it. It didn't in any way address the effects in any way. The survey did not provide any information at all. It is important to learn about CFS and won't be able to without going there.

Councilor Ansaldo noted that the motion is to gain information. He would like to see the report from last year and believes that last year's CASA committee looked into CASA and looked at CFS indirectly through paper trails.

Councilor Leisle noted that this motion cannot be tabled because this is the last council meeting before the conferences. It has to be passed now or the conference will be missed.

Councilor Villeneuve noted that the Grad Students' Association is currently with CFS and the information could be gotten from them rather than becoming prospective members. Is it so closed to actually become members of the CFS to research it. There are other avenues to research CFS. The USSU was a member in 1995 and there would be some sort of documentation noting what the organization is like. He asked if it would cost anything to become prospective members. He does not believe that the USSU must be a part of CFS to research it.

President Gardiner spoke to the issue of going into the membership of CFS blind. It is a trial membership and there is a referendum question at the end. It does not mean that the Council has to endorse that referendum. Council needs to do their jobs in educating the students. The prospective membership fee works out to about \$5000; however, the fee is waived for most of the big schools that take prospective memberships. Five thousand dollars is a small price to pay in terms of national lobby group.

Councilor Kirkness noted that if the USSU becomes a prospective member and then to get out of CFS another referendum would have to take place. She asked how quick the process is. She stated that councils are asking questions about this topic and there is no

information to take back to them. The USSU must join an organization and have a mandatory referendum and then if the decision is to become part of CFS another referendum would then take place to get out. A decision is being made for this year as well as for the next ten years. The motion is not informing students on campus it is telling them that the USSU needs to be part of something that the organization knows nothing about. She noted that Council needs more information about the CFS and is not informed fully enough to make this decision.

Move to extend speaking rights to all Councilors 2 more times.

USC MOTION60: Stranden/Kowalsky

Carried.

Councilor Alston-O'Connor stated that it feels like the USSU is getting caught up in a web of the unknown. For the \$5000 and 2 referendums Council will know for sure how the organizations are comparable. Right now there is \$40,000 spent on CASA fees.

President Gardiner noted that what is being done is to go and shed light on what the organizations are all about. The External Affairs Board has copies of the constitution of CFS. Copies are not be had by anyone who does not have membership within CFS. Upon becoming a prospective member the constitution would be made available to Council and the decision can then be made. Whether USSU goes with CFS or with CASA the organization will be fighting a referendum campaign in March, which is not a bad thing. There is no way to have all the information. Information cannot be gained from groups who have a vested interest and telling their side of the story.

Councilor Ansaldo ???

Councilor Kowalsky stated that President Gardiner has received verbal consent that CFS would let the USSU attend the conference for free as prospective members. He noted that he is trying to stay impartial.

Councilor Birdi noted that there would be other conference.

Councilor Villeneuve asked what kind of organization makes it illegal to view their constitution unless you are a part of their organization. He is sure that he could go to any campus societies and look at their constitution. What kind of organization is so closed that outside possible members cannot look at their constitution without being legal. He stated that he is against the document but not against its intent behind the document. All students need to be informed and it is the Councilors responsibility. There will be other conferences and this is not the last conference. This is something that needs some thought. The document's intent is right but should not be voted for until being properly informed. He is uninformed about CFS.

President Gardiner stated that the reason the motion is coming up at this meeting is because it is 3 weeks before the last meeting for the academic year. It is the last chance to evaluate the conference up front and in person. The information can only be received by going to the CFS conference and figure out what the information is and make that

decision. It is not a decision on which one to endorse but a decision to go out and get the information and make a recommendation to Council and lobby strong on the recommendation.

Councilor Leisle asked Council if any one Councilor can name 3 other members of CASA besides the USSU as well who the Executive Director of CASA. No one knows everything there is to know about CASA but yet prospective membership of CFS cannot be looked at because there is no information. Council is here to open the doors to get the information about CFS.

Robin Mowat noted that CFS is a good organization for members who want to be a part of the CFS. It is perfectly fine that the USSU wants to find out more information about the organization. It is strange that the CFS's constitution is not a public document. Any member who is wanting to join CASA can make no commitment and attend the conferences and talk to anyone and have access to whatever documents. Council should be careful about getting involved with an organization who does not have a publicly available constitution. CFS would spend thousands of dollars sending people here, putting up posters, going around talking to students and convincing students to vote for CFS membership. If the USSU decides to not go with CFS the USSU will be outnumbered by the thousands of dollars being spent by CFS and having people lobbying the students to vote for it. There are organizations all over Canada voted to leave CFS and currently enrolled within lawsuits with CFS over their membership status. He wanted to ensure that everyone was informed about the consequences of the decision tonight.

Councilor Brost noted that last week there was a chat about this and none of the concerns came up. There should not be a rushed feeling going voting on the motion as there has been lots of discussion on the issue. He reminded Council that it is the evaluation of CFS that is being voted on tonight and to evaluate the best way the USSU knows how. This is the first Executive and Council in at least 4 years to actually consider joining the CFS. From his understanding CFS and CASA are on different ends of the political spectrum. There is nothing wrong with evaluating membership with CFS, which is exactly what is being voted on.

VP MacDonald noted that it is not an issue with extra conference expenses such as hotels. The Executive are not going to the conference blinded but to go and do research. He agreed that CFS has a huge budget. Every campus building has control of what posters go up in the buildings. This is not something that should be afraid of.

Councilor Heath stated that Robin Mowat has little or no faith in the intelligence of Council. She has faith in the student body in making the right decision. The students will get to make the choice in a referendum of what is best for them. It is up to the students to decide. By evaluating the CFS it may be able to be found out why the constitution is so private. It is the only way to get an accurate evaluation.

Councilor Villeneuve noted that Robin Mowat is not at Council to undermine Council's intelligence but came as a source of information. He stated that the External Affairs Board is not as informed as they feel they are informed. He guaranteed that Robin Mowat knows a lot more about both CASA and CFS than everyone at Council.

Move to call the question.

USC MOTION61: Villeneuve/Ansaldo

Carried.

8.3 Bylaw #3

President Gardiner noted that this is a constitutional amendment that was discussed in the summer. It is very passive and just clarifying the Code of Ethics and Discipline Committee. It states that any member of Student Council who are running for Executive positions are in conflict of interest.

Move to approve the amendments made to Bylaw #3 as presented.

USC MOTION62: Gardiner/???

Carried.

Councilor Ansaldo asked about section 2.5. He asked who is in permission to give ???

VP MacDonald noted that the motion has no purpose and should be done at the Annual General Meeting.

President Gardiner noted that the only amendment to the bylaw is in section 2.03 #1. The reason this does not have to be brought to Council but it does give it more weight at the Annual General Meeting.

Councilor Alston-O'Connor reiterated Councilor Ansaldo's question.

President Gardiner noted that it is not related specifically to the amendment.

Robin Mowat noted that last year it was if you sent regrets to Council it was good enough. He also noted that if Council amends a bylaw it takes effective immediately and then ratified at the AGM.

9. New Business

9.1 USSU's relationship with PAWS

Councilor Ansaldo stated that the organization is missing an opportunity to improve information to PAWS. They do offer instructional courses. There is a window for the USSU but is currently being used for Louis'. There is no information on the USSU and would like to see that changed.

10. Questions and Comments (30 minutes)

Move to have questions and comments for 30 minutes.

USC MOTION63: Leisle/Heath

Carried.

Councilor Leisle thanked Councilor Birdi for getting him Halloween Havoc tickets. It was a great event.

Councilor Heath noted that it is really hot in the room.

Chair Mupanguri noted that there is a problem hearing the tape if the air conditioner is running.

Robin Mowat congratulated Council on a great debate. He encourages all Councilors to become informed of what is going on and get a copy of last year's plan of report and recommendations. He noted that it may be possible to have a CFS delegation to come and present to Council and properly inform them as CASA does.

Councilor Villeneuve congratulated Council on a great debate as well. He noted that he received an email and reviewed it to Council regarding the campus wide pub crawl. He stated that the email made him mad because what is happening is the identity of university students is being taken away. E-plant is gone and planning on taking away other alcohol events. Alcohol does not make their identity. What will happen next? The U of S is all about the national norm. In the email it says that the U of S wants to be like other universities. The U of S is not just another university and will not survive without the identity that is currently held. The enrollment of first years has decreased this year and will most likely decrease next year. What is being done in other universities will not work in Saskatchewan. Saskatchewan is a unique and small province of community. Administration wants to take away a part of what is bringing the university community together. The U of S is about the people and Administration has lost touch with the students and has forgotten that students pay 36% (is this number right??) of the operating budget. All students should take back their campus and fight this.

Councilor Brost noted that he respects Councilor Villeneuve very much but did not appreciate him accusing Councilors of not listening of what was being discussed. It is not fair to accuse people of not listening when they are on the other side of the spectrum of an issue. There is always two sides to an issue. Every opinion counts. It is not a personal attack. He stated that he has a letter of resignation as it is his last meeting. He read the letter of resignation.

Chair Mupanguri stated that it is unfortunate that Councilor Brost will be leaving Council as he has always been competent in a debate, always considerate and clear.

Councilor Kowalsky noted that the kegs at Louis' cost \$260. At the Sutherland the Political Studies group charged people \$5/person and cleared \$800. They paid \$150 for 2 kegs. He is unsure as to why kegs of beer cost 4 times more at Louis' than the Sutherland or the Pat. The prices should be more competitive and would then attract more students and turn a bigger profit.

President Gardiner noted that there are guidelines that need to be followed at Council as the meeting is under Roberts Rules.

Councilor Villeneuve noted that what the Sutherland and the Pat are doing at charging that little for kegs is not actually legal. The difference is that Louis' is on campus. Until last year the University held the liquor license for Louis'. Louis' cannot match those prices as it is illegal and may end up losing the bar.

VP MacDonald spoke in agreement with Councilor Villeneuve. Students do not go to Louis'. Student groups have signed on with other bars. If students want Louis' to be more student focused, student groups should be signing with Louis'. He would also like to receive a copy of the mail that was sent by David Hannah in regards to the campus pub crawl.

Move to close questions and comments.

USC MOTION64: MacDonald/Kowalsky

President Gardiner noted that the campus pub crawl issue is something that the Council will have to discuss. He will send the email from David Hannah to all Councilors and add to New Business on the next agenda.

VP Stranden announced that with Trick or Eat there was over 4 tones of food raised. It was the most amazing thing she has ever seen in her life.

President Gardiner asked if he could pass Councilor Villeneuve's written comments onto the Senior Administration. It is something that they need to hear. He asked Councilor Ansaldo for a written framework for the discussion that will take place at the next meeting. A few principles need to be set aside and what is being looked for in a lobby group. He is looking for feedback once he has sent around by email. He thanked Councilor Brost for his great work with Council.

12. Adjournment

Move to adjourn.

USC MOTION65: Leisle/Heath

Carried.

UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

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



Telephone: (306) 966-6960
Facsimile: (306) 966-6978
E-mail: USSU.Office@usask.ca
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

THIS IS EXHIBIT "A" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

July 2006
[Signature]
A NOTARY PUBLIC in and for the
Province of Saskatchewan.

My Appointment expires January 1, 2007

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,

A handwritten signature in black ink, appearing to read "Gavin Gardiner".

Gavin Gardiner
President

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 "I" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

Nov 2006
[Signature]
A NOTARY PUBLIC in and for the
Province of Saskatchewan.
My Appointment expires being subject

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.

Executive Committee

Minutes for Thursday, September 15, 2005

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

Absent: Crystel Knihniski

1. Club Ratifications

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

Carried.

THIS IS EXHIBIT "J" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

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

Carried.

July 2006
[Signature]
A NOTARY PUBLIC in and for the
Province of Saskatchewan.
My Appointment expires being

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.

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

Carried.

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.

EXEC44.8 Move to Ratify the Physical Therapy Students' Society.
Campbell/
Connor

Carried.

EXEC44.9 Move to Ratify the Golden Key Scholars Society.
Campbell/
Connor

Carried.

EXEC44.10 Move to Ratify the Law Students' Association.
Campbell/
Connor

Carried.

EXEC44.11 Move to Ratify A.P.A.L.A.
Campbell/
Connor

Carried.

2. Club Funding

EXEC44.12 Move to provide the Eritrean Students' Association with \$40.00 worth of
Campbell/ Coca-Cola sponsorship for their BBQ.
Cole

Carried.

EXEC44.13 Move to provide the Toxicology Students' Association with \$130.00 in
Campbell/ sponsorship.
Cole

Carried.

3. Executive Sponsorship

EXEC44.14 Move to provide the Community Service Learning Symposium with
Campbell/ \$50.00 in sponsorship.
Cole

Carried.

4. Action Saskatchewan

Action Saskatchewan will be consulting the USSU as a focus group on September 16th. The group is attempting to determine a vision for Saskatchewan for the next one hundred years. The Executive members are encouraged to bring another person each to attend the meeting.

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 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 "K" REFERRED TO IN
 THE AFFIDAVIT OF Gavin Gardiner
 SWORN BEFORE ME THIS 7th DAY OF

July 2006
[Signature]

A NOTARY PUBLIC in and for the
 Province of Saskatchewan.

My Appointment expires being a solicitor
5 yrs

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.

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
 Roberta 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 "L" REFERRED TO IN
 THE AFFIDAVIT OF Gavin Gardiner
 SWORN BEFORE ME THIS 7th DAY OF
July, 2006
Bruce L.
 A NOTARY PUBLIC in and for the
 Province of Saskatchewan.
 My Appointment expires SMB
being a solicitor

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/Gallaway

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/Gallaway

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 there 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 Agenda
Thursday, September 29th, 2005

1. Call to Order
2. Call for Quorum
3. Adoption of an Agenda
4. Introductions and Announcements
5. Council Address
6. Minutes and Reports for Information
 - 6.1 USC Minutes – September 22nd, 2005
 - 6.2 Executive Committee Minutes – September 23rd, 2005
 - 6.3 Academic Affairs Board Minutes and Report
 - 6.4 Operations & Finance Board Minutes and Report
 - 6.5 Student Issues Board Minutes and Report
 - 6.6 Appointments Board Minutes and Report
 - 6.7 Elections Board Minutes and Report
 - 6.8 Code of Ethics Disciplinary Committee Minutes and Report
 - 6.9 External Affairs Board Minutes and Report
 - 6.10 Environmental Responsibility Board Minutes and Report
7. Motions Arising from the Minutes and Reports
8. Business
 - 8.1 Elections Policy
 - 8.2 Corporate Sponsorship & Agreements with Outside Bodies
9. New Business
10. Questions and Comments (30 minutes)
11. Any Other Business
12. Adjournment

University Students' Council

Minutes for Thursday, September 29th, 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, WCV

Also Present

Brent Thoma, Chair
 Martin Olszynski, 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 "M" REFERRED TO IN
 THE AFFIDAVIT OF Gavin Gardiner
 SWORN BEFORE ME THIS 7th DAY OF

July 2006
[Signature]

A NOTARY PUBLIC in and for the
 Province of Saskatchewan.

My Appointment expires before solicitor

5-13

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 22nd, 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 23rd, 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 28th, 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 27th via email. The complaint was as follows: "I am writing to you about an incident which occurred at the September 22nd, 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 27th. 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 22nd 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 28th, 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 29th. 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 22nd, 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 22nd 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 22nd 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 Motion56: 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 seems 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 3rd. 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 adjourn.

USC Motion60:

Villeneuve/Fernquist

Carried.

Bylaw 1, 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.

THIS IS EXHIBIT "N" REFERRED TO IN
THE AFFIDAVIT OF Gravin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

July, 2006.

BSJ
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES _____
OR BEING A SOLICITOR. MB

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:

Locations to be determined 8:00 - 19:30

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 4.f.iii the question on the referendum ballot shall read

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

C

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

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

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

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.

C

D

E

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.

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

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

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.

846 for 5%

does the 5% ✓
quorum apply?

Date

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

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.

NOT ME,

NOT NOW!

NO CFS!

THIS IS EXHIBIT "O" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gaudinier
SWORN BEFORE ME THIS 3rd DAY OF July 2006
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES 31st
BY BEING A SOUTHERN.



Vote 'No' on October 4-6

no.cfs@sask.ca

0483

**NO NEW
FEES!**

THIS IS EXHIBIT " P " REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

July, 2006.

Shel
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES SM3
OR BEING A SOLICITOR.

**NO
CFS!**



Vote 'No' on October 4-6

no.cfs@usask.ca

0184

CFS REFERENDUM

What is this referendum all about?

If you don't know,

VOTE NO

The CFS will cost U of S students almost
\$1,000,000 over the next 6 years,
starting this January!

This affects everyone.
Don't let this be decided by a few insiders.



Today is the last day to vote.
Don't forget to bring
your student ID!

STUDENTS AGAINST CFS

0485

THIS IS EXHIBIT "Q" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES 2013
I AM BEING A SOLICITOR.

SHEAF
Oct 6/05

THIS IS EXHIBIT " R " REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

July, 2006
[Signature]
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES SMB
ON BEING A SOLICITOR.

CFS REFERENDUM

What is this referendum all about?

If you don't know,

VOTE NO

The CFS will cost U of S students almost
\$1,000,000 over the next 6 years,
starting this January!

This affects everyone.
Don't let this be decided by a few insiders.



Today is the last day to vote.
Don't forget to bring
your student ID!

STUDENTS AGAINST CFS

These were
not approved -
not sure where
they were on
campus if at all

www.casa.ca

THIS IS EXHIBIT "5" REFERRED TO IN
THE AFFIDAVIT OF Garvin Gardiner
SWORN BEFORE ME THIS 7th DAY OF

July, 2006
Bail

A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES 5.1.13
I AM BEING A SOLICITOR.

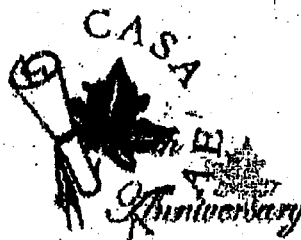
CANADIAN
ALLIANCE
OF
STUDENT
ASSOCIATIONS

L'ALLIANCE
CANADIENNE DES
ASSOCIATIONS
ÉTUDIANTES

CANADIAN
ALLIANCE
OF
STUDENT
ASSOCIATIONS

L'ALLIANCE
CANADIENNE DES
ASSOCIATIONS
ÉTUDIANTES

Acadia University Students' Union
Bishop's University Student Representative Council
University of British Columbia Alma Mater Society
Brock University Students' Union
University of Calgary Students' Union
Dalhousie Students' Union
University of Lethbridge Students' Union
Students' Association of Mount Royal College
UNB - Fredericton Students' Union
UNB - St. John Students' Union
Red River College Students' Association
BART Students' Association
St. Francis Xavier University Students' Union
University of Saskatchewan Students' Union
St. Mary's University Student Association
St. Thomas University Students' Union
Student Society of McGill University
University of Waterloo Federation of Students
University of Western Ontario Student Council



P.O. BOX/B.P. 3409
STATION / SUCC. D
OTTAWA, ON K1P 6H8
TEL./TÉL. (613) 236.3457
FAX/TÉLÉC. (613) 236.2386
WWW.CASA.CA
WWW.THINKEDUCATION.CA

real students.

real problems.

real solutions.

0487

what is CASA?

CASA was formed in 1995 to bring together student associations from across Canada who were interested in establishing a student organization that focused on lobbying the federal government, exclusively on post-secondary education.

With its head office located minutes from Parliament Hill in Ottawa, CASA has developed unparalleled rapport and profile with decision-makers and policy-makers in the post-secondary education realm.

CASA and the USSU

In 1995, the University of Saskatchewan Students' Union, along with 4 other student unions from across Canada founded the Canadian Alliance of Student Associations.

Directed by its members, like the USSU, CASA will continue to offer progressive education reform solutions, and further its reputation as a respected education lobby organization.

REAL STUDENTS

Through CASA's network in Ottawa, elected student representatives are able to access Canada's key policy-makers. CASA believes that only students can legitimately represent student interests. By creating opportunities for students to lobby decision-makers directly, CASA has developed a reputation for its credibility and grassroots approach.

REAL PROBLEMS

Post-secondary students face serious problems, accessing student financial assistance, institutional core funding, rising tuition and fees, student debt, and high costs of living. CASA believes that serious problems require serious attention. That is why CASA focuses on students and post-secondary education exclusively - concentrating its efforts and resources to bring about maximum results.

REAL SOLUTIONS

Rather than simply commenting on government policy, CASA works hard to challenge government with well-researched policy alternatives and effective options. CASA believes that students have the answers to post-secondary education's toughest questions - no group knows post-secondary education better. Through its concrete proposals and pragmatic approach, CASA has developed a strong reputation as a professional, articulate, and intelligent post-secondary education policy advisor.

CANADIAN
ALLIANCE
OF
STUDENT
ASSOCIATIONS

L'ALLIANCE
CANADIENNE
DES
ASSOCIATIONS
ÉTUDIANTES

"real Students tackling real Problems with real Solutions."
**A YES vote on Oct 4-6th
is a vote against CASA!**

University of Saskatchewan Students' Union and Canadian Federation of Students

Referendum Oversight Committee Report

November 2005

THIS IS EXHIBIT " T " REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006

[Signature]
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES SMB
OR BEING A SOLICITOR.

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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 Stafil, and Assistant Chief Returning Officer Martin Olaszynski.

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	Spilled
Arts	585	375	1
Commerce/Law	39	162	0
Education	89	69	2
Engineering/Ag	87	208	0
Kinaciology	72	26	0
Therwaldson	196	137	0
Place Riel	900	609	7
Total	1968	1584	10

Complaints

Section 11.1.b of the Referendum Protocol required that a complaint 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 collectively, 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 referendum 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.

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:

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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

Date

Dec 3, 2005
University of Saskatchewan Students' Union Representative[Signature]
University of Saskatchewan Students' Union RepresentativeAngela Regier
Canadian Federation of Students Representative[Signature]
Canadian Federation of Students Representative

Section 3: Ballot Question

In accordance with Bylaw 1.4.f.iii 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

University of Saskatchewan Students' Union Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

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.
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- 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

University of Saskatchewan Students' Union Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

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 05

University of Saskatchewan Students' Union Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

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

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

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

University of Saskatchewan Students' Union Representative

Canadian Federation of Students 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).

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

USSU REFERENDUM

Alleged Violations Deemed Valid by Oversight Committee

As of: Sunday, November 27, 2005

SUBMITTED BY	DATE	NATURE OF COMPLAINT	APPLICABLE REF. PROTOCOL	RESPONSE
Cdn Fed. of Students (G. Gardiner)	10/4/05	R. Mowat disseminating false information: R. Mowat's campaigners repeatedly campaigning within 30 foot zone "No" ad in Gher not approved	Bylaw 1, Article 17, Ref. Protocol, Section 4-1 Referendum Protocol, Section 5-a Referendum Protocol, Section 4-a and 5	Walter asked for response re: allegations, declined Upheld, no impact on referendum results Upheld, serious violation--no impact on referendum results
Lauren McDonald	10/5/05	M. Kowalsky singing in Place St. Jean	Referendum Protocol, Section 5-a	Upheld, no impact on referendum results
"No side" (Robin Mowat)	10/11/05	"Yes" side campaigning on or before September 26, 2005 Referendum question	Referendum Protocol, Section 5-a Referendum Protocol, Section 2	Rejected See Walter's opinion Rejected See Walter's opinion

USSU REFERENDUM

Complaints Considered by Oversight Committee

As of: Tuesday, November 22, 2005

SUBMITTED BY	DATE	NATURE OF COMPLAINT	APPLICABLE REF. PROTOCOL	RESPONSE
Montique Ferdinand	10/2/05	R. Mowat throwing button and swearing at M. Ferdinand	n/a	Oversight Office requested written apology
Brad Flavel	10/3/05	Announcements in classrooms	n/a	See Walter's opinion
Cdn Fed. of Students (G. Gardiner)	10/6/05	The "CASA" participating in referendum campaign Non-U of S students participating in referendum campaign (paid by R. Mowat) Students paid to vote "no" by R. Mowat	Bylaw 1, Article 4-a-i Bylaw 1, Article 4-a-i n/a	n/a n/a Students could not be located to verify allegation
Jade Buchanan		Announcements in classrooms	n/a	See Walter's opinion
Lauren McDonald	10/5/05	Announcements in classrooms Some poll clerks not U of S students Reminders on chalkboards to vote "Yes"	n/a n/a n/a	See Walter's opinion n/a n/a
"No side" (Robin Mowat)	10/11/05	Failure to provide 2 wk notice of ref. question; min. 10 days of campaigning Announcements in classrooms, violation of advertising rules & spending limits	n/a n/a	See Walter's opinion See Walter's opinion

Our File No:
Your File No:
e-mail: gwalan@charfainlaw.com

November 15, 2005

University of Saskatchewan Students' Union
Room 65, Lower Place Kiel 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(I)(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.

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 a 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.

With respect to the availability of referendum rules, referenda procedures were adopted by the Oversight Committee on September 18, 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 affected 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, Q.C.

GGW/jas

University of Saskatchewan Students' Union
Referendum Oversight Committee Meeting

3:00 pm, Sunday, November 20, 2005

Teleconference

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**

Agenda

1. Final Review of Report
 2. Other
-

Attendance

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

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 Gardner – "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 CASHA 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 CASHA 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 CASHA 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.

USSU Elections Board

Summary of Concerns regarding the USSU-CFS Membership Referendum 2005

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 " U " REFERRED TO IN
THE AFFIDAVIT OF Gravin Gardiner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006
Gravin Gardiner
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES 2007
BEING A SOLICITOR.

- 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 18th. 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 29th 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

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 19th 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, March 30th, 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, WCV

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, WCV

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 " ✓ " REFERRED TO IN
 THE AFFIDAVIT OF Gavin Gardiner
 SWORN BEFORE ME THIS 7th DAY OF
July, 2006

Bull
 A COMMISSIONER FOR OATHS IN AND FOR THE
 PROVINCE OF SASKATCHEWAN
 MY COMMISSION EXPIRES 5/13
 - BEING A SOLICITOR.

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 23rd, 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/Gallaway Carried.

8.2 Referendum

Move to Ratify the results of the CFS Referendum that took place on October 4th, 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 6th, 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.

???

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.

???

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/Gallaway

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 26th. 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.

Gavin Gardiner, President
University of Saskatchewan Students' Union
University of Saskatchewan

April 18, 2006

Dear Gavin,

Re: Fee Collection for the Canadian Federation of Students(-Services)

The Federation membership fee policy is outlined in Bylaw 1:

"The fees for full association members shall be:

\$3.00 per semester 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 local association; and the applicable provincial component fee.

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."

The Federation membership fee is assessed in accordance with the practice of the member students' union with respect to the collection of its own fee(s). Thus, if the students' union collects its fee for three semesters, then it would also collect the Federation fee on the same basis. If students' union fees are pro-rated for part-time or audit students, the Federation fee would also be pro-rated in the same fashion. Thus, since the USSU fee is pro-rated for part-time, off-campus, and audit students at 50%, the CFS fee would also be pro-rated in the same fashion.

According to the USSU's fee collection policy, the summer fee is slightly pro-rated (95%), this is reflected in the following breakdown. The national fee is \$3.66 per semester. The provincial fee is \$1.00.

In accordance with the Students' Union Fee collection schedule it would be assessed as follows:

National

Full-time

Fall: \$3.66

Winter: \$3.66

Spring/Summer: \$3.48

THIS IS EXHIBIT "W" REFERRED TO IN
THE AFFIDAVIT OF Gavin Gardiner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006
[Signature]
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES 3/1/13
BY BEING A SOLICITOR.

Part-time/Off campus/Audit

Fall: \$1.83

Winter: \$1.83

Spring/Summer: \$1.74

ProvincialFull-time

Fall: \$1.00

Winter: \$1.00

Spring/Summer: \$0.95

Part-time/Off campus/Audit

Fall: \$0.50

Winter: \$0.50

Spring/Summer: \$0.48

Please do not hesitate to contact me if you have any questions.

Regards,



Dave Hare
National Treasurer

THIS IS EXHIBIT " X " REFERRED TO IN
THE AFFIDAVIT OF Gravin Gardiner
SWORN BEFORE ME THIS 7th DAY OF
July, 2006

Brett
A COMMISSIONER FOR OATHS IN AND FOR THE
PROVINCE OF SASKATCHEWAN

MY COMMISSION EXPIRES 2013
— BEING A SOLICITOR — Being a Solicitor —



Convocation

Spring 2006

Congratulations to all Graduates on their achievements! The S

Carlyng Alexander Whenham
Ridgedale

Liana Mae Whitehead
Saskatoon

Sheryl Lynn Wiebe
Martensville

Meng Zhang
People's Republic of China

Andrea Claire Zwarich
Saskatoon

BACHELOR OF ARTS HONOURS

Mohammad Reza Ardenan
Saskatoon

Kelly Ann Balison
Kamloops, British Columbia

Kurtis Edward Balon
Saskatoon

Bryan Edward Bance
Saskatoon

Evie Marie Barnes
Saskatoon

Jason George Barnhart
Regina

Laura Jean Beddome
Prince Albert

Victoria Marie Biggs
Saskatoon

Russell Wade Buhr
Herbert

Meshon Cantrill
Saskatoon

Patrick Bruce Chambers
Kelowna, British Columbia

Yat Hang Chan
Hong Kong

Ka Man Carmen Chow

Kathleen Deborah Edwards
Saskatoon

Brian Andrew Warren Elliott
Saskatoon

Christine Lynn Engel
Saskatoon

Jennifer Kay Eyolfson
Leslie

Amanda Beth Fehr
Saskatoon

Daniel Harrison Feltis
Hawarden

Joel Kendrick Fonstad
Outlook

Caitlin Houston Friggstad
Saskatoon

Dustin Jay Geeraert
Saskatoon

Jason Michel Geisel
Saskatoon

Ryan Herbert Hallman
Fosston

Kyle Rutherford Hamilton
Saskatoon

Amanda Rae Harrigan
Saskatoon

Bernard Bruce Harrison
Merritt, British Columbia

Amanda Irene Jesberger
Saskatoon

Rochelle Ashley Johannson
Asquith

Brendan Patrick Kelly
Saskatoon

Andrew Michael Marino Kent
Saskatoon

Brenda Denise Kocur
Wakaw

Lana Diane Marie Koo

Crystal Louise Louis
Saskatoon

Kara Lynne Loy
Saskatoon

Rebecca Ann Major
Saskatoon

Melissa Mae Marcotte
Esterhan

Shauna Rose May
Prince Albert

David Donald Leslie McAlister
Tompkins

Lara Michelle McDougall
Saskatoon

Rebecca Lindsay Meaden
Beechy

Deirdre Lynn Morris
Coquitlam, British Columbia

Robin Charles Mowat
Saskatoon

Everisto Mupanguri
Zimbabwe

Carla Jane Nelson
Jasper, Alberta

Kristen Michelle Olney
Caronport

Camille Beth Penny
Allan

Nicholas Wilfred Kurt Racine
Saskatoon

Taya Sharon Raine
Saskatoon

Sonja Savic
Saskatoon

Kelly Marie Sayers
Saskatoon

Melissa Lynn MacLean Schrader
Saskatoon

Delaney Angela Camille Seifert

Michelle Lynn Stoski
Humboldt

Gina Lynn Sutherland
Lafleche

Helen Mary Thomas
Esterhazy

Adam Cornell Toews
Saskatoon

Erika Joyce Carefoot Topola
Saskatoon

Eve Kerr Townsend
Saskatoon

Xian Wang
People's Republic of China

Caitlin Anne Fitzgerald Ward
Saskatoon

Kristin Cordy Ward
Birsay

Danielle Christine White
Crossfield, Alberta

Alicia Leanne Wilkinson
Saskatoon

Shandel Cassandra Wilson
Saskatoon

Kristen Alyssa Woods
Saskatoon

Wen Xu
People's Republic of China

Melissa Dawn Zanger
Swift Current

BACHELOR OF SCIENCE THREE-YEAR

Matthew James Bathgate
Yellow Grass

William Nelson Bennett
Saskatoon

Matthew John Berlin

Sheena Changela
Saskatoon

Nola Dawn Coffey
Carlyle

Craig Eric Dowdeswell
Pennant

Matthew Clayton Drotar
Saskatoon

Kristen Jean Dykstra
Saskatoon

David Scott Ehmann
Regina

Brittany Jeannette Ellis
Saskatoon

Stuart Allan Fehr
Saskatoon

Donald Duncan Fentie
Saskatoon

Matthew Richard Friesen
Saskatoon

Brett Robert Graham
Langham

Robert Terry Gulewich
Nipawin

Raymond Edmund Hank
Saskatoon

Kerry Dale Peter Hjertaas
Regina

Marsha Nicole Japp
Eston

Justin Melvin Jubber
Saskatoon

Jennifer Louise Kambeltz
Regina

Darshan Singh Khangura
Regina

Meghan Amber Kolybabi
Foam Lake

Bradley K...