

**CANADA
PROVINCE OF SASKATCHEWAN**

BETWEEN:

ROBIN MOWAT

Plaintiff

AND:

UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

Defendant

AND:

**THE CANADIAN FEDERATION OF STUDENTS and
THE CANADIAN FEDERATION OF STUDENTS- SERVICES**

Moving Parties

AFFIDAVIT OF LUCY WATSON

1. I am the Director of Organizing with the Canadian Federation of Students and have personal knowledge of the matters hereinafter deposed to.

CFS and CFS-S

2. The Canadian Federation of Students ("CFS") is a federal non-share capital non-profit corporation, which among other things, advocates on behalf of university students across Canada. The aims and objectives of the CFS are as follows:
 - (a) To organize students on a democratic, co-operative basis in advancing their interests and in advancing the interests of their community;

- (b) To provide a common framework within which students can communicate, exchange information, and share experience, skill and ideas;
 - (c) To ensure the effective use and distribution of the resources of the student movement, while maintaining the balanced growth and development of student organizations that respond to students' needs and desires;
 - (d) To bring students together to discuss and to achieve necessary educational, administrative or legislative change wherever decision-making affects students;
 - (e) To facilitate co-operation among students in organizing services that supplement their academic experience, provide for human needs and which develop a sense of community with peers and other members of society;
 - (f) To articulate the real desire of students to fulfill the duties, and be accorded the rights of citizens in our society and in the international community;
 - (g) To achieve the ultimate goal of a system of post-secondary education that is accessible to all, which is of high quality, which is nationally planned, which recognizes the legitimacy of student representation, and the validity of student rights, and whose role in society is clearly recognized and appreciated.
3. The Canadian Federation of Students- Services ("CFS-S") is a federal non-share capital non-profit corporation. CFS-S enables students to collectively pool their resources to provide student owned and operated services such as Travel CUTS, the International Student Identity Card, the Studentsaver Card, Homes4students.ca, the Student Work Abroad Program (SWAP), and the National Student Health Network.
4. The CFS also operates at a provincial level through various provincial CFS components. CFS- Saskatchewan is an organization within the CFS comprised of all member local associations within the Province of Saskatchewan.
5. It is my understanding that the Plaintiff, Robin Mowat, is no longer a student at the University of Saskatchewan as he graduated this past spring.

Membership in the CFS

6. Membership in the CFS and the CFS-S is governed by By-Law One (1) of the By-Laws of the CFS and CFS-S, respectively (collectively referred to as the “CFS By-Laws”) (Exhibit “A”). There are two types of members in the CFS and CFS-S: individual members and voting members. Students, or individual members, are represented through local student associations to which they belong. Local student associations representing individual members are called voting members.
7. Voting members are divided into two groups: full members and prospective members. Currently, there are seventy-nine (79) student associations in Canada, including the University of Saskatchewan Students’ Union (“USSU”) that are full members of the CFS and the CFS-S. A further six (6) student associations are classified as prospective members.
8. Typically, local student associations first join the CFS and CFS-S as prospective members. The local student association is then obligated to conduct a referendum of its members to determine whether the local student association should become a full member of the CFS and the CFS-S.
9. In order to become a prospective member of the CFS and the CFS-S, a student association must comply with By-Law 1, Article 2(b) of the CFS By-Laws. Article 2(b)(i) provides that a student association is eligible to apply for prospective membership in the CFS and CFS-S if it has passed a motion of its Council to apply for prospective

membership in the CFS and the CFS-S. Article 2(b)(ii) provides that a written application for prospective membership submitted by a local student association will be considered as a binding contract to accept the rights and responsibilities of prospective membership with the CFS and the CFS-S.

10. Article Two (2)(b)(v) provides that once a local student association's application for membership has been accepted by the CFS and the CFS-S, that application shall constitute a binding contract to pay prospective membership fees and to conduct a full membership referendum.

The University of Saskatchewan Students' Union's Application for Prospective Membership

11. On or about November 4, 2004, the Council of the University of Saskatchewan Students' Union ("USSU") passed a motion whereby the USSU would seek prospective membership in the CFS, the CFS-S and CFS- Saskatchewan. A copy of the November 4, 2004 minutes of the meeting of the Council of the USSU is attached as Exhibit "B" to this Affidavit.
12. On or about November 8, 2004, the CFS received a formal application from the USSU seeking prospective membership in the CFS and the CFS-S. Attached as Exhibit "C" to this Affidavit is a copy of the application of the USSU dated November 8, 2004. Prior to submitting its application to the CFS, the USSU had been one of the founding members of the CFS in 1981 (a membership vote was conducted in 1982 entrenching full membership). The USSU withdrew from the CFS by referendum in 1993.

13. The CFS and the CFS-S held its annual national congress between November 24 and 27, 2004 in the Greater Ottawa area. At the congress, the voting members of the CFS and the CFS-S voted in favour of accepting the USSU's application for prospective membership. Attached as Exhibit "D" are the minutes from the convention.
14. Thereafter the USSU became a prospective member of the CFS, CFS-S and CFS-Saskatchewan.
15. The CFS and the CFS-S provided the USSU with a copy of the CFS By-Laws in the early Fall, 2004.
16. In accordance with Article 2(b)(vi) of By-Law 1, the USSU was required to pay to the CFS five (5) percent of the regular CFS and CFS-S membership fee. The National Executive of the CFS and the CFS-S waived this prospective membership fee pursuant to Article 2(b)(vi) of By-Law 1.

The Process of Becoming a Full Member of the CFS

17. Article 2(a)(i) of By-Law 1 of the CFS By-Laws provides that a local student association is eligible to apply for full membership in the CFS if its members have approved by referendum membership in the CFS. Article 2(b)(viii) of By-Law 1 of those same by-laws provides that a prospective member association must hold a referendum on full membership in the CFS within five (5) months following being accepted as a prospective

member unless an extension is granted by the CFS. The referendum is to be held in accordance with the rules and procedures for a referendum as set out in Article four (4) of By-Law 1.

18. By-Law One (1), Article Four (4)(b) of the CFS By-Laws provides that a Referendum Oversight Committee (“ROC”), consisting of two members appointed by the local student association and two members appointed by the CFS, be established to develop the rules that would govern the referendum. Ms. Angela Regnier, the National Deputy Chairperson of the CFS and the CFS-S and I were selected by the CFS and the CFS-S to be the representatives on the ROC in late 2004.

Timing of the Referendum

19. In the early months of 2005, representatives of the CFS, the CFS-S and the Council of the USSU discussed potential dates for the scheduling of the referendum. Initially, the USSU proposed that the referendum take place in March, 2005. However, the CFS and the CFS-S was concerned with the timing of the referendum given that the USSU had only been a prospective member for a short period of time.
20. In addition to the concerns noted above, the USSU had concerns regarding the referendum and the interaction between the CFS By-Laws with respect to the referendum and its own Election and Referendum Policy. In order to address these concerns, the USSU sought a legal opinion from its solicitor, Greg Walen.

21. At its meeting on February 10, 2005, the USSU was presented with the legal opinion of its solicitor, Greg Walen dated February 8, 2005 (Exhibit "E"). Mr. Walen suggested that unless the referendum was conducted in accordance with the USSU's Elections Policy, there would be some question as to the validity of the referendum. Specifically, Mr. Walen stated:

Needless to say, there is no question that there is a conflict between the Constitution and By-Laws of the Canadian Federation of Students and the Constitution of the University of Saskatchewan Students' Union....In accordance with the policy of the University of Saskatchewan Students' Union, the Elections Board has authority over this referendum. This clashes with the Constitution and By-Laws of the Canadian Federation of Students which require the prospective member association (the USSU) to hold a referendum on full membership in the Federation within five months following its acceptance as a prospective member. A Referendum Oversight Committee as established in s.4(b) of the Constitution and ByLaw of the CFS oversees the referendum and essentially, despite the fact that two members are appointed by the USSU, usurps the function of the Elections Board.

22. In order to resolve this conflict, Mr. Walen suggested that the USSU's Elections Board and the ROC work together to govern the referendum. Based on the concerns raised by Mr. Walen, and the fact that the USSU had not appointed any representatives to the ROC, the Council of the USSU agreed that the referendum could not proceed in March and would instead proceed in the fall. Attached as Exhibit "F" to this Affidavit are the minutes of the USSU Council meeting of February 10, 2005.

The By-Laws, Constitution and Elections & Referenda Policy of the USSU

23. The composition of the Elections Board that Mr. Welan refers to in his February 8, 2005 letter is provided for in Article 10.01 of By-Law One (1) of the By-Laws of the USSU (Exhibit "G"). Article 10.01 provides **that elections for positions on the USSU**

executive and for positions as councillors for the USSU council shall be administered by an Elections Board [emphasis added]. While Article 10.01 provides for the composition of the Elections Board, it does not afford the Elections Board any jurisdiction over the conduct of a referendum.

24. The Elections and Referenda Policy of the USSU (“ERP”) (Exhibit “H”), governs elections and referenda held by the USSU and permits an Elections Board to oversee elections and referenda. It is from this policy that the Elections Board derives any authority over referenda. Article IV. (1) of the ERP provides that the Elections Board shall have authority over the activities of the USSU membership and of third parties as they relate to referenda. Article V.(2) of the ERP provides that an Elections Board shall be responsible for conducting elections and referenda as outlined in Article 8 and Article 11 of the USSU Constitution and Article 10 of By-Law One of the USSU.
25. Article 8 of the USSU Constitution relates to elections by the USSU, while Article 11 of the USSU Constitution relates to referenda conducted by the USSU (Exhibit “I”).

Planning for the Referendum

26. At the CFS and the CFS-S general meeting in May, 2005 the member local associations voted in favour of extending the time period for the USSU to hold the referendum to the fall of 2005. Attached as Exhibit “J” to my Affidavit are the minutes of the CFS general meeting in May, 2005.

27. Over the summer of 2005, I was in contact with the President of the USSU, Gavin Gardiner, with respect to the referendum. One of the most pressing issues over the summer was the selection of the two members of the ROC from the USSU. Under Article 6 of the By-Law One of the USSU By-Laws, the USSU Council was responsible for establishing boards and committees, including an Appointments Board (Exhibit "G"). The Appointments Board was responsible for making appointments to the ROC.
28. It is my understanding that Gardiner expedited the process for establishing the Appointments Board in order to facilitate the selection of the USSU members for the ROC. Gardiner also established the hiring process for the positions of Chief Returning Officer ("CRO") and the Assistant Chief Returning Officer ("ACRO"). Dorinda Stahl and Martin Olszynski were hired as the CRO and ACRO respectively.
29. At the August 28, 2005 meeting of the USSU Council, Gardiner advised that there would be information provided at the next meeting regarding the CFS Referendum. He also advised that the Elections Board "is getting started right now." Attached as Exhibit "K" to this Affidavit are the minutes of the August 28, 2005 meeting.
30. The Appointments Board met in late August to select members of the Elections Board, who in turn would select the USSU members of the ROC. The Elections Board selected Stahl and Olszynski as the USSU representatives on the ROC.

31. On September 1, 2005, an article related to the decision by the USSU to seek membership in the CFS and the CFS-S was published in the University of Saskatchewan student newspaper, the Sheaf (Exhibit "L"). The Plaintiff, Robin Mowat, is quoted in the article, expressing his concerns with the plan by the USSU to join the CFS. In addition, the article states that Mr. Mowat had attended the previous USSU Council meeting of August 25, 2005 where the decision to endorse membership in the CFS had been made.

The Referendum Oversight Committee

32. The ROC first met on September 11, 2005. The ROC was charged with developing the rules that would govern the referendum. Amongst other things, the ROC was responsible for the following:
- (a) Establishing the notice requirement for the referendum and ensuring that notice was posted;
 - (b) Establishing the campaign period;
 - (c) Deciding the number and location of polling stations;
 - (d) Overseeing all aspects of the voting;
 - (e) Counting the ballots following the vote; and
 - (f) Establishing all other rules and regulations following the vote.
33. The agenda for the first meeting included the ROC format and rules, referendum details, polling hours, managing logistics of approval of materials and verification of student status. The ROC agreed that the referendum should be held between October 4-6, 2005 with campaigning to begin on September 19, 2005. Attached as Exhibit "M" to this Affidavit are the minutes from the meeting of the ROC on September 11, 2005.

34. As part of its mandate, the ROC developed a Referendum Protocol ("Protocol") which was intended to govern the referendum. The Protocol was made available to all USSU students on or about September 13, 2005 (Exhibit "N")
35. Notice of the referendum was posted on the University of Saskatchewan Student's Union "Buzz Boards" throughout the campus of the university on September 19, 2005. The referendum dates were also published in the student newspaper and on the USSU website.
36. Campaigning started on September 19, 2005.
37. The ROC met again on September 18, 2005 to discuss the logistics for the review of materials, a review of the rules to date, the ballot question, poll clerks, security of ballot boxes and ballot counting. Attached as Exhibit "O" to this Affidavit are the minutes of the September 18, 2005 meeting.
38. The ROC met again on September 23, 2005, however, discussions were held as between members of the ROC and there was agreement that our respective legal counsel would discuss the referendum question in the interim. Attached as Exhibit "P" are the minutes from the September 23, 2005 meeting.
39. Mr. Mowat was actively involved in the campaign against the USSU joining the CFS and the CFS-S. During the campaign, Mr. Mowat made an announcement to the meeting of

the Commerce Student Society that he would pay individuals to campaign for the “No” campaign. That Commerce Student Society meeting took place on September 26, 2005.

The Interplay Between the CFS By-Laws and the USSU Election and Referenda Policy

40. On or about September 20, 2005, Stahl and Olszynski were provided with a copy of Mr. Walen’s February 8, 2005 letter. Both Stahl and Olszynski expressed concern that the ROC had been acting outside the scope of the USSU and sought direction from Mr. Gardiner and Mr. Walen.

41. To address these concerns, an amendment to the ERP was presented at the September 22, 2005 meeting of the USSU council. The amendment to the ERP provided:

Move to amend the Elections and Referendum Policy to include under Section 4 Referenda Authority adding a point 2 in Referendum regarding Membership in the CFS an Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU representatives on the Oversight Committee.

The motion to adopt this amendment was postponed until September 29, 2005. Attached as Exhibit “Q” is a copy of the minutes of the September 22, 2005 meeting.

42. The ROC met on September 26, 2005. Attached as Exhibit “R” to this Affidavit are the minutes of the September 26, 2005 meeting.

43. The ROC met again on September 27, 2005. At that meeting, the ROC discussed the location of polling stations, the wording of the referendum question, a campaign forum, advance polling and an enquiry made by the Plaintiff in this proceeding, Robin Mowat.

The ROC agreed to meet again on September 28, 2005. Attached as Exhibit "S" are the minutes from the ROC meeting of September 27, 2005.

44. At the USSU Council meeting on September 29, 2005, the amendment to the ERP was discussed. After some debate, the USSU Council adopted the following amendment to the ERP:

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

Attached as Exhibit "T" are the minutes of the USSU Council meeting of September 29, 2005.

45. Despite the amendment to the ERP, I conveyed the position of the CFS to the USSU and the ROC on several occasions, prior to and after September 29, 2005, that the legal framework for the referendum was the combination of the By-Laws of the CFS and the protocol developed by the ROC.

46. The ROC met on September 30, 2005. Attached as Exhibit "U" to this Affidavit are the minutes from the September 30, 2005 meeting.

Allegations made by Jeremy Ring

47. I have reviewed the Affidavit of Jeremy Ring sworn May 8, 2006. At paragraph ten (10) of his Affidavit, Mr. Ring accuses me acted aggressively towards him and verbally

abusing him on several occasions during the campaign. These allegations are simply false.

48. Mr. Ring and at least two other “no” campaigners were repeatedly in violation of Section 5 of the Referendum Protocol which provides that there shall be no campaigning within thirty feet of the polling stations on election day. Mr. Ring was observed wearing a tee-shirts emblazoned with “No CFS” standing within 15-20 feet of one of the busiest polls during the vote. After repeated requests from the poll clerks to move from the area, the clerks requested that the ROC resolve the problem. Despite repeated requests to move outside of thirty foot zone, Mr. Ring and his colleagues refused to move.
49. Mr. Ring was also asked repeatedly to stop circulating false information during the campaign. The false information included such claims as “Voting yes means higher tuition fees”, “Voting yes means cafeteria prices will rise”, “CFS encourages women to have abortions”, “University of Saskatchewan students will be sued if they join the CFS”, “Anyone who tries to get of CFS is sued”, “CFS is suing Travel CUTS”, “CFS is suing Brandon University Students’ Union”, “CFS is suing University of Regina Students’ Union”, “If the referendum passes, Gavin Gardiner will be receiving a job with the CFS”.
50. As a direct results of Mr. Ring’s behaviour, I, as a member of the ROC, requested that he stop violating the Referendum Protocol on at least two occasions. At no time did I verbally abuse him or act aggressively towards him.

The Referendum Question

51. In compliance with Article four (4)(f)(iii) of By-Law One (1) of the CFS By-Laws, the referendum question read “Are you in favour of membership in the Canadian Federation of Students?”

The Vote

52. The referendum took place between October 4 and 6, 2005. One thousand, nine hundred and sixty-eight students voted in favour of membership, one thousand, five hundred and eight-four voted against membership and there were ten spoiled ballots.
53. During the referendum, the ROC met on October 4, 2005 to discuss polling stations schedules, grievances and campaign costs. Attached as Exhibit “V” are the minutes from the October 4, 2005 meeting of the ROC.
54. The ROC also met on October 6, 2005 to discuss the results of the referendum. Attached as Exhibit “W” are the minutes from the October 6, 2005 meeting of the ROC.

Complaints

55. Section 11(b) of the Protocol provided that any complaints concerning alleged violations of the Protocol must be submitted in writing to the ROC by October 11, 2005. The ROC received a total of seventeen complaints concerning alleged violations of the Protocol by October 11, 2005, including several complaints made by Mr. Mowat and several complaints made against Mr. Mowat.

56. Mr Mowat submitted the following complaints to the ROC regarding the referendum:
- a. That the “Yes” campaign was campaigning on or before September 26, 2005;
 - b. That the referendum question was improper;
 - c. That there was a failure to provide proper notice of the referendum question;
 - d. There were announcements made in classrooms regarding the referendum as well as violations of the spending limits and advertising rules.

Mr. Mowat advised the ROC when he submitted his complaints that he would initiate legal action should the ROC not accept his complaints. Attached as Exhibit “X” is a summary of the complaints received from Mr. Mowat.

57. The ROC also received a number of complaints regarding the conduct of Mr. Mowat during the campaign:
- a. Mr. Mowat was disseminating false information;
 - b. Mr. Mowat’s campaigners repeatedly campaigning within the designated thirty foot zone;
 - c. The “No” ad that appeared in The Sheath had not been approved;
 - d. There were individuals who were not students of the University of Saskatchewan, who were not representatives of the CFS, CFS-S or member local student associations, who participated in the referendum campaign who had been paid by Mr. Mowat;
 - e. There were students who had been paid by Mr. Mowat to vote “no.”
 - f. Mr. Mowat verbally accosted a “yes” campaigner and threw a button at her.

Attached as Exhibit "X" to this Affidavit is a summary of the complaints received by the ROC related to the conduct of Mr. Mowat.

The ROC Investigation and Report

58. As a result of the complaints received, the ROC conducted a thorough investigation into each and every complaint. The ROC also sought an opinion from Mr. Walen as to the validity of the complaints made by Mr. Mowat. Mr. Walen provided his opinion by way of letter dated November 15, 2005 (Exhibit "Y"). While Mr. Walen did agree that some of Mr. Mowat's concerns were valid, he concluded that none of the alleged violations would have changed the results of the referendum.

59. At the CFS and CFS-S General Meeting on November 23-26, 2005, the USSU was ratified as a full member of the CFS. The rights and responsibilities of full members of the CFS and the CFS-S are set out in Articles 3(b) and (c) of the By-Laws of the CFS.

60. On December 3, 2005, the ROC issued its report with respect to the referendum held October 4-6, 2005 (Exhibit "Z"). Included in its report was a summary of the complaints received by the ROC, the process of dealing with those complaints and the conclusions reached by the ROC regarding these complaints. The ROC determined that six of the seventeen complaints involved allegations based on the referendum protocol. The remaining eleven complaints involved allegations not based on the referendum protocol. The ROC concluded that none of the alleged violations, individually or cumulatively, had a significant impact on the referendum so as to change the outcome.

The Elections Board

61. Once the ROC report had been released, the Elections Board met to discuss the referendum. The Elections Board was chaired by Victoria Coffin, the recently appointed ACRO. Stahl and Olszynski resigned after the ROC report was released.

62. On December 19, 2005, Coffin delivered an email to Stahl and Olszynski seeking answers to several questions about the referendum process (Exhibit "AA"). Neither Angela Regnier or myself were provided with this email.

63. On January 8, 2006, Coffin sent an email to Angela Regnier and me advising that the Elections Board was "deliberating the ratification of the CFS referendum" and posing a number of questions regarding the referendum protocol (Exhibit "BB").

64. On January 10, 2006, I provided Coffin with answers to the questions she posed in her January 8, 2006 email (Exhibit "BB").

65. I did not have any further contact with the Elections Board after I delivered my response to Coffin's January 8, 2006 email.

66. In mid-February, 2006, I learned that the Elections Board of the USSU refused to ratify the results of the referendum. Attached as Exhibit "CC" to this Affidavit is the report the Elections Board.

Ratification of the Referendum results

67. By letter dated March 24, 2006 (Exhibit "DD"), Todd Burke, the solicitor for the CFS and the CFS-S, advised Mr. Walen, that the CFS and the CFS-S took the position that the referendum was operated in a fair and appropriate manner and that the results were valid. Mr. Burke also advised that the CFS and the CFS-S recognized the USSU as a full member and that the CFS and the CFS-S expected that the USSU would fulfill its responsibilities to the CFS and the CFS-S and take an active role their activities.
68. On or about March 30, 2006, the USSU Council ratified the results of the referendum, thereby confirming the USSU's position concerning membership in the CFS and CFS-S. Attached as Exhibit "EE" are the minutes of the USSU Council of March 30, 2006.
69. By letter dated April 3, 2006 (Exhibit "FF"), the CFS and the CFS-S were advised that a legal proceeding to declare the results of the referendum invalid had been brought by Robin Mowat, a former student at the University of Saskatchewan. Neither the CFS or the CFS-S were named as a party to this application.

The Application by CFS and CFS-S to be Added as Parties

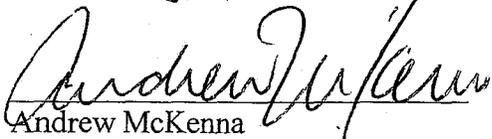
70. The CFS and CFS-S have an interest in the subject matter of the application brought by the Plaintiff as it is the USSU's membership in the CFS and the CFS-S that is at the heart of this dispute. The Plaintiff is effectively asking the Court to invalidate the decision by the students of the University of Saskatchewan to join the CFS and the CFS-S. It is my belief that the Plaintiff ought to have named the CFS and the CFS-S as parties to this application in the first instance.

71. In addition, the nature of the relationship between the CFS, the CFS-S and the USSU is contractual. As a full member of the CFS and the CFS-S, the USSU has certain rights and responsibilities pursuant to the CFS By-Laws. The failure of the USSU to continue to carry out its obligations under the CFS By-Laws would be considered a breach of contract by the CFS and CFS-S and would force the CFS and CFS-S to consider those legal remedies that may be available to them.

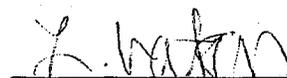
72. The CFS and the CFS-S will also be adversely affected by the decision of this Court on the application. If this Court grants the relief being sought by the Plaintiff, then the CFS and the CFS-S will lose a valuable member of its organisation. Although the USSU has only been a member for less than a year, it has already become a strong and active member of the CFS and CFS-S.

73. Under the applicable By-Laws of the CFS, the USSU is required to pay a designated fee to the CFS for membership. If this Court decides that the results of the referendum are invalid, then CFS will no longer receive the fees it anticipated receiving from the USSU.
74. If this Court declares the results of the referendum invalid and the USSU decides that it wishes to proceed with another referendum, then the CFS and CFS-S will incur additional costs in having to be involved in another referendum, including bearing the costs of having two representatives of the CFS on the ROC.
75. It is my belief that the process will be advanced and improved by the addition of the CFS and the CFS-S as parties to the application. The addition of the CFS and the CFS-S as parties to this application will allow the Court the benefit of hearing from all parties who will be impacted by the decision it makes on this application by the Plaintiff.
76. In addition, CFS and the CFS-S were intimately involved in the planning and operation of the referendum held by the USSU. There were representatives of CFS and the CFS-S on the ROC. The referendum was held in compliance with the applicable By-Laws of CFS and the CFS-S. The Court will benefit from having the evidence of the CFS regarding the rules and regulations of the CFS and the CFS-S that govern referendums as well as details of the CFS' involvement in the referendum before it.
77. I make this Affidavit in support of the Motion by the CFS seeking the relief as set out in its Notice of Motion dated July 5, 2005 and for no other purpose.

SWORN BEFORE ME at the)
City of Ottawa, in the Province of)
Ontario on July 5, 2006.)


Andrew McKenna)

A Notary Public in and for the Province
of Ontario



LUCY WATSON

This Affidavit was prepared by:
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THIS IS EXHIBIT "A" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS

5th

DAY OF JULY, 2006

Andrew W. [Signature]

BYLAW I - MEMBERSHIP

1. Types of Memberships

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

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

2. Types of Voting Membership Status

a. Full Membership

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

- i. A local association is eligible to apply for full membership in the Federation if its members have approved by referendum membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component as described in Bylaw VII-Provincial Components;
- ii. A written application for full membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of full membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component.
- iii. Within 90 days of the receipt by the National Executive of a written application for membership, the National Executive will examine the application to see whether it is in order, and will make a recommendation to the voting members of the Federation concerning the application.
- iv. At the next general meeting of the Federation, the full membership application shall be put to a vote and shall require a majority of at least two-thirds of the votes cast to be accepted.
- v. A local association's application for membership, once accepted by the Federation, shall constitute a binding contract to collect and remit to the Federation full membership fees for the duration of membership.
- vi. Notwithstanding Section 2.a.vii. of this Bylaw, the fees for full member local associations shall be:
 - \$3.00 per semester, or \$6.00 per academic year, per local association individual member of the Canadian Federation of Students/Canadian Federation of Students-Services, pro-rated as per the policy of the member local association; and
 - the applicable provincial component fee.
- vii. Beginning in 1996, the Federation membership fee shall increase on August 1 each year by the rate of increase in the national Consumer Price Index during the previous calendar year.

b. Prospective Membership

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

- i. A local student association is eligible to apply for prospective membership if it has passed a motion of its members, executive, council or equivalent representative body to apply for prospective membership in the Federation and its applicable provincial component as described in Bylaw VII-Provincial Components;
- ii. A written application for prospective membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of prospective membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component.
- iii. Within 90 days of the receipt by the National Executive of a written application for prospective membership, the National Executive will examine the application to see whether it is in order, and will make a recommendation to the voting members of the Federation concerning the application.
- iv. At the next general meeting of the Federation, the prospective membership application shall be put to a vote and shall require a majority of at least two-thirds of the votes cast to be accepted.
- v. A local student association's application for prospective membership, once accepted by the

Federation, shall constitute a binding contract to pay prospective membership fees, as described in Section 2 b-vi, and conduct a full membership referendum, as described in Section 2 b-viii;

- vi. The fee for prospective membership in the Federation shall be five per cent (5%) of the regular Federation membership fee, notwithstanding that the fee may be reduced or waived by a majority vote of a national general meeting or the National Executive;
- vii. A prospective member association shall have full voting rights in Federation national general meetings, but shall not be permitted to designate a proxy to vote on its behalf, and shall have the same access to Federation resources and materials, except the International Student Identity Card, that a full member has;
- viii. A prospective member association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within five (5) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation;
- ix. In the event that the majority of those voting in the referendum support full membership in the Federation, full membership will be granted at the subsequent national general meeting, at which point prospective membership shall cease;
- x. In the event that the majority of those voting in the referendum oppose full membership in the Federation, prospective membership will immediately cease;
- xi. In the event that the referendum fails to achieve quorum, prospective membership will be automatically extended and another referendum on full membership will be held within the subsequent six (6) months in accordance with Section 5 of this Bylaw; and
- xii. In the event that a prospective member fails to conduct a referendum on full membership as required by this Bylaw, the Federation shall have the option to either cancel or extend, by majority vote of a national general meeting, the prospective membership until a referendum on full membership is conducted.

3. Membership Rights and Responsibilities

a. Rights of Individual Members

- i. The individual members of the Federation collectively belonging to a member local association will have sole authority to make decisions through referendum on all questions of membership in the Federation, subject to the other provisions of this Bylaw.
- ii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate, by petition signed by not less than ten percent (10%) of the individual members and delivered to the National Executive, a referendum to federate as described in Article 5 of this Bylaw.
- iii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate a de-Federation referendum, as described in Article 7 of this Bylaw, by submitting to the National Executive of the Federation a petition, signed by not less than ten percent (10%) of the individual members of the association, calling for the referendum.
- iv. Individual members of the Federation have the right to have their interests represented collectively in the Federation through their local student association, but will not have voting rights at the Federation general meetings.
- v. The Federation will attempt to ensure that a Federation membership card is issued to each individual member of the Federation who is a member of a full voting member of the Federation.

b. Rights of Voting Members

- i. Each voting member of the Federation will have one vote at and participate in general meetings of the Federation provided all outstanding delegate fees for past meetings have been paid in full. This is subject to review by the National Executive on a case by case basis upon request.
- ii. Voting members of the Federation have the right to be represented collectively to the federal government and to other national organisations.
- iii. Each voting member of the Federation is entitled to the protection and support of the Federation in accordance with the objectives of the Federation.
- iv. Each voting member of the Federation is entitled to have access to Federation research, information, materials, staff, and other resources.
- v. Each voting member of the Federation is entitled to have access to all information and official

documents concerning the operations and activities of the Federation and of the National Executive.

- vi. Delegates sent by voting members to general meetings of the Federation will have the right to stand for election to any vacant position on a committee of the Federation subject to such other conditions as may be specified at the time of formation of the committee.

c. Responsibilities of Voting Members

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

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

4. Vote to Federate

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

a. Scheduling of the Referendum

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

b. Referendum Oversight Committee

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

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

c. Notice of Referendum

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

d. Campaigning

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

e. Campaign Materials

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

f. Voting and Tabulation

- i. Voting shall be conducted at voting stations or, subject to the agreement between the prospective member association and the Federation, at a general meeting of the prospective member association or by a mail-out ballot.
- ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) days, except in the case of voting being conducted at a general meeting.
- iii. Unless mutually agreed otherwise by the prospective member association and the Federation, the referendum question shall be: "Are you in favour of membership in the Canadian Federation of Students."
- iv. In the event that polling is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.
- v. The prospective member association and the Federation shall each be permitted to appoint one poll clerk for each polling station.
- vi. The prospective member local association and the Federation shall each be permitted to appoint one poll scrutineer to oversee the counting of ballots.

g. Appeals

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

5. Suspension and Expulsion of Members

A member local association may have its voting privileges suspended or may be expelled for violating its responsibilities as outlined in ByLaw 1, Section 3 (c), subject to the following procedure:

a. Process for Initiating the Procedure of Suspension or Expulsion

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

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

b. Notice of the Suspension or Expulsion Procedure

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

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

the matter of suspension or expulsion will be considered.

c. Required Majority

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

d. Appeal of Suspension or Expulsion

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

e. Reinstatement of Voting Privileges

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

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

6. Vote on Defederating

The individual members of the Federation belonging to a member local association may vote on whether to defederate, subject to the following rules and procedures:

a. Notice

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

b. Campaigning

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

c. Voting

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

d. Quorum

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

e. Administering the Campaign and Voting

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

- i. deciding the manner of voting, be that by referendum, general meeting or mailout ballot.
- ii. deciding the number and location of polling stations;

- iii. approving all materials to be distributed during the campaign;
- iv. deciding the ballot question;
- v. overseeing the voting;
- vi. counting ballots;
- vii. adjudicating all appeals; and
- viii. establishing all other rules and regulations for the vote.

f. Advance Remittance of Outstanding Membership Fees

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

g. Minimum Period Between De-Federation Votes

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

h. Minimum Period Between Federation and De-Federation Votes

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

7. Procedure for Application for Withdrawal

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

University Students' Council Agenda

Thursday, November 4th, 2004

1. Call to Order
2. Call for Quorum
3. Adoption of an Agenda
4. Introductions and Announcements
5. Council Address
6. Minutes and Reports for Information
 - 6.1 USC Minutes – October 28th, 2004
 - 6.2 Executive Committee Minutes – November 3rd, 2004
 - 6.3 Academic Affairs Board Minutes and Report – October 29th, 2004
 - 6.4 Operations & Finance Board Minutes and Report
 - 6.5 Student Issues Board Minutes and Report
 - 6.6 Appointments Board Minutes and Report
 - 6.7 Elections Board Minutes and Report
 - 6.8 Code of Ethics Disciplinary Committee Minutes and Report
 - 6.9 External Affairs Board Minutes and Report – November 3rd, 2004
 - 6.10 Environmental Board Minutes and Report
7. Motions Arising from the Minutes and Reports
8. Business
 - 8.1 Response to the Minister of Learning's attendance at the conference in Ontario
 - 8.2 External Lobbying Options
9. New Business
 - 9.1 USSU's relationship with PAWS
 - 9.2 Bylaw #3
10. Questions and Comments (30 minutes)
11. Any Other Business
12. Adjournment

THIS IS EXHIBIT " B " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew Newman

University Students' Council

Minutes for Thursday, November 4th, 2004

Present

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

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

Also Present

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

Regrets

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

Absent

Vacant, Education

1. Call to Order

The meeting was called to order.

2. Call for Quorum

Quorum was present.

3. Adoption of an Agenda

Move to amend the agenda to have item 9.2 under New Business into 8.3 Business. The Bylaw needs to be ratified by the Council before the AGM.

USC MOTION55: Gardiner/Leisle

Carried.

The agenda was adopted as amended.

4. Introductions and Announcements

Councilor Galbraith sent regrets on behalf of Councilor Forbes.

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

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

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

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

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

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

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

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

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

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

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

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

6. Minutes and Reports for Information

6.1 USC Minutes

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

6.2 Executive Committee Minutes

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

6.3 Academic Affairs Board Minutes and Report

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

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

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

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

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

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

Councilor Brost asked what Browsers thinks about the initiative.

VP MacDonald ???

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

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

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

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

6.9 External Affairs Board Minutes and Report

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

8. **Business**

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

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

Move to table until next week.

USC MOTION56: Gardiner/Brost

Carried.

8.2 External Lobbying Options

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

Move to approve the external lobbying options.

Carried.

USC MOTION57: Gardiner/Leisle

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

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

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

Move to extend speaking rights to Robin Mowat.

USC MOTION58: Leisle/Gardiner

Carried.

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

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

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

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

Move to extend speaking rights to President Gardiner.

USC MOTION59: Stranden/Ansaldo

Carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

USC MOTION60: Stranden/Kowalsky

Carried.

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

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

Councilor Ansaldo ???

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

Councilor Birdi noted that there would be other conference.

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

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

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

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

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

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

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

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

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

Move to call the question.

USC MOTION61: Villeneuve/Ansaldo

Carried.

8.3 Bylaw #3

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

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

USC MOTION62: Gardiner/???

Carried.

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

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

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

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

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

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

9. New Business

9.1 USSU's relationship with PAWS

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

10. Questions and Comments (30 minutes)

Move to have questions and comments for 30 minutes.

USC MOTION63: Leisle/Heath

Carried.

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

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

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

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

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

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

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

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

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

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

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

Move to close questions and comments.

USC MOTION64: MacDonald/Kowalsky

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

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

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

12. Adjournment

Move to adjourn.

USC MOTION65: Leisle/Heath

Carried.

UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

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



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November 8, 2004

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

Dear George,

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

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

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

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

Respectfully,

Gavin Gardiner
President

THIS IS EXHIBIT " C " TO THE AFFIDAVIT
OF Lucy Watson
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew W. [unclear]

THIS IS EXHIBIT "D" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew M. Kern

OPENING PLENARY MINUTES

23rd Annual National General Meeting of the Canadian Federation of Students(-Services)
Wednesday, November 24 to Saturday, November 27, 2004 — Ottawa

CALL TO ORDER—Wednesday, November 24, 2004

14:46 the meeting was called to order by National Chairperson George Soule.

1. ATTENDANCE ROLL CALL

Local 03	University of British Columbia Students' Union-Okanagan	Present
Local 75	Camosun College Student Society	Present
Local 05	Capilano Students' Union	Present
Local 73	City Centre Students' Union	Present
Local 18	Douglas Students' Union	Present
Local 33	Emily Carr Students' Union	Present
Local 76	King Edward Students' Union	Present
Local 26	Kwantlen Student Association	Present
Local 61	Malaspina Students' Union	Present
Local 13	College of New Caledonia Students' Association	Present
Local 72	North Island Students' Association	Present
	Northern Lights College Student Association*	Absent
Local 66	Northwest Community College Students' Association	Absent
Local 53	Okanagan College Students' Union	Present
Local 86	College of the Rockies Students' Union	Absent
Local 04	Selkirk Students' Association	Absent
Local 23	Simon Fraser Students' Society	Present
Local 89	University of Victoria Graduate Students' Society	Present by proxy
Local 44	University of Victoria Students' Society	Present
Local 42	Alberta College of Art and Design Students' Association	Present
Local 21	University of Calgary Graduate Students' Association	Present
Local 90	First Nations University of Canada Students' Association	Absent
Local 09	University of Regina Students' Union	Present
Local 101	University of Saskatchewan Graduate Students' Association	Present
Local 37	Brandon University Students' Union	Present
Local 96	University of Manitoba Graduate Students' Association	Absent
Local 38	Association des étudiantes et étudiants du Collège universitaire de Saint-Boniface	Present
Local 08	University of Winnipeg Students' Association	Present
Local 82	Algoma University Students' Association	Present
Local 28	Atkinson Students' Association	Absent
Local 102	Brock University Graduate Students' Association	Absent
Local 78	Carleton University Graduate Students' Association	Present
Local 01	Carleton University Students' Association	Present
Local 92	Student Association of George Brown College	Present
Local 93	Glendon College Students' Union	Absent
Local 54	University of Guelph Central Student Association	Absent
Local 62	University of Guelph Graduate Students' Association	Present
Local 32	Lakehead University Student Union	Present
Local 30	Laurentian University Students' General Association	Present
Local 88	Association des étudiantes et étudiants francophones de l'Université Laurentienne	Present
Local 39	McMaster University Graduate Student Association	Absent
Local 20	Nipissing University Student Union	Absent
Local 25	Ontario College of Art and Design Students' Union	Present
Local 94	University of Ottawa Graduate Students' Association des étudiant(e)s diplômé(e)s	

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	de l'Université d'Ottawa	Present
Local 27	Queen's University Society of Graduate and Professional Students	Present by proxy
Local 24	Ryerson Students' Administrative Council	Present
Local 85	Saint Paul University Students' Association	Absent
Local 99	Scarborough Campus Students' Union	Absent
Local 97	University of Toronto Association of Part-Time Undergraduate Students	Absent
Local 19	University of Toronto Graduate Students' Union	Present
Local 98	University of Toronto Students' Administrative Council	Present
Local 71	Trent Central Student Association	Present
Local 47	University of Western Ontario Society of Graduate Students	Present
Local 56	Wilfrid Laurier University Graduate Students' Association	Absent
Local 48	University of Windsor Graduate Students' Society	Present
Local 49	University of Windsor Students' Alliance	Present
Local 68	York Federation of Students	Absent
Local 84	York University Graduate Students' Association	Present
Local 91	Concordia Student Union	Absent
Local 83	Concordia University Graduate Students' Association	Absent
Local 79	Post-Graduate Students' Society of McGill	Present
Local 63	Holland College Student Union	Absent
Local 70	University of Prince Edward Island Graduate Student Association	Present
Local 31	University of Prince Edward Island Student Union	Absent
Local 64	Acadia Students' Union	Absent
Local 95	University College of Cape Breton Students' Union	Present
Local 11	University of King's College Students' Union	Present
Local 34	Mount Saint Vincent University Students' Union	Present
Local 07	Student Union of the Nova Scotia College of Art and Design	Present
Local 69	Association générale des étudiant de l'Université Sainte-Anne	Present
Local 36	Grenfell College Student Union	Present
Local 45	Marine Institute Students' Union	Present by proxy
Local 100	Graduate Students' Union of the Memorial University of Newfoundland	Present
Local 35	Memorial University of Newfoundland Students' Union	Present
Local 46	College of the North Atlantic Students' Association	Present

* Prospective member

National Chairperson George Soule declared that quorum had been achieved.

2. WELCOMING REMARKS AND INTRODUCTIONS

National Chairperson George Soule welcomed delegates and guests to the 23rd annual general meeting of the Canadian Federation of Students. He said that ten years earlier, general meeting delegates had met to put the final touches on a national day of action that had been in the works since May of that year. He said that during that May meeting, held at Lakehead University in Thunder Bay, rumours that the federal government had been moving forward on plans to implement the regressive funding scheme known as Income Contingent Student Loan Repayment Schemes (ICLRS) dominated the discussion. He said that delegates at the meeting agreed that the student movement had to do all that it could to stop the implementation of the schemes. He said that the meeting had resolved that, if the federal government moved ahead, a Canada-wide day of action and strike would be organised.

Soule said that just a few weeks prior than that general meeting then-Ontario premier Bob Rae had hosted a national conference on the schemes. He said that Rae had spared no effort in finding the few student leaders who supported ICLRS and he had provided these students with a platform in the hope of dividing the student movement. He said that as the conference drew to a close, Rae and his followers had walked away discredited and the Federation had been more determined than ever to defeat Income Contingent Student Loan Repayment Schemes.

Soule said that, unfortunately, Rae's experience had not been enough to dissuade Paul Martin, Jean Chrétien and then-Human Resources Minister Lloyd Axworthy from pursuing the idea of Income Contingent Loan Repayment Schemes. He said that the new federal Liberal government had proceeded with what it called the "Social Policy Review". He explained that the Review included plans to gut unemployment insurance, eliminate the federal government's role in funding welfare, and implement massive cuts to federal spending on health care. He said that the Review also included the replacement of federal funding for education with an Income Contingent Student Loan Repayment Scheme.

Soule said that students responded immediately by implementing the plans that had been established at the general meeting in Thunder Bay for a Canada-wide mobilisation. He noted that regardless of the tactics member unions chose, members had agreed that on one day, January 25, 1995, they would unite in a Canada-wide action so large that the federal government could not help but take notice. He said that by the November national general meeting, the momentum had been overwhelming; however, delegates knew that many long hours and much hard work still stood between them and victory.

Soule said that the Federation was so committed to defeating Income Contingent Student Loan Repayment schemes because it had done its research. He said that members of the Federation knew that ICLRS were the cornerstone of a user-pay funding system—not of a student assistance program. He said that members knew that ICLRS meant that the lower the income, the more graduates would pay for their education. He said that members knew that ICLRS would mean an immediate increase in tuition fees, and significant increases each year thereafter.

Soule said that, armed with that understanding, more than 100,000 students participated in actions in every province from coast to coast, joined by thousands of high school students and other taxpayers. He said that in a few months, ICLRS fell quietly off the table and Lloyd Axworthy was removed as Minister of Human Resources.

Soule said that members of the Federation had achieved the most significant victory in the history of the organisation. He said that if the Federation had not fought against the implementation of Income Contingent Student Loan Repayment Schemes the education system would be very different. He said that university tuition fees would be eleven or twelve thousand dollars or possibly even more. He said that with full-cost recovery tuition fees, the pressure of privatisation would have been unstoppable. He said that new private universities would have been formed and some of the existing public institutions would have been privatised.

Soule said that members must be confident that, whatever setbacks students had suffered in the ten years since 1995, post-secondary education in Canada was more accessible, fair, and public, because of those who worked to achieve that victory.

Soule said that many of the people who had been decision-makers in 1995 were again in the spotlight. He said that then-Ontario Premier Bob Rae, was back, this time as an advisor to the Ontario government, as an unapologetic advocate for higher tuition fees, and a public supporter of Income Contingent Student Loan Repayment Schemes. He said that then-Minister of Human Resource Development Lloyd Axworthy was now the president of the University of Winnipeg and then-Minister of Finance Paul Martin had become the Prime Minister.

Soule said that in addition to key decision makers, the Federation had to work against the Organization for Economic Cooperation and Development, the World Trade Organization, the World Bank, the International Monetary Fund, and other international privatisation organisations remain firmly committed to ICLRS.

Soule said that it was not a question of whether students would have to fight the implementation of ICLRS, but a question of when. He said that all signs pointed to that day drawing near. He said that the Federation had internal documents from the Government of Canada that confirmed the government would engage in an ICLRS pilot project if it found a willing province.

Soule said that the Federation's task was more challenging than ever before which meant that it had to be more creative, more thorough, more organised, and more united.

Soule noted that in the past six years, the members of 23 students' unions had joined, or rejoined the Federation. He said that today, the University of Saskatchewan Students' Union was welcomed back to the Federation. He said that the Federation also welcomed the members of the University of Manitoba Students'

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Union, the members of the Trent University Graduate Student Association and the Dalhousie Association of Graduate Students.

Soule also welcomed as observers to the meeting the Association générale des étudiants et étudiantes de l'université de Moncton Campus d'Edmundston and the Fédération des étudiants et étudiantes du centre universitaire de Moncton. He said that it was a good message to send to the Prime Minister, to Ontario Premier Dalton McGuinty, to Bob Rae, to Lloyd Axworthy, and to others, that as students geared up to defeat ICLRs once again, the Federation was bigger and stronger than it had ever been.

Soule said that in May, delegates had talked about the federal election – about the need to put post-secondary education on the map – and to get commitments from candidates. He said that in an election dominated by American-style negative advertising and with an aging baby boomer population panicked about the state of health care, students did put post-secondary education on the map.

Soule said that during the election Prime Minister Paul Martin had explicitly committed to a dedicated federal post-secondary education transfer payment reaching \$8 billion annually. He said that the Federation must hold Martin to that commitment. He said that with a minority government in Ottawa, local Members of Parliament had become important again. He said that it was the reason why it had been so important that many delegates met with their local MPs over the previous two days in Ottawa.

Soule said that the momentum was with students and together, like those who came before, the Federation would use its solidarity to achieve its goals just as members had done years earlier. He said that as Canada's national student movement, it was important that members also realized that there was more to serving members than just lobbying government.

Soule said that the same strength in numbers that made the Federation's campaigns effective also allowed it to provide money-saving services to members. He said that since the May general meeting, the services had continued to improve and expand. He said that the National Student Health Network was larger than it had ever been and was now the largest student health and dental network in the country. He said that when students worked together to deliver services to their members, they were able to ensure that students benefited – from lower prices, from honest administration, and from plans that were designed to meet students' needs. He said that the Federation was now saving students hundreds of thousands of dollars each year on a service that so many of its members used - cellular phone plans. He said that the online housing service, homes4students continued to grow in popularity. He said that the Student Work Abroad Programme remained the country's largest international work experience programme. He said that lastly, Travel CUTS had launched its web-based booking engine. He explained that students would receive the benefits of Travel CUTS low airfares regardless of whether there was a Travel CUTS retail outlet in their community.

Soule said that over the course of the meeting, delegates would work together to develop the priorities for the coming six months. He said that delegates would participate in workshops to develop their skills and knowledge, to better represent and advocate for their members. He said that delegates would, no doubt, examine the organisation's failures and setbacks, to ensure that it did not repeat them. He said that delegates would also remind themselves of the organisation's successes – like the successful expansion of pilot projects that allowed international students to earn an income while studying in Canada.

Soule said that most importantly, delegates would remind themselves why they were part of Canada's student movement, because they knew that education was a right and equal access to post-secondary education was not just good for students. He said that it was good for communities, the country and beyond.

He said that in closing, it was important to remember what the Federation was. He said that it was the name and the structure that students had developed democratically over nearly 80 years of partnership between students and their unions from colleges to universities to technical institutes, from Victoria to St. John's, from Terrace to Corner Brook. He said that the partnership allowed students to achieve things that they never could on their own. He said that it allowed the Federation to deliver services that saved members money and made a real difference in their daily lives. He said that the partnership ensured that the voices of students in Cape Breton and Sault Ste. Marie were heard every bit as loudly as the voices of students in Vancouver, Toronto and Ottawa. He said that the partnership allowed students to emerge united and focused after difficult and sometimes heated debates over short-term goals, priorities and tactics. He said that the Federation's strength was its numbers, its passion, and its drive. He said that delegates should use the coming four days as an

expression of strength, and move the partnership forward, towards the common goals – and on the path to success.

Soule wished delegates a productive meeting.

3. RATIFICATION OF PLENARY SPEAKER

Soule explained that the National Executive was recommending that Sylvia Sioufi be ratified as the Plenary Speaker. He said that Sioufi had a long history of involvement with the Federation, having served as an elected director and as a researcher for the Federation. He noted that Sioufi had chaired Federation national general meetings on several previous occasions.

2004/11:001 MOTION

Local 44/Local 19

Be it resolved that Sylvia Sioufi be ratified as the plenary speaker of the November 2004 national general meeting.

CARRIED

Sioufi provided a brief overview of Robert's Rules, the system of meeting rules and procedures that the Federation employs for plenary sessions, plenary sub-committee meetings, and caucus meetings.

4. ANNOUNCEMENT OF PROXIES

Sioufi said that the following locals had designated proxies for the meeting:

- Local 27 had designated Local 19 as its proxy for opening plenary;
- Local 45 had designated Local 35 as its proxy for the meeting; and
- Local 89 had designated Local 44 as its proxy for the meeting.

5. ADOPTION OF PLENARY AGENDA

2004/11:002 MOTION

Local 44/Local 13

Be it resolved that the agenda for the opening and closing plenary be adopted.

CARRIED

6. ADOPTION OF NATIONAL GENERAL MEETING AGENDA

2004/11:003 MOTION

Local 72/Local 88

Be it resolved that the agenda for the general meeting be adopted.

CARRIED

7. ADOPTION OF NATIONAL GENERAL MEETING MINUTES

2004/11:004 MOTION

Local 37/Local 53

Be it resolved that the minutes of the May 2004 national general meeting be adopted.

2004/11:005 MOTION TO POSTPONE

Local 23/Local 49

Be it resolved that Motion-2004/11:004 be postponed to the closing plenary.

CARRIED

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2004/11:004 POSTPONED

8. PRESENTATION OF THE REPORT OF THE NATIONAL EXECUTIVE

Soule explained that Bylaw V, Section 2 f., required the National Executive to present a report to the plenary detailing the work of the Federation undertaken since the previous national general meeting. He said that it was important for delegates to distribute the report at the local level because it served as a comprehensive overview of the organisation's work. He said that the presentation would not cover all of the work that had been undertaken over the preceding six-months but was merely an overview. He encouraged delegates to read the report in its entirety.

Soule and other members of the National Executive highlighted aspects of the report.

15:48 Local 99-Scarborough Campus Students' Union joined the meeting.

Question and Answer Period

Local 21 delegate Christine Johns congratulated the National Executive on the quality of its report and the work that had been undertaken over the previous months. She said that the National Graduate Caucus' Whistleblower campaign website had been active since February 2004. She asked what feedback the Federation had received regarding the website and the Whistleblower campaign in general. She said that the Federation had recently been contacted by a University of Toronto student, Chris Radziminski, who claimed his work had been altered and published without his knowledge or consent by his former supervisors. She asked if Radziminski's request for assistance had been a direct result of the content of the website.

National Deputy Chairperson Angela Regnier said that the Whistleblower campaign website included information about the campaign and allowed students to submit anecdotes or examples of the undermining of academic freedom. She said that Radziminski had contacted the Federation because of the site and the work that the Federation had already undertaken to protect whistleblowers.

Local 19 delegate Alex Kerner said that Soule had mentioned that some provinces had been participating in a trial program that allowed international students to work off-campus. He asked if recommendations would be made as a result of the trial program and if it would be expanded to other provinces.

Soule explained that the Advisory Committee on International Students and Immigration had been overseeing the implementation of the trial project. He said that three provinces had implemented the pilot project: Manitoba, New Brunswick and Québec. He said that the pilot project in Manitoba would be conducted for two years and it had already been functioning for one year. He said that both New Brunswick and Québec had initiated the trial program within the last year so very little data was available. He said that the biggest concern was that the project funding was unstable and therefore the future of the project was unknown. He said that international students that had been working off-campus relied on the funds they generated from their employment and it would be very detrimental to terminate the project.

Soule said that there had been a problem with the implementation of the pilot project in Québec. He said that only students who studied outside the metropolitan areas of Montréal and Québec City were eligible for the program. He said that approximately 95 percent of the international students who studied in the province, were located in Montréal and Québec City. He said that at its most recent meeting, the Committee had an extensive discussion about the limited implementation of the project in Québec. He said that the federal government seemed to recognise that it was no longer acceptable to pay lip service to the needs of international students and that working off-campus also provided valuable life experience.

Local 98 delegate Jen Hassum asked about the Federation's response to the Price of Knowledge, the 400-page research document that the Millennium Scholarship Foundation had released.

Soule said that a workshop had been scheduled for later that evening that would address the research document. He said that the Foundation had continued its campaign for increased tuition fees and therefore, higher student debt. He said that the document had rehashed previously released research and contained very little new research.

Local 19 delegate René Salazar thanked the National Executive for the report. He said that at his Local, members had indicated that it would be helpful to add a feature to the Federation's Homes4Students website

that enabled graduate students to find housing with other graduate students. He asked if there had been any discussion about adding such a feature to the website.

National Treasurer Dave Hare said that although the National Executive had not considered adding a feature such as the one that Salazar had mentioned, it was possible to add a category to the roommate section of the site.

Local 44 delegate Joanna Groves asked for more details about the Education Industry Summit. She said that the trend towards the privatisation of the public education system and the frequency with which administrators were viewing international students as a source of revenue was disturbing.

Soule said that the emergence of conferences focused on the privatisation of post-secondary education, like the Education Industry Summit, were part of the government's retreat from its role of funding post-secondary education. He said that the Federation had to continue to be vigilant to ensure that no measures to further privatise the education system were introduced through the General Agreement on Trade in Services (GATS). He said that the United States of America's government had explicitly stated that it wanted to include education in the GATS.

Local 3 delegate Jason Harman said that he had been pleased to hear Prime Minister Martin's commitment to restore \$8 billion in transfer payments for post-secondary education. He asked what the Federation had done to encourage Martin to keep his promise.

Soule said that the Federation had highlighted Martin's commitment in all of its media work since the commitment had been made. He said that the National Executive report described a number of meetings that the Federation had held with various government officials at which the Federation had discussed the need to implement the transfer immediately.

A Local 97 delegate asked about the Federation's work on childcare issues. She said that no childcare facilities were available at the Mississauga campus of the University of Toronto and the students' union had been lobbying the administration to provide facilities.

Regnier said that the Federation worked with a number of groups that had been focusing on Martin's election promise to implement a national child care system.

Local 98 delegate Sam Rahimi said that he had noticed in the report that Travel CUTS had run a loss for the past couple of years. He said that it appeared that Travel CUTS had a reserve of \$21 million. He asked why, if CUTS had a significant cash reserve, the Federation had been subsidising it by over \$1 million a year.

Hare said that since CUTS' inception the Federation had received a referral fee from the company. He said that in turn the Federation invests funds each year in the travel company. He said that for the first twenty years of Travel CUTS' existence it did not generate any retained earnings. He said that the company would not have survived if the Federation had not reinvested in it. He said that the money was reinvested to ensure the continued stability of the company and to continue to provide a service to students.

Hansen said that CUTS did not have a \$21 million reserve. He said that the balance sheet was a snapshot of the company's bank balance at a particular time. He said that the \$21 million was off set by approximately \$16 million in accounts payable, receipts or invoices that had been received but had not yet been paid. He said that in addition, CUTS did not have to pay the majority of airlines immediately for tickets purchased. He said that the delay artificially boosted the bank balance.

Local 79 delegate Adriana Decker said that the report mentioned a health plan that had been initiated at Trent University for international students. She asked what factors would be considered in order to determine if the plan had been successful. She asked if there had been any work undertaken to audit health plans that were provided to international students.

Hare said that the National Executive had not explicitly discussed auditing international student health plans but it was an area that could be pursued. He said that it was a natural extension of the work that the Federation already undertook. He said that the criteria in evaluating the pilot plan that had been implemented at Trent University would include the ability to offer savings to international, being able to offer the plan at a reduced rate, and providing a high level of service that was easy to use.

Local 18 delegate Jeremy Gervan said that he wanted to provide a testimonial regarding the usefulness of the online opt-out system for the health plan. He said that it had saved Local 18 a considerable amount of work

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and saved his members from having to opt-out every year. He said that the manual process that the local had used the previous year had involved working 12 or 13-hour days throughout the entire month of September versus the online system which only required a few hours during one week.

Local 11 delegate Jonathon Robards asked if Martin had committed the \$8 million as a one-time only transfer.

Soule said that Martin had not been clear. He said that in addition to the transfer the Federation would continue to lobby for a pan-Canadian post-secondary act.

2004/11:006 MOTION

Local 44/Local 72

Be it resolved that the National Executive report be adopted.

CARRIED

Soule unveiled the Federation's student loan debt counter. He explained that a media conference had been held earlier in the day to launch the counter. He said that in the new year it would travel from campus to campus as part of the campaign to highlight ever-increasing student debt.

9. RATIFICATION OF NEW MEMBERS

a. Consideration of Prospective Membership Applications

Sioufi said that since the previous national general meeting, applications for prospective membership had been received from the following students' unions:

- Trent Graduate Students' Association;
- Dalhousie Association of Graduate Students;
- University of Saskatchewan Students' Union; and
- University of Manitoba Students' Union.

She said that in accordance with Bylaw 1, Section 4-b, the National Executive had reviewed the applications and was recommending that the students' unions be granted prospective membership in the Federation.

2004/11:007 MOTION

Local 18/Local 101

Be it resolved that Trent University Graduate Students' Association, Dalhousie Association of Graduate Students, University of Saskatchewan Students' Union and the University of Manitoba Students' Union be ratified as prospective members of the Federation.

CARRIED

b. Consideration of Application for Extension of Prospective Membership

Soule explained that at the May 2003 national general meeting the Northern Lights College Student Association applied for and had been granted prospective membership in the Federation. He said that due to various scheduling conflicts it had not been possible to conduct a full membership referendum prior to the general meeting. He said that in accordance with Bylaw 1, Section 2-b, the National Executive was recommending that Northern Lights College Student Association's prospective membership in the Federation be extended until the May 2005 national general meeting.

2004/11:008 MOTION

Local 101/Dalhousie Association of Graduate Students

Be it resolved that the prospective membership of Northern Lights College Student Association be extended until the May 2005 national general meeting.

CARRIED

10. PREPARATION FOR ELECTIONS

a. Introduction of Electoral Officers

Sioufi said that in accordance with Bylaw 6, Section 7 the National Executive had appointed Ashkon Hashemi, Ontario Internal Coordinator, and Christine Bourque, Ontario Organiser, as the Electoral Officers for the elections being conducted at the meeting.

b. Overview of Election Schedule and Procedures

Hashemi explained that elections for the National Chairperson, National Deputy Chairperson and National Treasurer on the National Executive would be conducted at the general meeting. He noted that the elections were for the 2005-2006 term, which would commence at the adjournment of the May 2005 national general meeting. He said that an election for the position of Travel CUTS Board representative would be conducted at the meeting. He said that it was a two-year term. He said that the Students of Colour Representative, Jermaine Smith, had resigned for personal reasons and therefore a by-election for the Students' of Colour position for the remainder of the 2004-2005 term would be held.

Bourque said that the nominations would open at the end of opening plenary and close Friday, November 26 at 14:00. She said that delegates should review Bylaws V and VI and Standing Resolutions 8, 19 and 20 for information about the election procedures and the positions.

11. ADOPTION OF STANDING PLENARY SUB-COMMITTEE AGENDAS

a. Striking of Plenary Sub-Committees

Sioufi said that, as per Standing Resolution 1, Section 1, the following sub-committees of the plenary were automatically struck:

- Budget Committee;
- Campaigns and Government Relations Committee;
- National Education and Student Rights Committee; and
- Organisational Development Committee.

Soule said that there had been positive feedback regarding the structure of the Campaigns Forum at the previous general meeting. He said that the National Executive believed that the notice requirements for campaigns proposals would alleviate any concerns regarding the length of the forum. He said that the National Executive was proposing, for the duration of the general meeting, the following change to Standing Resolution 1:

2004/11:009 MOTION

Local 76/Local 84

Whereas the Campaigns and Government Relations Committee is consistently the plenary subcommittee on which the largest plurality of delegates wish to sit; and

Whereas the May 2003 national general meeting saw almost sixty delegates sharing twenty-two votes on the Committee; and

Whereas this led to frustration for many delegates who had to share votes or who were unable to obtain a vote on the Committee; and

Whereas after lengthy discussion, the National Executive felt it would be worthwhile to strike a campaigns body at the November 2003 and May 2004 general meetings in which each member local could exercise a vote; and

Whereas following the November 2003 and May 2004 general meetings most delegates expressed an appreciation for the structure; and

Whereas to implement such a structure for this meeting, in place of the traditional Campaigns and Government Relations Committee, Standing Resolution 1 must be temporarily amended; therefore

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Be it resolved that all references to the Campaigns and Government Relations Committee in Standing Resolution 1 be deleted for the duration of the November 2004 national general meeting and in its place a Campaigns and Government Relations Forum be held during the time allotted for plenary sub-committees;

Be it further resolved that each member local be permitted to exercise a vote in the Forum;

Be it further resolved that simultaneous interpretation be provided for the Forum during the scheduled time allocated for sub-committees; and

Be it further resolved that a member local be required to be present to exercise a vote in the Forum.

CARRIED

b. Adoption of Committee Agendas

2004/11:010 MOTION

Local 61/Local 3

Be it resolved that the standing plenary sub-committee agendas be adopted.

CARRIED

12. CONSIDERATION OF MOTIONS SERVED WITH DUE NOTICE

Sioufi said that the following motions had been served with notice for consideration at the meeting. She said that some of the motions required a mover and a seconder.

a. Motion Served by the Previous National General Meeting

Sioufi explained that the following motion had been served by the previous national general meeting for consideration at the meeting.

2004/11:011 MOTION TO ADOPT POLICY

Local 23/Local 61

Whereas for-profit, institutionally-administered student loans are not currently a reality in Canada;

Whereas First Student Loan is the first company to offer the possibility of institutionally-administered loans;

Whereas some Canadian schools have reportedly entered into agreements with First Student Loan;

Whereas the acceptance of the First Student Loan program at any Canadian school opens the door to more companies of this kind in Canada, and puts pressure on more institutions to offer institutionally-administered loans; and

Whereas the privatisation of student debt will invariably lead to higher levels of student debt and decreased funding to public student loan and grant programs; therefore

Be it resolved that the following policy be adopted:

For-Profit Institutionally Administered Student Loans Programs

Preamble

A private company called First Student Loan has been negotiating with administrations at a number of Canada's post-secondary institutions. First Student Loan's goal is to implement for-profit, institutionally administered private student loans at these institutions, through direct ties to the institutional student information systems. First Student Loan intends to be able to administer significant student loans of up to \$15,000 per year at relatively high rates of interest, and these loans will be approved within minutes with minimal consideration of actual financial need. Furthermore, First Student Loan representatives expressed no interest in educating potential first-time borrowers on the risks inherent in incurring large, private debt-loads. Nonetheless, their primary target market is students who have not previously received public or private student loans. Finally, First Student Loan intends to implement repayment periods of up to 30 years.

The First Student Loan program is the first of its kind in Canada and a significant step towards the privatisation

of student debt in Canada. A number of universities have reportedly agreed to partnerships with First Student Loan, and this may signal the beginning of a dangerous trend.

Policy

The Federation opposes any for-profit institutionally administered student loans programs.

2004/11:012 MOTION TO REFER

Local 61/Local 73

Be it resolved that Motion-2004/11:011 be referred to the National Education and Student Rights Committee.

CARRIED

2004/11:011 REFERRED

b. Motions Submitted by Member Local Associations

Sioufi explained that the following motions had been submitted by the member local associations with due notice for consideration at this meeting. She said that most would require seconders in the opening plenary.

2004/11:013 MOTION TO ADOPT POLICY

Local 78/Local 98

Whereas the Federation supports the open exchange of knowledge and information; and

Whereas major publishing and music industry companies are driving legislative reforms that would result in higher fees to gain access to academic works; and

Whereas rigid legislation protecting copyright owners could prohibit access to public information and materials that are integral to higher learning; therefore

Be it resolved that the following policy be adopted:

Preamble

Students both create and use artistic and literary material during their studies. While it is important to protect creators' copyright in these works, the rights of users of copyright material must also be considered because access to works is essential to the learning process.

Overly rigid legislation prevents individuals from accessing publicly available materials. It can prevent students, researchers, and scholars from willingly exchanging knowledge and information.

Those who argue for greater owner rights are frequently private and commercial interests while non-profit groups representing the public interest have fought to keep access to knowledge public.

Policy

The Federation opposes copyright legislation that prevents students from reasonable access to information on the Internet.

The Federation opposes extended licensing in educational institutions that lead to increasing ancillary and user fees for access to academic material on the Internet.

The Federation supports copyright legislation that achieves a balance between the rights of creators and users of copyrighted works.

The Federation supports the move towards an information commons in which ideas and information are not property, but rather are shared heritage of humanity, as integral to Canada's social and economic well-being.

2004/11:014 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:013 be referred to the National Education and Student Rights Committee.

CARRIED

2004/11:013 REFERRED

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2004/11:015 MOTION TO AMEND POLICY

Local 26/Local 98

Be it resolved that the policy on Policing and Military Actions be amended to read:

The Federation supports Canada contributing forces to United Nations sanctioned peacekeeping operations around the world as it fills an important niche in aiding troubled regions to peacefully mediate disputes and conflicts.

The Federation is opposed to acts of brutality in Canadian policing and military actions both nationally and internationally. The Federation is opposed to Canadian participation in operations that are not sanctioned by the United Nations as no internationally recognized legal entity has given the authorisation for military action.

2004/11:016 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:015 be referred to the National Education and Student Rights Committee.

CARRIED

2004/11:015 REFERRED

2004/11:017 MOTION TO ADOPT POLICY

Local 19/Local 98

Whereas since September 11, 2001, with the implementation of Bill C36, the "Anti-Terrorism Act", members of racial and religious minorities have experienced increased incidences of discrimination by custom and immigration officers and the police; and

Whereas these incidents of discrimination extend to students in all levels of education; and

Whereas many community organisations, including the Canadian Association of University Teachers (CAUT) have noted the dangerous implications of this Act and the context which informs its implementation; therefore

Be it resolved that the following policy be adopted:

Preamble

Racial profiling has had significant and negative effects on certain members of the Canadian population.

Bill C36, the "Anti-terrorism Act," introduced post-September 11, is "An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism" (House of Commons of Canada). The Canadian Civil Liberties Association notes that this bill contains:

- new powers of preventive detention and compulsory testimony;
- a new power to brand individuals as "terrorist groups" without convicting them of any unlawful conduct;
- a new prohibition against most financial dealings with such people; and
- a new and broad requirement to inform on people in certain circumstances.

The Ontario Human Rights Commission (OHRC) has defined racial profiling as "any action undertaken for reasons of safety, security or public protection, that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin, or a combination of these, rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. Racial profiling is different from criminal profiling.

Racial profiling is based on stereotypical assumptions because of one's race, colour, ethnicity, etc. Criminal profiling, on the other hand, relies on actual behaviour or on information about suspected activity by someone who meets the description of a specific individual" (Source: The Ontario Human Rights Commission, 2004).

The OHRC has released a report entitled "Paying The Price: The Human Cost Of Racial Profiling," which documents over 400 personal accounts of experiences with profiling that individuals shared with the Commission during the course of its Racial Profiling Inquiry held in 2003.

The cumulative effect of Bill C36 and these new laws and government initiatives threaten civil rights, particularly concerning due process and the right to privacy. Students attending post-secondary institutions have experienced racial profiling in the form of: international students being denied access to college or university based on their country of origin, interrogation by the Canadian Security Intelligence Service (CSIS) on campus, differential treatment based on membership in a particular campus club or organisation, and

restrictions on travel based on race, ethnicity or country of origin.

Policy

The Federation supports:

- accessible education for all students regardless of their race, colour, ethnicity, ancestry, religion, or place of origin.
- the right to security of the person and to personal privacy for all students; and
- freedom from discrimination.

The Federation opposes:

- international students from certain countries being denied entrance to Canadian universities and colleges based on their country of origin;
- the presence of the Canadian Security Intelligence Service (CSIS) on university and college campuses to interrogate students based on their country of origin or their ethnicity;
- university and college administrations granting CSIS access to student records such as library loan records and research interests;
- certain stereotyped students facing more stringent security measures when traveling to academic conferences;
- the discouragement or prevention of student access to international conferences based on their race, colour, ethnicity, ancestry, religion, or place of origin;
- the imposition of stricter regulations on the activities of certain campus clubs and student organisations based on their ethnicity or political orientation; and
- the encouragement of campus police to pay close attention to particular students based on race, colour, ethnicity, ancestry, religion, or place of origin.

2004/11:018 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:017 be referred to the National Education and Student Rights Committee.

CARRIED

2004/11:017 REFERRED

2004/11:019 MOTION

Local 78/Local 98

Whereas it is likely that a federal election will be held within the next twelve to eighteen months;

Whereas the Federation cannot predict exactly when it will be held; and

Whereas it is important that education issues be at the forefront in every election campaign; therefore

Be it resolved that \$75,000 be allocated in the current year's budget to a federal election campaign fund; and

Be it further resolved that \$75,000 be allocated in the 2005-2006 budget to a federal election campaign fund.

2004/11:020 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:019 be referred to the Budget Committee.

CARRIED

2004/11:019 REFERRED

2004/11:021 MOTION

Local 26/Local 5

Whereas lobbying and government relations is, and always has been, a priority to the Federation and its members;

Whereas in the 2004-2005 budget two hundred and thirty-seven thousand dollars (\$237,000) was allocated nationally for campaigns and government relations;

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Whereas Kwantlen Student Association, with a student population of fourteen thousand (14,000) members, has over fifty thousand dollars (\$50,000) allocated for lobbying in its 2004 budget, and all things being equal will have nearly eighty thousand (\$80,000) allocated for the lobbying and campaigns in its 2005 budget;

Whereas due to a referendum vote to create a Lobby Fund, the Kwantlen Student Association has over sixty thousand dollars (\$60,000) in its 2005 budget dedicated to lobbying; (Kwantlen Student Association has a budget of 1.2 million; approximately 5% of the budget has been directed by the membership to lobbying);

Whereas the British Columbia Component in its 2004-2005 budget allocated one-hundred thousand dollars (\$100,000) for campaigns;

Whereas nationally the Liberal Party of Canada spent over 12 million dollars in its federal election campaign, and the Provincial Liberals in their last election spent over six million; and

Whereas the BC Federation of Labour has an estimated 4 million dollars saved for the next provincial election to campaign; therefore

Be it resolved that the Federation in its 2005-2006 budget search out the possibility of allocating more funds to campaigns.

2004/11:022 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:021 be referred to the Budget Committee.

CARRIED

2004/11:021 REFERRED

2004/11:023 MOTION

Local 23/Local 98

Whereas tuition fees in Canadian Post Secondary schools have risen consistently over the recent years;

Whereas the government of Canada has signed the United Nations Convention on Economic, Social and Cultural rights, which requires the progressive introduction of free higher education;

Whereas the Simon Fraser Student Society (Local 23) is currently pursuing a human rights complaint for violations of said convention;

Whereas the Society will lodge a complaint against the government of British Columbia for violations of said convention; and

Whereas this action can serve as a model for actions at locals across Canada; therefore

Be it resolved that the human rights complaint lodged by the Simon Fraser Student Society (Local 23) be endorsed.

2004/11:024 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:023 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:023 REFERRED

2004/11:025 MOTION

Local 5/Local 98

Whereas beginning in the 2006 tax year, the Canada Revenue Agency is planning on taxing all Aboriginal post-secondary student support funding as income to students including tuition fees, book allowances, living allowances, scholarships, bursaries and travel dollars; and

Whereas any effort by Canada Revenue Agency to tax aboriginal post-secondary student support funding will have severe impacts on current and future student success at the post-secondary level; and

Whereas the Government of Canada currently provides \$305 million to support participation of First Nation and Inuit students in post-secondary education; and

Whereas this is a successful program that has allowed the number of First Nation and Inuit students participation in Post-Secondary Education to double from about 13,000 in 1986-1987 to over 25,000 in 2002-2003; and

Whereas the Federation understands that First Nations post-secondary funding is an Aboriginal and Treaty right; therefore

Be it resolved that the taxation of Aboriginal post-secondary funding be opposed; and

Be it further resolved that member locals be encouraged to distribute the Ontario Native Education Counsellors Association (ONECA) petition to lobby against the taxation of Aboriginal post-secondary funding.

2004/11:026 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:025 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:025 REFERRED

2004/11:027 MOTION

Local 5/Local 98

Whereas the federal government handed over the implementation of the Canadian Student Loan Program to CIBC (and other Canadian banks) and then later took this responsibility back;

Whereas CIBC (and other Canadian banks) and the federal government are not communicating with each other adequately to ensure that students are not being adversely effected by their relationship changing;

Whereas CIBC (and other Canadian banks) have hired collection agencies to handle the collection of student loan payments and outstanding debts;

Whereas CIBC (and other Canadian banks) have been contacting students, many of whom are still currently enrolled, and asking for payments to be made on loans that are not yet due;

Whereas students have had difficulty accessing financial aid as a result of the lack of communication between CIBC (and other Canadian banks) and the federal government;

Whereas students are being asked to fill out additional paperwork and jump through further hoops for CIBC (and other Canadian banks) to ensure that their Canadian Student Loans are not affected; and

Whereas students should not be required to do work that should be the responsibility of the federal government; therefore

Be it resolved that the federal government be called upon to improve communications with CIBC (and other Canadian banks) and ensure that financial aid is not interrupted unnecessarily; and

Be it further resolved that CIBC (and other Canadian banks) be called upon not to interrupt student loans or harass students regarding loan collection until the communication problems with the federal government are worked out and it is clear that they are acting upon accurate information and not unnecessarily victimizing students.

2004/11:028 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:027 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:027 REFERRED

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2004/11:029 MOTION

Local 78/Local 98

Whereas the Federation has had policy opposing income contingent student loan repayment schemes (ICSLRS) for most of its history; and

Whereas the Federation has been actively campaigning against income contingent student loan repayment schemes for more than a decade as successive federal and provincial governments have considered ICSLRS a way of downloading costs to individual students; and

Whereas the Federation, through its predecessor organisations, has actually been campaigning against ICSLRS since the idea first gained momentum in the late 1960s; and

Whereas through frequent presentations and discussions most member locals are well aware of the dangers posed by ICSLRS; and

Whereas those college, university undergraduate and university graduate student unions that do not belong to the Federation may not be aware of the dangers posed ICSLRS; therefore

Be it resolved that Federation member locals be encouraged to talk with non-member student unions about the dangers of income contingent student loan repayment schemes; and

Be it further resolved that member locals encourage non-members to participate in the Federation's campaigns against ICSLRS.

2004/11:030 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:029 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:029 REFERRED

2004/11:031 MOTION

Local 78/Local 98

Whereas Bob Rae was the Premier of Ontario when the Ontario government pressured the federal government to propose the implementation of a national Income Contingent Student Loan Repayment Scheme; and

Whereas Bob Rae's plans were defeated even more resoundingly than his government;

Whereas Bob Rae has consistently articulated an elitist view of post-secondary education;

Whereas Bob Rae has been appointed by Dalton McGuinty to assist McGuinty in breaking his tuition fee freeze promise; and

Whereas it would be no surprise if Bob Rae ignored the input he is receiving from students across Ontario and put Income Contingent Student Loan Repayment Schemes back on the government agenda; therefore

Be it resolved that the members in Ontario be supported in their efforts to ensure that the Rae Commission fairly reflect the opinions of Ontario students and voters.

2004/11:032 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:031 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:031 REFERRED

2004/11:033 MOTION

Local 18/Local 98

Whereas the minority government of Paul Martin is vulnerable; and

Whereas a minority government presents a historic opportunity to advance the Federation's goals; therefore

Be it resolved that leaders of the opposition parties be lobbied to make the repeal of the ten-year prohibition on bankruptcy a condition of support for the government.

2004/11:034 MOTION

Local 18/Local 98

Whereas British Columbia members of the Federation recently attempted to advertise a voter registration campaign on BC's public transit system; and

Whereas the campaign was rejected by the public transit system because it was "political"; and

Whereas, freedom of expression should be applied without interference to all public space; therefore

Be it resolved that members in British Columbia be supported in their efforts to overturn the unreasonable restrictions on advertising on BC's public transit system.

2004/11:035 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motions-2004/11:033 and 2004/11:034 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:033 REFERRED

2004/11:034 REFERRED

2004/11:036 MOTION

Local 18/Local 98

Whereas the Federation is a member on the executive committee of the World March of Women 2005; and

Whereas the Federation was actively involved in organising the World March of Women 2000; and

Whereas between March 8 and October 17, 2005, the world relay of the Women's Global Charter for Humanity will take place;

Whereas women from various countries will pass the Charter from country to country; and

Whereas these women will also organise actions to highlight this symbolic passing and the values of the Charter; therefore

Be it resolved that the 2005 World March of Women campaign be endorsed; and

Be it further resolved that member locals be encouraged to provide in-kind support and mobilise members for 2005 World March of Women activities.

2004/11:037 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:036 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:036 REFERRED

2004/11:038 MOTION

Local 61/Local 98

Whereas malicious lawsuits against progressive organisations are an increasingly common tactic of organisations and corporations opposed to progressive change; and

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Whereas these lawsuits can have the effect of undermining the ability of a progressive organisation to fulfill its mandate during the course of such lawsuits; therefore

Be it resolved that the federal government be lobbied to adopt legislation that imposes double costs when an organisation or corporation maliciously or frivolously sues another organisation, where that lawsuit has as one of its objectives to undermine the work or capacity to function of the other organisation.

2004/11:039 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:038 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:038 REFERRED

2004/11:040 MOTION

Local 23/Local 98

Whereas the Canadian Federation of Students' Constitution, Bylaws, Standing Resolutions and Policies Manual is the document that guides the procedures and actions of the Federation;

Whereas an organisation can be judged by the succinctness and comprehensibility of its policy manual by internal participants and external observers;

Whereas an organisation can be judged by its ability to consistently and clearly interpret its policies;

Whereas the Policy Manual as it currently exists is neither as succinct in substance nor as clear in interpretation as it could be;

Whereas the National Education and Student Rights Plenary Sub-Committee generally has significant work through the review of ongoing, new, and upcoming student and educational issues, and thus is not likely to have sufficient time to adequately review the structure and content of the Policy manual;

Whereas a review of and possible overhaul of the Policy Manual, including Issues Policy, Operational Policy, and the Declaration of Students' Rights is overdue; therefore;

Be it resolved that a Policy Review Working Committee be struck at the May 2005 Semi-Annual General Meeting, under the following terms:

Purpose

The Policy Review Working Committee shall:

Review the Issues Policies, Operational Policies, Declaration of Students' Rights, and Standing Resolution 27 – Policy Wording Format, of the Federation.

Make recommendations to the National Education and Student Rights Committee on reforms, including structural, content, formatting, or other reforms that could be made to increase the clarity, succinctness, and/or timeliness of the Policy Manual

Procedure

The Policy Review Working Committee shall:

Meet as a separate plenary sub-committee during the May 2005 and May 2006 Semi-Annual General Meetings

Serve its recommendations to the November 2005 and November 2006 Annual General meetings, to be referred to the appropriate plenary sub-committees

The work of the Policy Review Sub-Committee will be reviewed by the National Executive after the November 2006 Annual General Meeting, with the Executive to make appropriate recommendations.

Committee Composition

Each caucus, constituency group, and provincial component shall have the right to select one voting member to sit on the Policy Review Working Committee.

2004/11:041 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:040 be referred to the Organisational Development Committee.

CARRIED

2004/11:040 REFERRED

2004/11:042 MOTION

Local 23/Local 98

Whereas the Canadian Federation of Students' Constitution, Bylaws, Standing Resolutions and Policy Manual is the document that guides the procedures and actions of the Federation;

Whereas an organisation can be judged by the succinctness and comprehensibility of its policy manual by internal participants and external observers;

Whereas an organisation can be judged by its ability to consistently and clearly interpret its policies;

Whereas the Policy Manual as it currently exists is neither as succinct in substance nor as clear in interpretation as it could be;

Whereas the National Education and Student Rights Plenary Sub-Committee is the appropriate venue for review of the Policy Manual; and

Whereas a review of and possible overhaul of the Policy Manual, including Issues Policy, Operational Policy, and the Declaration of Students' Rights is overdue; therefore

Be it resolved that the Issues Policy, Operations Policy, Declaration of Students' Rights, and Standing Resolution 27 – Policy Wording Format of the Federation be thoroughly reviewed with the goal of making recommendations on reforms, including structural, content, formatting, or other reforms, to increase the clarity, succinctness, and/or timeliness of the Policy Manual; and

Be it further resolved that the National Education and Student Rights Committee agenda at the May 2005 annual general meeting include an opportunity to consider the recommendations.

Sioufi said that the preceding two motions had been submitted by Local 23-Simon Fraser Students' Society with direction that the National Executive should choose which of the two motions would be best to go forward to the general meeting; however, the National Executive had not been able to deliberate on the matter, and therefore, both motions had been being presented to the meeting.

2004/11:043 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:042 be referred to the Organisational Development Committee.

CARRIED

2004/11:042 REFERRED

2004/11:044 MOTION TO ADOPT POLICY

Local 61/Local 72

Whereas the November 2003 national general meeting resolved that a Partnerships Policy be developed; and

Whereas the BC Component adopted the following policy at its August 2004 BC general meeting; and

Whereas it is important to have policy to guide the Federation in terms of the purchase of products and services and internal operations; therefore

Be it resolved that the following Operations Policy be adopted:

Purchasing of Products and Services

The Federation shall, wherever possible, engage in and support the practice of ethical purchasing and business operations. The practice of operating in an ethical fashion shall extend, but not be limited to the campaigns, programs and administrative operations of the Federation and shall include the use of products and services from businesses that utilize unionized labour and support workers' and human rights.

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Impact of Operations

The Federation shall, wherever possible, be aware of the environmental effects in all aspects of its operations and endeavour to minimize any negative environmental effects of its operations, with the goal of reducing the ecological footprint created by the Federation as much as possible. Such endeavours shall extend, but not be limited to, the campaigns, programs and administrative operations of the Federation.

2004/11:045 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:044 be referred to the Organisational Development Committee.

CARRIED

2004/11:044 REFERRED

2004/11:046 MOTION TO ADOPT POLICY

Local 5/Local 98

Whereas motions have been passed at the May and November 2003 general meetings calling on the National Executive to develop a partnerships policy;

Whereas services play a central role in membership development outreach and recruitment;

Whereas services are inherently political and can serve as a tool to advance understanding of important issues;

Whereas fair trade and organic labelling will be included as criteria in the Studentsaver discount program as a result of a motion passed at the May 2004 national general meeting;

Whereas Federation Issues Policy highlights a concern for workers' rights and the environment; and

Whereas the BC Component passed the following motion at the August provincial general meeting;

Purchase of Products and Services

The Federation shall, wherever possible, engage in and support the practice of ethical purchasing and business operations. The practice of operation in an ethical fashion shall extend but not be limited to the campaigns, programs and administrative operations of the Federation and shall include the use of products and services from businesses that utilize unionized labour and support workers' and human rights.

Impact of Operations

The Federation shall, whenever possible, remain aware of the environmental impacts in all aspects of its operations and endeavour to minimize any negative environmental effects of its with the goal of reducing the ecological footprint created by the Federation as much as possible. Such endeavours shall extend but not be limited to, the campaigns, programs and administrative operations of the Federation.

Be it resolved that the following Operational Policy be adopted:

Purchase of Products and Services

The Federation shall, wherever possible, engage in and support the practice of ethical purchasing and business operations. The practice of operation in an ethical fashion shall extend but not be limited to the campaigns, programs and administrative operations of the Federation and shall include the use of products and services from businesses that utilize unionized labour and support workers' and human rights.

Impact of Operations

The Federation shall, whenever possible, remain aware of the environmental impacts in all aspects of its operations and endeavour to minimize any negative environmental effects of its with the goal of reducing the ecological footprint created by the Federation as much as possible. Such endeavours shall extend but not be limited to, the campaigns, programs and administrative operations of the Federation.

Be it further resolved that Standing Resolution 26 be amended to include:

11. Services review including details about partnerships and the implementation of operations policies related to purchase of products and services and impact of operations.

2004/11:047 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:046 be referred to the Organisational Development Committee.

CARRIED

2004/11:046 REFERRED

2004/11:048 MOTION

Local 3/Local 98

Whereas a significant majority of member locals that produce annual handbook/day planners now publish them through the Federation's Common Handbook project; and

Whereas several member locals that publish independently do so because they produce handbook/day planners with larger page sizes; and

Whereas it is unlikely that many of those locals will join the project if the only option for page size is the current one; therefore

Be it resolved that the possibility of offering two options for handbook sizes—one the current size and one somewhat bigger—be explored for possible implementation for the 2005-2006 year; and

Be it further resolved that if it is financially feasible to do so, as determined by the National Executive, both options be made available to participating student unions.

2004/11:049 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:048 be referred to the Organisational Development Committee.

CARRIED

2004/11:048 REFERRED

2004/11:050 MOTION

Local 3/Local 98

Whereas the colour scheme for the day planner pages in the common handbook has been the same for the past two years; and

Whereas the colour scheme, while initially interesting, is now somewhat stale for those who have used the planner for the past two years; therefore

Be it resolved that the colour scheme for the day planner pages in the common handbook be changed for the 2005-2006 handbook; and

Be it further resolved that the cost of adding a second colour to the planner pages be determined.

2004/11:051 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:050 be referred to the Organisational Development Committee.

CARRIED

2004/11:050 REFERRED

2004/11:052 MOTION

Local 5/Local 98

Whereas the Federation opposes kickbacks from health insurance vendors; and

Whereas Local 5 has received the following offer of a kickback from an employee of the Studentphonestore;

rishi@studentphonestore.com

Hey,

I appreciate anything that you are able to do, different locations on campus would not be a problem.

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For the request please could you highlight the fact that we are NOT a big corporate company, instead we are very small and comprise mainly of students, and we have been working with the CFS for 4 years now, *and if it may help we would be happy to donate you guyz an mp3 player.*

Rishi

gyule@capcollege.bc.ca

Hi Rishi,

I am not sure that I can get you three consecutive days, as the administrative office in charge of the approvals is fussy about any sort of business promotion on campus (I go through this with them often).

I will see if I can get permission for a table in the Library Building for one day, and the cafeteria for another day. Please go ahead and e-mail me the soft copies of your materials and I'll see what I can do.

Please do brace yourself for the possibility that the request may be turned down.

Garth Yule

Services Coordinator, Capilano Student Union

therefore

Be it resolved that all kickbacks from all Federation partners be opposed; and

Be it further resolved that Studentphonestore be contacted to express concern about its business practices.

2004/11:053 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:052 be referred to the Organisational Development Committee.

CARRIED

2004/11:052 REFERRED

2004/11:054 MOTION

Local 18/Local 98

Whereas many retailers are reluctant to offer student discounts for on-line purchases because of the perception that it is not possible to verify the student status for on-line purchases; and

Whereas the on-line discounts, offered through studentphonestore.com and requiring the International Student Identity Card (ISIC) as proof of student status, have proven just how easy it is to verify the student status for on-line purchases; and

Whereas the student phone store discounts have proved extremely popular with the membership, with over 5,000 individual members taking advantage of the savings in the past three months alone; and

Whereas discounts such as the student phone discounts enhance the value of the ISIC for members; therefore

Be it resolved that options for expanding on-line discounts, that would require the ISIC as proof of student status, be explored.

2004/11:055 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:054 be referred to the Organisational Development Committee.

CARRIED

2004/11:054 REFERRED

2004/11:056 MOTION

Local 18/Local 98

Whereas the cost of textbooks is an increasing financial burden on students; and

Whereas students can often realise significant savings by buying used textbooks; and

Whereas selling textbooks provide students with an opportunity to recoup some of those costs; and

Whereas many campus bookstore pay students far less for used textbooks than what they are sold for by the bookstore; and

Whereas both the student buying, and the student selling the textbook get a better deal by cutting out the middleperson; and

Whereas the Internet provides a link between used textbook buyers and sellers from different campuses; therefore

Be it resolved that options for developing or purchasing a website through which students can buy and sell new and used textbooks be explored.

2004/11:057 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:056 be referred to the Organisational Development Committee.

CARRIED

2004/11:056 REFERRED

2004/11:058 MOTION

Local 54/Local 98

Whereas it is important for the Federation to perform all activities in a manner that is as transparent and accountable as possible; and

Whereas the Federation should undertake actions to ensure that all internal elections are fair and accurate; therefore

Be it resolved that results be released for all elections undertaken by the Federation (including constituency representatives and executive);

Be it further resolved that the counting of all ballots be done in the same room as the casting of votes; and

Be it further resolved that a scrutineer be appointed by each candidate in all elections unless a given candidate waives this right.

2004/11:059 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:058 be referred to the Organisational Development Committee.

CARRIED

2004/11:058 REFERRED

2004/11:060 MOTION TO AMEND BYLAWS

Local 18/Local 98

Whereas for the past three general meetings a member local association has requested the release of the vote count;

Whereas the Federation's practice in the past has been to not release election vote counts in order to spare losing nominees potential embarrassment;

Whereas the Federation's bylaws are silent on the issue; and

Whereas there should be a clear protocol to address the issue of releasing the vote counts; therefore

Be it resolved that Bylaw VI be amended to include:

9. Announcement of Election Results

Following the tabulation of votes for at-large positions, the Chief Returning Officers will announce to the plenary:

- a. the nominees elected;
- b. the process for additional balloting in the event that no nominees for a particular position receives a majority of the votes cast; and
- c. the vote count for each candidate if directed to do so by a two-thirds majority vote of the plenary.

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2004/11:061 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:060 be referred to the Organisational Development Committee.

CARRIED

2004/11:060 REFERRED

2004/11:062 MOTION

Local 54/Local 98

Whereas it is common for many organisations to limit executive members to a fixed number of terms;

Whereas this policy encourages new candidates to run in organisational elections; and

Whereas this encourages new ideas and energy; therefore

Be it resolved that members be allowed to serve no more than two terms in office as an executive member.

2004/11:063 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:062 be referred to the Organisational Development Committee.

CARRIED

2004/11:062 REFERRED

2004/11:064 MOTION TO AMEND STANDING RESOLUTIONS

Local 18/Local 98

Whereas workshops are not formal decision making fora; and

Whereas member locals associations that wish to present motions as a result of discussions or deliberations in a workshop should do so in the appropriate plenary sub-committee; therefore

Be it resolved that Standing Resolution 3, Subsection 5, be deleted.

2004/11:065 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:064 be referred to the Organisational Development Committee.

CARRIED

2004/11:064 REFERRED

2004/11:066 MOTION

Local 54/Local 98

Whereas constituency groups and caucuses exist to ensure that Federation general meetings address the needs of historically marginalized groups;

Whereas the input of these constituencies and caucuses is integral to the development of the Federation as a progressive student organisation;

Whereas it is crucial that all members of these groups participate at the highest capacity possible;

Whereas attending early morning or late evening meetings is both inconvenient and draining; and

Whereas workshops could easily be moved into early morning/late evening timeslots; therefore

Be it resolved that all caucuses and constituency groups begin no earlier than 10:30 am and end no later than 9:00 pm; and

Be it further resolved that those members who are not part of constituency groups or caucuses have parallel programming at that time such as, but not limited to, anti-oppression training.

2004/11:067 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:066 be referred to the Organisational Development Committee.

CARRIED

2004/11:066 REFERRED

2004/11:068 MOTION

Local 54/Local 98

Whereas bilingualism within Canada is endorsed by the Canadian Federation of Students;

Whereas simultaneous translation is crucial to Federation meetings;

Whereas lengthy discussions are usually needed to conduct general meeting business causing committees and plenary to go overtime;

Whereas translators have only been hired to cover the scheduled meeting times;

Whereas when translation ceases, meetings are halted; and

Whereas due to the discrepancy between actual time needed for meetings and time scheduled for translators, items on the agenda are never addressed; therefore

Be it resolved that translators be present to the finality of meetings, whether they exceed scheduled times or not; and

Be it further resolved that money be allocated to pay translators for extra hours beyond those that are scheduled, whether that means providing overtime pay or scheduling translators for longer hours.

2004/11:069 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:068 be referred to the Organisational Development Committee.

CARRIED

2004/11:068 REFERRED

2004/11:070 MOTION

Local 26/Local 5

Whereas debate and hearing multiple positions is a good thing when educating the membership on issues; and

Whereas hearing positions contrary to our currently held views makes our views stronger; therefore

Be it resolved that debate(s) between two expert guest speakers at national general meetings be held on issues such as: public versus privatized post-secondary education; large-scale lobbying vs. grass roots lobbying; the millennium scholarship, positive for students vs. negative for students; what is the perfect model of a student union; national representation for students the Canadian Alliance of Student Associations versus the Canadian Federation of Students.

2004/11:071 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:070 be referred to the Organisational Development Committee.

CARRIED

2004/11:070 REFERRED

2004/11:072 MOTION

Local 26/Local 5

Be it resolved that a panel discussion be held at the May 2005 national general meeting made up of representatives from multiple provincial or national student organisations to discuss the role of student politics in the 21st century.

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2004/11:073 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:072 be referred to the Organisational Development Committee.

CARRIED

2004/11:072 REFERRED

2004/11:074 MOTION

Local 26/Local 5

Be it resolved that a panel discussion be held within the next two years at a national general meeting, made up of representatives from multiple provincial or national student organisations and/or experts in the field, to discuss international communication between student organisations.

2004/11:075 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:074 be referred to the Organisational Development Committee.

CARRIED

2004/11:074 REFERRED

2004/11:076 MOTION

Local 26/Local 98

Whereas there is always a possibility of bias when a person involved or working in an organisation chairs a meeting in which the ultimate direction and principals of the organisation are decided; and
Whereas having external chairs in meetings would free the experienced voices in the organisation to give their advice and share their points of view; therefore

Be it resolved that the chairs of all sub-committee meetings and opening and closing plenary shall not hold any elected, staff or appointed position in the Federation or at any member local association.

2004/11:077 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:076 be referred to the Organisational Development Committee.

CARRIED

2004/11:076 REFERRED

2004/11:078 MOTION TO AMEND BYLAWS

Local 23/Local 98

Whereas there ought not to be partiality or the appearance of partiality on Federation and Defederation referendum oversight committees; and

Whereas the *Canada Elections Act* contains several provisions to ensure the impartiality and the appearance of impartiality of federal elections, including prohibiting the Chief Electoral Officer from voting and prohibiting returning officers from engaging in politically partisan conduct; therefore,

Be it resolved that Bylaw 1-Membership, Section 4.d. be amended by adding subsection iii, to read:

- iii. The members of the Referendum Oversight Committee must remain non-partisan, and may not participate in the campaign.

Be it further resolved that Bylaw 1-Membership, Section 6.b. be amended by adding subsection iii, to read:

- iii. The members of the Referendum Oversight Committee must remain non-partisan, and may not participate in the campaign.

2004/11:079 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:078 be referred to the Organisational Development Committee.

CARRIED

2004/11:078 REFERRED

2004/11:080 MOTION

Local 26/Local 98

Whereas the Canadian Federation of Students and the Canadian Alliance of Student Associations both lobby the federal government on issues relating to post-secondary education;

Whereas purposeful communication between organisations must be established to discourage zero-sum views of issues that students face;

Whereas the "strength in numbers" which a students' union realises by working in a Federation with other students' unions is realised to an even greater extent when the Federation works in coalition with other groups and organisations; and

Whereas even on matters of disagreement, it is often prudent and advantageous to consult with other lobby organisations prior to engaging in lobbying campaigns and strategies; therefore

Be it resolved that the National Chairperson explore the possibility of formal consultations with the Canadian Alliance of Student Associations with regard to lobbying goals and strategies, and other public relations matters.

2004/11:081 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:080 be referred to the Organisational Development Committee.

CARRIED

2004/11:080 REFERRED

2004/11:082 MOTION

Local 61/Local 98

Whereas in the late 1970s in Canada there were two national student federations (outside of Québec), the National Union of Students and Association of Student Councils Canada, and several provincial student federations, including the BC Students' Federation, the Federation of Alberta Students, Saskatchewan Federation of Students, Ontario Federation of Students and Students' Union of Nova Scotia; and

Whereas, through discussions, debate and deliberations within each of the aforementioned national and provincial student federations over the course of several years, there emerged a consensus that students would be best served by having a single, united national organisation (outside of Québec) that included congruent provincial organisations; and

Whereas during the 1980-1981 academic year each of the aforementioned organisations voted to amalgamate to form such an organisation, subsequently named the Canadian Federation of Students; and

Whereas, like its predecessor organisations, the Canadian Federation of Students was created to be an organisation that included college, university undergraduate and university graduate student unions; and

Whereas the Federation was designed to mirror its member student unions by providing both services and representation; and

Whereas the Federation was intended to mirror its member student unions by having individual students as its members, represented within the Federation by their campus student unions; and

Whereas the Federation, like its predecessor organisations, was established with a "one vote per member union" voting system; and

Whereas the Federation was formally founded in October 1981; and

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Whereas for more than a decade the Federation functioned as the only national student Federation in Canada (outside of Québec); and

Whereas in the mid-1990s several Federation member student unions, primarily from New Brunswick and Nova Scotia, withdrew from the Federation and, together with some other university undergraduate student unions that did not belong to the Federation, formed an alternative organisation called the Canadian Alliance of Student Associations; and

Whereas the Alliance was originally intended by its founders to be, in many ways, the antithesis of the Federation; and

Whereas, in the years immediately following its formation, the Alliance consistently called for higher tuition fees and higher student debt, while denouncing all campaign activity that sought to increase public awareness and support for student issues; and

Whereas the Alliance publicly questioned the appropriateness of the Federation running campus awareness campaigns, such as the "No Means No" anti-date rape campaign and the on-going campaign highlighting the injustices faced by Aboriginal students; and

Whereas, structurally, the Alliance was originally intended to include only undergraduate university student unions, to have no provincial infrastructures, to provide no services and to count as its members only the councils of the student unions rather than the individual students; and

Whereas the Alliance's original bylaws called for a "weighted" voting system that would favour bigger student unions; and

Whereas the Alliance abandoned its "weighted" voting system soon after its formation in order to attract smaller student unions; and

Whereas several years ago the Alliance began accepting college student associations as members; and

Whereas there is now discussion within the Alliance about the organisation possibly offering services; and

Whereas the Alliance is now considering bylaw amendments that would require individual students to vote in referenda on whether to join or leave the Alliance; and

Whereas in the past few years the Alliance has engaged in actual campaign activity to publicly promote its views on issues; and

Whereas earlier this year, apparently for the first time in its history, the Alliance publicly questioned the value of student loan limit increases, given that such increases are inevitably followed by hikes in tuition fees; and

Whereas if the Alliance continues to follow the path on which it now finds itself there may be little to distinguish itself from the Federation; and

Whereas it might make more sense for the Alliance's members to simply join or rejoin the Federation, rather than the Alliance try to re-invert (or at least copy) the wheel; and

Whereas students are best served by having only one national student organisation (outside of Québec); therefore

Be it resolved that inquiries be made to determine if there is any interest on the part of the Canadian Alliance of Student Association in merging into the Federation; and

Be it further resolved that, in the event that there is interest, efforts be made to identify the structural and policy changes that the Alliance would consider necessary for its members to either join or re-join the Federation; and

Be it further resolved that a full report on whether there is or is not interest on the part of the Alliance in such an idea be presented to the May 2005 national general meeting.

2004/11:083 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:082 be referred to the Organisational Development Committee.

CARRIED

2004/11:082 REFERRED

2004/11:084 MOTION

Local 26/Local 98

Whereas the Canadian Alliance of Student Associations holds their annual meeting at approximately the same time as the Canadian Federations in November, and is currently in session (November 22-27); therefore

Be it resolved that the National Chairperson investigate the possibility of holding the next Annual General Meeting at the same time and location as the 2004 Annual General Meeting of the Canadian Alliance of Student Associations, to further facilitate discussion between the two organisations and their membership.

2004/11:085 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:084 be referred to the Organisational Development Committee.

CARRIED

2004/11:084 REFERRED

2004/11:086 MOTION

Local 61/Local 98

Whereas there has been some interest expressed during the last two general meetings in expanding the Federation website to include a variety of the Federation's internal documents;

Whereas these documents are internal in nature and not necessarily appropriate to be circulated outside of the membership;

Whereas there is validity to the concern that there are organisations and individuals who do not wish to see the Federation succeed;

Whereas said organisations and individuals could and would manipulate the Federation's internal documents to achieve their own ends which would undermine the Federation;

Whereas if the desire to post internal documents on the website is to ensure that members of the organisation have full and easy access to them; therefore

Be it resolved that the feasibility of establishing a "Members Only" section of the Federation's national website be explored;

Be it further resolved that an update on progress to-date be provided at the May 2005 national general meeting; and

Be it further resolved that member local associations endeavour to better inform their members that the Federation's internal documents are available in the member local association's offices.

2004/11:087 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:086 be referred to the Organisational Development Committee.

CARRIED

2004/11:086 REFERRED

2004/11:088 MOTION

Local 26/Local 5

Whereas sharing locals, campaign activities, campaign ideas, and campaign progress quickly would be beneficial to all locals;

Whereas Federation locals are constantly attempting to come up with new means of sharing gained knowledge;

Whereas to increase communication between locals, executive, council, and membership is one of the core purposes for the founding of the Federation;

Whereas member locals are proud of what they have accomplished and what the Federation is accomplishing; and

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Whereas, more students will have access to the national reports and the progress of the Federation and Federation locals if they were on the Internet; therefore

Be it resolved that from now onward National Executive Reports be posted on the national Federation website.

2004/11:089 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:088 be referred to the Organisational Development Committee.

CARRIED

2004/11:088 REFERRED

2004/11:090 MOTION

Local 26/Local 98

Whereas all of the following documents are already available on the Internet at <http://www.sfu.ca/~tgregory/>; therefore

Be it resolved that all provincial and national Federation Bylaws, Standing Resolutions, Issues Policies, Operational Policies, Constitutions and the Declaration of Students' Rights be posted on the appropriate provincial and national websites.

2004/11:091 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:090 be referred to the Organisational Development Committee.

CARRIED

2004/11:090 REFERRED

2004/11:092 MOTION

Local 26/Local 5

Whereas the Federation's Issues Policies are already posted on, or in, t-shirts, sweaters, posters, radio ads, campaign speeches, placards, letters to editors, lawn signs, stickers, political chants, daytimers, the Federation's Constitution, newspaper ads, Nalgene water bottles, and bumper stickers;

Whereas what makes the Federation an organisation worth supporting are its ideals and the issues it stands for;

Whereas the issues policy of the Federation make it a superior organisation to other provincial and national student organisations;

Whereas the Internet is an incredibly good means of communicating to students; and

Whereas the Issues Policies are already posted on the Internet; therefore

Be it resolved that all Issues Policies be posted on the Federation's national website.

2004/11:093 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:092 be referred to the Organisational Development Committee.

CARRIED

2004/11:092 REFERRED

2004/11:094 MOTION

Local 26/Local 5

Whereas educating the membership on educational issues is extremely important to the health of the Federation;

Whereas fact sheets are an important tool in educating the membership and general population on educational issues; and

Whereas the Internet is an extremely good means of communicating with and educating our membership; therefore

Be it resolved that all fact sheets be posted on the Federation's national website.

2004/11:095 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:093 be referred to the Organisational Development Committee.

CARRIED

2004/11:094 REFERRED

c. Motions Not Considered by the Previous National General Meeting

Sioufi said that Standing Resolution 1.6 stated that,

"All committee reports, not presented in full at a given general meeting due to lack of time, natural disaster or other event beyond human control, shall be:

- a. distributed to the member local associations not less than four weeks prior to the next regularly scheduled national general meeting; and
- b. presented in the opening plenary of the next regularly scheduled national general meeting prior to any new business."

She explained that the following motions had been included in the Campaigns and Government Relations Report to the May 2004 national general meeting; however, the Report had not been considered in its entirety before the closing plenary session adjourned.

i. Proposal to Endorse "Make Trade Fair" Campaign

2004/05:076 MOTION

Local 5/Local 79

Whereas much of the injustice in the world today can be tied to the neo-liberal free trade movement; and

Whereas working conditions around the world's working class are getting progressively worse; and

Whereas the Federation's issues policy calls for social equality, reasonable wages, and working conditions; and

Whereas this ideology is at the heart of the agenda that is leading to tuition fee increases, and the privatisation and commercialisation of education; therefore

Be it resolved that Oxfam's "make trade fair campaign" be endorsed and campaign materials be distributed to member locals.

2004/11:096 MOTION TO AMEND

Local 5/Local 54

Be it further resolved that Motion-2004/05:076 be amended to read as follows:

"Be it resolved that Oxfam's "make trade fair campaign" be endorsed; and

Be it further resolved that campaign materials be distributed to member locals provided the cost is not prohibitive."

2004/11:097 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/05:076 and Motion-2004/11:097 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/05:076 REFERRED

2004/11:096 REFERRED

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ii. Proposal to Campaign Against Genetically Modified Foods

2004/05:078-a MOTION

Local 5/Local 79

Be it resolved that a petition calling for federal labelling laws that ensure full disclosure of working conditions and genetically modified foods be circulated.

2004/11:098 MOTION TO AMEND

Local 5/Local 9

Be it further resolved that Motion-2004/05:078-a be amended to include the following clause:

"Be it further resolved that in light of the Supreme Court decision of May 21, 2004 a letter be written to Percy Schmeiser commending him for the courage and integrity that he has demonstrated during his struggle to protect civil society from the continuing imposition of genetically modified foods."

2004/11:099 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/04:078-a be referred to the Campaigns and Government Relations Committee.

CARRIED

2004/05:078-a REFERRED

2004/11:098 REFERRED

2004/05:078-b MOTION

Local 5/Local 79

Be it resolved that stickers be produced that indicate that products were made in sweatshops or were genetically modified.

2004/11:100 MOTION TO AMEND

Local 5/Local 9

Be it further resolved that Motion-2004/05:078-b be amended to read as follows:

"Be it resolved that stickers be produced that question whether products were made in sweatshops or were genetically modified."

2004/11:101 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/05:078-b be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/05:078-b REFERRED

2004/11:100 REFERRED

iii. Proposal to Hold Mass Lobby Session

2004/05:084 MOTION

Local 18/Local 79

Whereas for several years it was the practice of the Federation to organise a mass lobby on Parliament Hill in conjunction with each fall national general meeting; and

Whereas the Federation ceased the practice apparently because the fall general meetings began being held later in the fall when Parliament was not in session and, therefore, most Members of Parliament were not in Ottawa; and

Whereas the Federation's regular, day-to-day lobbying efforts would be bolstered by a mass lobbying session with student representatives from across Canada; and

Whereas the fall national general meeting is normally four days in length, commencing on a Wednesday and ending on a Saturday; therefore,

Be it resolved that the fall 2004 national general meeting be scheduled for earlier in the fall when the federal Parliament will be in session;

Be it further resolved that a one-day mass lobby session be organised for the Monday following the general meeting;

Be it further resolved that preparatory workshops be held on the Sunday immediately following the general meeting and immediately preceding the one-day lobby session;

Be it further resolved that, in the event that dates for the fall national general meeting have already been set and cannot be changed, a stand-alone lobby event on Parliament Hill, involving representatives from the member locals, be organised; and

Be it further resolved that the bulk of the funding for the lobby event be allocated from the Federation's budget for Campaigns and Government Relations.

2004/11:102 MOTION TO REFER

Local 1/Local 78

Be it resolved that Motion-2004/05:084 be referred to the National Executive.

2004/11:103 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/05:084 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/05:084 REFERRED

2004/11:102 REFERRED

iv. Proposal Regarding Development of Federal Election Campaign Materials

2004/05:108 MOTION

Local 26/Local 79

Whereas a change in the federal government is needed; and

Whereas more funding needs to be given to post-secondary education; and

Whereas money may not be available for provincial components or from the national budget to run an issue or other campaign during the upcoming federal election; and

Whereas member local associations should be encouraged to use local pressure to make national changes in policy; therefore

Be it resolved that the National Executive prepare, or have prepared, a document detailing four main Federation student issues for member local associations to use in federal election candidates' debates or for use in any election campaigns member local associations may hold.

2004/11:104 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/05:108 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/05:108 REFERRED

v. Proposal to Increase the Number of Links on the Federation Website

2004/05:114 MOTION

Local 61/Local 79

Whereas Canada is one of a handful of nations that use a first past the post voting system that produces artificial majorities in parliament; and

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Whereas Canada's voting system allows political parties to disregard the will of the majority of Canadians and still form majority governments; and

Whereas post-secondary education would likely be a higher priority of a government under a fair voting system; and

Whereas electoral reform is on the public agenda; therefore,

Be it resolved that the federal election campaign include a discussion of the need for a review of Canada's electoral system; and

Be it further resolved that the voteeducation.ca site include links to the websites of organisations supporting electoral reform, including FairVote Canada.

2004/11:105 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/05:114 be referred to the Campaigns and Government Relations Committee.

CARRIED

2004/05:114 REFERRED

vi. Proposal to Adopt 2004 Federal Election Strategy

2004/11:106 MOTION

Local 3/Local 69

Be it resolved that the 2004 Federal Election Strategy be adopted.

2004/11:107 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/11:106 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:106 REFERRED

vii. Proposal to Adopt Campaign on First Student Loan

2004/11:108 MOTION

Local 23/Local 79

Whereas for-profit, institutionally-administered student loans are not currently a reality in Canada; and

Whereas First Student Loan is the first company to offer the possibility of institutionally-administered loans; and

Whereas First Student Loan has been engaging in discussions with Canada's largest universities; and

Whereas First Student Loan has been offering differing interest rates and guarantee premiums between these schools, with larger schools being offered better rates; and

Whereas this presents a significant risk to the students of smaller post-secondary institutions; and

Whereas First Student Loan has not been forthcoming in responding to the press regarding the contents of its deals with these public institutions; and

Whereas the First Student Loan loan provisions platform is irresponsible and does not look out for the best interest of the students; and

Whereas First Student Loan claim that they are making up for a loan funding shortfall is false; and

Whereas a First Student Loan product comparison shows that all First Student Loan student loans are more expensive than existing comparable options; and

Whereas the acceptance of the First Student Loan program at any Canadian institution opens the door to more companies of this kind in Canada, and puts pressure on other institutions to offer private, institutionally-administered loans; therefore

Be it resolved that records of the activities of First Student Loan and other similar companies be compiled and maintained;

Be it further resolved that a campaign be undertaken to assist member locals opposing the implementation of First Student Loan programs at their institutions; and

Be it further resolved that a membership advisory on for-profit, institutionally administered loans be prepared and distributed to member locals.

2004/11:109 MOTION TO REFER

Local 61/Local 88

Be it resolved that Motion-2004/11:108 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:108 REFERRED

d. Motion Submitted by the Newfoundland and Labrador Component

Sioufi explained that the following motion had been submitted by the Newfoundland and Labrador Component with due notice for consideration at the meeting. She said that the motions would require a mover and seconder.

2004/11:110 MOTION

Local 42/Local 98

Whereas the Governments of Newfoundland and Labrador and Ontario are currently undertaking comprehensive reviews of their post-secondary education systems: the White Paper on Post-Secondary Education, and the Rae Review, respectively; and

Whereas these reviews will make government policy recommendations for post-secondary education funding, tuition fee levels, student financial assistance, institutional governance and the structure of each province's post-secondary education system; and

Whereas there are indications that both reviews are being conducted merely to justify pre-determined government cuts to post-secondary education, which include a statement in the September 6 edition of Maclean's magazine in which an unnamed member of the Advisory Panel of the Rae Review was quoted as stating that the Panel will argue that "tuition is going to have to go up"; and

Whereas Newfoundland and Labrador is the only province to have substantially reduced tuition fees in recent years, and Ontario has just implemented a two-year tuition fee freeze; and

Whereas if these policies are reversed in favour of higher fees, there will be less pressure on other provinces to freeze or reduce fees; and

Whereas member locals in Newfoundland and Labrador and Ontario are campaigning to ensure that the reviews recommend improving access to post-secondary education through the reduction of tuition fees, improved student financial assistance, and expanded access to college training programs; therefore

Be it resolved that member locals support the efforts of member locals in Newfoundland and Labrador and Ontario to improve access to post-secondary education; and

Be it further resolved that member locals be encouraged to send letters supporting reduced tuition fees and improved student financial assistance to the chairs of the post-secondary education reviews in Newfoundland and Labrador and Ontario.

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2004/11:111 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:110 be referred to the Campaigns and Government Relations Forum.

CARRIED

2004/11:110 REFERRED

e. Motion Submitted by the National Executive

Sioufi said that the May 2004 national general meeting had resolved that the National Executive review the Federation's existing policy on peace and develop a recommendation. She said that the following motion had been submitted by the National Executive with due notice for consideration at the meeting. She said that the motion would require a mover and seconder.

2004/11:112 MOTION

Local 42/Local 98

Be it resolved that the policy titled "Peace" in the Social Issues section of the Policy Manual be amended to read:

Preamble

Peace is more than the absence of war. It is the achievement of societal goals that acknowledge human rights, diversity, and equity. Peace is a precondition for strengthening democratic values, reducing poverty and injustice, promoting international cooperation and advancing international justice.

Policy

The Federation supports all endeavours made by the Canadian government to support world peace and multilateral disarmament, and supports Canada taking a more active role at the United Nations to encourage self-determination for all nations.

The Federation supports non-violent strategies both domestically and internationally to empower individuals and organisations to resolve conflict constructively.

The Federation acknowledges that atrocities often occur during wars, and supports efforts to recognize that certain acts committed during war are war crimes. In particular, the Federation supports recognition of rape during wartime as a war crime.

2004/11:113 MOTION TO REFER

Local 98/Local 42

Be it resolved that Motion-2004/11:112 be referred to the National Education and Student Rights Committee.

CARRIED

2004/11:112 REFERRED

13. INTRODUCTION OF ANTI-HARASSMENT ADVISOR FOR THE GENERAL MEETING

Soule said that the Federation endeavoured to create an environment at its national general meetings that was free of harassment. He said that at each national general meeting the Federation employed an anti-harassment advisor who would be available on a 24-hour basis to assist delegates. He said that Tara Connolly had been hired as the Anti-Harassment Advisor for the meeting.

Connolly said that the Federation had an anti-harassment policy to address demeaning, abusive or threatening behaviour that took advantage of a friendly or informal atmosphere. She said that the anti-harassment advisor was a preventative measure and was not intended to discourage a jovial or joking environment. She said that delegates should familiarise themselves with the Federation's policy. She said that delegates should be aware of their actions and contributions and how it would affect other delegates. She explained that she would circulate through the meeting to meet everyone. She noted that any discussions with her would be confidential.

14. PRESENTATION BY THE FEDERATION'S STAFF RELATIONS OFFICER

Hare explained that he served as the Staff Relations Officer. He said that the staff of the Federation were unionised with Canadian Union of Public Employees-local 1281. He said that the relationship between the Federation and its staff was governed by a contract, known as a collective agreement. He said that the agreement outlined the rights and responsibilities of employees and the employer. He noted that staff of the Federation had the right to attend and participate in all meetings of the employer with the exception of those meetings that included discussions of discipline, discharge and negotiations. He said that staff often had more experience and provided context for a number of the issues that delegates would be discussing over the course of the meeting. He said that encouraging staff participation was very important to the health of the organisation.

15. OTHER BUSINESS

A series of logistical announcements were made.

16. RECESS

2004/11:114 MOTION TO RECESS

Local 3/Local 17

Be it resolved that plenary be recessed until 14:00, Saturday, November 27, 2004.

CARRIED

18:17 the meeting recessed.

THIS IS EXHIBIT " E " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July 2004
Andrew McPherson

Our File No:
Your File No:
e-mail: gwalen@scharfsteinklaw.com

February 8, 2005

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

Attention: Gavin Gardiner

Dear Sir:

Re: Legal Opinion re Referendum Oversight Committee

It is my understanding that the University of Saskatchewan Students' Union wishes to receive a legal opinion from me with respect to the interplay between the Referendum Oversight Committee set out in paragraph 4 of the Constitution and Bylaws of the Canadian Federation of Students and the Elections and Referenda Policy of the University of Saskatchewan Students' Union.

The salient features of my opinion are as follows:

- (a) On or about November 4, 2004, counsel of the University of Saskatchewan Students' Union passed the following motion:

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

- (b) As a consequence of this motion, a formal application for prospective membership was forwarded to the Canadian Federation of Students on or about November 8, 2004.
- (c) In accordance with the Constitution and Bylaws of the Canadian Federation of Students, a prospective member (in this case the USSU), must hold a referendum of full membership in the Federation in accordance with s. 5 of the CFS Bylaws within five months following its acceptance as a prospective member.

- (d) The actual section of the Constitution and Bylaws of the Canadian Federation of Students dealing with the referendum above referred to is actually s. 4 and not s. 5. In accordance with s. 4, the referendum is to be overseen by a committee entitled a "Referendum Oversight Committee" composed of two members appointed by the prospective local association and two members appointed by the Federation. It is that Oversight Committee (herein referred to as R.O.C.) that was to be responsible for deciding all aspects of the Referendum including the notice requirement for the Referendum, campaign material, the number and location of polling stations, the hours for voting, and all other rules and regulations for the vote as well as counting the ballots following the vote.
- (e) The Constitution of the University of Saskatchewan Students' Union provides for a referendum to be held for the purposes of establishing or eliminating a dedicated student's fee. The Constitution further provides that all "referenda" shall be held in the following circumstances:
- (a) if proposed by the executive upon approval of two-thirds of counsellors of the USC 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 5 percent of the members of the University of Saskatchewan Students' Union and upon approval of two-thirds of the counsellors of the University Students' Council present at a meeting when the Petition is presented.
- (f) The Elections and Referenda Policy of the University of Saskatchewan Students' Union states that the Elections Board shall have authority over the activities of the USSU membership as they relate to referenda. The policy further provides that referenda may be initiated according to Article 11 of the USSU Constitution. As well, it provides that the USSU solicitor must examine the wording of each referendum question and that the solicitor has the right to alter the wording of the referendum questions to ensure clarity and legal status but must not alter their spirit and intent.

It is against this factual backdrop that I am asked to provide an opinion with respect to the status of the Referendum Oversight Committee and its relationship with the Elections Board, all relating, of course, to a proposed referendum for membership in the Canadian Federation of Students.

Needless to say, there is no question that there is a conflict between the Constitution and Bylaws of the Canadian Federation of Students and the Constitution of the University of Saskatchewan Students' Union. As the proposed referendum is undoubtedly a referendum establishing a dedicated student fee, that referendum must be in compliance with Article 11 of the USSU Constitution. If, in my respectful view, the referendum is not held in accordance with Article 11, its validity is in doubt. In accordance with the policy of the University of Saskatchewan Students' Union, the Elections Board has authority over this referendum. This clashes with the Constitution and Bylaws of the Canadian Federation of Students which require the prospective member association (the USSU) to hold a referendum on full membership in the Federation within five months following its acceptance as a prospective member. A Referendum Oversight Committee as established in s. 4(b) of the Constitution and Bylaw of the CFS oversees the referendum and essentially, despite the fact that two members are appointed by the USSU, usurps the function of the Elections Board.

As I see it, the clash between the two Constitutions is not restricted to an issue of control between the Elections Board and the Referendum Oversight Committee. The clash extends to the nature of the referendum itself. If, for instance, the proposed referendum is not approved by two-thirds of the councillors of the USC or does not comply with Article 11, it is an invalid referendum. It matters not whether the referendum complies with the Constitution and Bylaws of the Canadian Federation of Students.

At a recent meeting of the Elections Board wherein I appeared by telephone, I offered a solution. It is possible to have the referendum comply with both the Constitution of the USSU and the Constitution and Bylaws of the CFS. I see no difficulty with having the Referendum Oversight Committee and the Elections Board co-operate in a partnership to conduct an identical referendum provided that it complies with both of the Constitutions. While not an ideal solution, it may provide a way out of the conundrum.

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I would be most happy to assist you with respect to working out the details of a potential partnership between the two bodies. Please do not hesitate to contact me in that regard.

Yours truly,

SCHARFSTEIN GIBBINGS WALEN & FISHER LLP

PER:
GREGORY G. WALEN, Q.C.

GGW/jas

University Students' Council Agenda

Thursday, February 10th, 2005

1. Call to Order
2. Call for Quorum
3. Adoption of an Agenda
4. Introductions and Announcements
5. Council Address
 - 5.1 Trent Evaniksy – Elections Board
6. Minutes and Reports for Information
 - 6.1 USC Minutes – February 3rd, 2005
 - 6.2 Executive Committee Minutes – February 10th, 2005
 - 6.3 Academic Affairs Board Minutes and Report – January 28th & February 4th, 2005
 - 6.4 Operations & Finance Board Minutes and Report
 - 6.5 Student Issues Board Minutes and Report
 - 6.6 Appointments Board Minutes and Report
 - 6.7 Elections Board Minutes and Report
 - 6.8 Code of Ethics Disciplinary Committee Minutes and Report
 - 6.9 External Affairs Board Minutes and Report
 - 6.10 Environmental Board Minutes and Report
7. Motions Arising from the Minutes and Reports
8. Business
 - 8.1 External Affairs Board Recommendations
 - 8.2 Code of Ethics & Disciplinary Committee Election
9. New Business
 - 9.1 Accountability Reports – tabled
10. Questions and Comments (30 minutes)
11. Any Other Business
12. Adjournment

THIS IS EXHIBIT " F " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July 2006
Andrew Refear

University Students' Council

Minutes for Thursday, February 10th, 2005

Present

Gavin Gardiner, President
Kim Stranden, VP (Student Issues)
Malvina Gersher, VP (Academic Affairs)
Lisa Chadwick, Agriculture
Michael Kowalsky, Arts & Science
Matthew Leisle, Arts & Science
Dustin Bartsch, Commerce
Richard Bowes, Education
Gerald Schiltroth, Education
Ashley Forbes, Engineering
Matthew Galbraith, Engineering
Darcy Diachinsky, ISC
Jason Villeneuve, Kinesiology
Valerie Quintin, Law
Melissa Gieni, Medicine
Jaime Robin, Nursing
Beverly Wudel, Pharmacy & Nutrition
Melanie Funk, Physical Therapy

Jessa Alston-O'Connor, St. Thomas More
Nicholas Ansaldo, St. Thomas More
Katharine Kirkness, VPRA

Also Present

Everisto Mupanguri, Chair
Sarah Connor, Arts & Science
Trent Evanisky, Commerce
Gina Otte, Kinesiology

Regrets

Jeff MacDonald, VP (Operations & Finance)
Marlaina Hauser, Commerce
Bobbi Birdi, Dentistry
Jessica Heath, WCVM

1. Call to Order

The meeting was called to order.

2. Call for Quorum

Quorum was present.

3. Adoption of an Agenda

Move to amend the agenda to add to item 8, Elections Board Declaration.

USC MOTION127: Gardiner/???

Carried.

4. Introductions and Announcements

President Gardiner introduced Sarah Connor who is running Executive in the upcoming USSU election. He also welcomed Trent Evanisky, ACRO, for the USSU elections. Elections forum posters are being passed around to be put in the Colleges. He thanked everyone who came out for the Day of Action. There was a lot of media coverage and had about 350 people in attendance. Since Monday, tuition in Alberta is now frozen and tuition in British Columbia has been capped at inflation.

VP Stranden thanked St. Thomas More for putting on a wonderful evening for the Anti-Valentine's Day pub crawl. She spoke with Tony Whitworth and mentioned to him that there were concerns with security in Vet Med. He will be speaking with Bob Ferguson about getting Vet Med students personal safety devices. She will be bringing this forward to him again at the next breakfast meeting.

Councilor Villeneuve wished everyone a Happy Valentine's Day. Kinesiology games is at the U of A this year. There is a fundraising event on February 11th at the Pat.

Councilor Bartsch thanked Councilor Villeneuve for the Valentine's card. He apologized in advance that he would have to leave the meeting at 7p.m.

Councilor Robin announced that Nursing is donating \$750 to Tsunami relief.

Councilor Schiltroth welcomed Gina Otte who is from Education and is running for an MSC position.

Councilor Leisle congratulated Councilor Kirkness for being Bachelorette of the month in the Sheaf.

Councilor Wudel thanked everyone who came out to help with the Book Drive. She informed Council that it is Eating Disorder Awareness Week. There are some guest speakers who will be speaking on the issue. It is estimated that 40-50% of university aged women suffer from eating disorders.

Councilor Ansaldo thanked everyone who attended the Anti-Valentine's Day pub crawl.

Councilor Gieni announced that the College of Medicine held a Leadership Conference with the Canadian Medical Association President. There were 30 first and second year students who were present. There were great education sessions. She encouraged all Councilors to get professional members to come in and talk to their colleges.

VP Gersher stated that it is her final week for recruiting for E-Group.

5. Council Address

5.1 Trent Evanisky – Elections Board

Trent Evanisky noted that he would be discussing the USSU election and information about the referendum. He handed out a list for Councilors to sign up as polling clerks and a schedule for the forums.

Councilor Leisle asked if a Councilor is unable to be a polling clerk could another member from the college society replace them.

Trent Evanisky noted that that would be fine.

??? asked if those who are sitting on the Elections Board could be a polling clerk.

Trent Evanisky noted that that is possible.

Trent Evanisky spoke about the CFS referendum. At the last Council meeting the CRO and himself were given instructions to proceed and seek legal advice from the USSU lawyer, Greg Walen. The legal advice document was handed out to Councilors. The recommendation of the lawyer was that the Elections Board should work with the Oversight Committee that the CFS puts together. There was a meeting on February 4th between a representative with CFS and Colleen Wieggers, CRO, and President Gardiner. From the discussion that took place and the recommendation from Greg Walen was that the Elections Board cannot proceed with the referendum in March because the Oversight Committee is non-existent.

VP Stranden asked if the referendum would then take place in the fall. The Elections Board is ready to go but the Oversight Committee is not ready.

Trent Evanisky stated that dates were not discussed for a future referendum. Greg Walen noted that to run a referendum for the CFS the two committees have to work together and be prepared. The Elections Board is ready but the Oversight Committee does not exist yet.

Councilor Villeneuve asked if there are plans for them to become existent or is the CFS waiting on the USSU.

Trent Evanisky stated that he is unsure and possibly President Gardiner would know more.

President Gardiner noted that he listened in on the conference call that took place with Colleen Wieggers and the CFS representative. It was clear from the conversation that both organizations were unwilling to go ahead with the referendum for each of their own reasons. It would take more than 3 weeks of work to hold the referendum. It was in agreement on all parties to have the referendum postponed.

Councilor Kirkness stated that it was discussed at the previous Council what would happen if the referendum was held in the Fall. If the recommendations are accepted then where does that put the organization. What will happen in the future. President Gardiner stated there has been some changes since the last Council meeting. A letter from the CFS grants the USSU an extension of prospective membership until the Fall of 2005. This was a big obstacle that was discussed at the last meeting.

Councilor Villeneuve asked for clarification on that the Elections Board is ready to go ahead with the referendum and that the CFS who has known of the USSU's prospective membership since November is not ready for the referendum.

Trent Evanisky stated that the Elections Board could put a referendum question on the ballot. If the Elections Board and the Oversight Committee are not working together it would not be seen as a legitimate referendum.

Councilor Villeneuve asked if it would not be considered legitimate by the Elections Board or by CFS.

Trent Evanisky stated that it would be CFS.

Councilor Forbes spoke in regards to the declaration. It was discussed that students who were wanting to run no or yes campaigns for the referendum would possibly not have enough time. The major issue is not that the CFS is not ready it is that the Oversight Committee has not been struck and not allowing the students enough time to run a campaign.

Councilor Villeneuve asked if there was a lack of communication. CFS has known that there would be a referendum for 5 months and why they had not contacted the Elections Board. Why are they not ready? It puts question into the organization. With moving the referendum to next Fall is binding next year's Council to that referendum. It is not fair to next year's Council.

Trent Evanisky clarified that he is there to answer any questions and it will be debated under another item on the agenda.

Councilor Gieni asked if the referendum would hold up with the two different constitutions.

Trent Evanisky stated that the two different organizations need to work together to do the referendum be legitimate.

6. Minutes and Reports for Information

6.1 USC Minutes

Councilor Forbes clarified what she had said under Questions and Comments and that it should read "if CFS polls a referendum". She also wanted it noted that the results from the straw poll was to have Greg Walen provide the USSU with a written opinion.

The minutes for February 3rd, 2005, were approved as amended.

6.2 Executive Committee Minutes

President Gardiner stated the issues he has been working with have been major things. Board of Governors took up February 4th. It took a lot of work to get 350 people out to the Day of Action, which involved handing out fliers, making posters and handing out buttons. He took part in the conference call relating to the CFS referendum. He met with Normon Riddel with the Canadian Millenium Scholarship Foundation about changes that

are happening in Saskatchewan. In 1998, when the foundation was created \$8million went into bursaries that the province already offered. Taking student financial assistance money and putting into the operating budget of the university is not very accountable. They are looking at reversing that and not having the overlap that was there before. The province could cut \$8million from the university operating grants when Millenium Scholarship makes the announcement. Normon Riddel is looking for feedback on this. The Canadian Millenium Scholarship Foundation has \$2million additional to give to student financial assistance in the province. They are targeting low-income students. In the past the scholarship has decided who to give grants to based on level of need. He will send out more information on both issues as soon as he gets more.

VP Stranden stated that she has been meeting and talking with students about U-Pass. She met with the Smart League who is trying to organize affordable transportation for students on campus. She met with the United Way to see how the USSU could partner with them to get campus organizations to also partner. She attended the Academic Affairs Board, STM pub crawl, LGBTA President's Advisory Committee. The program for Positive Spaces will be up and running soon. There will be a sticker campaign noting that a professor is LGBTA friendly. She participated in Sextravaganza. She met with students who are interested in running for VP (Student Issues) for next year. She attended the Disabilities Adaptive Technology Information Group on how to get information on-line for students who are blind. She attended the rally and sat in the Tunnel and Health Sciences collecting books.

VP Gersher stated that she spent a lot of time with E-Group in the last week and got to Education, Kinesiology, Vet Med and Thorvaldson. She attended a forum on Teaching and Learning. She attended the Planning Committee meeting and met with a student who is interested in running for VP (Academic Affairs) for next year. She met with Jonathan Moore-Wright from ITS, attended the rally, sat in the Tunnel and Health Science for the book drive. She attended ???

6.3 Academic Affairs Board Minutes and Report

The minutes for February 4th, 2005, were approved as circulated.

6.7 Elections Board Minutes and Report

The minutes for February 2nd, 2005, were approved as circulated.

7. Motions Arising from the Minutes and Reports

President Gardiner noted that in the Executive Minutes for February 10th, 2005 under EXEC128 it should read "Aboriginal Awareness" not "ISC Awareness". Also under Business, relating to the Conference Call. It should read that it is "recommended not to hold the referendum at this time".

8. **Business**

8.1 Elections Board Declaration

President Gardiner noted that Council is directors of the organization and must do what is in the best interest of the organization. At times this does come into conflict what the is wanted to be done. It is very clear to him as a director that with the Elections Board and CFS saying that it should not go through at this time then it should not.

Move to hold a referendum regarding CFS membership in the fall of 2005.

USC MOTION128: Gardiner/Kowalsky

Councilor Forbes asked if it was a member of the Executive and a member of the Elections Board asked for an extension from the CFS without the approval from Council.

President Gardiner stated that he never asked for an extension of prospective membership. He does not know why it is in the letter from CFS. He is unsure if anyone from the Elections Board asked for the extension.

Councilor Kirkness stated that it may be best to accept what the Elections Board is recommending but it is not fair to pass this on to the next year's Council. Since the CFS has proposed that the USSU should extend the prospective membership until the fall it should be known that CFS is asking the USSU to extend the prospective membership and not the USSU asking CFS. They should not be able to say that the referendum has to be held by the fall. The membership of Council will be put in the exact same situation as right now. It is ridiculous to put it off until next fall.

Councilor Ansaldo noted that Council would be meeting during the summer to better prepare Council for events happening in the fall. It is everyone's best interest to put the referendum off and support the recommendation.

Councilor Forbes stated that someone should ask CFS for an extension first to continue in a proper fashion.

Move to amend the motion to read that Council run a referendum regarding CFS membership in the Fall of 2005 after asking CFS for an extension of prospective membership.

USC MOTION129: Gardiner/Schiltroth

Carried.

****Opposition noted by Councilor
Villeneuve and Councilor Gieni**

****Abstention noted by Councilor
Forbes**

*****Motion passed with 2/3's majority.**

Councilor Quintin stated that in the letter from CFS it says that they want to hold the referendum in March but also saying that they cannot be prepared. If the referendum went through in March with CFS not being prepared it would be no fault of the USSU's.

President Gardiner stated that the issue is not that they are not ready but the Oversight Committee is not formed and ready. The legal opinion is to work with the Oversight Committee, which has not been established with less than a month until voting.

Councilor Quintin noted that from what she understood was that the Elections Board's part of the Oversight Committee is ready but CFS is not.

Trent Evanisky stated once again that the Elections Board is ready but the Oversight Committee is not ready to go ahead. The letter has not gone to the Elections Board as of yet and cannot speak to anything that is in the letter.

Councilor Alston-O'Connor asked how long it takes to set up the Oversight Committee. She asked if it could be done in a week or if it takes a month to make the selections.

Councilor Forbes stated that to her understanding CFS has two people that they are ready to appoint and now it is up to the Elections Board to appoint two people. Also the Elections Board and the Oversight Committee need to decide how the responsibilities will be shared and if there are any shared responsibilities. There are a lot of things that need to be worked out.

Councilor Villeneuve asked why two MSC's at this meeting could not be members of the Oversight Committee to get the ball rolling.

Councilor Gieni asked why there is any reason why a referendum cannot be held if the CFS is not ready right now to hold it in April.

Councilor Forbes stated that having a referendum in April would mean setting up the elections all over again which may cause trouble being so close to exams. It is not exactly CFS who is not ready it is the Oversight Committee is not ready as it has not been struck.

Councilor Alston-O'Connor asked if a committee could be made with Councilors. She is curious how long it would take to find two students. She asked if the Oversight Committee could be struck in the next week and a half or is it too late to continue.

Trent Evanisky stated that timeline is a huge factor with the next week. There is not enough time to do it properly. It is not clear where the two members come from for the Oversight Committee, whether from USC, the Elections Board or something completely different. To get the committee together is a lot harder than it sounds than on paper.

VP Stranden asked if it is correct that if a referendum did happen in March and no Oversight Committee was struck would the USSU constitution hold over CFS's constitution. The problem right now is that there is not enough time to strike the Oversight Committee to get both organizations working together. What would happen if the USSU did go ahead with the referendum without CFS's input.

Trent Evanisky stated that in the legal opinion that was provided by Greg Walen, the recommendation was that the Elections Board has to work with the CFS Oversight Committee. It was not specified as to how it had to be done but that it had to be done.

Councilor Villeneuve stated that the organization is membership driven and the members are all students. There would be enough time to strike an Oversight Committee. This year's Council cannot make a stance on behalf of the next year's Council. The referendum can be done in March and it is right that the USSU constitution in the end is correct. There are 3 weeks to work and it can be done.

VP Gersher reminded Council of Councilor Forbes's point about the referendum and if it is not postponed students would not have enough time to run a campaign. There is not enough time to inform the students.

Councilor Ansaldo spoke in agreement with VP Gersher's point.

Councilor Forbes stated that the Elections Board oversees the Oversight Committee.

Move to extend speaking rights to all Councilors.

USC MOTION130: Stranden/???

Carried.

Councilor Chadwick noted that the referendum should be held in the Fall. Next year's Council will have enough time to decide what is best.

President Gardiner spoke in agreement with Councilor Villeneuve on a lot of his points. No one on Council wants to see the referendum finished with more than himself. He wants to see it done right and it is his responsibility as a representative of the USSU to see that it is done right. He supports the Elections Board's declaration.

Councilor Alston-O'Connor stated that she does not like the motion but because the Elections Board brought forward the motion it probably is the best choice. It is ridiculous as there were 5 months to prepare for the referendum and to get an Oversight Committee together. The entire process should have been happening months ago and it has been left too long. Council should be making decisions and following through with them. She will support the motion but is disappointed with how it has turned out.

VP Stranden stated that Council's concerns back in October were lawsuits with CFS and right now the USSU is in the position where a referendum has to be held in the Fall. She will support the motion but because she has to do what is best for the organization.

Councilor Kirkness stated that the point that was made that students would not have enough time to get a campaign together is not true. Students have known for quite a while that the referendum would be happening in March. She is disappointed that Council is letting a lawsuit situation make the decision for Council. She is completely against the motion and will be forced to vote in favor of the motion. Council is making a big mistake.

Councilor Forbes stated that the timeline has been what it is so far because of seeking legal opinion, getting the opinion in writing and clarifying the constitutions. She asked to have a straw poll to find out what Councilors have told their members about this. The poll revealed that students are pretty well informed that the referendum may happen.

Councilor ??? stated that the legal opinion and getting it in writing only happened in the last few weeks and there has been 5 months for this to happen. All the action has only happened in the past month. It should have been done in December or January.

Councilor Ansaldo stated that the question has pestered Council for the last 5 months. It should be done right.

Councilor Forbes stated that Council knew that the referendum was in the works but it was not official until two weeks ago and the Elections Board did not get direction for the Council until two weeks ago. It rests on Council and not the Elections Board.

Councilor Alston-O'Connor stated that everyone is responsible.

8.2 External Affairs Board Recommendations

Move to table the recommendations indefinitely.

USC MOTION131: Gardiner/Leisle

Carried.

President Gardiner noted that the recommendations are no longer relevant, however, would like to bring up under Any Other Business a roll call on what each Councilor chooses as each of the three options as it is important to have a statement made.

Councilor Forbes asked with the motion would it mean that the recommendations would never be discussed again and if the next year's Council would not know anything about the document.

Chair Mupanguri clarified that with the recommendations being tabled indefinitely the question would die eventually or it could be brought back to the agenda by Council.

Councilor Ansaldo stated that the recommendations are really no longer relevant. There should be a recommendation to next year's Executive to discuss CASA review from last year and the tri-lateral option review done by the External Affairs Board this year.

Councilor Villeneuve stated that the recommendations cannot be tabled indefinitely because they are then 2004/2005 Council's recommendations but next year's Council should not be allowed to read the recommendations that were made. They will have their own External Affairs Board that can look at any report. This is next year's business now. The motion should be voted against and the item should be stricken from the agenda.

President Gardiner noted that in effect tabling the item indefinitely does that because at the end of the session (end of 2004/2005 Council session) it will be taken off the agenda.

Councilor Ansaldo stated that the sub-committees appointed are being treated by a joke by the USC. The recommendations made were made by the External Affairs Board and are not scratched and not omitted from the reports. He is frustrated as a member of the External Affairs Board.

Councilor Gieni spoke in agreement with Councilor Ansaldo's statement. Since being on USC the majority of time has been spent on the External Affairs Board recommendations. The External Affairs Board has spent time and energy in researching and educating Council to make a recommendation. Council should be making a recommendation on the topic to next year's Council.

President Gardiner stated that by tabling the recommendations it is not nullifying the work done by the External Affairs Board. The report is done and what is being done now is saying that it is not necessary for this Council whether or not to endorse a referendum. The work of the board is still there to be reviewed by next year's Executive and Council.

VP Stranden asked if a roll call could be done at the same time for the recommendation under Any Other Business. The report is still public record. It would give more legitimacy to the document. There should be a vote on the recommendation.

Councilor Gieni asked if the motion is to support it or to support a referendum.

President Gardiner stated that the recommendation is that USC support the CFS referendum.

Chair Mupanguri reminded Council that the issue at hand is to table the External Affairs Board's recommendation.

Councilor Ansaldo asked what the roll call involves.

Councilor Leisle stated that it would be explained in Any Other Business.

Councilor Kirkness spoke in agreement with Councilor Ansaldo and it is a slap in the face to the External Affairs Board. Unfortunately, the decision has been made to hold the referendum next Fall. If the referendum is going to be next Fall then there should be a stance for next year's Council.

Councilor Ansaldo clarified that the External Affairs Board's recommendation cannot be stricken. The External Affairs Board found it in the best interest to support CFS. This should be tabled. A recommendation can be given but it is entirely up to next year's Council to follow through.

8.3 Code of Ethics & Disciplinary Committee Election

Move to consider informally.

USC MOTION132: Gardiner/Leisle Carried.

President Gardiner noted that there is currently a vacancy on the Code of Ethics & Disciplinary Committee. He referred to Bylaw 3 and reviewed what the Code of Ethics & Disciplinary Committee is responsible for. The current members are himself, ???, Councilor Chadwick and Councilor Leisle. Nominations opened.

The following Councilors were nominated for the Code of Ethics & Disciplinary Committee: Councilor Forbes.

Councilor Forbes was declared the new member of the Code of Ethics & Disciplinary Committee.

Move to consider formally.

USC MOTION133: Leisle/Gardiner Carried.

Move to appoint Councilor Forbes to the Code of Ethics & Disciplinary Committee.

USC MOTION134: Gardiner/Stranden Carried.

9. New Business

9.1 Accountability Reports – tabled

President Gardiner noted that they are currently at Copy Central and will continue to be tabled for this week.

10. Questions and Comments (30 minutes)

Move to have questions and comments for 30 minutes.

USC MOTION 135: Leisle/Chadwick Carried.

Councilor Ansaldo asked why the question of the Canadian Millennium Scholarship was not brought up at the External Affairs Board meeting.

President Gardiner stated that the Director of the Canadian Millennium Scholarship, Normon Riddel, was in town for another meeting and mentioned to himself since the last External Affairs Board meeting that he would like to meet with President Gardiner and it will be dealt with in the upcoming External Affairs Board meeting and then brought back to Council.

Councilor Villeneuve stated that at the Elections forum there would be a Pancake Eating Contest 2005. He asked how much it would cost the organization to pay the previous General Manager a couple months of salary upon her departure and asked why her probationary period was waived.

President Gardiner stated that the information is confidential relating to the General Manager's release. The amount that was paid to her was a substantial amount, however, half of it would have to be paid to her if the probationary period was not reduced. The amount is confidential because it is an HR issue.

Move that the discussion be in camera.

USC MOTION136: Gardiner/Leisle

Carried.

Move that the discussion be out of camera.

USC MOTION137: Forbes/Kirkness

Carried.

VP Gersher spoke about her meeting with VP MacDonald and Jonathan Moore-Wright. Jonathan Moore-Wright had asked for an opinion on what kind of services students would like to see on PAWS. They were unable to think of things on the spot and would like to get Council's suggestions and ideas and she will pass it on to Jonathan Moore-Wright.

Councilor Forbes stated that she would like to see ??? on PAWS and she would also like to see ???, which would be a valuable tool to students on campus. She noted that the recommendations made by the External Affairs Board are unclear to her on paper. She suggested to the Board to amend the recommendation to clarify for next year's Council. She asked for an explanation on why ISC received \$700 credit for Louis' when the maximum is \$300. She asked if it is possible for other groups to receive this funding.

President Gardiner stated that the credit that ISC received is not the same that Campus Clubs apply for, as it is Executive Sponsorship. It is for Aboriginal Awareness Week and not for ISC. Executive Sponsorship also goes to International Week and other major events around campus. All clubs and societies are encouraged to apply for Executive Sponsorship but this is broader than for just one single club or society. The credit is not going towards alcohol it is going towards the pancake breakfast.

Councilor Gieni noted that Councilor Brost (previous Medicine MSC) also sat on the Health & Dental Board. There should be a new member put on this board as well in case something comes up.

11. Any Other Business

President Gardiner stated that it is very important that Council sends a strong message to next year's Council about the three options and have it on record.

Move to do a roll call on which of the 3 options, CFS, CASA or independent, each Councilor supports.

USC MOTION138: Gardiner/

Revoked.

Councilor Ansaldo asked if this is possible to do as some may want to keep their opinion to themselves.

Councilor Villeneuve stated that he understands the intent of the motion but a roll call is not the way to do it because next year's Council will not care what he has to say about the motion. What next year's Council would care about is to see how the USC stands on the issue. A vote should take place to see whether Council supports CFS or not because that has a stronger method.

Councilor Quintin noted that she understands as well what President Gardiner is wanting to do but I may be better to just sit down with the following year's MSC and explain what happened and what each individual's feelings are around the issue.

Councilor Alston-O'Connor stated that it would look ridiculous if Council voted to not support CFS as prospective membership was taken out after what has all happened. Council should take a neutral stance and encouraging next year's Council on educating their students on all the options.

Councilor Ansaldo asked again if this is possible.

Chair Mupanguri stated that opinions can be put forward but anyone is free to say that they do not want to express their opinion.

President Gardiner stated that he would like to revoke his motion. Council should have some closure on the issue and invites all Councilors to help him find a solution to getting that closure.

VP Stranden noted that in two weeks it would be decided to pull the membership from CASA or not. A referendum will be held in fall of next year for CFS membership. If membership is not pulled from CASA and CFS membership is a go then the USSU would belong to two organizations. Councilors should be thinking about this as it will be discussed in a couple weeks.

Councilor Quintin stated that this was yet another thing that Council was not informed about this issue being brought up. She wished that it would have been brought to Council's attention sooner.

12. Adjournment

Move to adjourn.

USC MOTION139: Villeneuve/Bowes

Carried.

THIS IS EXHIBIT "G" TO THE AFFIDAVIT
OF Lucy Watson
SWORN BEFORE ME THIS 5th
DAY OF July 2006
Andrew Deffen



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 17th day of November 2005, 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.
 - (iv) "Sustainability" means the demonstration of socially, economically, and environmentally responsible behaviour that strives to meet the needs of the present without compromising the ability of future generations to meet their own needs.

Article 2
Registered Office

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

Article 3
Corporate Seal

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

Article 4
Execution of Contracts and Negotiable Instruments

- 4.01 Contracts or documents requiring execution by the Students' Union may be signed by:
- (i) the General Manager of the Students' Union, or in his/her absence, his or her designate, or;

(ii) the President, or in his/her absence, his or her designate.

4.02 Cheques and negotiable instruments issued by the Students' Union shall be signed by:

(i) The Vice President (Operations and Finance), or his/her designate;

(iii) 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.

Article 6 Standing Boards and Committees

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

a) Operations and Finance Board.

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

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

The Operations and Finance Board shall be responsible for:

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

b) Appointments Board.

The Appointments Board shall be composed of the following members:

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

The Appointments Board shall be responsible for:

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

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

c) Academic Affairs Board.

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

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

The Academic Affairs Board shall be responsible for:

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

d) Student Issues Board.

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

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

The Student Issues Board shall be responsible for:

- (i) the analysis of non-academic issues of the University and shall make recommendations

to University Students' Council with regard to these affairs when deemed appropriate.

e) Code of Ethics Discipline Committee.

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

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

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

The Code of Ethics Discipline Committee shall be responsible for:

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

f) External Affairs Board.

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

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

The External Affairs Board shall be responsible for:

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

g) Sustainability Board.

The Sustainability Board shall be composed of the following members:

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

The Sustainability Board shall be responsible for:

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

6.02 Operations and Procedures.

- (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.

THIS IS EXHIBIT "H" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew W. Keener



Elections and Referenda Policy

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

I. GENERAL ELECTIONS

CANDIDATES & NOMINATIONS

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

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

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

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

ACCLAMATIONS AND VACANCIES

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

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

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

CAMPAIGNING

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

6. No candidate may intentionally interfere with another candidate's campaign.
7. Campaign limits will follow the attached schedule of Fair Market Value (FMV) campaign materials. In no case shall the total cost of campaigning for any one candidate in any one election exceed four hundred dollars (\$400.00) not including taxes, according to either the FMV schedule or actual costs. If a candidate's campaign material falls outside of the schedule, the material must be submitted to EB so that a FMV can be assessed.
8. If a candidate is seeking both an executive and senate position, the limit used for campaigning shall remain at four hundred dollars (\$400.00) not including tax.
9. All ratified candidates shall be reimbursed fifty percent (50%) of campaign costs based on submission of receipts and receipt of 15% of the total votes cast (including abstentions). 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 organize 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.

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 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 CRO and dealt with by the EB.
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.

I. GENERAL ELECTIONS

CAMPAIGNING

9. All ratified candidates shall be reimbursed fifty percent (50%) of campaign costs based on submission of receipts and receipt of 15% of the total votes cast (including the spoiled ballots & abstentions). Receipts must be submitted to the CRO on or prior to the last day of voting. In the case of an acclamation, the candidate is eligible for reimbursement of 50% of campaign costs based on submission of receipts.

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.

THIS IS EXHIBIT " I " TO THE AFFIDAVIT
OF LUCY WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew McLaughlin



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

THE CONSTITUTION

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.

<p>Article 8 Elections</p>

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.

**THIS IS EXHIBIT "J" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew McKee

MINUTES

47th Semi-Annual National General Meeting of the Canadian Federation of Students(-Services)
Thursday, May 19 to Sunday, May 22, 2005

CALL TO ORDER—Thursday, May 19, 2005

14:38 the meeting was called to order by National Chairperson George Soule.

1. ATTENDANCE ROLL CALL

Local 3	University of British Columbia Students' Union-Okanagan	Present
Local 75	Camosun College Student Society	Present
Local 5	Capilano Students' Union	Present
Local 73	City Centre Students' Union	Present
Local 18	Douglas Students' Union	Present
Local 33	Emily Carr Students' Union	Present
Local 76	King Edward Students' Union	Present
Local 26	Kwantlen Student Association	Absent
Local 61	Malaspina Students' Union	Present
Local 13	College of New Caledonia Students' Association	Present
Local 72	North Island Students' Association	Present
	Northern Lights College Student Association*	Absent
Local 66	Northwest Community College Students' Association	Present
Local 53	Okanagan College-Students' Union	Present
Local 86	College of the Rockies Students' Union	Absent
Local 4	Selkirk Students' Association	Present
Local 23	Simon Fraser Students' Society	Present
Local 89	University of Victoria Graduate Students' Society	Present
Local 44	University of Victoria Students' Society	Present
Local 42	Alberta College of Art and Design Students' Association	Present
Local 21	University of Calgary Graduate Students' Association	Present
Local 90	First Nations University of Canada Students' Association	Absent
Local 9	University of Regina Students' Union	Present
Local 101	University of Saskatchewan Graduate Students' Association	Present
Local 17	University of Saskatchewan Students' Union*	Present
Local 37	Brandon University Students' Union	Present
Local 96	University of Manitoba Graduate Students' Association	Present
	University of Manitoba Students' Union	Present
Local 38	Association des étudiantes et étudiants du Collège universitaire de Saint-Boniface	Present
Local 8	University of Winnipeg Students' Association	Present
Local 82	Algoma University Students' Association	Absent
Local 28	Atkinson Students' Association	Present
Local 102	Brock University Graduate Students' Association	Absent
Local 78	Carleton University Graduate Students' Association	Present
Local 1	Carleton University Students' Association	Present
Local 92	Student Association of George Brown College	Present
Local 93	Glendon College Students' Union	Absent
Local 54	University of Guelph Central Student Association	Absent
Local 62	University of Guelph Graduate Students' Association	Absent
Local 32	Lakehead University Student Union	Present
Local 30	Laurentian University Students' General Association	Present
Local 88	Association des étudiantes et étudiants francophones de l'Université Laurentienne	Present
Local 39	McMaster University Graduate Students Association	Absent
Local 20	Nipissing University Student Union	Present
Local 25	Ontario College of Art and Design Students' Union	Present

PAGE 2 – MINUTES

47th Semi-Annual National General Meeting of the Canadian Federation of Students(-Services)
Thursday, May 19 to Sunday, May 22, 2005

Local 94	University of Ottawa Graduate Students' Association des étudiant(e)s diplômé(e)s de l'Université d'Ottawa	Present
Local 27	Queen's University Society of Graduate and Professional Students	Present
Local 24	Ryerson Students' Union	Present
Local 85	Saint Paul University Students' Association	Absent
Local 99	Scarborough Campus Students' Union	Present
Local 97	University of Toronto Association of Part-Time Undergraduate Students	Present
Local 19	University of Toronto Graduate Students' Union	Present
Local 98	University of Toronto Students' Administrative Council	Present
Local 71	Trent Central Student Association	Present
	Trent Graduate Students' Association*	Absent
Local 47	University of Western Ontario Society of Graduate Students	Present
Local 56	Wilfrid Laurier University Graduate Students' Association	Absent
Local 48	University of Windsor Graduate Students' Society	Present
Local 49	University of Windsor Students' Alliance	Present
Local 68	York Federation of Students	Present
Local 84	York University Graduate Students' Association	Present
Local 91	Concordia Student Union	Absent
Local 83	Concordia University Graduate Students' Association	Present
Local 79	Post-Graduate Students' Society of McGill	Absent
Local 63	Holland College Student Union	Absent
Local 70	University of Prince Edward Island Graduate Student Association	Present
Local 31	University of Prince Edward Island Student Union	Absent
Local 64	Acadia Students' Union	Absent
Local 95	University College of Cape Breton Students' Union	Present
	Dalhousie Association of Graduate Students*	Absent
Local 11	University of King's College Students' Union	Present
Local 34	Mount Saint Vincent University Students' Union	Present
Local 7	Student Union of the Nova Scotia College of Art and Design	Present
Local 69	Association générale des étudiant de l'Université Sainte-Anne	Present
Local 36	Grenfell College Student Union	Present
Local 45	Marine Institute Students' Union	Present
Local 100	Graduate Students' Union of the Memorial University of Newfoundland	Present
Local 35	Memorial University of Newfoundland Students' Union	Present
Local 46	College of the North Atlantic Students' Association	Present

* Prospective member

National Chairperson George Soule declared that quorum had been achieved. He noted that several of the absent member locals were en-route and expected to arrive during the course of the plenary.

2. WELCOMING REMARKS AND INTRODUCTIONS

National Chairperson George Soule offered the following remarks:

"Good afternoon and welcome to the 47th semi-annual general meeting of the Canadian Federation of Students. In the next few minutes I want to sum up what I believe have been our gains over the past six months, the challenges that lie ahead, and offer a few words about our work here together over the next four days. In terms of gains it does not get any simpler than this: over half of the post-secondary students in Canada are now protected by a tuition fee freeze.

Only a few years ago it would have been almost unthinkable. We just came out of a decade during which tuition fees have increased by over 150% throughout the country. The Federal Government seemed to have

completely forgotten its role in promoting education access. Carefree ideologists were elected in British Columbia, Alberta, Nova Scotia and Ontario, it seemed that fees could only climb. But an organization, a student group, with members across the country stood up and said “no”. “No” we will not agree to a \$40,000 debt to go to college and university, “no” we will not allow university presidents to build elitist institutions on the backs of low income students, “no” we will not give up our ideal of an accessible and affordable higher education system.

The members of the Canadian Federation of students collectively said, “no”. Today, because we said “no”, we have fee freezes in Newfoundland and Labrador, Québec, Ontario, Manitoba and finally, Saskatchewan. In addition to these freezes we have broken the back of deregulation and rocked the vote in BC, where even BC Premier Gordon Campbell was forced to re-regulate tuition fees at the rate of inflation.

The lesson of the past few years is that if we are willing to settle for less, we will get it but if we stand for what we know to be right, we can and will win. Our victories across this country came in the face of stiff opposition – from political ideologues, from so-called think-tanks, and from government apologists like the Millennium Scholarship Foundation. We must never forget that we won these victories because we worked together for what was best for all students.

But representing our members is about more than just saying “no”. It’s about being at the table to support initiatives that are good for students. Never has this been clearer than with the recent amendments to the federal budget. Prime Minister Paul Martin consistently ignored his promise to increase core funding for post-secondary education. But, with his government floundering, Martin accepted amendments to his budget from the New Democratic Party in exchange for their support in a budget vote. Post-secondary education was clearly on the table because of the pressure we have been exerting on all political parties to reduce tuition fees. In the years and months leading up to this accord we set the stage to ensure that any new federal money would be linked to tuition fee reductions. And when it looked like the Liberals were trying to back away from their tuition fee promise, we stepped up our media and government relations strategy. Member locals from coast-to-coast sent the message that removing tuition fees from the agreement was unacceptable. In the end, we set a historic precedent. The federal Liberal government agreed to something it has said for years was impossible: Paul Martin agreed to transfer money directly to the provinces specifically for the purpose of reducing tuition fees. I can’t overstate the importance of this victory.

University presidents and provincial governments have run out of excuses for raising tuition fees and make no mistake it was the Canadian Federation of Students who backed them into that corner.

As many of you know, despite what he heard from students, parents and faculty members disgraced one-term Ontario premier Bob Rae was proposing massive fee hikes and Income Contingent Student Loan Repayment Schemes (ICRs). And while the Rae Review was centred in Ontario – politicians of all political stripes in every province in Canada were watching. University presidents knew it – and throughout the country endorsed Rae’s regressive call for ICRs and higher fees. As Bob Rae learned about the kind of fight he was in for, he began a nasty smear campaign against our Federation and fought students all the way. But, Bob Rae’s review was a failure. When the budget was released in Ontario there were no ICRs, no deregulation of fees and over \$6.2 billion in new funding.

Even with these victories under our belts, the picture is not all rosy. Stephen Harper and the Conservatives are intent on wiping out the new money for post-secondary education in tonight’s budget vote. Whatever we may think of Paul Martin’s real life survivor act these past few weeks – its low-income students who will be voted off the island if Stephen Harper has his way. And if the amendments fail we need to double our efforts to make post-secondary education a key issue in the next election. And to make sure that all Members of Parliament who vote against an increase of post-secondary education funding tonight pay for their decision by losing their seat in Parliament.

At the provincial level, we have to remember that the tuition freezes we won are under attack by cynical pundits who boast of being researchers and by university presidents who will not stop until students are faced with tuitions fees in excess of \$10,000 and a debt for life.

Our victories have not been easy to win and the gains have not been easy to keep. But we will keep on fighting.

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During the last six months our strength and vision have met with some important internal victories. We have two new potential members in New Brunswick, L'Association générale des étudiants et étudiantes de l'Université de Moncton campus d'Edmundston, the University of New Brunswick Graduate Students' Association and one new trial member in Ontario, the Association of Laurentian Part-Time Students. These new prospective members continue what has been a wonderful period of growth for our Federation. This growth reflects the strength of our federation—and that strength is nothing more and nothing less than the solidarity we offer to each other—standing shoulder to shoulder on the basis of principle, not opportunism, on the basis of building an accessible system of post-secondary education not on short term expedient goals and finally on the basis making difficult decision and fighting when necessary. The strength of our Federation is bringing students from across the country together under a single banner and uniting on issues.

At this meeting we will hear from Christopher Radziminski, a graduate student who is fighting to expose how corporate influences on our campuses are threatening academic freedom. Chris' fight is our fight and it is a vivid example of a case in which the interest of graduate students, undergraduate students and college students intersect. If we don't all stand together to protect academic freedom, our classrooms will become devoid of debate and the quality of our education will suffer. There are those who claim that we can win these fights if we isolate ourselves into particular interests. But I don't need to tell any of you who have ever fought for what you believed, when you oppose the actions of those in power – you must have solidarity. And what we have is the collective voice of 500,000 students standing together for one cause. When corporate interests threaten public access to research we stand together. When an administration tries to kick students out of space that is rightfully theirs, and the local student union pushes back as they have here at Carleton we stand together. And when administrations try and buy off students by pitting graduate students versus undergraduate students we carry the day by working together.

As we look back on what has been accomplished in the past six months we must also look forward to the challenges ahead: a potential federal election and consolidating and extending our victories on the tuition fee front. We have the next four days to work together to develop a common strategy to work toward our goals. These next four days are the democratic lifeblood of our organisation. We bring diverse views and experience to these deliberations but I encourage you to listen to each other and to respect and celebrate the diversity that makes this organization unique. I'm sure that we will not always agree – listening to the other side of the argument does not mean agreeing with it – but what we must do is emerge from this meeting united. These have been a challenging and rewarding six months, I believe that we are poised to take advantage of the great work of those activists who stood here before us and did much of the heavy lifting. We inherit a trust from them to work in solidarity for a better system of post-secondary education and a more just way of funding that system – not one that puts someone \$40,000 in debt just because they weren't lucky enough to be born into a wealthy family.

We have a great privilege and a great responsibility the next few days and I challenge each us to think about not just those of us who are here today or even just those students we represent back on our campuses. I challenge all of you to reflect on those who never get the chance to study at college or university because they just can't afford it. Or that student who may have sat beside you in class last year but is not back because Gordon Campbell cut the grants program in BC or John Hamm eliminated the debt remission program in Nova Scotia or because Bernard Lord raised fees again. I hope you all agree with me that when we stop to consider all that is at stake in pushing our agenda forward we will find much more that unites us than divides us.

So, in solidarity, I wish you all a productive and exciting meeting.”

President of the Fédération étudiante universitaire du Québec Francois Vincent provided an overview of the recent student strike in Québec.

3. RATIFICATION OF PLENARY SPEAKER

a. Consideration of National Executive Recommendation

Soule explained that the National Executive was recommending that Sylvia Sioufi be ratified as the Plenary Speaker. He said that Sioufi had a long history of involvement with the Federation, having served

as an elected director and as a researcher for the Federation. He noted that Sioufi had chaired Federation national general meetings on several previous occasions.

2005/05:001 MOTION

Local 18/Local 44

Be it resolved that Sylvia Sioufi be ratified as the plenary speaker of the May 2005 national general meeting.

CARRIED

b. Overview of Plenary Rules

Sioufi provided a brief overview of Robert's Rules, the system of meeting rules and procedures that the Federation employs for plenary sessions, plenary sub-committee meetings, and caucus meetings.

4. ANNOUNCEMENT OF PROXIES

Sioufi explained that the Federation's Bylaws enabled a voting member that was unable to attend all or portions of a general meeting to appoint another member to act as its proxy for all or portions of the meeting. She announced that Local 47-University of Western Ontario Society of Graduate students had designated Local 70-University of Prince Edward Island Graduate Student Association as its proxy for the closing plenary.

5. ADOPTION OF PLENARY AGENDA

2005/05:002 MOTION

Local 36/Local 13

Be it resolved that the agenda for the general meeting plenary be adopted.

CARRIED

6. ADOPTION OF NATIONAL GENERAL MEETING AGENDA

2005/05:003 MOTION

Local 44/Local 11

Be it resolved that the agenda for the general meeting be adopted.

CARRIED

7. ADOPTION OF NATIONAL GENERAL MEETING MINUTES

2005/05:004 MOTION

Local 1/Local 24

Be it resolved that the minutes of the November 2004 national general meeting be adopted.

CARRIED

8. OVERVIEW OF ANTI-HARASSMENT PROCEDURES FOR THE GENERAL MEETING

Soule said that the Federation endeavoured to create an environment at its national general meetings that was free of harassment. He said that at each national general meeting the Federation employed an anti-harassment advisor who would be available on a 24-hour basis to assist delegates. He introduced Tara Connolly, the Anti-Harassment Advisor for the meeting.

Connolly said that the Federation had an anti-harassment policy to deal with any demeaning, abusive or threatening behaviour that might arise at the meeting. She said that the anti-harassment policy was a preventative measure and was not intended to discourage a jovial environment. She encouraged delegates to familiarise themselves with the policy and to be sensitive of how their actions could affect other delegates.

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She explained that she would circulate through the meeting to meet everyone. She noted that any discussions with her would be confidential.

9. PRESENTATION BY THE FEDERATION'S STAFF RELATIONS OFFICER

Hare explained that he served as the Staff Relations Officer for the Federation. He said that the staff of the Federation was unionised with Canadian Union of Public Employees-Local 1281 and that the relationship between the Federation and its staff was governed by a contract, known as a collective agreement. He said that the agreement outlined the rights and responsibilities of employees and the employer. He noted that staff of the Federation had the right to attend and participate in all meetings of the employer with the exception of those meetings that included discussions of discipline, discharge and negotiations. He said that staff often had more experience and provided context for a number of the issues that delegates would be discussing over the course of the meeting. He said that encouraging staff participation was very important to the health of the organisation.

2005/05:005 MOTION TO RECESS

Local 19/Local 61

Be it resolved that the meeting recess for ten minutes.

CARRIED

16:24 the meeting recessed.

16:43 the meeting reconvened.

Sioufi noted that Local 83-Concordia Graduate Students' Association had joined the meeting.

10. PRESENTATION OF THE REPORT OF THE NATIONAL EXECUTIVE

Soule explained that Bylaw V, Section 2 f., required the National Executive to present a report to the plenary detailing the work of the Federation undertaken since the previous national general meeting. He said that it was important for delegates to distribute the report at the local level because it served as a comprehensive overview of the organisation's work. He said that the presentation would not highlight all of the work that had been undertaken over the preceding six-months but was merely an overview. He encouraged delegates to read the report in its entirety.

National Treasurer Dave Hare, National Deputy Chairperson Angela Regnier, National Chairperson George Soule and other members of the National Executive highlighted aspects of the report.

Report on Travel CUTS

Travel CUTS Board Chairperson Joey Hansen said that over the course of the year Travel CUTS had continued to meet and overcome a series of challenges. He said that since its inception, the company had worked to ensure that it had the best-trained staff in the industry who were well paid for their work. He said that the company's priority had been on one-to-one interaction and, while that remained an important part of CUTS' business approach it had started to bolster its internet presence. He said that in the past the company had been able to compensate for the lack of technological enhancements by providing personal attention from the staff; however, more and more customers demanded the ability to purchase tickets on-line or over the telephone. He said that it had significantly increased Travel CUTS' investment in technology. He explained that the technology was changing so quickly that as one team launched a web search engine, another team was already working on its replacement. He said that it posed a major financial challenge as the company had to invest millions more each year in technology upgrades and maintenance, but that it had improved the company's ability to secure cheaper fares and to locate the fares more quickly.

Hansen reported that earlier in the year Jetsgo had collapsed literally overnight. He said that the company had been selling tickets one day and had closed its doors by the next morning. He said that the federal government estimated that 17,000 Canadians had been stranded as a result of the collapse. He said that, following the collapse Travel CUTS had been the only national travel agency in the country that guaranteed its Jetsgo

customers that they would be reimbursed. He said that it was consistent with CUTS' mandate, which was not solely to generate profit but also to provide a service for students.

Hansen noted that provincial governments regulated travel agencies while the federal government regulated airlines. He said that the Ontario government had introduced regulations requiring all advertised fares include all service charges, airport departure taxes, and anything else that would be added to the cost of the ticket. He said that other provinces were likely to introduce similar measures. He said that generally it was a positive measure because students would know exactly how much their tickets would cost; however, the federal government had indicated that it would not apply the same restriction to airlines. He said that increasingly airlines were selling directly to the public, bypassing travel agencies. He said that it meant that on an average domestic flight an airline would have an \$80 to \$100 marketing advantage in comparison to travel agencies. He said that the company's senior management and the board were developing strategies to deal with the new measures.

Sioufi said that, although the French version of the National Executive report had been distributed, to ensure that the francophone delegates had ample opportunity to review it, she suggested that the question and answer period and acceptance of the report would be postponed to the closing plenary.

2005/05:006 MOTION

Local 24/Local 42

Be it resolved that the National Executive report be adopted.

2005/05:007 MOTION TO POSTPONE

Local 4/University of Manitoba Students' Union

Be it resolved that Motion-2005/05:006 be postponed to closing plenary.

CARRIED**2005/05:006 POSTPONED****11. RATIFICATION OF NEW MEMBERS****a. Consideration of Applications for Prospective Membership**

Soule said that since the previous national general meeting applications for prospective membership have been received from the following students' unions:

- Association générale des étudiants et étudiantes de l'Université de Moncton campus d'Edmundston;
- University of New Brunswick Graduate Students' Association; and
- Association of Laurentian Part-Time Students.

Sioufi said that in accordance with Bylaw 1, Section 4 b., the National Executive has reviewed the applications and was recommending that each students' union be granted prospective membership in the Federation.

2005/05:008 MOTION

Local 13/Local 88

Be it resolved that the Association générale des étudiants et étudiantes de l'Université de Moncton campus d'Edmundston be ratified as a prospective member of the Federation.

CARRIED**2005/05:009 MOTION**

Local 78/Local 35

Be it resolved that the University of New Brunswick Graduate Students' Association be ratified as prospective members of the Federation.

CARRIED

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2005/05:010 MOTION

Local 24/Local 53

Be it resolved that the Association of Laurentian Part-Time Students be ratified as prospective members of the Federation.

CARRIED

b. Consideration of Applications for Prospective Membership Extensions

Soule said that there were currently five prospective member students' unions that had been granted prospective membership at previous national general meetings but that had not yet conducted referenda on full membership. He said that the member unions were:

- Dalhousie Association of Graduate Students;
- University of Manitoba Students' Union;
- Northern Lights College Student Association;
- University of Saskatchewan Students' Union; and
- Trent Graduate Students' Association;

He said that in accordance with Bylaw 1, Section 2 b., the National Executive was recommending that the prospective membership of each of the students' unions be extended in accordance with Bylaw 1, Article 2-b-xii.

2005/05:011 MOTION

Local 23/Local 72

Be it resolved that the prospective membership of Dalhousie Association of Graduate Students, University of Manitoba Students' Union, Northern Lights College Student Association, University of Saskatchewan Students' Union and Trent Graduate Students' Association be extended in accordance with Bylaw 1, Article 2-b-xii.

CARRIED

12. PREPARATION FOR ELECTIONS

a. Introduction of Electoral Officers

Sioufi said that in accordance with Bylaw 6, Section 7 the National Executive had appointed Ontario Internal Coordinator Ashkon Hashemi and Ontario Organiser Christine Bourque as the Electoral Officers for the elections being conducted at the meeting.

b. Overview of Election Schedule and Procedures

Hashemi explained that elections for the Alberta Representative, New Brunswick Representative, Prince Edward Island Representative, Saskatchewan Representative, Students of Colour Representative, Graduate Students' Representative, Francophone Students' Representative, and Women's Representative on the National Executive would be conducted at the general meeting. He noted that the elections were for the 2005-2006 term, which would commence at the adjournment of the national general meeting.

Hashemi said that delegates should refer to Bylaws V, VI and the Standing Resolutions 8, 19 and 20 for information about the election procedures and the positions.

13. ADOPTION OF STANDING PLENARY SUB-COMMITTEE AGENDAS

a. Striking of Plenary Sub-Committees

Soufi said that as per Standing Resolution 1, Section 1, the following sub-committees of the plenary were automatically struck:

- Budget Committee;
- Campaigns and Government Relations Committee;
- National Education and Student Rights Committee; and
- Organisational Development Committee.

She said that at the previous three general meetings the plenary had decided that, instead of a Campaigns and Government Relations Committee, it would strike a Campaigns and Government Relations Forum. She said that the Forum structure was "one member local, one vote", thereby allowing more delegates to participate. She said that the National Executive was proposing that the Campaigns and Government Relations Committee be replaced in the Standing Resolutions with the Campaigns and Government Relations Forum.

2005/05:012 MOTION

Local 13/Local 18

Whereas the Campaigns and Government Relations Committee is consistently the plenary subcommittee on which the largest portion of delegates wish to sit; and

Whereas recent national general meetings have seen an increase in the number of delegates sharing votes on the Committee; and

Whereas this had led to frustration for many delegates who had to share votes or who were unable to obtain a vote on the Committee; and

Whereas for the past three national general meetings—November 2003, May 2004 and November 2004—the Federation has, in place of the Campaigns and Government Relations Committee, experimented with a Campaigns and Government Relations Forum in which each local has a vote; and

Whereas the Campaigns and Government Relations Forum has allowed for greater direct participation by member locals in the development of the Federation's campaigns and government relations planning; and

Whereas to entrench the change from the Campaigns and Government Relations Committee to a Campaigns and Government Relations Forum requires amendments to the Standing Resolutions; therefore

Be it resolved that all references to the Campaigns and Government Relations Committee in Standing Resolution 1 be deleted; and

Be it further resolved that the following standing resolution be adopted:

STANDING RESOLUTION 2**National General Meeting Campaigns and Government Relations Forum****1. Standing Forum**

The Campaigns and Government Relations Forum will be struck at each annual and semi-annual national general meeting.

2. Voting Rights

Each member local association may exercise a vote in the Forum provided that it is present in the Forum.

3. Terms of Reference

The Campaigns and Government Relations Forum shall:

- a. assess the recent and ongoing national campaigns of the Federation;
- b. at the May national general meeting, adopt a campaigns and government relations plan for the year ahead, for presentation to the closing plenary, that includes but is not limited to goals of the campaigns;
- c. at the fall national general meeting, review the campaigns and government relations plan and recommend to the closing plenary possible changes to the plan for the remainder of the academic year.

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- d. make general recommendations concerning the implementation of the campaigns and government relations plan, including:
 - government relations strategy
 - research and information compilation;
 - communications strategy;
 - media strategy;
 - membership mobilisation; and
 - coalition work.

4. Forum Chair(s)

As its first order of business the Forum shall either:

- a. ratify as the Forum chair(s) the individual(s) recommended by the National Executive; or
- b. elect a committee chairperson from within its membership;

5. Interpretation

Simultaneous interpretation of English and French will be provided in the Forum during the scheduled time allocated for the Forum.

Be it further resolved that all subsequent Standing Resolutions be renumbered accordingly.

CARRIED

b. Adoption of Sub-Committee Agendas

2005/05:013 MOTION

Local 101/Local 46

Be it resolved that the agendas for the plenary sub-committees and the Campaigns and Government Relations forum be adopted.

CARRIED

14. CONSIDERATION OF MOTIONS SERVED WITH DUE NOTICE

Sioufi said that the following motions had been served with notice for consideration at the meeting. She explained that some of the motions would require a mover and a seconder.

a. Motion Postponed by the Previous National General Meeting

2004/11:088 MOTION

Local 26/Local 5

Whereas sharing local campaign activities, campaign ideas, and campaign progress quickly would be beneficial to all locals; and

Whereas Federation locals are constantly attempting to come up with new means of sharing gained knowledge; and

Whereas to increase communication between locals, executive, council, and membership is one of the core purposes for the founding of the Federation; and

Whereas member locals are proud of what they have accomplished and what the Federation is accomplishing; and

Whereas more students will have access to the national reports and the progress of the Federation and Federation locals if they were on the Internet; therefore

Be it resolved that from now onward National Executive Reports be posted on the national Federation website.

2005/05:014 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2004/11:088 be referred to the Organisational Development Committee.

CARRIED

2004/11:088 REFERRED

b. Motions Submitted by Member Local Associations

2005/05:015 MOTION

Local 61/Local 68

Whereas prospective membership is described in Bylaw I as a "trial membership of limited duration"; and

Whereas prospective membership exists in order to provide an opportunity for a students' union to try membership before making a decision on full membership; and

Whereas in order to thoroughly and adequately try membership a students' union should fully participate in the campaigns, use the services and participate in the decision-making structures; and

Whereas currently Bylaw 1.2.b.viii states that "a prospective members association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within five (5) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation"; and

Whereas five months provides insufficient time to adequately try membership, especially if trial membership is granted at a November national general meeting; therefore

Be it resolved that Bylaw 1.2.b.viii be amended to read:

"A prospective members association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within twelve (12) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation".

2005/05:016 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:015 be referred to the Organisational Development Committee.

CARRIED

2005/05:015 REFERRED

2005/05:017 MOTION

Local 61/Local 68

Whereas Standing Resolution 1, General Meeting Standing Committees states that the National Education and Student Rights Committee "shall review and make amendments to closing plenary on proposed amendments to the issues policy of the Federation, as proposed by Committee members and member locals on the plenary floor"; and

Whereas the current name of the committee does not clearly describe the role of the committee; and

Whereas this lack of clarity can lead to confusion amongst delegates at the general meeting; therefore

Be it resolved that the National Education and Student Rights Committee be renamed the "Policy Review and Development Committee" in all applicable Bylaws, Standing Resolutions, and Policies.

2005/05:018 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:017 be referred to the Organisational Development Committee.

CARRIED

2005/05:017 REFERRED

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2005/05:019 MOTION

Local 61/Local 68

Whereas review and discussion of Federation services, such as the annual Handbook project, Students' Union Directory, National Student Health Network, Federation discount project, on-line housing service, Student Work Abroad Program (SWAP) and Canadian Universities Travel Service (CUTS), is the responsibility of the Organisational Development Committee; and

Whereas the current name of the committee does not clearly describe the role of the committee; and

Whereas this can lead to confusion amongst delegates at the general meeting; therefore

Be it resolved that the Organisational Development Committee be renamed the "Organisational and Services Development Committee" in all applicable Bylaws, Standing Resolutions, and Policies; and

Be it further resolved that references to "programmes" be replaced with "services" in the terms of reference for the committee.

2005/05:020 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:019 be referred to the Organisational Development Committee.

CARRIED

2005/05:019 REFERRED

2005/05:021 MOTION

Local 61/Local 100

Whereas Standing Resolution 23, Provincial Allocations, was intended to establish financial allocations from the national budget for provincial components in provinces in which the Federation does not directly employ Federation staff; and

Whereas Standing Resolution 23 currently sets out allocations for the British Columbia, Newfoundland and Labrador, Ontario, Québec, and Saskatchewan Components; and

Whereas subsequent to the adoption of Standing Resolution 23 the Federation established nationally-funded employee positions in the province of Newfoundland and Labrador and in the region of Alberta and Saskatchewan; and

Whereas the funds currently being allocated to fund these employee positions exceeds the amount listed in the allocation; therefore

Be it resolved that Section 2, Newfoundland and Labrador Component Allocation, and Section 5, Saskatchewan Component Allocation, in Standing Resolution 23 be deleted.

2005/05:022 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:021 be referred to the Organisational Development Committee.

CARRIED

2005/05:021 REFERRED

2005/05:023 MOTION

Local 24/Local 68

Whereas it is important that students' unions maintain an independent relationship and voice from their college or university administrators and that students' unions work to maintain student controlled space on campuses to ensure student-run and student-focused services are created and maintained; and

Whereas many students across the country have paid millions of dollars in levies to help fund student services and student centres but in many cases continue to have little or no democratic control over these student-funded spaces; and

Whereas it is the role of students' unions to act as representative agents for the best interest of students on their respective campuses today and in the future; therefore

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Be it resolved that the following policy motion be adopted:

Student Ownership of Campus Student Centres

Preamble

On many campuses, students have responded to the lack of available student space for clubs, services and events by collecting separate student levies to fund the construction, development and operation of campus student centres. As such, campus student centres can provide a nexus for student life on campus and added value to the student experience on a given campus. For that reason, many college and university administrations have attempted to take an active role in supporting the construction of campus student centres in order to ensure that they maintain some degree of administrative control over these student-funded buildings and related services once operational.

Across the country, a wide a range of ownership and administrative models for campus student centres have been developed. One such model includes the creation of a third-party corporation that is not wholly owned and operated by students' unions to take over the management of the student campus centre. In some cases, these corporations begin to act as "shadow" students' unions, providing services that were previously offered through campus students' unions and thereby reducing the relevance and responsiveness of campus students' unions to their members.

Policy

The Federation supports campus student centres that:

- promote campus student life;
- promote the visibility and profile of campus students' unions;
- provide space for student clubs, groups and services;
- are wholly owned and operated by campus students' unions; and
- maintain students' union autonomy over governance, structure, space allocation and programming.

The Federation opposes the creation of campus student centres that:

- are owned and operated by private, for-profit companies;
- remove or replace the general operations or services of campus students' unions;
- place control in the hands of campus administrations or third party corporations that are not wholly owned and operated by campus students' unions.

2005/05:024 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:023 be referred to the National Education and Student Rights Committee.

CARRIED

2005/05:023 REFERRED

2005/05:025 MOTION

Local 24/Local 68

Whereas post-secondary institutions are increasingly turning towards private sponsorship and corporate funding partnerships to build new buildings and to improve existing facilities; and

Whereas on most university and college campuses buildings, auditoriums, class rooms, benches and elevators now bear the name of corporate entities or private donors; and

Whereas students need to play a role in working to limit the corporate and private presence on, and control of, our campuses; and

Whereas given the extent that public institutions are engaging in private fundraising, specifically through benefactor naming rights, it is important that students work to ensure that there is student input over the development of naming policies and the allocation of naming rights; therefore

Be it resolved that the following policy be adopted:

Institutional Naming Rights

Preamble

Systemic underfunding of Canadian college and university campuses has forced many public post-secondary education institutions to turn towards private sponsorship and corporate funding partnerships to finance the

construction of new academic programs, buildings and to improve existing facilities. Increasingly, buildings, auditoriums, class rooms, programmes, departments and other campus sites now bear plaques proclaiming the names of various corporate sponsors or private donors. These benefactor names are, in many cases, replacing the names of prominent academics and community members who once served as reminders of the institution's history, academic mission and community orientation. In addition, benefactor names serve to entrench a culture of commercialisation on campus and reflect the privatisation of public institutions.

Policy

The Federation supports campus building, space and academic unit naming policies that:

- reflect the academic mandate and broader social mission of the institution;
- are determined by academic bodies within that institution where there is guaranteed participation from duly elected representatives of students, faculty and staff; and
- ensure that individual naming decisions are made by similarly representative academic bodies.

The Federation opposes campus building, space naming and academic unit naming policies that:

- enshrine benefactor naming rights;
- undermine the academic mandate and broader social mission of the institution;
- exclude duly elected representatives of students, faculty and staff from the naming process; and
- allow additional conditions or influence to accompany naming rights.

2005/05:026 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:025 be referred to the National Education and Student Rights Committee.

CARRIED**2005/05:025 REFERRED****2005/05:027 MOTION**

Local 24/Local 68

Whereas post-secondary institutions are not just academic sites of learning, teaching and research but they are also living and meeting places; and

Whereas Canadian student populations are increasingly culturally, religiously and ethnically diverse; and

Whereas university and college administrations have a responsibility to provide resources and support for the religious and cultural needs of all students; therefore

Be it resolved that the current policy under the heading "Religious Freedom" be given the subtitle "Religious/Spiritual Holidays".

Be it further resolved that the policy entitled "Religious Freedom" be amended to include the following subsection:

Campus Prayer Space

The Federation supports the right of students to have access to multi-faith prayer space on campus that is stable, accessible, adequate, and respectful to the religious needs of all students.

2005/05:028 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:027 be referred to the National Education and Student Rights Committee.

CARRIED**2005/05:027 REFERRED****2005/05:029 MOTION**

Local 24/Local 68

Whereas post-secondary institutions are not just academic sites of learning, teaching, and research but they are also living and meeting places; and

Whereas Canadian student populations are increasingly culturally, religiously, and ethnically diverse; and

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Whereas university and college administrations have a responsibility to provide resources and support for the religious and cultural needs of all students; therefore

Be it resolved that member locals be encouraged to actively assist those members who are part of religious or cultural campus clubs and groups in lobbying for the creation of accessible and suitable multi-faith prayer space on campus where no such facilities currently exist.

2005/05:030 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:029 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:029 REFERRED

2005/05:031 MOTION

Local 24/Local 68

Whereas students' unions and post-secondary institutions across the country purchase thousands of dollars in apparel and promotional items each year for students on their campuses and this apparel is often used to promote either the students' union or the institution; and

Whereas it is in the interests of students' unions and their respective institutions to purchase goods and services from responsible manufacturers that provide quality products and services at competitive prices; and

Whereas there are many companies in the garment, apparel, and promotional industry that have faced numerous incidents and documented reports of workers' rights abuses and sweatshop conditions such as poverty wages, excessive work hours, discrimination, abuse and harassment, child and forced labour, and failure to provide the minimum statutory benefits for workers; and

Whereas sweatshop abuses flourish when the conditions of workers are hidden, kept private and where information on employment conditions is not made available to consumers, including individual students' unions and post-secondary institutions; and

Whereas students on various campuses throughout the United States and Canada have taken strong stances promoting worker's rights and ethical purchasing policies and in many cases they have successfully campaigned to pressure their institutions to adopt effective codes of conduct that impose apparel purchasing policies against products produced in sweatshop and illegal conditions; and

Whereas withholding student and institutional dollars from unethical apparel, garment and promotional item companies is an effective way to exert pressure on the industry to reform hiring conditions and eliminate sweatshop practices; therefore

Be it resolved that member locals be encouraged to adopt "no sweat" purchasing policies for their respective students' unions and to make a firm commitment to purchase "sweat-free" apparel and goods wherever possible, with the goal of having such policy take effect prior to purchasing promotional items and clothing for the Fall 2005 orientation; and

Be it further resolved that member locals be encouraged to adopt "anti-sweatshop" campaigns to pressure their respective post-secondary institutions to join the 13 other Canadian post-secondary institutions in adopting codes of conduct or ethical purchasing policies against sweatshop made goods and that these campaign efforts be aimed at generating awareness and wide-spread public support and escalating pressure on institutional administrations using such lobbying tactics as petitions, letter-writing, sweatshop fashion shows, and sit-ins, as necessary; and

Be it further resolved that anti-sweatshop campaign materials be produced and/or distributed to member locals to assist with local organising efforts.

2005/05:032 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:031 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:031 REFERRED

2005/05:033 MOTION

Local 24/Local 68

Whereas Federation members understand the importance of working together to collectively defend student rights; and

Whereas the Federation has adopted and taken a strong stance on the illegal and immoral human rights abuses of students and community members both locally and internationally; and

Whereas students should choose to allocate purchasing dollars ethically in order to promote worker's rights, human rights and social justice; therefore

Be it resolved that the following policy be adopted:

Ethical Purchasing

The Federation supports:

- joining and working with the Workers Rights Consortium to ensure effective implementation of Code of Conducts on apparel, textile and swag purchasing;
- the purchase of apparel, textiles and promotional items that are produced by companies and subcontractors that uphold international labour standards in workplaces, promote workers' rights and their right to initiate unionisation drives;
- the purchase of apparel, textiles and promotional items that are produced by companies and subcontractors that promote labour practices that are fair, equitable, free of harassment and discrimination and create healthy work environment for the workers.

The Federation opposes the purchase of apparel and promotional items that:

- are made using sweatshop labour or under unfair or forced labour conditions;
- are produced by a company or a sub-contractor that has been identified by the Workers' Rights Consortium to violate international labour standards; and
- are produced by private corporations who have a proven record of compromising labour standards, workplace safety or worker rights in order to promote increased profit.

2005/05:034 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:033 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:033 REFERRED

2005/05:035 MOTION

Local 24/Local 68

Whereas many students face additional financial barriers that are not directly related to educational fees, such as transit, books, housing and other living expenses; and

Whereas campus student residence spaces are often too expensive or too limited to accommodate all students and, therefore, many students are forced to commute to campus in order to save on housing costs; and

Whereas the Federation has been successful in bringing students together to realise savings through bulk-purchasing programmes and services such as the common handbook, Studentsaver and the National Student Health Network, all of which have served to directly save money for students and students' unions; and

Whereas the Federation has already successfully lobbied for international and domestic student travel discounts on VIA Rail, Air Canada and Greyhound Bus Lines, available through the International Student Identity Card (ISIC); and

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Whereas the Federation has established policy and practice that supports and encourages members to utilise and support publicly-run services; and

Whereas several students' unions across the country have successfully negotiated student discounts on municipal and regional transit systems; therefore

Be it resolved that member locals be encouraged to collaborate with other member locals and non-member campus students' unions in their respective regions to develop a transit campaign and to lobby for discounted municipal and regional student passes for public transit systems; and

Be it further resolved that member locals that have successfully negotiated similar discount passes with public transit systems be encouraged to share their experiences and resources to assist other member locals to obtain transit discounts for students on other campuses and in other regions.

2005/05:036 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:035 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:035 REFERRED

2005/05:037 MOTION

Local 8/Local 68

Whereas the Federation organises the "Where's the Justice?" campaign in support of Aboriginal peoples' rights; and

Whereas Aboriginal women's rights should be of particular concern when it comes to human rights in Canada; and

Whereas according to the Stolen Sisters campaign Indigenous women in Canada between the ages of 25 and 44, with status under the Indian Act, are five times more likely than all other women of the same age to die as the result of violence; and

Whereas the purpose of Stolen Sisters, to call on all levels of government to work closely and urgently with Indigenous peoples' organizations, and Indigenous women in particular, to institute plans of action to stop violence against Indigenous women reflects the spirit of the "Where's the Justice?" campaign; and

Whereas more information about the Stolen Sisters campaign is available on the Internet at www.amnesty.ca/stolensisters/index.php; therefore

Be it resolved that the Stolen Sisters campaign be endorsed and incorporated into the "Where's the Justice?" campaign;

Be it further resolved that materials relating to the campaign be distributed to member locals and provincial offices; and

Be it further resolved that member locals be encouraged to work with relevant groups in their community, to support and mobilise for the Stolen Sisters campaign.

2005/05:038 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:037 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:037 REFERRED

2005/05:039 MOTION

Local 38/Local 68

Whereas little research has been done on funding for minority-language post-secondary education; and

Whereas funding for minority-language post-secondary institutions is provided through different levels of government and a number of distinct ministries; and

Whereas to ensure student representation within the ministries that fund their education work must be undertaken; therefore

Be it resolved that national research on funding for minority-language post-secondary education be undertaken.

2005/05:040 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:039 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:039 REFERRED

2005/05:041 MOTION

Local 38/Local 68

Whereas the Federation recognises a person's right to education and services in his or her first language; and

Whereas the Federation recognises as an injustice the fact that Anglophones in Canada have fewer barriers to overcome than non-Anglophones with regard to access to education and services in their first language; and

Whereas it is essential that minorities have access to post-secondary education, for social, cultural and economic reasons, as well as to prevent students from turning their backs on their culture; and

Whereas little research has been done on students who study in the language of the minority; therefore

Be it resolved that research on minority-language education be undertaken; and

Be it further resolved that the research focus on, among others things, program availability, accessible teaching tools, university research possibilities in the institutions and provide an analysis of the direct effects of these factors on the students.

2005/05:042 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:041 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:041 REFERRED

2005/05:043 MOTION

Local 98/Local 68

Whereas on the 23rd of June 1985 a bomb blew up in the Narita Airport, Japan killing two baggage handlers and 55 minutes later a second bomb blew up on Air India Flight 182 killing 329 people; and

Whereas it has been proven that the bombs originated from Vancouver; and

Whereas the majority of the victims were Canadian and of South Asian descent who were travelling to India to visit their loved ones; and

Whereas 80 children under the age of twelve were killed as were 20 families; and

Whereas there is clear evidence that the government of India had warned then-Canadian Prime Minister Brian Mulroney about an impending attack on the aviation industry; and

Whereas the Canadian government took no precautionary measures; and

Whereas the Canadian Security and Intelligence Service destroyed 150 hours of surveillance tapes without transcribing them; and

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Whereas the Royal Canadian Mounted Police failed to engage in 24 hour surveillance of one of the prime suspects; and

Whereas 20 years later many questions remain unanswered in the largest case of mass murder involving Canadians; and

Whereas these facts have given rise to allegations against the Canadian justice system of racism and deferential treatment of victims based on their ethnicity or place of origin; and

Whereas a public inquiry would assist in answering such questions and help to bring about progressive improvements in the Canadian intelligence and justice systems; therefore

Be it resolved that a letter be written to Prime Minister Paul Martin calling for a public inquiry into the Air India Bombings and the conduct of the Canadian intelligence system; and

Be it further resolved that member locals be encouraged to write similar letters; and

Be it further resolved that member locals be encouraged to collect signatures on the Air India Victims' Families Association petition; and

Be it further resolved all relevant campaign materials be distributed to member locals as they become available.

2005/05:044 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:043 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:043 REFERRED

2005/05:045 MOTION

Local 34/Local 68

Whereas tuition fees in Nova Scotia have more than doubled in the past decade, making Nova Scotia's tuition fees the highest in the country; and

Whereas in December 2004 the universities in Nova Scotia signed a Memorandum of Understanding with the Government of Nova Scotia which caps tuition fee increases at 3.9% in each of the next three years, at which time average undergraduate tuition fees in Nova Scotia will exceed \$6700; and

Whereas international students, dentistry students, medical students, and full-cost recovery students are not included in the tuition fee cap; and

Whereas Nova Scotian students were not consulted during the development process of the Memorandum of Understanding; therefore

Be it resolved that member locals be encouraged to send letters stating their discontent regarding the Nova Scotia Memorandum of Understanding; and

Be it further resolved that copies of the letters be sent to the Federation's Maritimes office.

2005/05:046 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:045 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:045 REFERRED

c. Motion Submitted by the Newfoundland and Labrador Component

Sioufi explained that the following motion had been submitted by the Newfoundland and Labrador Component with due notice for consideration at this meeting. She said that it would require a mover and seconder.

2005/05:047 MOTION

Local 68/Local 44

Whereas the Canadian Millennium Scholarship Foundation was established in 1998 with an endowment of \$2.5 billion with the stated purpose of reducing student indebtedness;

Whereas then-Finance Minister Paul Martin promised that the Foundation would reduce student debt by \$3000 per student for those in need, but most students have seen virtually no debt reduction since the creation of the Foundation;

Whereas the Foundation also has a \$10 million research budget that has been used to campaign for higher tuition fees and student debt;

Whereas the Federation has expressed concerns with the secretive, informal bidding process that the Foundation employs to award research contracts, and has bestowed lucrative, "no bid" contracts to former Foundation employee Alex Usher;

Whereas the Foundation is not subject to public accountability standards and Canada's Auditor General has recently expressed concern that Foundations are sitting on billions of dollars of taxpayer money but are exempt from "value for dollar" audits that determine the effectiveness of spending decisions;

Whereas the Foundation has mysteriously found money for a new grants program but is taking an ad hoc approach to spending and as a result is continuing to distribute funds unequally between students in different provinces; and

Whereas the Foundation has already signed agreements with the Governments of Quebec and British Columbia, but has not yet approached the Government of Newfoundland and Labrador to initiate negotiations to create similar grants for students in this province, despite the fact that Newfoundland and Labrador students have the largest debts loads in Canada; therefore

Be it resolved that a letter be sent to the Foundation demanding that negotiations be initiate with every province to create low-income grants for students beginning in fall 2005.

2005/05:048 MOTION TO REFER

Local 68/Local 44

Be it resolved that Motion-2005/05:047 be referred to the Campaigns and Government Relations Forum.

CARRIED

2005/05:047 REFERRED

15. OTHER BUSINESS

Soule welcomed two guests from the Students' Society of McGill University. He said that the representatives would only be present for the opening plenary and workshops later that evening and encouraged delegates to welcome them.

16. ANNOUNCEMENTS

A series of logistical announcements were made.

17. RECESS

2005/05:049 MOTION TO RECESS

Local 4/Local 13

Be it resolved that plenary be recessed until 13:30, Sunday, May 22, 2005.

CARRIED

17:12 the plenary recessed.

University Students' Council Agenda

Sunday, August 28th, 2005

1. Call to Order
2. Call for Quorum
3. Adoption of an Agenda
4. Introductions and Announcements
5. Council Address
6. Minutes and Reports for Information
 - 6.1 USC Minutes – June 19th, 2005
 - 6.2 Executive Committee Minutes – June 20th, July 27th & August 10th, 2005
 - 6.3 Academic Affairs Board Minutes and Report
 - 6.4 Operations & Finance Board Minutes and Report
 - 6.5 Student Issues Board Minutes and Report
 - 6.6 Appointments Board Minutes and Report
 - 6.7 Elections Board Minutes and Report
 - 6.8 Code of Ethics Disciplinary Committee Minutes and Report
 - 6.9 External Affairs Board Minutes and Report
 - 6.10 Environmental Responsibility Board Minutes and Report
7. Motions Arising from the Minutes and Reports
8. Business
9. New Business
 - 9.1 CFS Referendum
10. Questions and Comments (30 minutes)
11. Any Other Business
12. Adjournment

THIS IS EXHIBIT " K " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew Wilson

University Students' Council

Minutes for Sunday, August 28th, 2005

Present

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

Regrets

Jason Villeneuve, Education
Wadena Burnett, Engineering
Nicholas Ansaldo, St. Thomas More

Absent

Julien Kernaleguen, Agriculture
Roberta Boyle, Commerce
Hardeep (Bobbi) Birdi, Dentistry
Indigenous Students' Council MSC
Holly-Anne Sedor, Nursing
Ana Carolina Melendez, VPRA

Also Present

Brent Thoma, Chair

1. Call to Order

The meeting was called to order at 2:20 p.m.

2. Call for Quorum

Quorum was present.

3. Adoption of an Agenda

Move to adopt the Agenda.

USC Motion29: Flavell/Gallaway

Carried.

6. Minutes and Reports for Information

President Gardiner asked if there are any questions regarding the reports.

Councilor Fernquist made a motion to Table Make Poverty History Campaign at the June 19th USC meeting, which was not recorded in the minutes.

Motion to adopt Minutes as modified.

USC Motion 30: Gallaway/Connor

Carried.

7. Motions Arising from the Minutes and Reports

No motions arising from the minutes and reports.

9. New Business

9.1 CFS Referendum

President Gardiner stated that at the next USC meeting there would be information provided regarding the CFS Referendum. The Elections Board is getting started right now. There will be a CFS Referendum report available at the next USC meeting.

10. Questions & Comments

VP Kowalsky noted he wants to encourage Councilors to start thinking about which boards/committees they want to sit on.

Councilor Collins stated ???

Chair Thoma stated that announcements should be made under Introductions and Announcements and there will also be a board where all events happening in different colleges will be posted and/or placed on the USSU Website.

VP Campbell and President Gardiner stated that announcements should be made under the Questions & Comments section.???

Councilor Fernquist stated that this year for Hell Dance Wide Mouth Mason is playing. This is the first year it will be an all ages event. It should be a blast.

Chair Thoma stated that for announcements use the board and USSU Website to display events.

VP Campbell noted events that are specifically USSU oriented would be announced; however, events such as Louis' shows would not be announced.

President Gardiner stated that Councilors should encourage members of their college to run for Students-At-Large (SAL) and by the next USC meeting there will only be a week left to apply for SAL. Interested students can apply online or they can print off a SAL form or stop by the USSU office to pick up an application. It is a great way to get involved and we need people. The deadline is 2 weeks after the first day of class. The posting has the deadline on it.

Councilor Yakimoski asked if Councilors are interested in sitting on a board who would we talk to? Or would we announce our interest at the next USC meeting?

President Gardiner said it would be discussed at the September 22nd USC meeting. If you would like additional information you can talk to any of the Executive members.

VP Cole stated that anyone interested in the Academic Affairs Board should come and see him and give him their ideas.

Councilor Taylor asked the date of the next USC meeting?

VP Cole noted the next USC meeting would be held on September 15th.

President Gardiner confirmed the next meeting would be September 15th. He also noted that starting September 15th Council would meet every Thursday starting at 6 p.m.

Councilor Yakimoski sent her regrets for September 15th. She will be on a school trip at that time.

President Gardiner stated that before everyone leaves he wants to give Council members a tour of the USSU Office.

12. Adjournment

Move to adjourn.

USC Motion31: Cole/Flavell

Carried.

**THIS IS EXHIBIT "L" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew McKenna

CFS not such a sweet deal

Written by Ian Potter

In the run-up to the CFS referendum, I hope someone takes the time to ask some questions about the organization that U of S students are being asked to join and the motivations of those pushing the student body in this direction.

Firstly, should students be skeptical about joining such a dubious organization? Schools that have tried to withdraw from CFS have been sued by the organization and tied up in legal messes for years before getting resolution. And it's not as if this is a tactic of last resort for CFS either.

According to University Student Council minutes of December 7, 2004, when a Council member attempted to rescind the motion that allowed the USSU to take out a prospective membership in CFS, Gavin Gaudin replied, "The USSU is now a prospective member in the CFS and have been ratified as such. The policy cannot be rescinded according to their constitution. It can still be debated but may get [sic] result in trouble. Why should students be so eager to join an organization that would and does sue to keep its members in line?"

Secondly, the way that CFS is structured, individual students, rather than student unions, are organization members and are directly assessed membership fees. If the referendum is passed, membership is automatic for all students, the same system of automatic membership that U of S students have with the students' union, so in effect the CFS will be a larger, second students' union for U of S students.

The USSU and CFS are both governed by constitutions, but while the USSU chooses to make theirs public for anyone to read, CFS keeps its constitution secret from non-members.

According to USC minutes of November 4, 2004, Gavin Gaudin explains that copies of the CFS constitution are not to be had by anyone who is not a member. In fact, Council had to approve a prospective membership (at a cost of \$2000 to the USSU) before they were allowed to see it. If an organization like the USSU can be open with the public with its members about its constitution, should students be skeptical about joining an organization that keeps its governing document so tightly under wraps? What is CFS hiding?

Finally, the USSU leadership joins CFS membership as necessary to effectively lobby the provincial government. While it may be useful to have the CFS as a unifying force in a province like Ontario where there are many large, competing schools, Saskatchewan has two major educational bodies (apologies to SIAST) that have worked together successfully in the past, notably on the provincial election of 2003 and the tuition freeze drive of 2005. Leadership of the USSU and URSU is concentrated enough to allow the groups to work together fairly easily. CFS did lend their name to the tuition freeze campaign of 2005, but was it little more than coastal riding?

If membership in the CFS is so critical to the success of provincial lobbying, why did the USSU executive push for the revival of the VP External position to specifically and exclusively lobby at the provincial and national levels? Do students realize that adding this extra Vice President costs them \$18,000 per year in salary and approximately \$30,000 more in additional travel, benefits and departmental expenses (according to the USSU budget). Why don't you drop by the office and ask to see a copy? If students are committing approximately \$50,000 to fund this new VP office, as well as being asked to contribute an extra \$7,000 in CFS membership fees, what kind of results can be expected? What will \$220,000 worth of lobbying buy U of S students?

What are the benefits of CFS membership? Why doesn't the CFS promote the membership referendum or the strength of the lobbying successes? Are there any successes of note? Those that U of S students will evaluate when their students union wants them to refrain to before voting to approve this dodgy bill of goods.

Close Window

Two bylaw changes at USSU AGM

Written by Kariah Rudolph

Monday, 23 November 2004

The USSU held its annual general meeting last Thursday, November 18, at 4 pm in St. Thomas More Theatre. President Gavin Gardiner gave his accountability report early in the meeting.

The auditor's report followed. Two bylaw amendments were ratified, including one that will restrict members of council who are running in USSU elections from participating in election discussions, thereby avoiding conflicts of interest and ensuring democratic procedure.

Few students attended this year's AGM and the 'Any Other Business' section passed by with little more than a yawn. In past years, some crazy constitutional amendments have been passed in the name of democracy and good humor.

However, the Engineering Society did take the opportunity to deliver Kim Standen and Gardiner a pie in the face, as part of their fundraiser.

Other matters were also being discussed at this time. A number of appointees are attending a conference in Ottawa this week to consider membership in two national student alliances, CFS and CISA.

Close Window

First Meeting of the Election Oversight Committee

Teleconference: Sunday, September 11, 2005

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

Agenda for first meeting

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

THIS IS EXHIBIT "M" TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew Tufano

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

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

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

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

THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF June 2006
Andrew Duffin

University of Saskatchewan Students' Union &
Canadian Federation of Students

Referendum Rules

September 2005

Version: Sunday, September 11, 2005

Bylaw I, 4 b. Administering the Campaign and Voting

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

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

Section 1: Referendum Oversight Committee Composition

University of Saskatchewan Students' Union Representatives:

1. Martin Olszynski
2. Dorinda Stahl

Federation Representatives:

1. Angela Regnier
2. Lucy Watson

Section 2: Polling Station Locations and Hours

October 4-6:

Locations to be determined 8:30 – 20:30

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: 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 4: Campaigning

- a. Shall begin at 8:00 Monday, September 19, 2005 and end at 20:30 Thursday, October 6, 2005, unless otherwise agreed by the Committee.
- b. As per **Bylaw I, 4 d ii. Campaigning**, only individual members and representatives of the member local association, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.
- c. There shall be no campaigning at any time in the library or in areas where alcohol is served.
- d. Posting shall only be permitted in accordance with the University of Saskatchewan Students' Union's rules.
- 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 5: Voting Procedure

- a. The voter must present a University of Sasaktchewan 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 6: 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 xxxxx.

- b. The result of the referendum shall be determined by a 50 percent plus one majority of the votes cast.

Date

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

Second Meeting of the Election Oversight Committee

Sunday, September 18, 2005

Present: Lucy Watson, Angela Reigner, Martin Olszynski, Dorinda Stahl.

Agenda:

1. Review logistics for review of materials
2. Review of rules to date
3. Discussed ballot question
4. Poll clerks (DROs)
5. Security of Ballot boxes
6. Ballot Counting
7. Next meeting

THIS IS EXHIBIT " O " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Andrew Reigner

1. Logistics for review of materials:
 - discussed the need for the ACRO stamp
 - Martin will stop by the USSU office, M, W, F at 4:00 pm to gather materials and send out information as needed to the rest of the OC.
2. Review of rules to date
 - went over what was agreed to to date
 - discussed restrictions on campaigning: no bars, no labs, no library, no games room
 - 30ft buffer to voting stations
3. Discussed ballot question
 - agreed on a draft ballot question: "Are you in favour of membership in the Canadian Federation of Students?"
4. Poll clerks (DROs)
 - discussed training and dates
 - there will be two PCs, one from the CFS and one from the USSU
 - PCs must be hired by the 29th of September, and trained on the Monday before the referendum (this should not require more than _ hour).
5. Security of Ballot boxes
 - the OC determined that they needed more information on this aspect and would discuss it further at the next meeting
 - members of the OC will be responsible for opening and closing the polling stations
 - figured out a schedule for this
6. Ballot Counting
 - CFS will appoint two scrutineers and the USSU will appoint two scrutineers
7. Next meeting: September 23rd, 2005.

THIS IS EXHIBIT "P" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS

5th

DAY OF JULY, 2006

Andrew McKenna

University of Saskatchewan Students' Union
Oversight Committee Meeting

4:00 pm, Friday, September 23, 2005

USSU Board Room

Agenda

1. Referendum Question
 2. Campaigners
 3. Forum
-

Attendance

Martin Olszynski	USSU Representative
Angela Regnier	Federation Representative
Dorinda Stahl	USSU Representative (by telephone)
Lucy Watson	Federation Representative
Amy Yeager	USSU Staffperson

Lucy says that she and Angela were committed to working through the obstacles that the OC might face.

Dorinda says that the Committee needed to discuss the committee rules in light of the USSU's lawyer's position that the USSU policies must prevail.

Lucy said that the USSU was a member local association of the Federation and therefore the Federation's bylaws are also the bylaws of the USSU. She said that the Federation's bylaws clearly delineate the process for referenda. She said that the Federation's bylaws had to be upheld. She said that the OC needed to work together.

Dorinda says that it is the CRO and the ACRO's job to make sure that the USSU rules were followed. She said that the OC has to try to incorporate both sets of rules with out both sets of rules being violated. If USSU's referenda policies weren't followed the referendum would not be valid.

Lucy states that it is the OC committees' responsibility to develop the rules that would govern the referendum campaign.

1. Referendum Question

Dorinda wants to discuss the referendum question. She has a few issues with it. She said that the USSU's lawyer, Greg Walen had reviewed the proposed question as per the USSU's policies. She said that Walen had approved a question that included a preamble with the membership fee. She explained that Walen had stated that including anything other than the membership fee in the preamble would bias the question.

Lucy said that if a preamble was going to be included on the ballot it should not be restricted to the fee. She said that just including the fee could easily be characterized as a bias.

Dorinda said language for the question according to the USSU rules must be explicit and the fee had to be included in the preamble.

Lucy said that she had reviewed the USSU Referendum Policy and it simply stated that in order to implement or eliminate a fee, a referendum had to be conducted. She said that the policy did not require the referendum question to include the fee.

Dorinda says students had a right to know what fee they will be paying.

Martin added that Walen's opinion was a legal opinion and the Oversight Committee could not change the question once Walen had approved it.

Lucy said that the substance of the question was about membership in the Canadian Federation of Students and all that that membership entailed. She said that the essence of the question was not fee related.

Martin suggested that USSU President Gavin Gardiner make an appointment with Greg Walen to further discuss the issue.

Lucy says that the spirit of the question being put to students was not being captured if only the fee was included in the preamble. She said that it would confuse voters.

Dorinda says that they must follow USSU rules and Greg did not change the spirit of the question.

Martin said that including the fee was a legal requirement. He said that Greg Walen had no stake in the referendum. He said that there was nothing that the OC could do about the question they would have to wait until Gavin spoke to Greg.

Lucy asked if Dorinda could explore with Greg inclusion of an introductory sentence that Greg did not think was biased. She said that this would balance the inclusion of the fee and alleviate her concerns about a biased question.

Martin asked what would happen if the OC could not agree to a question.

Dorinda said that the referendum would have to be postponed.

Lucy said that she and Angela did not have the authority to change the referendum dates now that they had been set.

Lucy noted that the question that Walen had proposed was incorrect. She said that Walen's question, "Are you in favour of the University of Saskatchewan Students' Union, joining as a member, the Canadian Federation of Students?" did not accurately reflect the Federation's structure which was based on individual membership with an individual membership fee.

Dorinda said that she misunderstood; she thought it was the students' union that became the member.

Lucy explained the voting structure at general meetings and the individual membership. Dorinda said that she was very concerned about the process. She said that if the OC changed the question, she and Martin would be violating the USSU's constitution. She said that as the CRO she could not violate the USSU's constitution. She said that her position was to uphold the USSU's policy. She says that if she and Martin went back to the USSU's lawyers to rework the question, they would be in direct violation of the timelines set out in the USSU's policies. She said that if the proposed amendment to the USSU's referenda policies does not pass at the upcoming USC meeting, she and Martin were not in a position to strike the Elections Board in a week. She said that she felt that the ship was sinking and it would not look good for the USSU, CFS, or the U of S.

Lucy said she did not share Dorinda's position that things were not progressing. She said that the protocol that the OC had drafted was comprehensive and was being followed. She said that campaigning for both sides had begun. She said that the OC could work through the other, outstanding issues. She said that neither she nor Angela were in a position to agree to postponing the referendum. She said that they would have to survey the members of the National Executive.

Martin said that it was his position that as things stood, the referendum was not legitimate.

Dorinda said that no one wanted to be involved in an illegitimate referendum. She said that things fell apart last year when the referendum was supposed to be held.

Lucy says that things did not fall apart last year. She said that the Executive and Council of the USSU wanted more time as trial members of the Federation and the timing of the referendum campaign was not ideal given other campaigns and work that was being undertaken at the same time.

Martin said that Lucy and Angela might not have been privy to discussions that happened at the EB last year. He explained that there had been serious concerns about holding the referendum last year.

Lucy states that the process of establishing rules to govern the referendum campaign had been unfolding the way that it should be. She said that thus far there had been no surprises.

Lucy says that she would contact Martin by noon regarding the question.

Martin suggests that a forum be held next Wednesday or Thursday

2. Campaigners

Lucy said that it had come to her attention that members of the Canadian Alliance of Student Associations wanted to participate in the referendum campaign on membership in the Canadian Federation of Students. She said that the CFS' bylaws were clear about who could and could not participate in the referendum and it was clear that a third party like the CASA should not be participating in the campaign. She said that the outcome of the referendum would not affect the USSU's membership in the CASA.

Angela says that legally and technically the referendum campaign was not about the USSU's status in the CASA.

Martin says that people participating in the campaign were expected to abide by the protocol as determined by the OC. He said that everyone, students, saw membership as a binary issue. He said that people were going to talk about the CASA whether they were permitted to participate or not.

Lucy says that the vote was simply about membership in the CFS. She said that allowing a third, unrelated, party to participate in the campaign would confuse the issue and was completely unfair to students.

Martin said that the more debate in the campaign, the better. He said that ultimately students would be more informed.

Lucy says that neither she nor Angela had an issue with having a thorough debate about the pros and cons of membership in the CFS. She said that U of S students had a right to register a campaign and should be encouraged to do so.

Dorinda said that she agreed that the referendum was to determine membership in CFS but asked Lucy if she thought that they were being objective about the issue.

Lucy e said that she was being objective. She said that the CFS' bylaws were clear about who could campaign. She reiterated that this was a vote on membership in CFS, plain and simple. She said that the USSU would still be a member of the CASA regardless of the vote on CFS membership. She said that the CASA had no right to participate.

Dorinda stated that she did not know how the OC could work through its differences.

She said that she appreciated Lucy's position, but could not see how everything could come together. She said that the issues had been raised before and it came down to the fundamental question of which bylaws were governing the process.

Martin said that campaigning should be open to anyone and everyone.

Dorinda said that every student was different; there would be many no sides and many yes sides.

Lucy said again that the vote was only about membership in the CFS. She said that if people wanted to debate their membership in the CASA, it should be done at a different time. She noted that the CFS did not have an interest in interfering in that process.

Martin said that campaigners had to follow the rules so the CASA should be permitted to participate. He said that leaving out the CASA imposed a standard and stifled the debate.

Lucy says that not allowing an unrelated third party to intervene in the campaign was not stifling debate. She said that the members of the CFS were willing to engage in a debate about the pros and cons of membership and there was no stifling of debate.

Angela asks if Martin and Dorinda had read the e-mail that the National Director of the CASA had sent out to former members of the USC. She said that a students' association could be part of the CFS and the CASA despite what the National Director had stated in his email. She said that the OC should not confuse the issue for students. She said that having students believe that it was a choice between the CASA and the CFS was wrong.

Martin says that determining who could participate in the campaign was not the way to work, the OC had to keep students informed.

Lucy said that it was a yes or no question.

Martin said that he would like to open up the campaign.

Lucy said that the CFS' bylaws were clear and the USSU's policies were silent. She said that the OC should simply acknowledge the bylaws. She said that it appeared that the CASA wanted students to think the vote was either membership in the CFS or membership in the CASA. She said that it was not the issue being voted on.

Dorinda said that the USSU's position was that the USSU's representatives on the OC had to follow the USSU's rules.

Lucy said that she and Angela agreed with Martin that an information forum should be held. She said that the OC should develop some ground rules.

Dorinda said that she was concerned about how to come to an agreement. She says that if the EB has to run referendum, there was no way that the referendum could happen in the next two weeks. She said that she did not want to do anything to violate the USSU's rules. She said that the USSU's rules did not prevent the CASA from participating in the campaign.

Dorinda will contact Martin regarding the forums.

Martin asks if Lucy and Angela can contact the members of the National Executive to determine if postponing the referendum was a possibility.

Next meeting agreed upon by all parties is Sunday at 2:00 p.m.

THIS IS EXHIBIT "Q" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew M. [Signature]

University Students' Council

Minutes for Thursday, September 22nd, 2005

Present

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

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

Also Present

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

Regrets

Susan Yakimoski, Education
Hardeep (Bobbi) Birdi, Dentistry

Absent

Trena Raven, Indigenous Students'

1. Call to Order

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

2. Call for Quorum

Quorum was present.

3. Adoption of an Agenda

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

Move to adopt the agenda as amended.

USC Motion38: Gallaway/Cole

Carried.

4. Introductions and Announcements

Councilor Burnett noted that Councilor Fernquist won the Engineering

Presidential Election.

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

5. Council Address

5.1 Studentcare

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

5.2 ACRO Olszynski

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

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

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

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

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

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

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

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

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

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

VP Connor motioned to move this ACRO issue up to 5.3 under Council Address.
USC Motion39: Connor/Gallaway

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

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

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

VP Connor asked to amend the motion to 6.0?

Move this ACRO issue up to 6.0 under Council Address.

USC Motion39: Connor/Gallaway Carried.

6.0 Referendum

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

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

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

USC Motion40: Gardiner/Campbell Postponed.

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

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

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

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

President Gardiner stated no it is not a bylaw.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Move to postpone until next week.

USC Motion41: Cole/Burnett

Carried.

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

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

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

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

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

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

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

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

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

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

ACRO Olszynski answered yes.

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

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

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

Councilor Fernquist moves to call the question.

Move to call the question.

USC Motion42: Fernquist/Burnett Carried.

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

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

7. Minutes and Reports for Information

7.1 USC Minutes

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

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

Move to approve USC minutes with amendment.

USC Motion43: Gallaway/Otte Carried.

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

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

9. Business

9.1 Architect Consulting

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

USC Motion44: Campbell/Otte Carried.

9.2 Sustainability Pledge

VP Connor presented this to council last week.

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

USC Motion45: Connor/Lennox-Zepp Carried.

9.3 Corporate Sponsorship & Agreements with Outside Bodies

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

9.4 Elections to USC Board

President Gardiner noted this is the fun part.

Move to informality.

USC Motion46: Gardiner/Collins Carried.

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

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

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

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

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

President Gardiner replied no.

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

Councilor Ansaldo would like to nominate Councilor Collins.

Councilor Burnett would like to nominate herself.

Councilor Lennox-Zepp would like to nominate Councilor Gallaway.

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

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

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

VP Campbell nominated Councilor Gallaway.

Councilor Gallaway declined.

Councilor Coffin nominated herself.

Councilor Ansaldo nominated Councilor Collins.

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

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

Councilor Lennox-Zepp nominated Councilor Boyle.

Councilor Korsherver nominated himself.

President Gardiner nominated Councilor Mitchell.

Councilor Mitchell declined.

Councilor Burnett nominated Councilor Fernquist.

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

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

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

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

Councilor Flavell nominated Councilor Mitchell.

Councilor Fernquist nominated Councilor Flavell.

Councilor Flavell declined.

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

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

VP Cole stated that it is boring stuff this year.

Councilor Gallaway nominated Councilor Taylor.

Councilor Fernquist nominated Councilor Flavell.

Councilor Ansaldo nominated himself. Later withdraws his nomination. VP Cole noted we could fill the third position another time.

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

Councilor Fernquist nominated Councilor Burnett.

Councilor Lennox-Zepp nominated Councilor Boyle.

Councilor Gallaway nominated Councilor Melendez.

Councilor Collins nominated Councilor Ansaldo.

VP Campbell nominated Councilor Otte.

VP Kowalsky nominated Councilor Sedor.

Councilor Sedor declined.

Councilor Fernquist nominated Councilor Olthof.

Councilor Olthof declined.

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

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

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

VP Campbell nominated Councilor Sedor.

Councilor Vishnu nominated Councilor Korshever.

Councilor Mitchell nominated Councilor Lennox-Zepp.

Councilor Fernquist nominated Councilor Burnett.

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

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

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

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

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

Chair Thoma asked for nominations for the Environment Responsibility Board?

President Gardiner nominated Councilor Korsherver.

Councilor Lennox-Zepp nominated Councilor Ansaldo.

Councilor Korsherver nominated Councilor Mitchell.

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

Councilor Ansaldo nominated Councilor Collins.

Councilor Ansaldo declined.

Councilor Boyle nominated Councilor Gallaway.

Councilor Fernquist nominated Councilor Olthof.

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

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

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

Councilor Vishnu nominated Councilor Biederbeck.

Councilor Fernquist nominated himself.

Councilor Burnett nominated herself.

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

Chair Thoma asked for a motion to end informality.

Move to end informality.

USC Motion47: Cole/Galloway Carried.

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

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

Move to Ratify Councilors to Boards.

USC Motion48: Gardiner/Fernquist Carried.

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

VP Cole asked who would be chairing this committee?

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

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

USC Motion49: Gardiner/Galloway Carried.

10. New Business

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

Chair Thoma is unsure if USC can do this.

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

Councilor Fernquist would like to withdraw his motion.

11. Questions and Comments

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

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

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

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

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

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

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

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

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

so?

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

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

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

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

VP Cole stated our email addresses are on the website.

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

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

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

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

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

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

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

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

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

President Gardiner stated that we could be members of both.

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

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

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

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

some reason.

Councilor Fernquist stated that comment sounds kind of slanderous.

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

President Gardiner said we would talk about that.

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

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

VP Kowalsky ???

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

13. Adjournment

Move to adjourn.

USC Motion50: Cole/Fernquist

Carried.

**THIS IS EXHIBIT "R" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew McKenna

University of Saskatchewan Students' Union
Oversight Committee Meeting
4:00 pm, Monday, September 26, 2005
USSU Board Room

Agenda

1. Poster from USSU (information ad)
 2. Update on Discussion between USSU and CFS Legal Counsel
 3. Casting vote in the event of a tie
 4. Request for Postponement
 5. Forum
 6. Logistics
-

Attendance

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

Dorinda said that she was still feeling really uncomfortable about the process. She said that she was getting very nervous about this whole thing.

1. Poster from USSU (information ad)

Martin explained that the USSU's referenda policies required that the Executive and Council of the USSU provide information about the referendum in an unbiased manner. He said that the poster must provide information in an unbiased manner. He said that the Executive of the USSU had submitted text for an ad in the Sheaf to the Oversight Committee for review.

It was agreed that the poster did not satisfy the requirements of the policy.

Martin said that the poster should only include the facts. He said that the information about the CFS successfully lobbying for the tuition fee freeze and lobbying alone in the province were not objective enough.

Dorinda suggested including information about what joining the CFS would mean for U of S students.

Lucy said that the concept was foreign to her. She said that it was the responsibility of the "yes" and "no" sides to provide information about the pros and cons of membership. She said that the poster should include very basic facts.

Martin agreed that the poster should only include the basic facts.

Martin said that Gavin and the Executive had agreed that the OC should write the information for the poster.

Martin said that he would talk to Evan about what the OC wanted.

Lucy said that in terms of text it could be simply stated that that voting yes would mean a \$4.66 per student per semester fee, that all students in Saskatchewan would work together. She said that the arguments in the "Voting No Means" column that the Executive had included were criticisms of the CFS. She said that voting no meant the

status quo, not paying the \$4.66 per student, per semester and not working with other students in the province and country.

Martin suggested that the ad doesn't need a no section. He said that it should just have a "yes" section.

Dorinda agreed just as long as it is all facts.

Lucy said that if there is too much information people would be confused. She said that just need the facts should be included.

2. Update on Discussion between USSU and CFS Legal Counsel

It was reported that CFS' legal counsel Todd Burke of Gowlings, Lafleur, Henderson and the USSU legal counsel Greg Walen had not yet met. It was agreed that the OC would meet at 8:00 a.m. tomorrow.

3. Logistics

Amy asked if the costs would be split between the CFS and the USSU.

Lucy said that the CFS was not adverse to paying a portion of the costs, but would discuss it with Gavin.

Dorinda reminded everyone that the USSU policies stated that there was a \$1000 campaign limit. She said that it was not an issue within the CFS constitution or referendum bylaws, but reminded everyone to keep the issue in the back of their minds. It was agreed that Amy would contact Campus Security about the storage of the ballot boxes.

It was agreed that Lucy and Angela would walk through the tunnels to see if there was anywhere between Agriculture and Engineering that the polling station could be located. Lucy and Angela will get back to Amy regarding the rental of radios.

3. Casts the deciding vote

Martin said that the USSU policies stated that the ACRO casts the deciding vote. It was agreed that the OC would discuss the issue after the vote on Thursday.

4. Request for Postponement

Martin asked if Lucy and Angela had an update on the possibility of postponing the referendum.

Lucy explained that the CFS' National Executive consisted of over 15 people. She said that they had been able to get in touch with four board members about the idea of postponing the referendum. She said that the National Executive members would like more information.

Dorinda said that if council did not empower the Oversight Committee, she did not think the referendum could proceed.

Lucy asked if Greg Walen and Todd Burke agreed that USC did not have to pass the motion, could the USSU representatives simply proceed.

Martin said that if as a result of Greg and Todd's discussions they decide the USC does not have to pass the motion, the OC can proceed.

Dorinda said that if the USC did not adopt the motion, there would not be time to strike up an elections board.

5. Forums

The forums will be held in Lower Place Riel on Thursday and Monday in the Place Riel Theatre.

Lucy said that she had heard that Brent Thoma was a respected chair and wondered if he could chair the Forum.

Martin said that he ran into him before the OC meeting and Brent was willing to chair.

Dorinda said that it was a good idea to have someone else chair the forum.

Martin asked if he had the authority to delegate the chairing.

Lucy said that Martin should also be present on the stage and Brett could facilitate and moderate.

Dorinda asked if the forum should be held Friday after the Thursday council meeting.

Lucy said that the forum should be held earlier rather than later so students were informed.

Dorinda said that she would rather have the forum on the Friday.

Martin will direct any questions made at the forum.

Lucy suggested there be someone speaking on the "yes" side and someone speaking on the "no" side, and then questions from the floor.

Martin suggested allowing anyone who had a registered campaign to speak.

Lucy said that it didn't seem fair. She said that if one side registered 10 campaigns and the other 2 campaigns, it would be very lopsided.

Martin said that campaigns should have been required to remit a deposit.

Lucy said that the CFS representatives knew who was campaigning on the "yes" side and presumably, so did the "no" side. She said that multiple people on the stage would end up confusing people. Martin said that the issue came down to whether the campaign registrants can all speak or whether things should be more collaborative so that there are either one or two speakers on both side.

Angela and Dorinda both agreed that it would be a zoo if there were too many people speaking.

Martin said that he felt uncomfortable telling registered candidates that they can't talk about the issues.

Dorinda asked Lucy how they did it on other universities.

Lucy said that there was one member who spoke for each side. Martin says that it maybe a gamble but wants to wait and see how many campaigns register.

Martin will send out an e-mail regarding the forum. He said that the OC could then decide what they want to do in terms of the structure of the forum.

Martins suggested that Lucy and Angela be at the forum so that they can answer any questions that students have about the OC.

University of Saskatchewan Students' Union
Oversight Committee Meeting
3:00 pm, Tuesday, September 27, 2005
USSU Board Room

Agenda

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

THIS IS EXHIBIT " S " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 3rd
DAY OF July 20 de
Andrew Wilson

Attendance

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

1. Polling Stations

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

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

2. Legal Consultation

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

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

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

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

3. Forum Schedule

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

4. Advanced Polling

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

5. Enquiry from Student

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

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

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

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

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

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

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

University Students' Council Agenda

Thursday, September 29th, 2005

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

THIS IS EXHIBIT " 1 " TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July, 2005
Andrew Nelson

University Students' Council

Minutes for Thursday, September 29th, 2005

Present

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

Also Present

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

Absent

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

1. Call to Order

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

2. Call for Quorum

Quorum was present.

3. Adoption of Agenda

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

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

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

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

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

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

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

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

Move to adopt Agenda as amended.

USC Motion 51: Fernquist/Flavell Carried.

4. Introductions and Announcements

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

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

Councilor Gallaway is sending regrets for Councilor Boyle.

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

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

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

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

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

5. Minutes and Reports

5.1 USC Minutes

Move to adopt September 22nd, 2005 USC minutes.

USC Motion 52: Connor/Taylor Carried.

5.2 Executive Committee Minutes

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

Move to Adopt Executive Committee Minutes from September 23rd, 2005

USC Motion 53: Gardiner/Burnett Carried.

5.4 Operations & Finance Board

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

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

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

Move to adopt Operations & Finance Board minutes.

USC Motion54: Campbell/Collins Carried.

5.6 Appointments Board

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

Move to adopt the Appointments Board minutes.

USC Motion54: Fernquist/Burnett Carried.

5.8 Code of Ethics Disciplinary Committee

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

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

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

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

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

President Gardiner stated that would probably be best.

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

President Gardiner stated sure

??? isn't he on the committee?

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

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

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

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

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

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

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

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

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

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

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

Member Thoma returned as USC Chair.

6. Motion Arising form the Minutes and Reports

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

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

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

USC Motion55: Lennox-Zepp/Connor Carried.

7. Business

7.1 Elections Policy

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

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

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

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

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

Chair Thoma confirmed that it was only regarding the amendment.

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

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

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

USC Motion56: Gardiner/Connor Carried.

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

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

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

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

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

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

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

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

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

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

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

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

ACRO Olszynski confirmed we do have the referendum question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Thoma confirmed the Appointments Board selected the Oversight Committee.

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

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

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

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

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

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

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

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

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

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

VP Campbell would like to call the question.

Move to call the question.

USC Motion57: Campbell/Gallaway

Carried.

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

USC Motion58: Villeneuve/Fernquist Carried.

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

USC Motion40: Gardiner/Campbell Carried.

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

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

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

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

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

7.2 Corporate Sponsorship & Agreements with Outside Bodies

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

10. Questions & Comments

Councilor Fernquist asked if the ACRO is still here.

Chair Thoma stated he left.

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

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

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

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

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

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

Councilor Vishnu stated he was going to say that.

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

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

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

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

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

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

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

Councilor Taylor asked if CFS would respond to this?

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

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

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

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

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

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

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

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

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

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

Member Forbes asked if this Planning Session went ahead?

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

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

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

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

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

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

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

Chair Thoma stated that the discussion period is over.

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

USC Motion 59: Collins/Fernquist Carried.

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

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

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

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

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

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

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

12. Adjournment

Move to adjorn.

USC Motion60: Villeneuve/Fernquist

Carried.

THIS IS EXHIBIT "U" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew J. Keenan

University of Saskatchewan Students' Union
Oversight Committee Meeting

8:00 am, Friday, September 30, 2005
USSU Board Room

Agenda

1. Debrief on USC
 2. Campaigning in classrooms
 3. Campaign cost
 4. Grievance Policy
 5. Minutes
-

Attendance

Martin Olszynski	USSU Representative
Angela Regnier	Federation Representative
Dorinda Stahl	USSU Representative (by telephone)
Lucy Watson	Federation Representative
Amy Yeager	USSU Staffperson

1. Debrief on USC

Martin reports that the members of the USC had adopted the amendment to the USSU's referenda policies to empower the Oversight Committee to conduct the referendum.

He said that a couple of issues had been raised in the Council meeting. He said that a USSU staffperson, Melissa Cotton, had indicated in the meeting that she had been contacted by department heads with complaints about campaigning in classrooms. He said that Melissa had never raised concerns with the OC.

It was agreed that Martin would request more information from Melissa.

Martin said that a couple of members of the Council had asked about campaigning costs.

2. Campaigning Costs

Martin said that the USSU's referenda policy restricts spending to \$1000 per registered campaign team. He asked if the CFS' campaign was over \$1000.

Lucy said that it was over \$1000 because of the ad the CFS had to purchase in the Sheaf. She said that it had not been anticipated by the coverage in the Sheaf had not been positive so the CFS wanted to include some a positive message.

Dorinda said that she understood the students' perspective when a campaign goes over budget.

Martin asks for an estimate of total campaign costs. He asked if it was under \$1500.

Lucy said yes it was. She noted that the majority of materials were printed 'in-house' and therefore, were much less expensive. She said that the CFS did not intend to produce any additional materials.

Dorinda confirmed that the material being handed out in the tunnel has been approved.

Martin says that all of the wording for CFS campaign material had been approved.

Campaigning

Martin and Lucy reported that the no side had been handing out material that had not been approved by the OC.

Martin said that he had made a comment at the recent Council meeting that the CASA could distribute promotional material about the organisation, but it could not make reference to CFS or the referendum.

He said that the CASA was distributing pamphlets that said, "A Yes Vote on Oct 4-6 is a vote against CASA."

Martin said that he tried to contact the CASA about a week ago about campaigning, and received no response. He said that he did not have a problem telling them they could not campaign.

3. Campaigning in Classrooms

Lucy said that she was surprised to learn that there were complaints from department heads. She said that prior to speaking to students in a class, people asked permission from the professor. She said that thus far, faculty members had not expressed concerns.

It was agreed that any of the calls regarding campaigning issues should be directed to the OC.

Dorinda said that the USSU had a history of politics not entering classrooms. She said that the professors had a schedule that they had to stick to.

She said that when going into classrooms, it is not equal opportunity for students to hear both sides because it is at the professor's discretion.

She said that department heads had to keep policy on some of that stuff. Dorinda thinks that it is something that we should avoid all together (campaigning in classrooms).

Lucy says that speaking in the classes was before the regularly scheduled class time so it was not taking up class time. She said that the professor was also asked if it was acceptable.

Lucy said that campaigning before class time was a fair and equitable method way of disseminating information. She said that she agreed that the "yes" and "no" sides should NOT be going into classrooms during class time. She said that the "no" side had conducted a one-hour class talk earlier in the week which was very different than speaking for one minute before a class began.

Dorinda said that she didn't agree with it because 1 minute before class time can turn into more time and end up taking up class time.

Angela says that faculty had been very receptive.

Dorinda says it had been a very clear USSU policy. She said that there should not be any campaigning in classrooms at any time.

Martin can appreciate Dorinda's point. Martin is leaning that way.

Lucy says that in an attempt to seek clarification on the issue, she had asked the CFS' legal counsel to discuss the issue with the USSU's legal counsel.. She said that they had agreed that the USSU policy did not prevent CFS campaigning prior to class time.

Dorinda says that there was a very fine line, and it is much easier to regulate no campaigning, than it is to regulate the time before class.

Dorinda says that the campaigners probably waited to speak until closer to the class time so that students are actually present. She said that campaigners would not campaign 10 minutes prior when no one is in there.

Dorinda says that we should take a vote.

4. Grievance Policy

(Violations and Complaint)

Martin said that the OC needed to establish something for guidance.

Lucy said that the CFS' bylaws included an appeals committee. She said complaints should be in writing and include as much detail as possible.

Lucy said that the OC should commit to a deadline for responding to complaints. She said that the OC should respond to the complaint within 24 hours. All agreed that this was a good time frame.

Martin said that all complaints rising regarding the vote count had to be filed by October 11, 2005.

Lucy said that the appeals committee would have 1 CFS representative and one USSU representative that were members of the OC.

Martin asks what would make a complaint go to the appeals committee.

Lucy says that the OC would have to consider the allege violation so fragrant that it could have potentially affected the referendum results.

Lucy agreed to amend the Referendum Protocol to include the complaints procedure.

Martin asked if there is anything else that we needed for the grievance procedure.

Dorinda asked if the OC could have a face -to-face meeting. It was agreed that the OC would meet 5:30 on Monday.

Dorinda says that she and Martin had to meet with the Elections Board to discuss the amendment passed at the USC requiring the EB to ratify the referendum results.

Martin says there is no procedure with the EB.

Dorinda asks if Lucy and Angela are comfortable with the amendment to the policy.

Lucy said that the CFS' bylaws are clear that unless the CFS' bylaws have been violated, the results are binding.

Martin says that the referendum protocol does not have to be amended.

5. Report

Martin suggested that the members of the OC prepare a report (maybe Wednesday night) regarding the process and a brief overview of the OC. He said that it would serve as an introduction to the minutes.

Next meeting 5:30 on Monday.

Dorinda and Martin when they will strike a meeting with EB. Martin will e-mail Dorinda dates and times. Could meet Tuesday evening with EB.

THIS IS EXHIBIT "V" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS

5th

DAY OF JULY, 2006

Andrew J. Keenan

University of Saskatchewan Students' Union
Oversight Committee Meeting
5:45 pm, Monday, October 4, 2005
USSU Board Room

Agenda

1. Polling stations schedule
 2. Grievances
 3. Campaign costs
-

1. Polling stations schedule

It was agreed that the members of the OC and Amy would meet at 7:15 a.m. in USSU office to get everything ready for the polling clerks.

Closing polling stations

It was agreed that each ballot box would be sealed with an Elections Canada foil seal and that each poll clerk and a member of the OC would sign the seal.

Lucy said that she would prepare a form for poll clerks to sign indicating that the ballot boxes were sealed and not tampered with during the night.

It was agreed that members of the OC would meet at 19:15 at their assigned polling stations to close them down.

Assignments

Commerce and Education – Martin
Arts and Lower Place – Dorinda
Kinesiology and Engineering – Angela
Thorvaldson – Lucy

It was agreed that after collecting all the supplies and the ballot boxes from each polling station, they would be delivered to Security Services.

Schedule for Opening Stations

Wednesday morning at 7:45 a.m.

Dorinda will not be there.

Dorinda will be there at night.

Thursday morning at 7:45 a.m.

Dorinda will not be there.

Dorinda will be there at night. Take the ballots and computers to the USSU office.

It was agreed that the ballots would be counted at the USSU office. Dorinda asked Martin if the Elections Board would meet on Tuesday. Martin said that he would contact the Elections Board and set up a meeting time.

2. Grievances

Martin said that the Committee had received a complaint from Brad Flavell regarding the "yes" side speaking during class times. He said that the complaint alleged that campaigning had happened during class times. He said that it listed the times and the classrooms. He said that the Committee could ask the professors if the campaigning had happened during class times. It was agreed that the Committee would check with the people who had done the class speaking

Dorinda suggested that the Committee could ask other students in the class for statements.

It was agreed that the Committee would not engage in "he said, she said".

3. Campaign Costs

Martin asks if Lucy knows a rough estimate for their costs.

Lucy says that she would have to determine the printing costs of the posters because they were printed in the national office.

Dorinda reinforces the importance of understanding the policy with respect to the \$1000 campaign cost limit. She said that it existed in the USSU's policies to avoid one side having an advantage over the other.

Lucy says that even though the Oversight Committee had not agreed to rules about spending limits, the CFS had been mindful of the USSU's policies. She said that even though the CFS had not exceeded the \$1000 spending limit per campaign team, they did not intend to seek reimbursement for their expenses.

It was agreed that if the CFS was over the limit, the "no side" could be reimbursed 50% of what the CFS are over.

It was agreed that if the "no side" wished to be reimbursed, it would have to submit receipts.

Amy said that in order to receive the lower rate for the rental of the table in the tunnel, the CFS table had to be designated as a "yes" campaign.

Lucy said that it was the case that the reason the table was set up in the tunnel was to both educate people about the CFS and to encourage them to vote yes".

THIS IS EXHIBIT "W" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew Wilson

University of Saskatchewan Students' Union

Oversight Committee Meeting

4:30 pm, Thursday, October 6, 2005

USSU Board Room

Agenda

1. Referendum Results

Attendance

Martin Olszynski	USSU Representative
Angela Regnier	Federation Representative
Dorinda Stahl	USSU Representative (by telephone)\
Lucy Watson	Federation Representative
Amy Yeager	USSU Staff Person

It was agreed that the official results of the referendum would not be released until any complaints had been considered. It was agreed that the unofficial results would be released immediately after the ballot counting.

Dorinda noted that the Election Board would ratify the referendum results.

The members of the Oversight Committee agreed to meet sometime next week to deal with the complaints.

It was agreed that the deadline for complaints would be 4:00p.m. October 11, 2005.

Martin said that Elections Board member Tracy Mitchell had agreed to close the polling stations that he had originally been assigned and would be his designate during the ballot counting.

USSU REFERENDUM

Alleged Violations Deemed Valid by Oversight Committee
As of: Sunday, November 27, 2005

SUBMITTED BY	DATE	NATURE OF COMPLAINT	APPLICABLE REF. PROTOCOL	RESPONSE
Cdn Fed. of Students (G. Gardiner)	10/6/05	R. Mowat disseminating false information	Bylaw 1-4-e-iv, Ref. Protocol, Section 4-a	Mowat asked for response re: allegations, declined
		R. Mowat's campaigners repeatedly campaigning within 30 foot zone	Referendum Protocol, Section 5-e	Upheld, no impact on referendum results
		"No" ad in Sheaf not approved	Referendum Protocol, Section 4-a and b	Upheld, serious violation--no impact on referendum results
Lauren McDonald	10/5/05	M. Kowalsky singing on Place Riel intercom	Referendum Protocol, Section 5-e	Upheld, no impact on referendum results
"No side" (Robin Mowat)	10/11/05	"Yes" side campaigning on or before September 26, 2005	Referendum Protocol, Section 5-a	Rejected-See Walen's opinion
		Referendum question	Referendum Protocol, Section 3	Rejected-See Walen's opinion

USSU REFERENDUM

Complaints Considered by Oversight Committee
As of: Tuesday, November 22, 2005

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

THIS IS EXHIBIT * X * TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 24
DAY OF January 2006
Audrey McFarlane

Our File No:
Your File No:
e-mail: gwalen@scharfsteinlaw.com

THIS IS EXHIBIT "Y" TO THE AFFIDAVIT
OF Lucy Watson
SWORN BEFORE ME THIS 5th
DAY OF July 2006
Andrew Turcotte

November 15, 2005

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

Attention: CFS Referendum Oversight Committee

Dear Sir/Madam:

Re: Complaint of Robin Mowat

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With respect to the availability of referendum rules, referenda procedures were adopted by the Oversight Committee on September 18, 2005. These rules were apparently available in the USSU offices from the first week of the campaign until the end of the campaign. Additionally, the Canadian Federation of Students Bylaws were available in the USSU offices in the months leading up to the referendum. The only time the referendum regulations were not available to USSU members was for one day during the first week of campaigning. The referendum regulations were available well in advance of the vote. Mr. Mowat further complains that there were violations of policies including a prohibition on making speeches in classroom, advertising rules, and spending limits. It should be noted that none of these alleged violations were based upon any rules established for the referendum.

(d) Conclusion

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

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

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

Yours truly,

SCHARFSTEIN GIBBINGS WALEN & FISHER LLP

PER:

GREGORY G. WALEN, Q.C.

GGW/jas

THIS IS EXHIBIT "Z" TO THE AFFIDAVIT

OF LUCY WATSON

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew J. [Signature]

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

Referendum Oversight Committee Report

November 2005

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

Referendum Oversight Committee Report

November 2005

Background

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

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

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

Composition of Referendum Oversight Committee

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

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

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

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

Duties of Oversight Committee

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

The Committee was responsible for the following:

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

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

Question

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

Logistics

Notice of Referendum

Notice of the referendum was posted on the University of Saskatchewan Students' Union's "Buzz Boards" throughout campus on Monday, September 19, 2005.

In addition, the referendum dates were publicised in *The Sheaf*, a student newspaper, and on the University of Saskatchewan Students' Union website.

Referendum Campaigning and Polling Dates

Campaigning commenced at 8:00 on September 19, 2005 and concluded at 19:30 on October 6, 2005.

Voting was held from 8:00 to 19:30, October 4-6, 2005.

Campaign Teams

In accordance with the referendum protocol, those who wished to campaign in the referendum were required to register with the Referendum Oversight Committee. Six campaign teams were registered with the Oversight Committee; three "yes" side and three "no" side.

A copy of all approved campaign materials are available in the University of Saskatchewan Students' Union office.

Poll Clerks & Training

The University of Saskatchewan Students' Union and the Canadian Federation of Students each provided one poll clerk to work at each polling station. All poll clerks attended a mandatory training session held on Monday, October 3.

Voting Procedures

An electronic system that all polling stations shared via the Internet was developed in order to easily verify a student's status and to prevent individuals from voting more than once in the referendum. Once a student registered at a polling station, her/

his student identification was inputted into the system and he/she was then prevented from casting a ballot at other stations on campus.

Polling Station Locations

The Referendum Oversight Committee established polling station locations based on the following criteria: high traffic areas that were visible and accessible to students from one or more faculties and access to the internet.

Polling stations were located in the following locations:

- Arts
- Commerce/Law
- Education
- Engineering/Agriculture
- Kinesiology
- Thorvaldson
- Place Riel

Security of Ballot Boxes

Each evening, immediately after the polls closed, the ballot boxes were sealed with an Elections Canada seal and signed by the poll clerks and a member of the Referendum Oversight Committee. The ballot boxes were stored in the offices of Security Services with instructions not to release the boxes until two members of the Referendum Oversight Committee (one University of Saskatchewan Students' Union Representative and one Canadian Federation of Students' Representative) were present.

Each morning, prior to unsealing the boxes, poll clerks inspected the boxes and verified that there were no signs of tampering. Following the inspection, clerks signed declarations to this effect.

Voter Participation

Over 20 percent of the Union's membership—a total of 3562 students—voted in the referendum, with 55.4 percent voting in favour of Federation membership.

The following are the results from each polling location:

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

Complaints

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

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

Process

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

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

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

to this report.

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

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

Conclusion

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

Other Related Issues

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

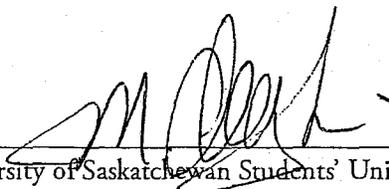
The first concerned the participation of representatives of the Canadian Alliance of Students' Association in the referendum campaign. The Canadian Federation of Students' Bylaws clearly state that, "Only individual members and representatives of the prospective member association, representatives of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

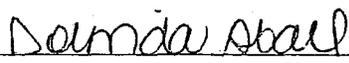
The second issue concerned classroom speaking. The University of Saskatchewan Students Union's referenda policy states that, "Under no circumstances shall a registered campaign committee, or its representatives, deliver campaign speeches in regularly scheduled classes" (Referenda Policy IV, Campaigning).

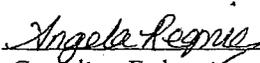
Although the aforementioned complaints do not breach the Referendum Protocol, the Referendum Oversight Committee does acknowledge that the complaints do, at some level, offend the convention of Elections and Referenda established at the University of Saskatchewan, and/or the Election and Referendum Bylaws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

Conclusion

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

Dec 3/2005 
Date University of Saskatchewan Students' Union Representative

3 Dec 105 
Date University of Saskatchewan Students' Union Representative

Nov. 29/2005 
Date Canadian Federation of Students' Representative

2005/11/28 
Date Canadian Federation of Students' Representative

University of Saskatchewan Students' Union &
Canadian Federation of Students

Referendum Protocol

October 2005

Version: Friday, September 30, 2005

Bylaw I, 4 b. Administering the Campaign and Voting

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

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

Section 1: Referendum Oversight Committee Composition**University of Saskatchewan Students' Union Representatives:**

1. Martin Olszynski
2. Dorinda Stahl

Federation Representatives:

1. Angela Regnier
2. Lucy Watson

Section 2: Polling Station Locations and Hours

October 4-6:

Arts	8:00 – 19:30
Commerce/Law	8:00 – 19:30
Education	8:00 – 19:30
Engineering/Agriculture	8:00 – 19:30
Kinesiology	8:00 – 19:30
Thorvoldson	8:00 – 19:30
Place Riel	8:00 – 19:30

Dec. 3, 2005

Date

Daminda Sobal

University of Saskatchewan Students' Union Representative

Angela Reay

Canadian Federation of Students Representative

[Signature]

University of Saskatchewan Students' Union Representative

[Signature]

Canadian Federation of Students Representative

Section 3: Ballot Question

In accordance with Bylaw 1.4.f.iii the question on the referendum ballot shall read:

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

Section 4: Materials

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

Date Dec 3rd, 2005

Deanda Shaw
University of Saskatchewan Students' Union Representative

Angela Reay
Canadian Federation of Students Representative

[Signature]
University of Saskatchewan Students' Union Representative

[Signature]
Canadian Federation of Students Representative

Section 5: Campaigning

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

Dec 3, 2005

Date

Darinda Akmal

University of Saskatchewan Students' Union Representative

Angela Regis

Canadian Federation of Students Representative

[Signature]

University of Saskatchewan Students' Union Representative

[Signature]

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.

Dec 3, 2005
Date

Namida Soau
University of Saskatchewan Students' Union Representative

Angela Regis
Canadian Federation of Students Representative

[Signature]
University of Saskatchewan Students' Union Representative

[Signature]
Canadian Federation of Students Representative

Section 7: Security of Ballot Boxes

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

DEC 3, 2005
Date

Samia Skal
University of Saskatchewan Students' Union Representative

Angela Ream
Canadian Federation of Students Representative

M. O'Leary
University of Saskatchewan Students' Union Representative

Z. Hinton
Canadian Federation of Students Representative

Section 8: Voting Procedure

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

Dec. 5, 2005
Date

Samda Staal
University of Saskatchewan Students' Union Representative

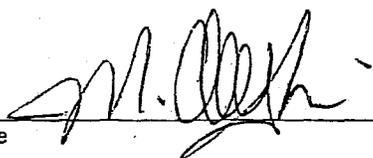
Angela Regan
Canadian Federation of Students Representative

M. Clark
University of Saskatchewan Students' Union Representative

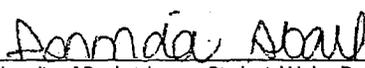
X. Watson
Canadian Federation of Students Representative

Section 9: Electorate

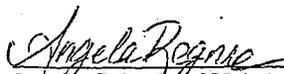
- a. The electorate shall be comprised of all undergraduate students who are currently members of and pay fees to the University of Saskatchewan Students' Union. Enrolment at the time of printing this document was 16,915 (2004-2005 figures).
- b. The result of the referendum shall be determined by a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



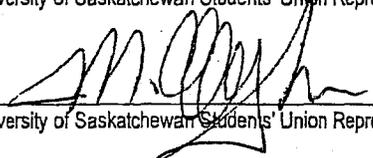
Date



University of Saskatchewan Students' Union Representative



Canadian Federation of Students Representative



University of Saskatchewan Students' Union Representative



Canadian Federation of Students Representative

Section 10: Ballot Counting

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

Date

 Dec. 3, 2005

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

Section 11: Complaints

- a. All alleged violations of the Referendum Protocol shall be investigated by the Oversight Committee.
- b. All complaints concerning alleged violations of the Referendum Protocol must be submitted in writing to the Oversight Committee by 12:00 p.m. October 11, 2005.
- c. The complaint must include the following:
 - a detailed description of the alleged infraction and the relevant section of the Protocol;
 - contact information including e-mail address and telephone number for the complainant.
- d. The Oversight Committee will not accept anonymous complaints.
- e. Within 24 hours of receiving a complaint, the Oversight Committee shall contact the complainant to verify receipt of the complaint.
- f. Any appeals of the referendum or rulings by the Referendum Oversight Committee shall be adjudicated by an Appeals Committee composed on one (1) member appointed by the prospective member association and one (1) member appointed b the Federation, who were not members of the Referendum Oversight Committee (Bylaw I.4.g).

Date DEC 3, 2005

Damida Staw
University of Saskatchewan Students' Union Representative

Angela Regnier
Canadian Federation of Students Representative

[Signature]
University of Saskatchewan Students' Union Representative

[Signature]
Canadian Federation of Students Representative

USSU REFERENDUM

Alleged Violations Deemed Valid by Oversight Committee

As of: Sunday, November 27, 2005

SUBMITTED BY	DATE	NATURE OF COMPLAINT	APPLICABLE REF. PROTOCOL	RESPONSE
Cdn Fed. of Students (G. Gardiner)	10/6/05	R. Mowat disseminating false information	Bylaw 1-4-e-iv, Ref. Protocol, Section 4-a	Mowat asked for response re: allegations, declined
		R. Mowat's campaigners repeatedly campaigning within 30 foot zone	Referendum Protocol, Section 5-e	Upheld, no impact on referendum results
		"No" ad in Sheaf not approved	Referendum Protocol, Section 4-a and b	Upheld, serious violation--no impact on referendum results
Lauren McDonald	10/5/05	M. Kowalsky singing on Place Riel intercom	Referendum Protocol, Section 5-e	Upheld, no impact on referendum results
"No side" (Robin Mowat)	10/11/05	"Yes" side campaigning on or before September 26, 2005	Referendum Protocol, Section 5-a	Rejected-See Walen's opinion
		Referendum question	Referendum Protocol, Section 3	Rejected-See Walen's opinion

USSU REFERENDUM

Complaints Considered by Oversight Committee

As of: Tuesday, November 22, 2005

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

Our File No:
Your File No:
e-mail: gwalen@scharfsteinlaw.com

November 15, 2005

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

Attention: CFS Referendum Oversight Committee

Dear Sir/Madam:

Re: Complaint of Robin Mowat

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With respect to the availability of referendum rules, referenda procedures were adopted by the Oversight Committee on September 18, 2005. These rules were apparently available in the USSU offices from the first week of the campaign until the end of the campaign. Additionally, the Canadian Federation of Students Bylaws were available in the USSU offices in the months leading up to the referendum. The only time the referendum regulations were not available to USSU members was for one day during the first week of campaigning. The referendum regulations were available well in advance of the vote. Mr. Mowat further complains that there were violations of policies including a prohibition on making speeches in classroom, advertising rules, and spending limits. It should be noted that none of these alleged violations were based upon any rules established for the referendum.

(d) Conclusion

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

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

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

Yours truly,

SCHARFSTEIN GIBBINGS WALEN & FISHER LLP

PER:

GREGORY G. WALEN, Q.C.

GGW/jas

University of Saskatchewan Students' Union
Referendum Oversight Committee Meeting

3:00 pm, Sunday, November 20, 2005
Teleconference

Agenda

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

Attendance

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

1. Review of G. Walen's Legal Opinion

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

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

Angela said that she concurred.

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

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

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

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

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

2. Review of Complaints

Robin Mowat's Complaints

- a. Question did not specify fee amount.

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

Committee concurs.

- b. Authority cannot be made retroactive.

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

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

Committee concurs.

- c. Yes side campaigned before Oversight Committee approved.

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

Committee concurs.

- d. Violation of USSU elections and referenda policy.

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

Committee concurs.

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

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

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

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

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

Committee concurs.

Other Complaints

The Committee considered the other complaints that had been submitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Other

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

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

Agenda

1. Final Review of Report
 2. Other
-

Attendance

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

1. Final Review of Report

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

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

Complaints

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

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

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

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

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

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

0320

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

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

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

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

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

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

See Walen's legal opinion.

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

4. "No side" complaint: classroom speaking.

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

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

5. "Yes side" complaint: the CASA permitted to campaign

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

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

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

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

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

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

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

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

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

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

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

0322

2. Other

There was no other business to consider

**THIS IS EXHIBIT "AA" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew Tufkew

----- Forwarded Message

From: Victoria Coffin <victoria.coffin@gmail.com>
Date: Sun, 8 Jan 2006 20:34:06 -0600
To: internal@cfs-fcee.ca, dchair@cfs-fcee.ca
Cc: Amy Yeager <amy.yeager@ussu.ca>
Subject: Fwd: USSU Elections Board: Questions about the CFS Referendum

Hello Lucy and Angela, I spoke with Dorinda Stahl last Thursday, who suggested that it would be best to communicate with yourselves to get your input on the questions below which don't seem to be answered through the Report, Greg Walen's opinion or the minutes of meetings. As I mention below, I am the latest to be the ACRO of the Elections Board. As you may know, the Elections Board is currently deliberating the ratification of the CFS referendum and will need to decide on ratification this coming week.

I would welcome your input on the questions below so that we may consider it at our meeting this week - I believe we are planning for it to be on Wednesday.

One more question beyond the specific ones below is how the Referendum Oversight Committee provided feedback to any individuals who filed complaints. We'd much appreciate your feedback on this.

Thank you in advance for your consideration,
Victoria Coffin

----- Forwarded message -----

From: **Victoria Coffin** <victoria.coffin@gmail.com <mailto:victoria.coffin@gmail.com>> >
Date: Dec 19, 2005 5:30 PM
Subject: USSU Elections Board: Questions about the CFS Referendum
To: dstahl@scharfsteinlaw.com, mzo661@mail.usask.ca
Cc: Amy Yeager <amy.yeager@ussu.ca <mailto:amy.yeager@ussu.ca>> >, Tracey Mitchell <tlm401@mail.usask.ca>, Susan Yakimoski <sey877@mail.usask.ca <mailto:sey877@mail.usask.ca>> >, Tyler Lindgren <tylerlindgren@hotmail.com>, Catherine Ulmer <cmu645@mail.usask.ca <mailto:cmu645@mail.usask.ca>> >, freda salikin <freda.salikin@ussu.ca>

Hello Dorinda and Martin,

How are you both doing? I am writing to you as the new ACRO on the USSU Elections Board. The Elections Board met today to discuss ratifying the CFS referendum. The Oversight Committee's report and Greg Walen's opinion were both very helpful in explaining where the issues stood at this point. Nevertheless, there were the following few questions which we'd very much appreciate if you might be able to clarify. I think it might be useful for us to speak about them, unless you find that the answers are clear, cut-and-dry answers. Given that the EB now largely consists of "new members", our questions are so that we can ourselves be clear about the process.

Questions regarding the CFS Referendum:

- Under "Campaign Teams" it mentions that as per referendum protocol, those wishing to campaign were required to register with the Oversight Committee. When did the Oversight Committee communicate this requirement? Was there a public call for registration?
- Greg Walen's report makes reference to Referendum Procedures which were supposedly available to teams as of September 18th. Was the existence of these special procedures made public prior to September 19th? When was it made public or alternately when were Campaign Teams advised of the existence of the Referendum procedures?

- We understand that the earliest Team to register was on September 23rd. However, the Referendum Protocol indicates that the Referendum campaigns would begin September 19th. In terms of the Campaign Teams' materials that were subject to approval, was there any process in place for approving them prior to September 19th?
- From Greg Walen's opinion memo, it seems to suggest that the Referendum and the Oversight Committee that was struck was to be guided by the CFS by-laws. When was it decided that the Referendum would be governed by the CFS Bylaws?
- A final question about the evolution of the Referendum Protocol - was there any consideration of those elements that are found in the USSU Policy which are **not** reflected in the Protocol (ie. no campaigning in classrooms, spending limits)?
- And a final question - as this was an evolving process (through the campaign period), how did the Oversight Committee keep all interested parties abreast of the decisions of the Committee (especially given they all registered at different times)? Was there any person who was responsible for advising Teams or was there any process? Was there regular communication with the Teams?

Thank you both for your time!

I can be reached at 244-0862. I will be at that number all day on Wednesday if you'd like to discuss these questions.

Victoria

THIS IS EXHIBIT "BB" TO THE AFFIDAVIT
OF Lucy Watson
SWORN BEFORE ME THIS 5th
DAY OF July, 2006
Audrey J. Jensen

----- Forwarded Message

From: Internal <internal@cfs-fcee.ca>
Date: Tue, 10 Jan 2006 18:47:06 -0400
To: Victoria Coffin <victoria.coffin@gmail.com>
Cc: Angela Regnier <dchair@cfs-fcee.ca>
Subject: Re: Questions about the CFS Referendum

Hello Victoria,

Sorry for the delay in sending you our responses to your questions. I have been in and out of meetings the last couple of days. Please see our responses to your questions below. If you require additional clarification, please feel free to contact us.

1. Individuals who filed complaints with the Referendum Oversight Committee were informed by telephone, electronic mail or in person as to the Committee's decisions. In addition, those individuals who filed complaints with the Referendum Oversight Committee immediately prior to or following the conclusion of voting were informed by telephone, electronic mail or in person

that the Committee's decisions were outlined in the Committee's final report and encouraged to pick up a copy from the offices of the Students' Union.

2. The requirement that individuals register with the Referendum Oversight Committee was included in the referendum protocol. A number of individuals who expressed interest in participating in the campaign were informed by telephone, electronic mail or in person of the requirement to register with the Committee.

3. The Bylaws of the Canadian Federation of Students clearly stipulate that a committee be struck in order to develop rules and/or procedures for referenda to join the Canadian Federation of Students. The Bylaws were available in the USSU office from Fall 2004 to present. In addition, members of the Council of the Students' Union and readers of the campus newspaper, The Sheaf were aware that a committee composed of representatives for the Students' Union and the Canadian Federation of Students was responsible for developing a protocol for the referendum. Finally, the notice posters for the referendum invited those with questions or interested in more information to contact the Students' Union.

Copies of the Referendum Protocol were made available through the offices of the Students' Union to anyone who expressed interest. Copies of the Protocol were also made available to campaign teams.

4. Yes, the terms and conditions set out in the Referendum Protocol (Section 4) were in effect.

5. There are two types of membership in the Canadian Federation of Students: prospective membership and full membership. Prospective membership is described in the Canadian Federation of Students' Bylaw I, 2-b as, "a trial membership of limited duration."

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

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

6. Yes, the Committee discussed a number of the policies that appear in the USSU Referenda Policy.

7. Different members of the Referendum Oversight Committee assumed responsibility for communicating the status of its deliberations and/or decisions to the campaign teams. In addition, the Referendum Oversight Committee registered for a general electronic mail account which was provided to University of Saskatchewan students in the event they wished to communicate with the Committee about the referendum. Members of the Committee checked the account on a daily basis and provided information or responded to queries as required. Yes, there was regular communication (as required) with the campaign teams.

Lucy Watson

Lucy Watson, Director of Organising
Canadian Federation of Students
Fédération canadienne des étudiantes et étudiants
613.232.7394 phone
613.232.0276 fax
www.cfs-fcee.ca

On 1/10/06 5:47 PM, "Victoria Coffin" <victoria.coffin@gmail.com> wrote:

Hello again, I would much appreciate if one of you might respond to my e-mail - we will be meeting on Thursday morning, at which time we'd like to have all the necessary information to fully consider ratification.. Perhaps we can arrange to speak about this over the phone (if that is easier).

Thank you,
Victoria

On 1/8/06, **Victoria Coffin** <victoria.coffin@gmail.com> wrote:

Hello Lucy and Angela, I spoke with Dorinda Stahl last Thursday, who suggested that it would be best to communicate with yourselves to get your input on the questions below which don't seem to be answered through the Report, Greg Walen's opinion or the minutes of meetings. As I mention below, I am the latest to be the ACRO of the Elections Board. As you may know, the Elections Board is currently deliberating the ratification of the CFS referendum and will need to decide on ratification this coming week.

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Thank you in advance for your consideration,
Victoria Coffin

----- Forwarded message -----
From: **Victoria Coffin** <victoria.coffin@gmail.com>
<<mailto:victoria.coffin@gmail.com>>

Date: Dec 19, 2005 5:30 PM
Subject: USSU Elections Board: Questions about the CFS Referendum
To: dstahl@scharfsteinlaw.com, mzo661@mail.usask.ca
Cc: Amy Yeager <amy.yeager@ussu.ca>
<mailto:amy.yeager@ussu.ca>, Tracey Mitchell
<t1m401@mail.usask.ca>, Susan Yakimoski <
sey877@mail.usask.ca <mailto:sey877@mail.usask.ca> >, Tyler Lindgren <tylerlindgren@hotmail.com>, Catherine Ulmer <cmu645@mail.usask.ca <mailto:cmu645@mail.usask.ca> >, freda salikin <freda.salikin@ussu.ca>

Hello Dorinda and Martin,
How are you both doing? I am writing to you as the new ACRO on the USSU Elections Board. The Elections Board met today to discuss ratifying the CFS referendum. The Oversight Committee's report and Greg Walen's opinion were both very helpful in explaining where the issues stood at this point. Nevertheless, there were the following few questions which we'd very much appreciate if you might be able to clarify. I think it might be useful for us to speak about them, unless you find that the answers are clear, cut-and-dry answers. Given that the EB now largely consists of "new members", our questions are so that we can ourselves be clear about the process.

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- And a final question - as this was an evolving process (through the campaign period), how did the Oversight Committee keep all interested parties abreast of the decisions of the Committee (especially given they all registered at different times)? Was there any person who was responsible for advising Teams or was there any process? Was there regular communication with the Teams?

Thank you both for your time!
I can be reached at 244-0862. I will be at that number all day on Wednesday if you'd like to discuss these questions.
Victoria

**THIS IS EXHIBIT "CC" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS

5th

DAY OF JULY, 2006

Andrew W. James

USSU Elections Board

Summary of Concerns regarding the USSU-CFS Membership Referendum 2005

I. BACKGROUND

The Elections Board first compiled this timeline in order to clarify the happenings of the referendum.

Timeline:

- 1) November 2004 – University Student Council (USC) takes out perspective membership with Canadian Federation of Students (CFS)
 - Feb/March 2005 - CFS tuition campaign
- 2) February 8, 2004 Greg Whalen's opinion stated referendum should be done in partnership.
- 3) Postponement of referendum requested by USSU until the Fall.
- 4) March 2005 - New council and exec elections.
 - Council met over the summer but did not discuss the referendum at all.
- 5) August 2005 – Chief Returning Officer (CRO) and Assistant Chief Returning Officer (ACRO) hired through Appointments Board.
- 6) Early September 11 2005 - The Referendum Oversight Committee (OC) began to meet with two CFS reps. Date set for referendum.
- 8) Early September 15 - Exec and USC vote to support "Yes".
- 9) Sept 15 (plasma ad)
- 10) Sept 17 - buzz boards – notification given to students.
- 11) Sept 19 – campaigning begins. Clothesline banner, and USSU endorsement in buzz boards.
- 12) Sept 19 - First draft of protocol available **
- 13) Sept 22, ACRO presents to USC re: Whalen's opinion – need to empower OC for their work to continue – amendment postponed. Canadian Alliance of Student Associations (CASA) came to council.

- 14) Sept 27 – Referendum question agreed upon: “Are you in favour of membership in the Canadian Federation of Students?”
- 15) Sept 29, Amendment passes at USC to empower OC and require EB to ratify. Ad in Sheaf regarding the fora and what the referendum is about.
- 16) Oct 4-6 Voting days
- 17) Oct 11 - Deadline for complaints 4:00pm.
- 18) Oct 6 – Nov 28 complaints handled and legal opinions sought.

** date determined based on Mr. Whalen’s opinion of November 15, 2005.

II. DISCUSSION

The USSU Elections Board (EB) spent much time and energy on assessing the CFS membership referendum held in the fall of 2005 on the University of Saskatchewan campus. Several issues stood out regarding the preparation for, the process of and the atmosphere of the referendum. The EB identified key concerns and deliberated over the implications of these concerns on the outcome of the referendum.

III. CONCERNS

A. KEY CONCERNS

The EB decided upon the following key concerns regarding the referendum.

- 1. Although there was close to one year between taking out prospective membership and the referendum, the referendum Oversight Committee (OC) still had to deal with fundamental issues on a compressed timeline.**

The EB identifies several concerns that were a direct result of this fundamental issue.

- 1.1 There was no formal notice requesting campaign team registration
- 1.2 There was no formal declaration of the date that campaigning was to begin
- 1.3 No notice of the question was served to the student body.
- 1.4 The OC protocol was an evolving document.**

The EB identified this last concern as being a source of question and confusion about the process, resulting the further issues.

- 1.4.1 There was no agreement on specific key issues: spending limits, classroom campaigning, and third party or CASA participation.
- 1.4.2 There was no clear resolution on the inconsistencies/cooperation of USSU and CFS bylaws.

1.4.3 Only those complaints that were issues within the protocol were considered.

2. CFS members of the OC were involved in campaigning.
3. No separate appeals board was struck in accordance with CFS Bylaw #1 - 4(g).

B. FRAMEWORK FOR CONSIDERATION

The EB, in its process of discussing the key concerns, took into consideration the principle of Natural Justice. Natural justice is concerned with the fairness of the process. Traditional issues surrounding an activity such as an election or referendum include ensuring clarity, transparency, equality and accessibility; the EB applied these four pillars to guide its analysis of the identified concerns.

NOTE: The EB is not calling to question the existing legal framework, but the manner by which the OC adhered to it.

- **Clarity** means that information was presented in a fashion to promote an understanding of the issues;
- **Transparency** requires that the process be open, and forthcoming in terms of allowing sufficient information to all interested parties;
- **Equality of treatment** is a broad concept, which requires that interested parties are subjected to equal treatment, equal conditions;
- **Accessibility** which generally means that if interested parties wanted to gain knowledge, or wish to participate, that they are not prevented from doing so.

In assessing the key concerns, the EB decided that one must look at whether the activity was undertaken in a “reasonable” fashion, from the objective “innocent bystander’s” point of view.

C. DISCUSSION OF KEY CONCERNS

1. Although there was close to one year between taking out prospective membership and the referendum, the OC still had to deal with fundamental issues on a compressed timeline;

Clarity, Transparency, and Accessibility are issues.

Clarity and Transparency - The USC had decided in the winter term of 2005 to push the referendum to the next academic year to allow for preparation. In the fall however, the USSU was in the same position – no preparation had occurred. Finally, given the complexities of knitting together the requirements of the USSU and CFS bylaws, there was not sufficient information flowing between USC and OC to allow for effective decision-making. The USC was left, late in the process, to change the USSU Election and Referenda Policy without adequate time and information in an effort to provide the needed authority to the ROC.

Accessibility - On September 29, 2005 the University Student Council amended the USSU Elections and Referenda Policy to allow the Referendum Oversight Committee to have the authority to organize and oversee a referendum which would determine whether the USSU would become a full member of the Canadian Federation of Students. The USC further indicated that the Elections Board would need to ratify the referendum in order for it to be accepted.

1.1 No formal notice requesting campaign team registration;

Clarity and Equality of Treatment are issues.

Clarity - USSU elections normally include a call for nominations. It is possible that, in the absence of clear guidance in the protocol, students would expect that this standard to be followed. There was no information to highlight that the referendum would proceed in a different manner.

Equality of treatment – CFS representatives were privy to this information before anyone else. Other campaign teams would not have the same access.

1.2 No formal declaration of the date that campaigning was to begin.

Transparency and Equality of treatment are issues.

Transparency – Interested parties were not made overtly aware of campaign start date.

Equality of treatment - CFS representatives were privy to this information before anyone else.

1.3 No notice of questions was served to the student body;

Clarity is an issue.

Clarity - Specifically, Section 4(c) of the CFS bylaws requires that the notice of referendum include the referendum question and voting dates. As the minutes of the Referendum Oversight Committee (ROC) reflect, the final language for the referendum question didn't seem to have been accepted until September 27, 2005, it seems clear that it was not included in the notice that was published on September 18th. Furthermore does not meet USSU Referenda policy, Section 4 (Article 3).

1.4 OC Protocol was an evolving document;

Clarity and transparency are issues.

Clarity – The evolving nature of the process restricted the availability of information to interested parties.

Transparency – In referencing the minutes of the OC it seems that issues that were reflected in the final versions of the protocol were continuing to be discussed throughout the process. The protocol was an evolving document.

Accessibility - There was no indication that campaign teams were advised when there were changes, which meant that the amount of information to interested parties was compromised.

1.4.1 There was no agreement on specific key issues: spending limits, classroom campaigning, and CASA participation.

Clarity and transparency are issues.

Clarity - It was not clear from the outset what campaigning practices would be acceptable or not. There was disagreement between registered teams. Campaign teams wouldn't know what actions were acceptable and there were no benchmarks to resolve complaints.

Transparency - Issues where there was no agreement within the OC were left out of the protocol. The lack of time and the consensus process resulted in the protocol being silent of fundamental issues.

1.4.2 There was no clear resolution on the inconsistencies of USSU and CFS bylaw's prior to the campaign period.

Clarity and transparency are issues.

Clarity - There was debate and doubt among members on the ROC as to whether the ROC had the authority to be organizing the Referendum. This debate seemed to reflect concerns that the USSU counsel had voiced in February to 2005. The USC seemed to have attempted to resolve it on September 29th by amending the Election and Referenda Policy

Transparency - The dispute over the marriage of USSU and CFS legal requirements was never established. For an effective process to have been possible, the issue of the ROC's standing should have been negotiated prior to the beginning of the campaign period. Voter opinions are informed and thereby affected by the efforts of campaign teams. For campaign teams to be effective in their informational role, there must be previously determined ground rules and a clear indication of when they are allowed to begin their campaign efforts.

1.4.3 Only those complaints that were issues within Protocol were considered.

Transparency and Clarity are issues.

Clarity - The OC dealt with the issue of grievances on September 30, 2005. No clear grievance procedure was present prior to campaigning beginning. The OC did consider the bylaw's requirement of an appeals committee. It is not clear to the EB that a expressed decision was made on whether to establish an appeals committee. In the end the OC dealt with the complaints. It was never clarified that complaints would only relate to the requirements of the protocol. Individuals wanting to file complaints never had clear knowledge of procedure.

Transparency - The OC was restricted to the referendum protocol when dealing with complaints. The protocol was incomplete because there was no agreement on specific key issues.

2. CFS members of OC were involved in referendum campaigning;

CFS bylaws and USSU policies are silent about the ability of members to campaign. However, the EB considered this issue in the interest of meeting the requirements of fairness of process.

Accessibility and equality of treatment are issues.

Equality of treatment - CFS members of the OC were also involved in campaigning and represented the “yes” side. The “No” side did not have representation on the OC therefore, it could be argued that the yes side were provided preferential treatment.

Accessibility – CFS members had gained first knowledge prior to its communication. CFS members also had the opportunity to be part of the decision making process. Other teams did not have this same access.

3. No separate appeals board was struck in accordance with CFS Bylaw #4(g);

Transparency and Equality of treatment are issues.

Transparency - Section 4(g) requires that any appeals of the referendum results or rulings by the ROC shall be adjudicated by an Appeals Committee composed of individuals who were not members of the Referendum Oversight Committee. At least one “complaint” was filed as an Appeal and should have been given sufficient access to due process. Arguably, any “complaints” should have been considered by an independent body, as required in section 4(g).

Equality of treatment – Some of the complaints came from the “no” campaign teams and were resolved by members of the OC, who were “yes” campaigners.

Referendum on Membership in the CFS Elections Board Report

Summary

As a body created under the USSU Bylaw No 1: Governance Procedures, the Elections Board (EB) normally is empowered to ensure that the USSU bylaws and policies are met in conducting a referendum or an election. In this case, the EB was given the task of ratifying the CFS membership referendum results. The USSU had indicated its support for students' approving of becoming full members of the CFS. Nevertheless, the EB has found that it could not ratify the result, given what it sees as a seriously flawed referendum process. Many of the EB's concerns would likely not have arisen had the issues identified in Spring 2005 been addressed. Members of the Referendum Oversight Committee would have been prepared and able to run an effective and valid referendum process.

The EB's decision was not an easy one – it was very conscious of the fact that there was a strong student participation in the referendum, and the results were not equivocal. There were pressures placed on the EB from all sides, such that it felt no side should claim a victory. In particular, threats were not welcome and were disregarded in the EB's decision. The EB made its determination based on its concerns for preserving the legitimacy and integrity of the USSU.

In its assessment, the EB's underlying concern has been whether any issues in relation to the process would have *significantly affected* the will of voters. It restricted its considerations to the process, even though there were issues relating to campaign conduct. This report is also complemented by the documents "Elections Board's Ratification Discussion Paper" and "EB Analysis of key concerns in the Referendum Process". These reflect respectively (a) the Process Document crafted by the EB that guided its analysis of the Referendum process and (b) the EB's deliberations based on the Discussion Paper. After the EB's deliberations, it further considered whether each key concern would have significantly affected the will of voters.

In terms of the process, this report only highlights the key issues which the EB believed would have significantly affected the will of voters: (1) the lack of preparation or groundwork prior to establishing the ROC, (2) the fact that there was no specific call for campaign teams to register, (3) the evolving nature of the ROC Protocol, the fundamental document which was to determine the "ground rules" for campaigning and for the complaints process.

The EB feels it is significant that there was a high level of participation by U of S students. As a result of this interest, the EB recommends that another referendum be held. In keeping with this recommendation, the EB has provided recommendations should the USSU decide to organize another referendum.

Key Issues in the Referendum

Lack of preparation or groundwork for the Referendum

The USC had decided in the spring of 2005 to push the referendum to the fall to allow for preparation. In the fall however, the USSU was in the same position – no preparation had occurred. Finally, given the complexities of knitting together the requirements of the USSU and CFS bylaws, there didn't seem to have been sufficient information flowing between USC and the ROC to allow for timely effective decision-making. The USC was left, late in the process, to change the USSU Election and Referenda Policy without adequate time and information in an effort to provide the needed authority to the ROC.

On September 29, 2005 the University Student Council amended the USSU Elections and Referenda Policy to allow the Referendum Oversight Committee to have the authority to organize and oversee a referendum which would determine whether the USSU would become a full member of the Canadian Federation of Students. The USC further indicated that the Elections Board would need to ratify the referendum in order for it to be accepted.

This seems to have left the ROC on unstable ground when it came to its mandate and its own guidelines. The minutes reflect that the ROC, while attempting to organize a referendum on a fairly short timeline was also required to determine some of the fundamental issues which had originally led the USC to postpone the referendum until the Fall. There was debate and doubt among members on the ROC as to whether the ROC had the authority to be organizing the Referendum. This debate seemed to reflect concerns that the USSU counsel had voiced in February 2005.

With the authority of the ROC in question, other issues, such as determining the ground rules were inevitably to be placed as a lower priority. Nevertheless, these ground rules are important for teams to establish their strategy and to decide on how to communicate the information that they wish to communicate. In the end, the ability to communicate is essential to educating the voters.

The fact that there was no clear call for campaign teams to register

The USSU Policy, although not considered to have the force of law, would still have been the "baseline" for U of S Students' electoral or referendum experience. This is not only because they have always guided any U of S election or referendum, but because there is no evidence that there was any prior signal that this referendum would be run differently. The USSU policy requires that an information meeting be held, after which time, the campaign could begin. It is not clear from the promotional literature, nor the ROC's minutes that it was communicated that this was not going to be followed.

The CFS By-laws are silent on this issue. All that is required is, under section 4(d) of the CFS By-laws that there be no less than 10 days of campaigning, include both preceding days and the voting days. It is unclear, from the perspective of the EB, whether these 10 days would have begun when the ads were published for students to know that the

referendum would occur October 4-6, given there were concerns raised by the ROC regarding whose bylaws would govern. It seems there was no explicit call for campaign teams to register. Overall, it is unclear for the EB, after the fact, as to when campaign teams were authorized to begin their campaign efforts.

Voter opinions are informed and thereby affected by the efforts of campaign teams. For campaign teams to be effective in their informational role, there must be previously determined ground rules and a clear indication of when they are allowed to begin their campaign efforts.

The evolving nature of the ROC Protocol

The EB was unable to locate a copy of the original ROC Protocol, however issues which are outlined in the final Protocol continued to be negotiated through the process. It must therefore be concluded then that the Protocol was also an evolving document.

Although there was a referendum protocol seemingly available in the USSU reception area beginning September 19th that Campaign Teams could reference, many of the fundamental issues of the referendum were continually debated through the process – the Protocol then could not have been an authoritative document for Campaign Teams to follow from the beginning in determining their strategy. The EB also questioned how campaigners were to determine the guidelines in the vacuum on these fundamental issues – in particular spending limits and classroom campaigning.

In relation to complaints and appeals, Section 4(g) of the CFS By-law requires that any appeals of the referendum results or rulings by the ROC shall be adjudicated by an Appeals Committee composed of individuals who were not members of the Referendum Oversight Committee. This section was considered by the ROC, but in the end it seemed that by default the ROC ended up considering the complaints. Arguably, any “complaints” should have been considered by an independent body, as required in section 4(g) – the ROC decided that only complaints that related to specific sections of the Protocol would be considered.

Finally, given the fluidity of the overall referendum process, the fact that the members from the CFS were also involved in campaigning seemed to allow them an advantage in terms of having up-to-date and accurate information on the “ground rules.” In the case that the authority of the ROC and the referendum guidelines had been already established, the involvement of CFS ROC members in campaigning may not have had a sufficient effect on the outcome. In this particular referendum, this advantage of information and input into the guidelines, as the campaign progressed, would likely have placed them in a position of significant advantage.

Recommendations

In ideal circumstances, the referendum relating to membership in the CFS should be run so as to meet the requirements of both the USSU and the CFS regulations. This could be met through a combined ballot as had been recommended by the USSU solicitor. If the USC should decide that another referendum were to be held in keeping with the changed Election and Referenda Policy, then the following recommendations should be followed. In its efforts, the next ROC should then ensure that the spirit of the USSU Code of Ethics be observed, and specifically that all Campaign Teams act in good faith:

- Prior to launching the referendum, fundamental issues must be determined:
 - Campaign spending limits should be established, and these should include direction on whether costs are determined at market value OR in house;
 - Have clear guidelines for campaigning in classrooms;
- ROC Representatives of the USSU should be given a briefing as to the history of the USSU efforts to hold the referendum on membership in the CFS, including any prior advice from USSU Counsel;
- The referendum protocol should be finalized at least one week before campaigning is to begin;
- The referendum schedule should be approved after the protocol has been finalized;
- There should be a separate call for team registration in addition to the notice of the referendum;
- Campaign teams should be provided with a document of guidelines for campaign team behaviour similar to what election candidates receive;
- The ROC minutes should be consistently communicated to USC;
- During the referendum, the ROC should provide updates to USC meetings;
- The ROC should determine prior to the beginning of the campaign period what would be the formal appeals process, both throughout the campaign period and for dealing with challenges to the referendum results;
- As per the CFS By-law, a separate body might be created to deal with complaints, or at minimum there must be a formal process, which all complainants must follow, including any members of the ROC.



THIS IS EXHIBIT "DD" TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July 2006
Andrew Walen

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March 24, 2006

VIA FACSIMILE

Mr. Gregory Walen
Scharfstein Gibbings Walen & Fisher LLP
Barristers and Solicitors
500 – 111 2nd Avenue S.
Saskatoon, SK
S7K 1K6

Dear Mr. Walen:

Re: Canadian Federation of Students

I am writing in connection with the recent referendum held at the University of Saskatchewan where students of the University of Students Saskatchewan Students Union ("USSU") voted in support of the USSU becoming full members of the Canadian Federation of Students ("CFS") and the Canadian Federation of Students-Services ("CFS-S"). As you are aware, the USSU applied for prospective membership in the CFS and CFS-S on November 4, 2004 and that prospective membership was accepted at the CFS/CFS-S National General Meeting in November, 2004. The referendum held at the University of Saskatchewan on October 4-6, 2005 was mandated by the by-laws of the CFS and CFS-S which require prospective members to conduct a binding referendum for full membership within five months, unless extended, of becoming a prospective member.

As you are aware, and as established by the Ontario Superior Court of Justice in Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa the by-laws of the CFS are contractual in nature and are binding upon its prospective and full members. Failure to adhere to those by-laws constitutes a breach of contract and may result in the initiation of legal action. In addition to outlining the obligations of membership, the by-laws delineate the circumstances under which any referendum is to be administered including the striking of a Referendum Oversight Committee. That Committee is responsible for the proper administration of the referendum. The CFS and CFS-S do not recognize the authority of any other entity which might be struck to oversee the administration of a referendum on a campus seeking to become a full member of the CFS/CFS-S. This would include the Elections Board which has been struck at the University of Saskatchewan.

It is the CFS/CFS-S' position that the referendum at the University of Saskatchewan was run in a fair and appropriate manner and that the results are valid. In that regard, it is my understanding a complaint has been received which has been initiated by an

individual advocating that the USSU not become a member of CFS/CFS-S. It is also my understanding that after a careful and considered review you concluded that the complaint was either unsubstantiated or, if true, the activity would not have affected the outcome of the referendum. On the basis of its own careful consideration the Referendum Oversight Committee also found the referendum result to be valid. The CFS/CFS-S recognizes the USSU as full members of the CFS/CFS-S and will continue to do so until such time as the membership directs it to de-federate by way of referendum.

The Election Board has been created through a by-law of the USSU. Its mandate under the by-laws of the USSU is restricted to governing the process whereby the USSU's Executive is elected. Its mandate with respect to referenda is set out in the USSU Election and Referenda Policy. A policy of this nature and the decision of the Elections Board is not binding upon the USSU Council and any decision the Election Board may make can be overruled by the USSU Council. Respectfully, we suggest that the decision of the Elections Board is not sound and that any decision to reject the referendum results is inconsistent with basic democratic principles and denies the will of the majority of USSU membership who voted in favour of CFS/CFS-S membership. We are hopeful that the USSU Council will take this step.

No matter what position the USSU Council adopts, the position of the CFS/CFS-S is clear in that it recognizes the USSU as a full member of the CFS/CFS-S. The CFS/CFS-S expects that the USSU will fulfill those responsibilities and continue to take an active role in CFS/CFS-S activities. We do note that the USSU did attend CFS/CFS-S' most recent General Meeting and participated as a full member.

I trust that this makes the position of my client clear and that the USSU will seriously consider this position in its debate over the ratification of the referendum result.

Yours very truly,



Todd J. Burke
TJB*dew

125599111

University Students' Council Agenda

Thursday, March 30th, 2006

1. Call to Order
2. Call for Quorum
3. Adoption of an Agenda
4. Introductions and Announcements
5. Council Address
6. Minutes and Reports for Information
 - 6.1 USC Minutes – March 16th, 2006
 - 6.2 Executive Committee Minutes – March 29th, 2006
 - 6.3 Academic Affairs Board Minutes and Report – March 28th, 2006
 - 6.4 Operations & Finance Board Minutes and Report
 - 6.5 Student Issues Board Minutes and Report
 - 6.6 Appointments Board Minutes and Report
 - 6.7 Elections Board Minutes and Report – March 8th, 2006
 - 6.8 Code of Ethics Disciplinary Committee Minutes and Report
 - 6.9 External Affairs Board Minutes and Report – March 28th, 2006
 - 6.10 Sustainability Board Minutes and Report
7. Motions Arising from the Minutes and Reports
8. Business
 - 8.1 Vulnerable Workers Commission
 - 8.2 Referendum
9. New Business
10. Questions and Comments (30 minutes)
11. Any Other Business
12. Adjournment

THIS IS EXHIBIT "EE" TO THE AFFIDAVIT
OF Lucy WATSON
SWORN BEFORE ME THIS 5th
DAY OF July 2006
Andrew J. [Signature]

University Students' Council

Minutes for Thursday, March 30th, 2006

Present

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

Also Present

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

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

Absent

Holly-Anne Sedor, Nursing

Regrets

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

1. Call to Order

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

2. Call for Quorum

Quorum was present.

3. Adoption of an Agenda

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

Move to adopt the agenda as amended.

USC Motion140: Gallaway/Flavell

Carried.

4. Introductions and Announcements

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

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

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

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

6. Minutes and Reports for Information

6.1 USC Minutes

Move to adopt March 23rd, 2006 USC minutes.

USC Motion141: Coffin/Lennox-Zepp Carried.

6.2 Executive Committee Minutes

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

6.3 Academic Affairs Board Minutes and Report

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

8. Business

8.1 Vulnerable Workers Commission

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

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

USC Motion142: Connor/Galloway Carried.

8.2 Referendum

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

USC Motion143: Gardiner/Connor Carried.

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

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

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

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

Councilor Singh asked if the motion should be reworded.

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

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

USC Motion144: Cole/Flavell Carried.

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

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

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

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

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

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

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

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

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

???

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

Caroline Cottrell stated Chair Thoma is correct.

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

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

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

Chair Thoma said to not suggest.

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

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

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

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

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

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

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

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

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

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

Chair Thoma stated that is not a point of information.

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

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

Point of Order.

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

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

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

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

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

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

Move to grant Patrick Thompson speaking rights.

USC Motion 145: ???/Flavell

Carried.

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

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

Member Coffin stated that this was accurate.

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

Member Coffin stated ???

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

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

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

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

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

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

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

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

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

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

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

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

Chair Thoma asked if Councilor Singh was calling the question.

Move to call the question.

USC Motion146: Singh/Cole

Carried.

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

8.3 Sustainability Policy

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

Move to adopt the USSU Sustainability Policy.

USC Motion147: Connor/Galloway

Carried.

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

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

VP Cole stated he like to amend.

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

USC Motion148: Cole/Burnett

Opposed.

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

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

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

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

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

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

VP Connor stated ???

10. Questions and Comments

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

Councilor Ansaldo stated ???

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

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

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

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

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

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

12. Adjournment

Move to adjourn.

USC Motion149: Flavell/Taylor

Carried.

**THIS IS EXHIBIT "FF" TO THE AFFIDAVIT
OF LUCY WATSON**

SWORN BEFORE ME THIS 5th

DAY OF JULY, 2006

Andrew K. [Signature]



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Barristers & Solicitors

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April 3, 2006

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Dear Sirs:

**RE: University of Saskatchewan Student's Union ("USSU")
Referendum to Join Canadian Federation of Students ("CFS")**

Please be advised that we are solicitors for Robin Mowat, a USSU member. On March 30, 2006, the University of Saskatchewan Student Council ratified the results of a referendum sponsored by the USSU determining whether or not it should join the CFS.

We have instructions to bring forward an application pursuant to *The Non-Profit Corporations Act, 1995* declaring the referendum results invalid and restraining the USSU from joining the CFS. A motion will be served shortly, please govern yourself accordingly.

Should you have any questions, please feel free to contact me at the number above.

Yours truly,

Robertson Stromberg Pedersen LLP

Per:

Jennifer D. Pereira

JDP:wle

cc: University of Saskatchewan Board of Governors, c/o Office of The University Secretary,
E203 105 Administration Place, Saskatoon, SK S7N 5A2