

CANADA
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

Robin Mowat

PLAINTIFF

AND:

University of Saskatchewan Students' Union

DEFENDANT

AFFIDAVIT OF ROBIN MOWAT

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

1. I am the Plaintiff in this proceeding and I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.
2. I have attended the University of Saskatchewan since the fall of 2000, pursuing a Bachelor of Arts degree in the fields of English and History. During that time I have been very involved in on-campus activities, particularly student representation. I have served as the Managing Editor of the student newspaper, *The Sheaf*; I served one year as a member-at-large on the University of Saskatchewan Students' Union (USSU) Student Affairs Board; I have served as a Student Senator for three years; and I served as President of the USSU for 2003-2004.
3. I first became aware of the USSU decision to hold a referendum regarding full membership in the Canadian Federation of Students ("CFS") on 4 – 6 October,

2005, while I was temporarily working in British Columbia, on, or about, September 23, 2005. Even though I had been on campus earlier as recently as 13 September, 2005, the first I heard about this development came by way of a phone call from my wife, who knew I would be interested.

4. I returned to Saskatoon on September 24, 2005 and began laying the ground work for a campaign against joining the CFS. However, once I began planning for this "no campaign", I realized that there was nearly no information on the process available. In particular there were no instructions on the USSU website about campaigning.
5. On Monday, September 26, 2005, I contacted the USSU directly to ask for rules and instructions in order to properly register my campaign. However, it was clear from the start that there was confusion about the process at the USSU itself.
6. I finally spoke with the Assistant-Chief Returning Officer, Martin Olszynski, on Tuesday, 27 September, and he told me that the referendum may not occur at all. He informed me that he had just been informed that the USSU legal counsel, Greg Whalen, had concerns about the legality of any referendum held outside of USSU's rules. There had been no proper consideration given to rectifying the problem of procedures and rules until recently and Mr. Olszynski informed me that he would be attending the next session of University Student Council ("USC"), the USSU's legislative body, to attempt to legitimize the referendum process and its governing body: the CFS Referendum Oversight Committee ("ROC").
7. Membership on the ROC consisted of two members appointed by the USSU: Mr. Olszynski as ACRO and Ms. Dorinda Stahl as CRO; and two appointed by the CFS: Ms. Lucy Watson and Ms. Angela Regnier. At this point, the USSU had not provided this body with any legitimacy or authority to run the referendum. Instead, USSU policy clearly indicated that the USSU Elections Board had sole authority to run referendums, set rules regarding campaigning, and adjudicate any complaints. This policy is attached to my Affidavit as Exhibit "A". This policy is readily available from the USSU secretary and I have no reason to doubt its validity.

8. During my conversation with Mr. Olszynski it became clear that he was concerned with ROC's authority to administer the Referendum. Mr. Olszynski also indicated to me that it was the chief concern of Mr. Whalen. The rest of our discussion revolved around what rules campaigns were to follow.
9. Mr. Olszynski told me that ROC had a copy of the proposed referendum rules, but since the ROC had no authority they were only a draft copy. As it turns out, Mr. Olszynski gave me the only copy. I know this to be true because when I returned home after class that afternoon, there was a message on my answering machine from the USSU Secretary asking me to return to the USSU with my paper copy because it was the only copy. I complied photocopied myself another set. A copy of these draft rules is attached to my affidavit as Exhibit "B". Voting in the referendum was set for less than seven days, and ROC/USSU had yet to distribute even the draft, unauthorized referendum rules.
10. I had been aware of a previous attempt made by the USSU to hold this referendum in March 2005. However, at that time, due to concerns from Mr. Whalen, the USSU postponed the referendum, ostensibly to work out the kinks in the process. But it was apparent to me on 27 September that no such work had been done in the intervening months, and that the USSU was just as unprepared for the referendum in October as it was in March.
11. I was at this point unclear as to how to organize a campaign. USSU election and referendum rules and procedures are clearly outlined in the Elections Policy, a thirteen page document covering every area of the referendum. While these sets of rules have been occasionally amended by USC, the basic pattern of them has remained unchanged for years, such as with regard to campaigning in classrooms and campaign expenditure limits. On the other hand, I had a copy of a draft, unauthorized set of rules established by the ROC (who's authority had yet to be established) which was only eleven pages in length, with some pages containing only one or two short sentences. To me, this latter document clearly lacked substance and legitimacy.

12. What I had experienced in the past, when I ran for the USSU President, was a very structured and organized approach. This was outlined in the Election Policy, but was never followed. For instance, there should have been an official call to register campaigns. And a mandatory information meeting must be held to brief all campaigners on the rules. Not until this meeting had concluded should campaigning have begun. These were the rules I had used before and the ones still in effect in the Elections Policy. Instead there had been no official statement of permitted campaign times, again as required in the Elections Policy. But the "yes campaign" had already begun in force, with posters and campaigners actively soliciting support.
13. This confusion immediately caused problems. Indeed, just after my discussion with Mr. Olszynski, with his concerns about the process duly voiced, I went to my only class that day, only to find two CFS campaigners handing out campaign materials, pamphlets and buttons, and giving a speech to my class. This was a clear violation of standing USSU policy. Throughout the following week, I was told of similar occurrences in classrooms all over the university from many of students with whom I spoke.
14. Throughout the referendum period there appeared to be no limit to the amount of resources spent on the "yes campaign." The existing limit on campaign spending was \$1000 (Fair Market Value), as per the USSU Elections Policy. But it was immediately clear that the CFS had spent well in excess of this amount. Not only did they print lavish amounts of full colour pamphlets, posters, and buttons, but full-time campaigners had been flown out from other provinces to work on the "yes campaign." I did not understand how I, as an ordinary student, could be able to match a full blown effort by a multi-million dollar organization.
15. I attended the scheduled USC meeting on 29 September, 2005, and listened as Mr. Olszynski informed the student representatives of the problems with the process. A copy of the Minutes of this meeting is attached to Evan Cole's Affidavit as Exhibit "H".

16. During this meeting, Mr. Olszynski also admitted that certain violations of both USSU and CFS policy had been made. In particular he noted that the CRO had not been given the referendum question as it would appear on the ballot within the two-week limit, as required by both CFS Bylaws and the USSU Elections Policy. In the case of the Elections Policy, the referendum question needs to be approved by the USSU solicitor prior to being passed to the CRO. Mr. Olszynski stated that this had not been done.
17. Another issue relating to the referendum question also concerned me. Because membership in the CFS is not free (it is approximately \$9.50 per student, per year), in order to collect it the University of Saskatchewan administration would be required to add a new student fee, assessed to all undergraduate students. Several new fees had been created at the request of the USSU over the past, such as a fee to cover the cost of an extended health and dental insurance plan for students which was created in 2001. It was the accepted practice that a referendum was needed to supply such requests with legitimacy. Moreover, all such referendums in the past had explicitly stated the fee in the referendum question. No such information was given to voters in the 2005 CFS Referendum. Voters were simply asked if they were in favour of membership in the CFS. It was not very specific and not at all in keeping with the established tradition of USSU referendums and article 11 of the USSU constitution. A copy of the USSU constitution is attached to my affidavit as Exhibit "C".
18. Indeed, I spoke with many students who had voted and were unaware that there was going to be a fee associated with membership.
19. Perhaps one of the largest violations of the both standard USSU rules and common sense, is that the USSU declared itself officially in support of joining the CFS. The Elections Policy clearly states that in a referendum, the "USSU must provide information to its membership about the subject of referenda in an unbiased manner." Yet at the 29 September meeting of USC, the USSU President, Gavin Gardiner, and other members of the USSU actively encouraged people to vote for

the CFS, openly arguing on behalf of the CFS. They had already been actively campaigning for the "yes campaign" in previous days and continued to do so publicly and actively until the end of voting.

20. At the September 29, 2006 meeting of USC, the Elections Policy was amended, inserting a clause stating that in the case of a referendum to federate with the CFS (gain full membership), an Referendum Oversight Committee would be formed (with the composition as indicated above in this affidavit) and the results of such a referendum subject to ratification by the USSU Elections Board. A copy of the amended Elections Policy is attached to my Affidavit as Exhibit "D".
21. This attempt to place a legislative Band-Aid on the problem occurred with only two school days left before voting began. Thus with only two business days before voting started, USC attempted to retroactively apply both legitimacy to the ROC and its set of referendum rules (without those rules even being discussed by USC). And yet so many violations had already occurred. Even the CFS Bylaw that required the referendum question to be distributed to the voting members two weeks in advance, and which the ROC was supposedly following, had been violated.
22. From what I witnessed at this session of USC, it seemed clear that the Members of Student Council felt pushed into this last-minute decision due to the potential legal conflict with the CFS over failing to hold a referendum.
23. From the moment I became aware of the CFS Referendum up until this moment I have sought to adhere to the proper rules and procedures governing the referendum and the appeal process. I diligently submitted my appeal to the ROC within the three business days granted by the CRO. I attach a copy of my appeal as Exhibit "E" of my Affidavit.
24. Nearly two months after I submitted my appeal, the ROC finally drafted a report and stated their official results. A copy of this report is attached as Exhibit "J" of Mr. Cole's Affidavit. Given that the ROC included only two members who actively

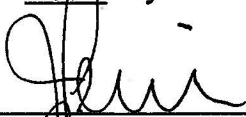
campaigned for the CFS and two members appointed by an organization which officially campaigned for the CFS as well, it is unsurprising that the concerns I have listed here fell on deaf ears at the ROC. Yet I hoped that they would see that the vast violations in basic democratic fairness, such as failing to establish a set of official rules before campaigning started, would have reasonably have affected the referendum result. Instead, the ROC approved the referendum results.

25. However, the amendment to the Elections Policy on 29 September required that the Elections Board also ratify the result of the referendum. I understand that this ratification was delayed by several factors. First, the Elections Board waited until the ROC had filed its report. Secondly, both the USSU CRO, Ms. Strahl and ACRO, Mr. Olszynski resigned immediately following the release of the ROC report. A new ACRO needed to be hired before the Elections Board could sit to consider their ratification of the referendum result.
26. The Elections Board met under the chairmanship of the new ACRO, Victoria Coffin. The Elections Board made a thorough analysis of the referendum and found that the concerns I discussed in my appeal to be substantiated. They concurred with most of what I said and therefore decided that they could not ratify the results of the referendum. Instead, the Elections Board recommended that a new referendum be held after due consideration and preparation had been made. The minutes of this meeting as are attached to Victoria Coffin's Affidavit as Exhibit "F".
27. The Elections Board submitted their decision and report to USC on 9 February, 2006. A copy of this report is attached to Ms. Coffin's Affidavit as Exhibit "G". USC did not respond. At that USC meeting, Mr. Gardiner suggested the issue be deferred until the USSU solicitor, Mr. Whalen, could respond. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit "F".
28. I attended the last USC meeting of the year, on 30 March, 2006, where USC decided to disregard the Elections Board decision and ratify the results of the referendum. Again, USC's decision to go against its own properly constituted board, which had done a thorough analysis of the referendum, appears to be made


under duress. It was clearly communicated by Mr. Gardiner, and others, that if USC does not ratify the referendum that the CFS could or would sue the USSU. I observed this to be very compelling to the voting members. The issue seemed to divorce itself from whether or not the Elections Board was right in striking down the referendum results, but whether or not the CFS would indeed sue the USSU if USC did not ratify the referendum. A copy of the minutes of this meeting is attached to Mr. Cole's Affidavit as Exhibit "E".

29. Throughout the entire process, there have been a few persistent voices at USC who have objected to the way this referendum was handled from start to finish. These decisions were not unanimous. But the final decision of USC to go ahead and ratify the referendum merely added another error to the long list, rather than remedying the situation.
30. I make this Affidavit in support of my Application pursuant to s. 135 (2)(b) of **The Non-Profit Corporations Act, 1995** declaring the Referendum invalid.

SWORN BEFORE ME at the City of
Saskatoon, in the Province of Saskatchewan,
this 11 day of May, 2006.



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



ROBIN MOWAT

This Affidavit was prepared by:
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Elections and Referenda Policy

This is Exhibit A referred to in the
affidavit of Robin Mowat
sworn before me this 11 day
May, A. D. 2006
[Signature]
A Commissioner for Oaths in and for
Saskatchewan

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

I. GENERAL ELECTIONS

CANDIDATES & NOMINATIONS

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

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

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

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

ACCLAMATIONS AND VACANCIES

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

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

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

CAMPAIGNING

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

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

II. MEMBER OF STUDENTS' COUNCIL ELECTIONS

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

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

III. BY-ELECTIONS

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

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

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

IV. REFERENDA

AUTHORITY

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

REASONS

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

NOTICE

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

CAMPAIGN REGISTRATION

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

CAMPAIGNING

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

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

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

V. ELECTIONS OFFICIALS

ELECTIONS BOARD

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

CHIEF RETURNING OFFICER

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

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

ASSISTANT CHIEF RETURNING OFFICER

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

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

GENERAL MANAGER'S DESIGNATE

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

DEPUTY RETURNING OFFICER

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

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

POLLING CLERK

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

COLLEGE DEPUTY RETURNING OFFICER

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

VI. VOTING & RETURNS

VOTING

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

In the event of technological failure, an election will not be declared invalid. Election officials will work to minimize the impact of any disruption in voting.
2. Voting shall last for two (2) days.
3. Voting shall be by secret and secure ballot.

USSU-PROMOTED POLLING STATIONS

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

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

BALLOTS

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

BALLOT COUNTING

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

VII. VIOLATIONS & COMPLAINTS

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

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

Elections and Referenda Policy: Appendix 1

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

V. ELECTIONS OFFICIALS

DEPUTY RETURNING OFFICER

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

VI. VOTING & RETURNS

ADVANCE POLLING

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

USSU-PROMOTED POLLING STATIONS

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

BALLOT BOXES

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

BALLOT COUNTING

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

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

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

Bylaw I, 4 b. Administering the Campaign and Voting

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

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

This is Exhibit B referred to in the
affidavit of Robin Mowat
sworn before me this 11 day of
May, A. D. 2006
[Signature]
A Commissioner for Oaths in and for
Saskatchewan

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?

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.

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.



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION
THE CONSTITUTION

This is Exhibit C referred to in the
affidavit of Robin Monat
sworn before me this 11 day of
May, A. D. 2006.
[Signature]
A Commissioner for Oaths in and for
Saskatchewan

CONFIRMED the 26th day of January 2005, by the members in accordance with the Act.

Chairperson, Special General Meeting

Article 1
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.

Article 7
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 the Voyageur Place Residents

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
- College of Pharmacy and Nutrition

- 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.

Article 8 Elections

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

All members of the University of Saskatchewan Students' Union shall have the right to be eligible to be elected for all positions on the Executive Committee and the University Students' Council save for 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. Councilors 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

There shall be an annual general meeting of members of the University of Saskatchewan Students' Union held between the fifteenth day of September and the thirtieth day of November in each 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.



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 18th day of November 2004, by the members in accordance with the Act.

Chairperson, Annual 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.

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;
 - (ii) The General Manager or his/her designate provided that all cheques and negotiable 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 the members shall be those members present. No business shall be transacted at any meeting unless the requisite quorum shall be present at the commencement of such meeting. A quorum shall be deemed to present during the remainder of the meeting.
- (iii) Adjournment: The chairperson of the meeting may, with the consent of the meeting, adjourn any meeting of the members from time to time to a fixed time and place, and 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; and,
- (v) 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 President, as chair;
- (ii) Three (3) councilors elected by University Students' Council;
- (iii) Three (3) students-at-large appointed by the University Students' Council Appointments Board; and,
- (iv) 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.

6.02 Operations and Procedures.

- (i) A quorum of any standing board or committee shall constitute at least a majority of the sitting members of that standing board or committee;
- (ii) All members of every standing boards and committees shall receive at least 24 hours of notice of all meetings;
- (iii) All standing boards and committees do not have constituted power and any motion or action requires the ratification by the University Students' Council.
- (iv) All fiscal matters shall be referred to the Operations and Finance Board, with the exception of those matters that are directly related to the budget for which the standing board or committee concerned is responsible.

Article 7 Auditor

- 7.01 Dispensing with an auditor: The members of the Students' Union, may by the unanimous resolution of those present at the meeting, resolve not to appoint an auditor, which resolution shall be valid only until the next succeeding annual meeting of members. Notice of such resolution to be passed must be given to the members prior to the meeting as required by *The Non-Profit Corporations Act*.

Article 8 Borrowing Powers

- 8.01 For the purpose of carrying out the objects of the Constitution, these By-laws and the business and affairs of the Students' Union, the Executive committee may:

- (i) borrow money on the credit of the Students' Union;
- (ii) limit or increase any amount to be borrowed;
- (iii) secure the payment of monies borrowed in such manner as it thinks fit.

Article 9
Notice

- 9.01 Manner of notice: Any notice to be given pursuant to *The Non-Profit Corporations Act*, the Articles, the Constitution, the Bylaws, or otherwise to a member, executive member, councillor, or member of a standing board or committee shall be sufficiently given if delivered in the manner required by *The Non-Profit Corporations Act*.

Article 10
Elections

- 10.01 Elections for positions on the Executive and for positions as councillors for the University Students' Council shall be administered by an Elections Board chosen by the University Students' Council and shall be comprised of the following positions:
- i) Chief Returning Officer, as chair;
 - ii) Assistant Chief Returning Officer, as vice-chair;
 - iii) Two councillors elected by the University Students' Council;
 - iv) Two members of the University of Saskatchewan Students' Union who are not Executive or councillors of the University Students' Council; and,
 - v) General Manager of the University of Saskatchewan Students' Union or designate, as ex-officio.
- 10.02 Elections for the elected Executive and councillors with the University Students' Council shall be conducted by secret ballot. The candidate shall be declared elected if they receive the largest number of those votes cast for that position.
- For those elected Executive positions where one candidate only has submitted a nomination form, the candidate will be declared elected if they receive a larger number of yes than no votes cast for that position.
- 10.03 All elected members of the Executive must be registered in no fewer than six and no more than twelve credit units during their term in office. All elected members of the Executive and of the University Students' Council shall commence their term on the first day of May next ensuing and lasting until the thirtieth day of April following.
- 10.04 Should the position of President become vacant for any reason throughout the term of office, the Vice-President (Operations and Finance) shall assume the office of the President. Should any position on the Executive with the exception of the President or on the University Students' Council become vacant for any reason prior to October 31 in any year, the Elections Board shall hold a by-election to fill that position. After October 31, a vacancy on the Executive will not be filled. After October 31, a vacancy on the University Students' Council can be filled, subject to approval by the University Student's Council.



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

BYLAW NO. 3: CODE OF ETHICS

IT IS HEREBY ENACTED as a by-law of

University of Saskatchewan Students' Union

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

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

Chairperson, Annual General Meeting

Article 1
Preamble

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

Article 2
Code of Ethics

2.01 Decorum

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

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

2.02 Acting Honestly and Observing All Laws With Integrity

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

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

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

2.03 Conflict of Interest

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

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

2.04 Confidentiality

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

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

2.05 Attendance

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

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

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

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

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

Article 3
Violations Protocol

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

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



Elections and Referenda Policy

This is Exhibit D referred to in the
affidavit of Robin Mowat
sworn before me this 11 day
May, A. D. 2006
A Commissioner for Oaths in and for
Saskatchewan

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

I. GENERAL ELECTIONS

CANDIDATES & NOMINATIONS

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

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

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

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

ACCLAMATIONS AND VACANCIES

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

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

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

CAMPAIGNING

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

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

II. MEMBER OF STUDENTS' COUNCIL ELECTIONS

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

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

III. BY-ELECTIONS

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

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

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

IV. REFERENDA

AUTHORITY

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

REASONS

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

NOTICE

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

CAMPAIGN REGISTRATION

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

CAMPAIGNING

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

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

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

V. ELECTIONS OFFICIALS

ELECTIONS BOARD

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

CHIEF RETURNING OFFICER

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

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

ASSISTANT CHIEF RETURNING OFFICER

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

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

GENERAL MANAGER'S DESIGNATE

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

DEPUTY RETURNING OFFICER

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

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

POLLING CLERK

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

COLLEGE DEPUTY RETURNING OFFICER

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

VI. VOTING & RETURNS

VOTING

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

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

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

USSU-PROMOTED POLLING STATIONS

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

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

BALLOTS

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

BALLOT COUNTING

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

VII. VIOLATIONS & COMPLAINTS

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

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

Elections and Referenda Policy: Appendix 1

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

V. ELECTIONS OFFICIALS

DEPUTY RETURNING OFFICER

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

VI. VOTING & RETURNS

ADVANCE POLLING

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

USSU-PROMOTED POLLING STATIONS

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

BALLOT BOXES

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

BALLOT COUNTING

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

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

Contact Information: Student Services 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

APPEAL TO INVALIDATE RESULTS OF CFS REFERENDUM

This document appeals to the CFS Referendum Oversight Committee, the USSU Elections Board, and USC to invalidate the results of the CFS referendum held on October 4-6, 2005, on grounds that the referendum violated multiple sections of the USSU constitution and Election and Referenda policies, the CFS constitution and bylaws, the Referendum Protocol, the democratic traditions and principles of the USSU, and the rules of natural justice.

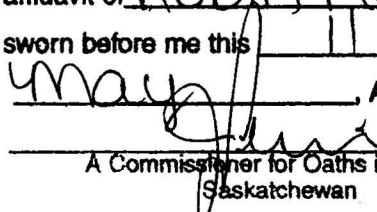
Referendum rules and procedures serve a critical function: to protect the integrity of the collective decision making process of U of S students, a process that imposes legal obligations and financial burdens on U of S students. They exist to ensure a fair, democratic and informed decision by students, and are constrained by the USSU Constitution and Bylaws as customarily interpreted, the fee collection protocols at the University of Saskatchewan, the *Saskatchewan Non-Profit Corporations Act, 1995* and the principles of natural justice.

These violations were no mere technicalities. They go to the heart of the integrity and democratic and legal validity of the referendum process, target issues of fairness and impartiality, were highly prejudicial to the "No" campaign, and resulted in a playing field heavily tilted towards the "yes" side. The violations resulted in considerably less than full disclosure to U of S students, fatally hampering their ability to make a free and informed democratic decision. The materiality of these violations is glaringly obvious in a vote decided by a mere 5.4% of voters.

Please give the following due consideration. I look forward to your response.

Sincerely,

Robin Mowat

This is Exhibit E referred to in the
affidavit of Robin Mowat
sworn before me this 11 day of
May, A. D. 20 06

A Commissioner for Oaths in and for
Saskatchewan

CFS REFERENDUM APPEAL OVERVIEW

- CFS Referendum Oversight Committee was officially constituted by the USC just 5 days before the start of voting, at the September 29, 2005 meeting. The authorization of the Oversight Committee empowered the Committee's Referendum Protocol at that time.
- 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.
- 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*.
- 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.
- Finally, 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.
- These multiple violations of the USSU Elections and Referenda Policy and the Oversight Committee's Referendum Protocol fundamentally compromised the integrity and democratic legitimacy of the referendum process. These violations were severely prejudicial to the No campaign, and tilted the playing field strongly in favour of the Yes side.
- The violations render the referendum process unfair and undemocratic. The results must therefore be rendered void.

REFERENDUM QUESTION DID NOT SPECIFY THE FEE AMOUNT

Article 11 of the University of Saskatchewan Students' Union Constitution reads in part as follows:

Subject to the criteria set out below, a referendum must be held for the purpose of establishing or eliminating a dedicated student fee, and shall be binding upon the Executive and USC.

Clearly, the establishment of a fee requires the holding of a referendum. Logically, since the referendum question must authorize the establishment of the fee, the question must specifically address the fee to be established. Since a referendum question must be clear and must be able to stand on its own, every past USSU fee referendum question put forward to students has:

- 1) explicitly stated that the referendum was for the purpose of creating a dedicated fee; and
- 2) explicitly stated the amount of the fee.

In stark contrast, the CFS referendum asked the following question:

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

This question can in no way satisfy the requirements of Article 11 of the USSU Constitution and stands in opposition to the precedent set by every past USSU fee referendum question.

The question does not mention that any dedicated fee is being created at all. Rather, it is about membership in the Canadian Federation of Students, which is a political question. Based on this question, many U of S students would have reasonably concluded that there is no cost at all to joining the CFS. Based on this question, how would a student know that there was a fee? How can a "yes" to joining an organization be considered equivalent to granting democratic authorization to impose a mandatory fee that must then be paid by each student?

The question also failed to specify the fee amount. How can a student grant authority to create an unspecified fee? What if the fee were \$1,000,000 per student?

The fact that campaign materials may have contained fee information is irrelevant. My campaign heard consistently from students that they were unaware of the fee associated with a yes vote.

Legally, students vote on the actual question that is put before them, and the question put before students did not authorize the creation of a dedicated student fee, as required by Article 11 of the USSU Constitution.

AUTHORITY OF OVERSIGHT COMMITTEE CANNOT BE MADE RETROACTIVE

The USSU Election and Referenda Policy reads:

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 to federate in the Canadian Federation of Students an Oversight Committee shall have authority over the referendum. The Chief Returning Officer and Assistant Chief Returning Officer shall act as USSU representatives on the Oversight Committee and that the Elections Board must ratify the results of the referenda.**

Section 2 was added by a motion of USC on September 29, 2005, five days before the start of voting.

Section 2 grants, as of September 29, 2005, the Oversight Committee the authority over the referendum, by which the Oversight Committee can and did create additional rules for the referendum published as "Referendum Protocol".

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*. What would be the purpose of having any rules at all if the USC could just change the rules after a breach?

Therefore, the USSU Elections and Referenda Policy must have applied with full force and without exception until at least 8 pm on September 29, 2005.

The Yes campaign started campaigning illegally on September 26, 2005. During the period of September 26, 2005 – September 29, 2005, the Yes campaign violated many provisions of the USSU Election and Referenda Policy including the prohibition on making speeches in classrooms, advertising rules, and spending limits, as outlined below.

USSU ELECTIONS AND REFERENDA POLICY APPLIES BEFORE AND AFTER SEPTEMBER 29, 2005

For the period subsequent to September 29, 2005, when it came in to effect, Section 2 of the AUTHORITY portion of the Elections Policy must be held to supplement, not replace, the remaining USSU Referenda Policy. Section 2 grants the Oversight Committee the authority to oversee the referendum process. **Nothing in Section 2 indicates that the USSU Elections and Referenda Policy will not apply to the referendum.** Indeed, the addition of this paragraph merely gives the Oversight Committee authority to oversee the process and does not change the process through which the Election Policy may be altered (which is through amendment by USC as a whole). The Section uses the same language as in Section 1 that normally grants administrative authority to the Elections Board to oversee elections and referenda, not the power to change election policies. Clearly the Elections Board would be expected to enforce, not ignore or alter, the standing policies. Clearly, both Section 1 and Section 2 empower either the Elections Board or the Oversight Committee to enforce Policy, and neither grant authority to ignore policies.

Furthermore, nothing in the Referendum Protocol indicates that any element of the USSU Elections and Referenda Policy will not apply or be enforced. According to USC minutes, USC members were repeatedly assured that USSU Elections and Referenda Policy would still apply except where it may conflict with CFS bylaws, which would necessitate the Referendum Protocols.

Furthermore, the USC does not have authority to delegate such responsibility to any body outside of directors of the USSU. Such an action would be a violation of the fiduciary duties of directors of the corporation as well as Section 102 (3) (a) of the *Non-Profit Corporations Act, 1995*.

Therefore, the USSU Elections and Referenda Policy applied with full force and without exception until September 29, 2005 and except as explicitly amended by the CFS Referendum Oversight Committee, continued in force after that date.

According to Part 4 of Article 8 of the USSU Constitution, elections policy is a bylaw of the USSU. Under Article 13 of the USSU Constitution, a General Meeting of the membership must ratify bylaw changes.

Additionally, Sections 90 and 102 of the *Saskatchewan Non-Profit Corporations Act, 1995* require that a change of bylaws be given force by a resolution of directors. A motion of USC is not legally sufficient to satisfy the requirements of the Act.

YES SIDE CAMPAIGNS ILLEGALLY BEFORE OVERSIGHT COMMITTEE APPROVED BY USC

The USC passed a motion to officially constitute CFS Referendum Oversight Committee to oversee the referendum on September 29, 2005. This also gave authority to the Referendum Protocols created by the Oversight Committee.

However, the Yes side commenced campaigning on Monday September 26, 2005, a full four (4) days before the USC granted authority to the Oversight Committee and empowered the Referendum Protocols. As confirmed by the ACRO, no information, guidelines or rules were valid before this date.

Until September 29, 2005, only the standing USSU Elections and Referenda Policy could have applied. Such policy would require the holding of an information meeting and a formal initiation of campaigning, neither of which was enacted.

Therefore, the Yes side campaigned illegally for 4 school days violating many provisions of the USSU Election and Referenda Policy including prohibition on classroom visits by paid professional, non-student campaigners hired by the CFS, costly full-page advertisements in The Sheaf, and the distribution of partisan campaign materials produced by the CFS.

By contrast, any potential No campaigners had only 2 school days after September 29, 2005 to organize, produce materials and campaign before the commencement of voting.

This timeline and sequence of events produced exactly what USSU and CFS referendum rules are intended to prevent – one particular side having an unfair campaign advantage that would highly prejudice the results of the referendum.

VIOLATIONS OF THE USSU ELECTIONS AND REFERENDA POLICY

As indicated above, the USSU Elections and Referenda Policy applied before September 29, 2005 and after, except (at a minimum) where amended by the Referenda Protocols.

Many regulations of the USSU Elections and Referenda Policy were violated before and after September 29, 2005.

The following are specific sections from the USSU Elections and Referenda Policy on "Campaigning", and the accompanying explanation of the related violations.

CAMPAIGNING

- 1. There shall be no advertising by or on behalf of any registered campaign prior to the information meeting, held according to the Election Schedule.**
- 2. Campaigning shall begin immediately following the information meeting and shall end at 4:00 on the final day of voting.**
- 3. The campaign period shall be as outlined in the Election Schedule. Campaigning may begin upon the registration of a campaign, which may occur at any time after the notice of referendum is given.**

The referendum protocols and the referendum question were approved by the USC on Thursday, September 30, 2005. No information meeting was called before or after that date. However, the yes side started campaigning on Monday, September 26, 2005, before the information meeting was held, in violation of the Policy.

The Yes campaign placed an advertisement in The Sheaf that was published on Wednesday, September 28, 2005, in violation of the Policy.

- 8. Under no circumstances shall a registered campaign committee, or its representatives, deliver campaign speeches in regularly scheduled classes or labs.**

The Yes side made dozens of campaign speeches in classes between September 26, 2005 and September 29, 2005, in violation of the Policy. This was discussed, acknowledged and condemned at the USC meeting of Thursday, September 29, 2005. I personally allege that the yes-side campaigner "Joel Duff" and one other person used class time to advocate a "yes" vote during my English 405 class on Tuesday, September 27, 2005 between 3:30pm and 3:40pm.

- 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.

The Yes side utilized many paid, professional campaigners as well as professional campaign materials designed, produced and paid for by the National Office of the CFS. The salaries of these multiple staff, their travel and living costs during the campaign, the advertisement in The Sheaf, and the professional campaign materials exceeded the campaign limit of \$1,000 by a factor of at least 10, in violation of the Policy.

Additionally, the USSU Elections and Referenda Policy includes the following section on "Notice".

NOTICE

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

The Appeal requests the Referendum Oversight Committee to confirm and attest that the steps outlined in the "Notice" section of the Policy were adhered to. At the USC meeting of September 22, 2005, USSU Assistant Chief Returning Officer stated that the referendum question had not yet been received, in violation of the Policy. This was also restated on the USC meeting on September 29th, 2005. It was particularly emphasized at this time that the CRO did not receive the ballot question two weeks prior to general voting, as required.

VIOLATION OF REFERENDUM PROTOCOL AND CFS BYLAWS

The Referendum Protocol established by the CFS Referendum Oversight Committee included guidelines for the Referendum.

The section titled "Administering the Campaign and Voting", reads in part as follows:

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 the notice is posted.**
- ii. Establishing the campaign period in accordance with Section 4-d of this Bylaw.**

The CFS bylaws referenced in the document read as follows:

Section 4-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.

Section 4-d. Campaigning

- i. There shall be no less than ten (10) days on which campaigning is permitted, during which classes are in session, immediately preceding and during voting;**

The USC passed a motion to officially constitute the CFS Referendum Oversight Committee on September 29, 2005. Prior to this date, no other meeting, notice, or event provided notice to USSU members about the specific referendum question or of the start of campaigning.

Therefore, the CFS Referendum Oversight Committee failed to meet its own Referendum Protocol by failing to provide due notice of the specific referendum question at least two weeks prior to the start of voting, as required by the bylaws of the CFS, and by failing to provide for the minimum required 10 days of campaigning.

CONCLUSION

This documents cites at least **6 violations** USSU elections and referenda policies, a further possible **3 violations** of additional policies, **2 violations** of the Referendum Protocol established by the USC, **at least 1 violation** of the USSU constitution, **2 violations** of the CFS constitution and bylaws and at last one violation of the *Saskatchewan Non-Profit Corporations Act, 1995*.

Such a multitude of electoral improprieties are unprecedented in USSU history, fatally undermine the legitimacy of the democratic process, prejudiced the No campaign, and heavily favoured the Yes campaign. No one can claim that these violations did not have made a material impact on the results of a vote that was decide by a mere 5.4% of ballots cast.

The only plausible remedy is to void the referendum results. Failure to do so would severely harm the democratic legitimacy of the USSU, and may expose the USSU to further legal action.

University Students' Council

Minutes for Thursday, February 9th, 2006

Present

Gavin Gardiner, President
Evan Cole, VP (Academic Affairs)
Brett Campbell, VP (Operations & Finance)
Sarah Connor, VP (Student Issues)
Brad Flavell, Arts & Science
Tracey Mitchell, Arts & Science
Hardeep (Bobbi) Birdi, Dentistry
Susan Yakimoski, Education
Wadena Burnett, Engineering
Benjamin David, Engineering
Alex Korshever, International
Terra Lennox-Zepp, Law
Vishnu Shankar Singh, Medicine
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
Jessa Alston O'Connor, Arts & Science
Charles Hamilton, Arts & Science
Will Robbins, Arts & Science
Catherine Ulmer, Arts & Science
Jeremy Warren, Arts & Science
Ryan Allan, Commerce
Cody Lang, Commerce
Tyler Lingren, Commerce

Regrets

Michael Kowalsky, VP (External Affairs)
Jeremy Olthof, Agriculture
Roberta Boyle, Commerce
Chris Gallaway, Commerce
Jason Villeneuve, Education
Kelly Morin, Indigenous
Gina Otte, Kinesiology
Holly-Anne Sedor, Nursing

1. **Call to Order**
The meeting was called to order at 6:04 p.m.

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

3. **Adoption of an Agenda**
Move to adopt the agenda with amendment to include Caroline Cottrell – USSU
General Manager under Council Address.
USC Motion104: Gardiner/Campbell Carried.

5. **Council Address**
5.1 Caroline Cottrell
Move to informality.
USC Motion105: Cole/Flavell Carried.

General Manager Cottrell introduced herself and outlined her experience with the University. She thanked the Executive for showing confidence in her and hiring her. She also expressed her enthusiasm for her new position.

- Move to formality.
USC Motion106: Flavell/Cole Carried.

This is Exhibit F referred to in the
affidavit of Robin Mowat
sworn before me this 11 day of
May, A. D. 2006.

A Commissioner for Oaths in and for
Saskatchewan

6. Minutes and Reports for Information

6.1 USC Minutes

President Gardiner noted that in the minutes if one sees three question marks together and recognize the comments as one's own write it down and he will see that it gets corrected.

Chair Thoma stated that council should wait until the next meeting to approve the January 26th 2006 USC minutes.

President Gardiner stated to email him the changes.

6.2 Executive Committee Minutes

President Gardiner stated that minutes from the last Executive meetings have not been prepared because the Executive had been working hard to ensure the Day of Action was a success; which it was. President Gardiner thanked councilors Gallaway, Collins, Ansaldo, Lennox-Zepp as well as VP Kowalsky and Connor for working tirelessly to ensure the event's success. He thanked entire Executive for helping with the day.

President Gardiner also gave an update about the Elections Board report, stating that members of the EB were attending this Council meeting to answer questions about the report. If there should be any questions about how the USSU proceeds from here, President Gardiner asked that they be raised in Questions and Comments. However, he noted that there was not a lot of information since the USSU solicitor is looking into the situation and had not yet concluded his report. He suggested any questions about how to proceed be addressed to either himself or to General Manager Cottrell.

6.5 Student Issues Board Minutes and Report

VP Connor stated the minutes were not on the agenda but everyone should have copies.

6.7 Elections Board Minutes and Report

Councilor Mitchell briefly outlined the Elections Board report on the CFS referendum. She stated that this should not be viewed as a victory for either side and that it was a difficult decision at which to arrive.

6.9 External Affairs Board Minutes and Report

President Gardiner stated the External Affairs Board was hard at work planning the Day of Action.

6.10 Sustainability Board Minutes and Report

VP Connor stated the board continues to work on the Sustainability Policy.

9. New Business

9.1 Elections Board

President Gardiner stated that there was nothing to report at the moment but when the USSU solicitor was finished the council would likely have to deal with the issue.

9.2 Renovations

VP Campbell distributed the preliminary plans for the Place Riel renovations. He explained that Lower Place Riel would be renovated to include more retail space and the USSU offices would hopefully be moved into the Qu'Appelle Hall Addition. He stated that very initial cost of the project is estimated around \$5 million and may require council to review the current Infrastructure Fee.

President Gardiner noted that the architects, Saunders and Evans, would be at the next meeting to further discuss the plans with council.

12. Adjournment

Move to adjourn at 6:23PM.

USC Motion107: Cole/Gardiner

Carried.