

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIMON FRASER STUDENT SOCIETY

PETITIONER

AND:

CANADIAN FEDERATION OF STUDENTS, CANADIAN
FEDERATION OF STUDENTS – SERVICES, CANADIAN
FEDERATION OF STUDENTS – BRITISH COLUMBIA
COMPONENT

RESPONDENTS

AFFIDAVIT #2 OF DERRICK HARDER

I, Derrick Harder, Student, Burnaby, British Columbia, MAKE OATH AND SAY THAT:

1. I am an undergraduate student at Simon Fraser University and former President of the Petitioner Simon Fraser Student Society ("SFSS") and, as such, I have personal knowledge of the matters and facts set out herein except where my knowledge of the facts is based on information and belief in which case I believe them to be true.
2. I intend to graduate from Simon Fraser University in the fall of 2008 and my term as President of the SFSS ended on 30 April 2008. I am presently working full-time as an administrative assistant to an MLA in British Columbia.
3. During the fall and winter of 2008, I attempted to access the CFS's archives in order to determine whether there were any documents relating to the relationship between the CFS and SFSS other than the 2008 Agreement attached as Exhibit "C" to my Affidavit No. #1. I also directed Anthony Maranga, who was then the SFSS Communications Coordinator, to pursue the issue with the CFS. Despite our many requests for access to

the CFS files or, in the alternative, that the CFS provide us with the relevant documents, we were not able to review the files and the CFS never provided us with any documents. The first time I saw the agreement attached as Exhibit "D" to Ms. Watson's Affidavit was when I reviewed that Affidavit in these proceedings.

A. Background Leading to Referendum

4. During my time as a student at SFU, there has been an ongoing debate concerning the value of SFSS' membership in the CFS. As noted in paragraph 13 of Lucy Watson's Affidavit #1, the matter had been put to a vote in 1997. The debate did not end there. Attached as Exhibit "A" to my Affidavit is a copy of an article published in the SFU student newspaper, the Peak, dated 23 February 1998, discussing the merits of membership in the CFS.
5. The issue of membership came up in 2007 at a meeting of a SFU student organization called Forum. This organization is created by SFSS Bylaws 7 and 8 and is the most broadly representative body at SFU, being composed of the SFSS Board, undergraduate and graduate representatives of SFU departments, and representatives of constituency groups. Although Forum's main function is to provide a venue for debate and discussion for SFU students, it does have certain independent powers under the SFSS Bylaws, including the power set out in SFSS Bylaw 17 to put a resolution to referendum.
6. In January 2007, Forum created a working group to investigate the issue of membership in the CFS and report back to Forum. In February 2007, the working group reported back and Forum voted in favour of holding a non-binding referendum on the issue of leaving the CFS. I was present at that meeting. Scott Payne, who was then CFS BC Chairperson, and Shamus Reid, who was then CFS BC National Executive Representative, were both in attendance, and gave a power point presentation and distributed materials outlining the merits of remaining in the CFS.
7. It is my understanding that Forum decided to proceed with the non-binding 2007 Referendum because its members anticipated that the process of severing relations with the CFS was likely to be time consuming, contentious and expensive and did not think it

appropriate to commence the process unless the Board had a mandate from SFU students to do so.

8. The 2007 Referendum was held in March of 2007, along with other referendums which were held during the general elections that year. Attached as Exhibit "B" to my Affidavit is a copy of a printout from the Independent Electoral Commission website setting out the 2007 Referendum question:

Do you agree that the Simon Fraser Student Society should do the following:

- (i) Cease to be a member of the Canadian Federation of Students and the Canadian Federation of Students- British Columbia Component, as well as cease to be a member of the Canadian Federation of Students- Services;
- (ii) Cease collecting student fees for the Canadian Federation of Students and the Canadian Federation of Students - British Columbia Component (at present \$7.50 per full-time student per semester; \$3.72 per part-time student per semester; \$23.50 for a full time year; \$11.16 for a part-time year; for a total of \$435,204.72 for 2006);
- (iii) Instead, collect \$7.50 per full-time student per semester and \$3.72 per part-time student per semester, and put said fees towards improving student services such as departmental student unions, club infrastructure, online student services, affordable student housing, staffing at satellite campuses, a publicly-accessible indexed archive of SFSS documents, and lobbying the government for SFU student interests.

9. Under SFSS Bylaw 17, at least 5% of SFU students must vote in order for a referendum to be valid. Approximately, 5.6% of SFU students voted in the 2007 Referendum and, of those, 877 voted in favour of the SFSS leaving the CFS and only 248 voted against. A printout of results posted on the Independent Electoral Commission website is attached as Exhibit "B1" to my Affidavit.
10. The 2007 Referendum and 2008 Defederation Referendum were both held on the same day as the SFSS elections for those years. Bylaw 17(2) of the SFSS Bylaws provides that

referenda and general elections be held at the same and it is the SFSS' practice to do so. It is my understanding, based on my experience in the SFSS and other student political bodies, that the SFSS enacted this provision for two main reasons:

- (a) Firstly, it is difficult to get students out to vote and particularly difficult to get them out to vote more than once. Holding referenda and elections at the same time is thought to achieve a higher turnout of voters for both.
 - (b) Secondly, there are costs that the SFSS must pay when it holds elections or referenda, including paying staff to set up the booths, paying poll clerks, dedicating staff resources to support the Independent Electoral Committee, and paying honoraria to the members of the Independent Electoral Committee ("the IEC"). If the elections and referenda are held at the same time, the SFSS avoids the cost of paying these expenses twice.
11. Given the results of the 2007 Referendum, the SFSS commenced the process of defederating from the CFS. As noted in my Affidavit #1, while we did not agree with the CFS interpretation of the relevant CFS Bylaws, we tried to comply with the process set out the CFS Bylaws. At the same time, we also tried to comply with our own Bylaws, where they did not conflict with the CFS Bylaws, because we did not want the results of the Defederation Referendum challenged on the grounds that we failed to comply with our Bylaws.
12. The CFS Bylaws appeared to provide two ways for a local association to terminate its membership in CFS. Bylaw I(6), which is captioned "Vote on Defederating" contemplates the local association holding a referendum on the issue of membership, the process that is in issue in this Petition. Bylaw I(7), which is captioned "Procedure for Application for Withdrawal" appears to contemplate the local association applying to withdraw at a general meeting of the CFS.

7. Procedure for Application for Withdrawal

- a. Within 90 days of the receipt of a letter from a member local association notifying the Executive of its withdrawal from the Federation, the National

Executive will examine the notification to determine whether it is in order, and will make recommendations to the voting members of the Federation concerning the application.

- b. At the opening of the 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.
- 13. The SFSS chose to pursue both routes, although it focussed its efforts on the referendum process set out in Bylaw I(6).
- 14. Firstly, we gave notice of our intention to withdraw in accordance with Bylaw I(7). Our letter giving notice is attached as Exhibit "E" to the Affidavit of Lucy Watson #1. Our letter requesting that the CFS put the matter to a vote at the November 2007 AGM is attached as Exhibit "F" to her Affidavit. The CFS refused to put the matter to a vote at the November 2007 AGM on the grounds that, as they interpreted Bylaw I(7), the AGM could only vote on the withdrawal motion if the members of the local association had already voted to leave pursuant to the CFS Bylaws. A copy of Ms. Aziz's letter of 12 October 2007 outlining the CFS's position is attached as Exhibit "J" to Ms. Watson's Affidavit #1.
- 15. Secondly, we pursued the referendum process set out in CFS Bylaw I(6). The first step in the process, as set out in CFS Bylaw I(6)(a), was for the SFSS to forward a Petition to the CFS National Office calling for a Defederation Referendum, signed by no less than 10% of SFU students. To that end, and despite the fact that SFU Students had already voted in favour of Defederation in the 2007 Referendum, the SFSS circulated a Petition and obtained the signatures of 10.75% of SFU Students asking for a Defederation Referendum. At the request of the SFSS, the Registrar of SFU, Katherine Ross, verified that the individuals who signed the Petition were registered as students at SFU.
- 16. The second step in the process, as set out in Bylaw I 6(b) of the CFS Bylaws, was for the SFSS to deliver notice of the Defederation Referendum to the CFS head office by

registered mail. CFS Bylaw I 6(b) provides that the CFS must get at least six months notice of the referendum and that the notice set out the dates and times of the referendum.

17. On or around 24 August 2007, the SFSS sent the Petition, a letter from the Registrar confirming that the individuals who signed it were SFU students, and formal Notice of the dates of the Defederation Referendum by registered mail to the CFS national office in Ottawa and provincial office in Vancouver. The Notice stated the following:

This is official Notice that the SFSS will be holding a referendum to determine whether SFSS members wish to defederate from the CFS. The SFSS is also delivering a Petition to the CFS, signed by over 10% of its members, asking for the referendum.

The vote will take place on 18,19 and 20 March 2008, between 9:30 a.m. and 7:30 p.m.

18. Attached to my Affidavit as Exhibit "C" are copies of my covering letter to Amanda Aziz dated 24 August 2007, the Notice dated 21 August 2007, the first three pages of the Petition, and a letter from Kate Ross, Registrar of SFU, confirming that the individuals who signed the Petition were SFU students. Attached to my Affidavit as Exhibit "D" are copies of Canada Post printouts showing that the materials were sent by registered mail on 24 August 2007 and received by the CFS National Office on 27 August 2007. The printouts also indicate that the package had to be redelivered to the CFS Provincial Office on 9 September 2007, because its office initially refused to accept it.
19. In response to paragraph 22 of Lucy Watson's Affidavit, there is no requirement under the CFS Bylaws that the dates of the referendum be included in the Petition and I am not aware of any policy to that effect. The CFS Bylaw I (6) only requires that the local association provide six months certified notice of the dates of the referendum, which we did.
20. The next step in the CFS process, as set out in Bylaw I(6)(f), was to establish a Referendum Oversight Committee ("ROC") composed of two individuals appointed by the CFS and two appointed by the SFSS. Under CFS Bylaw, the ROC has the responsibility of overseeing the referendum vote. The CFS appointed two individuals, Ben Lewis and Lucy Watson, and we appointed two individuals, Michael Letourneau and

Kyall Glennie, both graduate students and members of the SFSS, on their agreement not to campaign for either side in the Defederation Referendum.

21. The final step in the CFS process, as set out in Bylaw I (6) (g), is for the local association to pay any outstanding Federation fees not less than six weeks before the date of the referendum, which the SFSS did.

B. Procedural Issues

22. From the start, we were concerned that the ROC process established in Bylaw I (6) would be unworkable. We anticipated, given our understanding of the CFS' history in resisting defederation movements and previous dealings with the CFS, that the CFS would be strongly opposed to the SFSS leaving and that relations between the two organizations might become strained. We were concerned that the ROC would become deadlocked and that, in the absence of any mechanism for breaking the deadlock, it would not be able to function properly.
23. We also wanted to come to an agreement concerning procedures sufficiently well in advance of the vote to avoid last minute disputes.
24. On or around 5 November 2007, the SFSS sent the CFS a proposed procedure which attempted to address what we saw as the potential difficulties with the CFS process ("the Draft Procedures"). In my covering letter to Amanda Aziz, the National Chairperson of the CFS, I noted that under the SFSS Bylaws, any referendum must be held at the same time as SFSS general elections, and indicated that it was our hope that a procedure could be worked to allow the two to proceed smoothly. I further expressed my concern about the lack of any mechanism to break deadlocks that might arise and suggested the appointment of a third party arbitrator, as suggested in the Draft Procedures. A copy of my covering letter dated 5 November 2007 and the Draft Procedures are attached as Exhibit "E" to my Affidavit.
25. While we did not expect the CFS to accept the whole of our proposal, we did expect that it would lead to discussions and, hopefully, to an agreement on procedure well in advance of the Defederation Referendum.

26. I spoke to Ms. Aziz about our proposal by telephone sometime around the second week of November 2007 and she offered to discuss it with me at the upcoming CFS National General Meeting, which was being held in Ottawa on 21-24 November 2007. However, Ms. Aziz made no effort to speak to me about the procedures at the meeting and was generally unavailable through the course of the meeting due to her duties as National Chairperson. The only response I received to our proposal was a letter from Ms. Aziz, dated 3 December 2007, indicating that sole authority to make rules concerning the Defederation Referendum rested with the ROC and that she had forwarded our letter to the CFS appointees to the ROC, Ben Lewis and Lucy Watson. A copy of Ms. Aziz's letter dated 3 December 2007 is attached as Exhibit "F" to my Affidavit.
27. I wrote the CFS head office again on 10 January 2008, officially informing the CFS of our appointments to the ROC and once again expressing my hope that any differences with respect to procedure could be resolved well before the Defederation Referendum. A copy of my letter of 10 January 2008 is attached as Exhibit "G" to my Affidavit. I did not receive a response to this letter.

C. Problems within the ROC

28. From my discussions with the SFSS appointees to the ROC, I was aware by the latter part of February 2008, that the ROC had become embroiled in disputes, including the following:
- (a) The CFS appointees were alleging that the notice the SFSS delivered in August 2007 was invalid because the Petition did not set out the dates of the Defederation Referendum.
 - (b) The CFS appointees were objecting to the SFSS having selected the date of the Defederation Referendum instead of leaving it to the ROC.
 - (c) The CFS appointees were objecting to the fact that the Defederation Referendum and SFSS general election were being held at the same time.

- (d) The CFS appointees objected to the form of question we had proposed in our Petition, six month before. Instead it suggested a two-page question that was confusing and biased. A copy of the question the CFS proposed, dated 11 February 2008, is attached as Exhibit "H" to my Affidavit.
 - (e) The CFS objected to what they saw as "pre-campaigning" by the SFSS namely, discussions between SFSS members concerning the merits of membership in the CFS and SFSS posters and websites that raised the issue
29. The ROC resolved the dispute over the wording of the Defederation Referendum question, but the other issues remained outstanding.
30. On 20 February 2008, I had a phone conversation with Amanda Aziz in which I expressed concern that disputes over these fundamental issues had developed at such a late date. I followed that conversation with a letter in which I repeated those concerns. A copy of my 20 February 2008 letter to Ms. Aziz is attached as Exhibit "I" to my Affidavit. In it I also expressed concern that one of the CFS appointees to the ROC Lucy Watson, appeared to be in a conflict of interest. Earlier in February, the SFSS office had received by email a document dated 23 January 2008, that appeared to be a CFS plan for contesting the Defederation Referendum at SFU, a copy of which is attached to this Affidavit as Exhibit "J". This document, which I believe was sent to us by someone at the CFS BC office, suggested that Lucy Watson was going to be involved in organizing the CFS campaign. I did not feel it was appropriate for a member of the ROC to be participating in the organization of the campaign given that the ROC was supposed to be overseeing the campaigning.
31. On 27 February 2008, I received a letter from Ms. Aziz explaining that Lucy Watson was not going to be involved in the campaign and was not in a conflict of interest. Despite the fact that Ms. Aziz and I had already discussed the Defederation Referendum on a variety of occasions, she also appeared to take position that since the Defederation Referendum was "internal" to the CFS, the SFSS had no legitimate interest in how it was to be run. That letter, a copy of which is attached to my Affidavit as Exhibit "K", included the following statements:

In your letter, you make reference to a proceeding with a referendum. If you referring to a referendum on continued membership in the Canadian Federation of Students, I must make it clear that the Simon Fraser Student Society does not conduct the referendum; the Federation does.

...

Any problems that arise within the referendum process are internal to the Canadian Federation of Students and will ultimately be dealt with by the members of the Federation represented by their unions.

32. The SFSS Bylaws require that the SFSS give 21 days notice of any referendum. In accordance with this requirement, the SFSS Board passed a series of resolutions on 25 February 2008, to the effect that all five referendum questions, including the Defederation Referendum, be put to referendum. A copy of the Minutes of that meeting are attached as Exhibit "L" to my Affidavit. I was aware at that time that the CFS was objecting to the Defederation Referendum proceeding and that there were significant problems within the ROC. Accordingly, I told John James McCullough, the SFSS Independent Electoral Commissioner, to be prepared to run the Defederation Referendum along with the referenda that were being put to vote that year.
33. On 18-20 March 2008, the SFU students were asked to vote on all five referendum questions.
34. In response to paragraphs 56 and 57 of Ms. Watson's Affidavit, the question concerning the re-allocation of fees if the SFSS left the CFS was an internal SFSS referendum and presented to the voters on a separate ballot. It was necessary to put this question to vote at the same time as the Defederation Referendum. If the SFSS members voted in favour of leaving the CFS, the fees that had previously been allocated to the CFS would have to be re-allocated. Under the SFSS Bylaws any decisions concerning fees must be done by referendum.
35. In paragraph 14 of my Affidavit #1, I state that a copy of all of the ballots that were before the voters on 18-20 March 2008 were attached to my Affidavit. However, through inadvertence, the only ballot attached to that Affidavit was the ballot for the Defederation Referendum. The other questions that were put to vote on 18-20 March

2008 are set out in the SFSS Board Minutes of February 25, 2008, a copy of which is attached as Exhibit "L" to this Affidavit.

36. On or around 27 February 2008, I received a letter from the CFS' lawyers, Gowling Lafleur and Henderson ("Gowlings"). In it Gowlings raised a number of complaints on behalf of the CFS, including complaints concerning the adequacy of notice, the timing of the Defederation Campaign, and the SFSS's resolution of 25 February 2008 giving notice of the Defederation Referendum. They indicated that the CFS was considering bringing a court application, which I understood to mean an application to stop the Defederation Referendum from proceeding. A copy of that letter is attached as Exhibit "M" to my Affidavit.
37. On or around 29 February 2008, I received another letter from Gowlings objecting to the Defederation Referendum. They said that the CFS would not accept the results of the Defederation Referendum, but indicated that the CFS nevertheless intended to campaign in the Defederation Referendum. A copy of that letter is attached as Exhibit "N" to my Affidavit.
38. When we realized in February 2008 that the CFS objected to the Defederation Referendum proceeding and received the letters from Gowlings indicating that the CFS would not accept the results of the Defederation Referendum, we had to decide whether to proceed with the Defederation Referendum.
39. We believed that our members had expressed a significant interest in proceeding with the Defederation Referendum, given the vote at Forum, the results of the March 2007 Referendum and the Petition the SFU students signed asking for a referendum, and that we had a duty as their representatives to see the matter through. Given the pending end of the term, the notice provisions under both the CFS and SFSS Bylaws, the structural problems with the ROC, and the amount of work involved in organizing a Defederation Referendum, we concluded that if we did not proceed with the Defederation Referendum as scheduled, it would not be held until sometime in the future, if ever.

40. Furthermore, we had come to the view that the CFS complaints were unfounded and that the CFS was not proceeding in good faith with respect to the Defederation Referendum:

- (a) We had considered the issue and concluded that there had been nothing defective in our Notice to the CFS. There is no requirement that the Petition set out the dates, and we had provided a notarized document specifically giving notice of the dates, as required under Bylaw I(6), along with the Petition. We were also concerned that the CFS had received the Petition and Notice documents in August 2007 but did not raise any concerns about the adequacy of Notice until February 2008.
- (b) We considered the issue and concluded that neither the CFS nor the ROC had the authority to set the dates of the Defederation Referendum. The CFS Bylaws specifically state that the Notice provided by the local association must include the dates of the Defederation Referendum. Once again, we were concerned that the CFS did not raise any concerns with respect to the dates of the Defederation Referendum until February 2008, six months after it received notice of the dates
- (c) We considered the issue and concluded that there was nothing improper about the SFSS passing a resolution giving notice of the Defederation Referendum as required under its Bylaws.
- (d) We considered the issue and concluded that there was nothing unfair about holding the Defederation Referendum and SFSS elections at the same time. There was no prohibition against it in the CFS Bylaws and it was required under our Bylaws. The only reason the CFS had given us for their objection was that set out in the letter from Gowlings dated 27 February, 2008, namely, that it might confuse students. We did not think that concern had any merit. Referendums had frequently been held at the same time as elections at SFU (and elsewhere) without causing problems. Once again, we were also concerned that the CFS only raised this objection in

February, 2008, four months after we specifically told them that the two votes would be held at the same time.

- (e) Similarly, we considered the issue and concluded that there was no merit to the complaint about pre-campaigning, whatever that expression means. There is no prohibition against "pre-campaigning" in the CFS Bylaws. Furthermore, the CFS had already distributed materials asserting the benefits of membership in the CFS. Attached as Exhibit "O" is an example of a CFS poster that I recall seeing posted on the SFSS campus and/or at Skytrain stations, including Production Way/University, the SkyTrain station closest to SFU, at different points starting in May 2007. I believe, but am not certain, that I first saw the SkyTrain posters in May 2007 and the other posters in the early fall of 2007. Attached as Exhibit "P" to my Affidavit is a copy of an article in the Peak Newspaper dated May 14th 2007 featuring a photograph of another CFS poster which had been posted as the Production Way SkyTrain Station. The CFS also had an "Iamcfs" website promoting the merits of association.
- (f) We were also concerned that the CFS had ignored our November 2007 Draft Procedures, were not willing to work with the IEC with respect to logistics, and were taking what we viewed as unreasonable positions that suggested that they were not interested in seeing the Defederation Referendum proceed.
- (g) Finally, our representatives to the ROC informed us that the ROC had not made any significant process and that they did not think that it would be ready or willing to run the Defederation Referendum on the dates scheduled.

41. We were concerned that the CFS and their lawyers were raising these objections and threatening legal action in an attempt to derail the Defederation Referendum. As noted above, we were strongly of the view that our members were entitled to vote on the issue of membership in the CFS and that it was not in their interests for us to cancel or move

the dates of the Defederation Referendum. Accordingly, we determined that the vote should proceed as scheduled.

42. We were confident that since we already had the IEC. in place, with an experienced Electoral Commissioner, Mr. McCullough, who had run elections and referendums at SFU in the past, we could have a Defederation Referendum that was fair to both sides and properly reflected the views of SFU Students. Since the IEC was already overseeing the election and other referenda questions, we were confident it could oversee the Defederation Referendum if the ROC was unable or unwilling to do so.
43. In response to paragraph 12 of the Affidavit of Shamus Reid, sworn on 23 June 2008, one of the reasons I had confidence in Mr. McCullough as a Chief Commissioner was because he was interested in the democratic process but had always retained his independence from both the SFSS and the CFS. For example, an article written by Mr. McCullough, dated January 15, 2007, is attached as Exhibit "Q" to my Affidavit, in which he expresses views that are critical of the SFSS. He had experience in running elections and I had confidence that he would fulfill his duties independently and fairly.
44. In the end, Mr. McCullough assumed oversight of the Defederation Referendum and it was conducted in accordance with the procedures in place for the SFSS elections and referenda.
45. In response to paragraph 94 of the Watson Affidavit, only the graduate students at the University of Victoria participated in the defederation referendum held on that campus on 18-20 March 2008. It is my understanding that there were only about 2500 graduate students and that they did not run a concerted campaign but rather relied on word of mouth. A copy of an article printed from the Martlet Newspaper webpage concerning the Victoria referendum is attached as Exhibit "R" to my Affidavit.
46. The Kwantlen Student Association also held a defederation referendum in the spring of March 2008. It involved a relatively larger number of students and, as such, provides a more useful comparison. As noted in the Affidavit #1 of Titus Gregory sworn April 11, 2008, the ROC at Kwantlen ran into the same problems as the ROC as SFU. In that case,

the Court directed that the management of the referendum be assumed by a consulting company hired by Kwantlen.

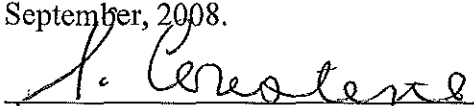
47. It is my understanding, based on my conversations with them, that the SFSS appointees to the ROC and Mr. McCullough invited the ROC to participate in the decision-making processes leading up to the Defederation Referendum and that, while the CFS members on the ROC refused to work with the IEC, the ROC did continue to meet.


D. The Campaign

48. Since the CFS Bylaw (I)(6) requires at least two weeks of campaigning, the campaign had to start on or around 3 March 2008 in order for the vote to proceed on 18-20 March 2008. The ROC never formally set campaign dates because the CFS appointees to the ROC would not agree to the Defederation Referendum proceeding as scheduled. However, both sides of the Defederation Referendum started campaigning in or around 3 March 2008, as did the individuals involved in the SFSS elections.
49. The campaign was very actively fought on both sides and the CFS participated fully. In my observation, the CFS supporters who campaigned on the "Yes" side (i.e. "Yes we are in favour of maintaining ties") appeared to significantly outnumber the campaigners on the "No" (i.e. "No – we are not in favour of retaining ties"). I observed and was told by other SFU students and staff that many, if not most, of the campaigners on the "Yes" side identified themselves as being from other provinces, primarily Ontario. Most, if not all, the campaigners for the "No" side were SFU students. Both sides put up posters, handed out flyers, spoke in classrooms and participated in debates. The first debate was held on 26 February 2008, between me, SFSS University Relations Officer Amanda van Baarsen, and CFS-BC Chairperson Shamus Reid. A second debate took place the week of 10 March 2008 between myself, SFSS Internal Relations Officer Haida Arsenault-Antolick and CFS National Chairperson Amanda Aziz. Attached to my Affidavit respectively as Exhibits "S" and "T" are copies of newspaper articles, dated 3 March 2008 and 17 March 2008, discussing the two debates.

50. In response to paragraph 11 of the Affidavit of Jeremy Salter, sworn 9 July 2008, I spent several days with a poster on my back. However, I went to great length to avoid passing through any of the "buffer zones" around the polling booths while I was wearing it. This was especially difficult in the southeast Academic Quadrangle polling location, as the buffer zone took up the entire corridor. It is possible that I passed through the rear of the buffer zone while carrying a poster at my side, but I was careful to not to actively display it within the buffer zone. I did not intentionally try to sway opinion inside the buffer zones during polling.
51. Despite its active participation in the Defederation Referendum, the CFS has stated that it does not accept the outcome of the Defederation Referendum, for the reasons set out in the Gowling's letters.
52. However, while it does not accept the outcome of the Defederation Referendum, the CFS did not commence any legal proceedings to set the vote aside. In the circumstances, the Board of the SSFS determined that it was in the best interests of the SFSS to commence proceedings to have the legality of the Defederation Referendum resolved and it passed a resolution to that effect on 2 April 2008.
53. One of my concerns was that the CFS would not legally challenge the Defederation Referendum *per se* but subsequently sue the SFSS for its fees. It is my understanding, based on what I have read and been told, that the CFS chose to proceed in that manner after a referendum was passed by Acadia University students in 1996 voting to defederate from the CFS and that the litigation went on for at least ten years. Attached as Exhibit "U" to my Affidavit is an article I had read dated November 12, 2007 in the SFU student paper, The Peak, discussing the litigation between the CFS and the Acadia Students Union.
54. Attached as Exhibit "V" to my Affidavit is a copy of a letter dated September 8, 2008, from Gowlings, solicitors for the Canadian Federation of Students and the Canadian Federation of Students – Services, to Coristine Woodall, solicitors for the SFSS.

55. Attached as Exhibit "W" to my Affidavit is a copy of a letter dated September 11, 2008, from Underhill, Boies Park, solicitors for the Canadian Federation of Students – British Columbia Component, to Coristine Woodall, solicitors for the SFSS.
56. I swear this Affidavit in support of the SFSS Petition in this matter and not for any other purpose.

SWORN BEFOR ME at Vancouver,)
British Columbia, this 14th day of)
September, 2008.)
)
Susan M. Coristine)
A Commissioner for taking Affidavits)
for British Columbia.)


Derrick Harder

The Peak, Simon Fraser University's Student Newspaper since 1965, Simon Fraser University, Burnaby, British Columbia, Canada V5A 1S6, e-mail: speak@mail.peak.sfu.ca, phone: (604) 291-2837, fax: (604) 291-6786
Volume 98, Issue 7 February 23, 1998 Features

The (CFS)-Files

by scott newman

This is Exhibit 1 referred to in
the affidavit of DERRICK HARDEP
sworn before me at VANCOUVER
this 14 day of SEPTEMBER 2008

[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

Along time ago (1981 to be precise), the Simon Fraser Student Society was a member of a wonderful idea. The idea was a national student organization which would work on behalf of students across the country, listening to their needs. Student societies from across Canada flocked to the new activist organization, which was named the Canadian Federation of Students (CFS).

What a difference seventeen years makes. Today, many claim that the dream has become a bloated, corrupt bureaucracy, centred in Ontario, which is dedicated to preventing schools which want to leave the federation from withdrawing, to tying up departing student societies in lawsuits and red tape, and to getting jobs in the CFS and NDP for those on the inside of the clique. Schools are holding pullout referenda at an alarming rate. The question becomes, is the Federation dying and/or becoming irrelevant to students? And what can students do about it?

The claims of corruption are told in many various forms, across many former and current member schools. Stephen Ocsko was the president of the Malaspina student society, until impeachment proceedings were brought against him by two pro- CFS members of the Malaspina executive. He claimed that there were multiple breaches of the student society's constitution during this process. For instance, he claimed that balloting was held at satellite campuses of the schools, though this is a direct violation of the student society's constitution. He claimed to have the support of two legal opinions, the school's ombudsperson, and the school's senate. The matter was sent to arbitration through Paul Ramsey's office, where it was thrown out. Ocsko also claimed that this was due to CFS interference. At last contact, the matter was in court.

The University College of the Cariboo, which pulled out of the CFS in October of one year, is not a big fan of the CFS either. The CFS fees were collected in September of that year, and were put into a trust account. After awhile, when no one came to get the fees, they were amalgamated with the student society's general bank account. The CFS sued to get the fees, and seized approximately \$85,000 from the fund. Unfortunately, the relevant fees were only about \$40,000. The CFS claimed the rest were for items such as "conference fees". The matter is nearing resolution in court.

The former chair of the British Columbia component of the CFS (BC-CFS), Michael Gardiner, managed to get a job after finishing his stint with the CFS. It so happens that his job is in Glen Clark's office, as the "Special Advisor to the Premier on Youth". Not unsurprisingly to many observers, since Glen Clark and Paul Ramsey, the embattled Minister of Education, are both former executives of the CFS.

Another thing that many former member schools dislike about the CFS is the way former members are treated. In British Columbia, the CFS claims Selkirk Community College, Northwest Community College, Douglas College, and Kwantlen College as members,

amongst other schools. The problem is that all these schools have pulled out of the CFS, all through student referenda. They continue to be represented on the CFS-BC letterhead, continue to be sent bills for membership, and are generally harassed by the CFS.

The example of Selkirk Community College is a telling one. Pulling out in the early 1990s, Selkirk dissolved and reformed their student society because of continual CFS harassment. Even though the old Selkirk student society has been defunct since 1991, they continue to receive invoices, according to student society President Gord Broten. The most common claim, according to Broten, is that the "debt" owed by former CFS schools will be "forgiven" if they rejoin, even though since the schools are no longer members, they cannot be charged, since B.C. has laws against negative-option billing. In any event, the CFS is sending the bills to the defunct student society, not the current one. Broten says that according to the CFS, Selkirk's Student Society owes thousands of dollars.

In B.C., many students are concerned that the CFS seems to be sending candidates to schools to run for the Boards of Directors of students societies, to shore up support for the CFS at those schools.

In the spring elections of 1997, there were two slates run at Capilano and Simon Fraser University. Both slates were called "Putting Students First" (PSF). Unsurprisingly, a large part of their platform was unconditional support for the CFS, since the posters were done using CFS equipment, at CFS headquarters, and the candidates had strong links to the CFS (Joey Hansen, SFSS President, is also currently on the CFS national executive, and due to head to Ottawa for a paying job in the CFS national headquarters). Both slates were victorious.

Douglas College successfully held a pullout referendum a few years ago, and stopped paying fees to the CFS. A long legal battle ensued, and Douglas College finally prevailed. In the Spring of 1997, another pro-CFS slate won the election, and they are currently trying to force the school back into the CFS fold. A referendum is being held at the school to rejoin the CFS this year, and the Simon Fraser Student Society elections have been pushed back, in part so that the Simon Fraser CFS supporters can help out their political friends at Douglas. At least one pro-CFS member of the Simon Fraser Student Society sits on both the SFU and Douglas student societies' board of directors.

Another concern that many students share is concerning the apparent political backscratching that goes on between CFS members. As already mentioned, Hanson and Gardiner have both lined up jobs for themselves after serving their terms as CFS executives. Another CFS insider that concerns many students is Philip Link, who is the co-ordinator at CFS-BC headquarters. His track record speaks for itself, if you examine the time he spent working at the Langara Student Union General Office. He admitted destroying copies of the student newspaper on one occasion because it contained comments which were uncomplimentary towards him, and he was implicated on another occasion. According to the student newspaper at Langara, he is also alleged to have committed assault on at least five occasions. After representatives from the two Langara papers found copies of the missing papers in the dumpster behind the student union building, they dumped the copies on Link's desk. Reporter Ian Hanington alleges that "Link came out of his office, struck me in the face, and tried to take my camera from me... he knocked me to the floor, knocked my glasses off, and began choking me with the camera's strap. One witness, Ezekial Norton, described Link as "out of control".

Perhaps of more concern to members of the CFS is that Link, at his current position, is responsible for staff hours at the CFS, including overtime. While working at the LSU, Link claimed he was owed \$36,000 in accrued overtime. Some students, and especially people who knew Link during his time at the Langara Student Union, wonder who is watching Link, and what accountability procedures are in place.

Kelly Davis, a former SFSS President, once said (in reference to the CFS), "A national student organization is a great idea. It's too bad this one's run like a cult." This was in response to two CFS actions. One was the swarming of campus by CFS-supporting, non-Simon Fraser students, trying to convince the SFU student body to stay in the CFS. The other was the inaugural meeting of a new provincial student organization, entitled the BC SA (British Columbia Student Association). It has since been re-named the British Columbia-Yukon Student Association, with the joining of Yukon college. At the meeting, any interested schools were invited to attend and were given votes by then chair (and Kwantlen President) Katherine Fleetwood. It is alleged that a large contingent of CFS-BC schools showed up, lead by Michael Gardiner, then chair of the CFS-B.C. Apparently, the group's goal was to disrupt the meeting, and prevent a new provincial student organization from being formed. Whenever Gardiner stood up to vote, it is reported, all other CFS representatives at the meeting stood up to vote, not unlike a group of zombies.

One of the charges which should be of most concern to B.C. students is summarized by Matt MacRao, President of UNBC's student society. Speaking of the CFS, he says "The bureaucracy that was taking place in the CFS... was just outstanding, and they weren't playing any attention to provincial issues." The CFS, as well as its provincial component, according to many, is no longer a bottom-up organization, as was intended, and has instead fallen under the control of a small number of CFS insiders. The CFS-BC does not seem to do much for B.C. students, and seems content to work on the federal campaigns, ignoring the concerns of B.C. students. Graig Alderich, Kwantlen Student Society President, summarizes the CFS-BC's seeming contempt for provincial issues by saying, "I've heard lots of discussion about a National Education Act, what about a Provincial Standards Act?"

Anytime the issue of a CFS pullout arises at SFU, the CFS often convinces the students (who are dealing from a position of weakness, with little non-CFS information) that the CFS is the only choice. This is not true. There are alternative national student organizations the SFSS could join, such as the Canadian Alliance of Student Associations (CASA). However, many of the students on campus feel they are too conservative in their views, as they don't protest as much as the CFS, and don't have as radical a stance (low-end estimates of the cost of the CFS's 'free tuition' stance reach eight billion dollars). Chris Golden, Kwantlen Student Society's VP-Internal, asserting that CASA negotiates with the federal government and has better results, asks "People hear about the CFS because they're on the news. But do they sit down and talk about the issues?"

Another issue which polarizes CFS and CASA supporters is the CFS's stance on social issues. Many at SFU feel that the CFS's stance on issues not directly related to education is good, making for a better atmosphere on campus and a better world, while many others see it as detracting from the most important goals of lower levels of student debt, basically saying that its better to do one thing good that many things poorly. Dominic Walton, the UCC student society's VP- External, says that his student society is concerned about "not just dealing with the issues, but being focused with them."

There is another option, which is becoming more and more amenable to all students on

Simon Fraser's campus. The British Columbia-Yukon Student Association (BCYSA) was formed as a reaction to the CFS's hegemony into individual student societies' affairs, as well as their apparent disinterest in provincial educational issues. Like CASA, the BCYSA focus will be on provincial educational issues. The reason, as UCC's Dominic Walton says, is to avoid social issues because "We just don't want to end up fighting about whether China should be in Tibet". They currently have five member schools (Yukon College, UCC, UNBC, Kwantlen, and University-College of the Fraser Valley), with at least two more joining by May (Selkirk and Northwest Community Colleges). Other schools have also reportedly expressed interest, including BCIT. There are a number of benefits to joining a small, growing organization, including increased communication (they meet twice a month, whereas CFS-BC member schools only congregate once every three months), which will prevent the cliquism and control of the majority by the minority inherent in the CFS. Also, Simon Fraser students would have a larger voice in the direction of the BCYSA than it does currently in the CFS. As Brian Cole, BCYSA Coordinator and longtime UNBC student executive states, "That's one of the advantages of starting up, we can mold this into an organization that really listens to its members."

The BCYSA is at the stage the CFS was seventeen years ago. Some believe it is time for Simon Fraser students to seize the day, and jump ship to the BCYSA, an organization seen as being better prepared for the future. Can SFU students learn from the organizational mistakes of the CFS, and fight for their interests in a better forum? The last word goes to Kwantlen President Alderich, who, in reference to leaving the CFS and joining the BCYSA, states "I think it's time to start doing something."

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[more issue #4](#)



Tuesday, August 26, 2008

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2007 Referendums

The Questions - The Campaigns

The Questions

Issue one- Grad autonomy

SFU's Graduate Issues Committee has recently come to advocate a policy of grad separation or autonomy from the SFSS.

After a unanimous vote, the GIC successfully lobbied the SFSS Board of Directors to place the following three questions on the ballot:

QUESTION ONE

<p>Do you agree that a separate and independent graduate student society should be created to represent the interests of the graduate students of SFU?</p>	<p>Yes or No</p>
---	-------------------------

QUESTION TWO

This is Exhibit "B" referred to in the affidavit of DERRICK HARDER sworn before me at Vancouver this 14 day of September 2008.
A. C. [Signature]
 A Commissioner for taking Oaths in the Province of British Columbia

005

If the graduate student society is created, **do you agree** that graduate students should no longer be represented by the SFSS?

Yes or No

QUESTION THREE

Note- Question three relates to graduate student fees, and in accordance with the rules of the constitution, will only be voted on by grad students themselves.

If the graduate student society is created, **do you agree** that the unrestricted fee graduate students pay the SFSS should instead be remitted to the graduate student society once incorporated?

Yes or No

Issue two- Separation from the Canadian Federation of Students

The Canadian Federation of Students is a large umbrella group to which many student unions across the country belong. It is active in a large variety of lobbying and activist initiatives which are done on behalf of the interests of all Canadian students. However the SFSS' membership in the CFS remains controversial. After lengthy discussion, the Student Forum voted 30 to 5 to place the following lengthy question on the ballot:

QUESTION FOUR

Do you agree that the Simon Fraser Student Society should do the following:

i. Cease to be a member of the Canadian Federation of Students and the Canadian Federation of Students-British Columbia Component, as well as cease to be a member of the Canadian Federation of Students- Services;

Yes or No

ii. Cease collecting student fees for the Canadian Federation of Students and the Canadian Federation of Students - British Columbia Component (at present \$7.50 per full-time student per semester; \$3.72 per part-time student per semester: \$23.50 for a full time year; \$11.16 for a part-time year; for a total of \$435,204.72 for 2006);

iii. Instead, collect \$7.50 per full-time student per semester and \$3.72 per part-time student per semester, and put said fees towards improving student services such as departmental student unions, club infrastructure, online student services, affordable student housing, staffing at satellite campuses, a publicly-accessible indexed archive of SFSS documents, and lobbying the government for SFU student interests.

In writing the above question, the SFSS board declared that it would be a "**non-binding referendum**." This is because the Canadian Federation of Students has its own complex rules that spell out how precisely a student union shall be allowed to leave the CFS.

Should this referendum question pass, it will likely be viewed as a clear sign that the students of SFU no longer wish to participate in the CFS and thus a mandate for change. However there is no guarantee that the terms spelled out above will be followed precisely, because such details will likely need to be negotiated in greater detail at a future time. The SFSS' intent is to find out if SFU voters agree with the spirit of the resolution, and proceed accordingly.

The Campaigns

The Independent Electoral Commission has the authority to officially recognize one "yes" campaign and one "no" campaign for each of the four referendum questions. In designating their choice, the IEC will determine which potential campaign will most accurately and effectively represent the will of the community whose interests are most actively at stake by that particular outcome of the vote.

To date, two official campaigns have been recognized:

YES to grad autonomy

Bhuvinder Vaid, head of the "Yes" Campaign to Questions 1,2,3



My name is Bhuvinder Vaid, though most call me by my nickname of "Beev". I am a M.A. candidate in the Faculty of Education, have been a part of the education grad caucus for some time, and have served on the Graduate Issues Committee (GIC) for more than a year. Simply put, I have done my best to work within the SFSS to ensure graduate issues are addressed by my undergraduate counterparts, but more often than not, the issues are of no interest / no



This is Exhibit "B1" referred to in
the affidavit of Derrick Warbler
sworn before me at Victoria
this 14 day of September 2008 010
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia Sunday, Septe

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Data

The SFSS was founded in 1967, and as such has seen over 40 elections.

Here's some official data on a couple of the most recent ones. See also, [this cl](#) shows SFSS presidents from 1983-2007.

OFFICIAL ELECTION DATA ONLINE AT PRESENT

★ [2007 U-Pass referendum](#)

★ [2007 general election](#)

★ [2006 by-election](#)

★ [2006 general election](#)

★ [2005 general election](#)

2007 U-pass referendum

Background: In accordance with a contractual obligation between the SFSS, S TransLink, a vote was held in November of 2007 to determine the future of the transit pass program. Originally established in 2002, the program had to be per renewed by a vote of approval by students. The last such vote occurred in 2004 and passed successfully.

Technically, this referendum asked students whether or not they approved of an increase to the monthly U-Pass fee. However, in practical terms, the fee increase was one of TransLink's preconditions for continuing the program, meaning that a "no" vote was essentially a vote to discontinue the U-Pass, or at the very least put the future of the program into serious doubt.

Main facts

Dates	November 6, 7
Voters	5,580 (appx. 23.6% of the student population)

Referendum on the future of the U-Pass

Question:

Whereas the U-Pass program has been in operation at Simon Fraser University for 5 years;
and Whereas students taking only Distance Education courses, only designated off-campus courses, who live outside of the GVRD will continue to be exempt from the U-Pass program;
and Whereas a \$50,000 fund will continue to exist to reimburse the whole or partial cost of the U-Pass for students with extenuating circumstances;
and, Whereas a successful vote will guarantee the price of the U-Pass at \$26.10 per month until September 2011;
and Whereas the failure of this question at referendum will terminate the U-Pass program;

Do you agree to an increase of no more than \$1.60 per month to the U-Pass fee?

Yes	No
5,140 (92.1%)	431 (7.7%)
SPOILED- 9	



2007 general election

To see all the archived data from the 2007 General Election, as it originally appeared on this page, please visit the [2007 Election Data page](#).

Background: Concerned with their impact on the political culture of past elections, in February of 2007 the SFSS Board voted to permanently abolish slates. Candidates now only run as individuals, not as groups or parties. The Board also put forward two referendums on matters that had become increasingly controversial in the aftermath of the 2006 impeachment: graduate student autonomy and SFSS membership in the CFS. Graduates were given the vote on whether or not they wished to make their own, independent student society and leave the jurisdiction of the SFSS, while all students were asked if they wished to stop being members of the Canadian Federation of Students, in a vote described as a "non-binding" vote. The Graduate Issues Committee led a "yes" campaign to the three grad questions, while several members of the Board of Directors led a campaign for separation from the CFS campaign.

Many of the SFSS directors elected in the 2006 by-election chose to run for re-
All who chose to do so were in turn acclaimed or re-elected back to office, mea
composition of the new board was not much different than the old one.

Main facts:

Dates	March 20, 21, 22
Voters	1,325 (appx. 5.6% of the student population)

Incumbent candidates are marked with a star (*)

President

<i>Candidate</i>	<i>votes</i>
Derrick Harder *	647
Xenia Menzies	229
Ike Birk	139
Gilles Grafstrom	105
BLANK	173
INVALID	5
SPOILED	7

External Relations Officer

<i>Candidate</i>	<i>votes</i>
Sasha Fox *	588
Jon Leighs (dropped out candidate)	43
Lori MacDonald	445
BLANK	215
INVALID	7
SPOILED	7

Member Services Officer

<i>Candidate</i>	<i>votes</i>
Joe Paling	448
Dan Green	336

013

Joel Warren	213
BLANK	296
INVALID	5
SPOILED	7

University Relations Officer

<i>Candidate</i>	<i>votes</i>
Amanda van Baarsen	578
Andrew Fergusson	288
Ali Godson	134
BLANK	295
INVALID	3
SPOILED	7

Arts Board rep

<i>Candidate</i>	<i>votes</i>
Tyler Masse	415
Aman Bains	348
BLANK	109
INVALID	8
SPOILED	5

Science Board rep

<i>Candidate</i>	<i>votes</i>
Anna Belkine	200
Henry Ma	110
BLANK	58
INVALID	3
SPOILED	3

Board member at-large (two spots)

<i>Candidate</i>	<i>votes</i>
------------------	--------------

Natalie Bocking	482
Alex Hemingway	476
Jeff Schemilt	415
Paul McCulloch	321
BLANK	264
INVALID	2
SPOILED	7

Referendums

There were four referendum questions on the 2007 general election ballot.

QUESTION ONE- Creation of an independent graduate student union

Do you agree that a separate and independent graduate student society should be represent the interests of the graduate students of SFU?

Yes	No
985	212
BLANK- 102	
INVALID- 8	
SPOILED- 2	

QUESTION TWO- Graduate separation from the SFSS

If the graduate student society is created, do you agree that graduate students shc longer be represented by the SFSS?

Yes	No
763	404
BLANK- 131	
INVALID- 9	
SPOILED- 2	

QUESTION THREE- Graduate separation from the SFSS

If the graduate student society is created, do you agree that the unrestricted fee g. students pay the SFSS should instead be remitted to the graduate student society

015

incorporated?

Note: in accordance with the constitution this question was only voted on graduate students as it involved graduate student fees.

Yes	No
315	8
BLANK- 6	
INVALID- 0	
SPOILED- 1	

QUESTION FOUR- Separation from the Canadian Federation of Students

Do you agree that the Simon Fraser Student Society should do the following:

- i. Cease to be a member of the Canadian Federation of Students and the Canadian Federation of Students- British Columbia Component, as well as cease to be a member of the Canadian Federation of Students- Se*
- ii. Cease collecting student fees for the Canadian Federation of Students and the Canadian Federation of Students- British Columbia Component (at present \$7.50 per full-time student per semester; \$3.72 per part-time student per semester; \$23.50 for a full time year; \$11.16 for a part-time year; for a total of \$435,204.72 for a full time year)*
- iii. Instead, collect \$7.50 per full-time student per semester and \$3.72 per part-time student per semester and put said fees towards improving student services such as departmental student unions, club infrastructure, student services, affordable student housing, staffing at satellite campuses, a publicly-accessible incubator for SFSS documents, and lobbying the government for SFU student interests.*

Yes	No
877	248
BLANK- 174	
INVALID- 6	
SPOILED- 2	

Trivia

The candidate who received the most votes was **Derrick Harder** for President. Derrick also became the first SFSS president to win re-election (or even run for election) in 12 years.

Every person who was elected to an executive position had served on the board of directors.

simon fraser student society
canadian federation of students local 23

mbc 2250, simon fraser university, 8888 university drive
coast salish territory, burnaby, bc, v5a 1s6
tel: 778.782.3870 fax: 778.782.5843
www.sfss.ca



August 24, 2007

To: Amanda Aziz, Chairperson, Canadian Federation of Students.

Please find attached notice of our intent to hold a referendum on defederation in March of 2008.

In addition, we have included a copy of a petition bearing the signatures of over 10% of our membership, as well as a letter from Kate Ross, Registrar at Simon Fraser University, certifying that the signatories to the petition are registered students at SFU and therefore eligible to sign. The original copy of the petition is available for inspection upon request.

If you have any questions or concerns, please do not hesitate to contact me at 778.782.6564 (please note the new number).

Sincerely,

Derrick Harder, President
Simon Fraser Student Society

cc. Shamus Reid, Chairperson, Canadian Federation of Students, BC Component

This is Exhibit "C" referred to in
the affidavit of DERRICK HARDER
sworn before me at Vancouver
this 14 day of SEPTEMBER 2007

A Commissioner for taking Oaths in the
Province of British Columbia

NOTICE

SFSS Defederation Referendum

This is official Notice that the SFSS will be holding a referendum to determine whether SFSS members wish to defederate from the CFS. The SFSS is also delivering a Petition to the CFS, signed by over 10% of its members, asking for the referendum.

The vote will take place on 18, 19 and 20 March 2008, between 9:30 a.m. and 7:30 p.m.



Derrick Harder, President
Simon Fraser Student Society



Clea Moray, At-Large-Representative
Simon Fraser Student Society



Amy Fox, External Relations Officer
Simon Fraser Student Society

This Notice was signed on 21 August 2007 in
Vancouver, British Columbia, in the presence of a
Notary Public



Notary Public

**SUSAN M. CORISTINE
CORISTINE WOODALL**
Barristers and Solicitors
660-220 Cambie Street
Vancouver, B.C. V6B 2M9



STUDENT SERVICES

Kate Ross
Registrar & Senior Director
Student Enrollment
Simon Fraser University

MBC 3106
8888 University Drive
Simon Fraser University
Burnaby, BC V5A 1S6
Canada
tel 778-782-4176
fax 778-782-5732
kuross@sfu.ca

August 24, 2007

Canadian Federation of Students
170 Metcalfe St., Suite 500
Ottawa, Ontario
K2P 1P3

Attention: Amanda Aziz, National Chairperson

Dear Amanda:

This letter confirms that, on August 16 and 20; I verified a petition which contained 2738 valid signatures of SFU students. The official headcount for 2006/07 was 25,009 and the projected headcount for 2007/08 is 25,900. Given these numbers, the valid signatures represent over 10.57% of registered Simon Fraser University students.

Yours truly,

A handwritten signature in black ink, appearing to read "Kate Ross", is written over a horizontal line.

Kate Ross, Registrar & Senior Director
Student Enrollment

PETITION

We the undersigned students of Simon Fraser University and members of the Simon Fraser Student Society are requesting that a Referendum be held at Simon Fraser University to consider the following questions:

1. Do you wish to remain a member of the Canadian Federation of Students?

2. If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do you agree that the former CFS semesterly membership fees of \$7.62 per full-time student, or \$3.81 per part-time student, should be redirected into a Society Development Fund? This will result in no overall fee increase for students.


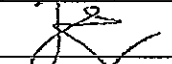

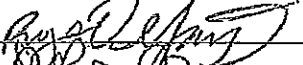
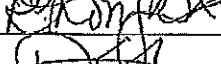



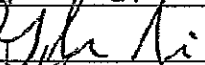
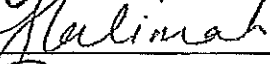

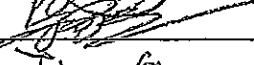
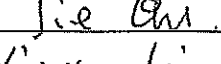
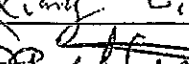

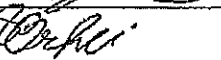

	<u>NAME</u>	<u>STUDENT NUMBER</u>	<u>SIGNATURE</u>
✓	Kevin Harding	301022747	Kevin Harding
✓	Joseph Paling	301031648	Joseph Paling
✓	Bryan Ottho	200108250	Bryan Ottho
✓	PHIL BOUTROS	301050395	Phil Boutros
✓	Sasha Fox	200063151	Sasha Fox
✓	Paul McCulloch	301059816	Paul McCulloch
✓	Eusebio Fernando	301044419	Eusebio Fernando
✓	Priya Churdursing	301040097	P. Churdursing
✓	Justin Wong	200105374	Justin Wong
✓	Marcus Pang	301031067	Marcus Pang
✓	Chris Sandhu	200090172	Chris Sandhu
✓	Natalie Bocking	301047502	Natalie Bocking
✓	Karen Tsai	200136534	Karen Tsai
✓	Lindsay Hinrichsen	301013127	Lindsay Hinrichsen
✓	Neil Canuel	953014975	Neil Canuel
✓	Christy Jung	200137850	Christy Jung
x	Steve Chia	301063490	Steve Chia
✓	Anna Belkue	200015421	Anna Belkue

PETITION

We the undersigned students of Simon Fraser University and members of the Simon Fraser Student Society are requesting that a Referendum be held at Simon Fraser University to consider the following questions:

1. Do you wish to remain a member of the Canadian Federation of Students?

2. If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do you agree that the former CFS semesterly membership fees of \$7.62 per full-time student, or \$3.81 per part-time student, should be redirected into a Society Development Fund? This will result in no overall fee increase for students.

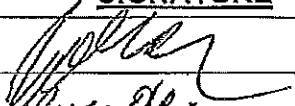
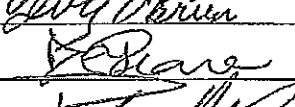
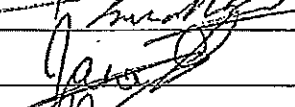
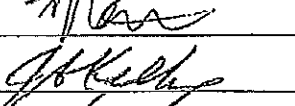
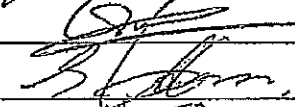
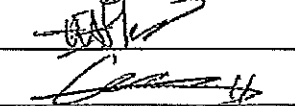
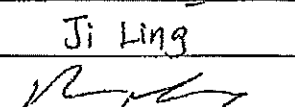
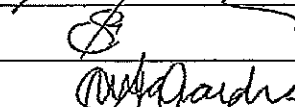
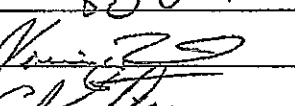
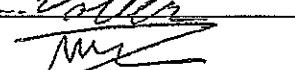



<u>NAME</u>	<u>STUDENT NUMBER</u>	<u>SIGNATURE</u>
✓ Tyler Massé	200104239	
✓ Jeanne Kong	20011845	
✓ William Kim	301004097	
✓ Roger Yang	301048061	
✓ Robyn Thompson	301056800	
✓ Dina Chan	301042634	
✓ Jacob Post	301033025	
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
✓ Amanda van Boarsen	200121952	
✓ Glyn Lewis	200075320	
✓ Halimah Basrael	200122800	
✓ Jason Kwong	200093363	
✓ Keli Liang	301053714	
✓ Tie Gu	301046059	
✓ Li Xiang	301054384	
✓ Sarah Leslie	301074105	
✓ Harry Tsou	301040969	
✓ Vincent Orhei	301061763	

PETITION

We the undersigned students of Simon Fraser University and members of the Simon Fraser Student Society are requesting that a Referendum be held at Simon Fraser University to consider the following questions:

1. Do you wish to remain a member of the Canadian Federation of Students?

2. If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do you agree that the former CFS semesterly membership fees of \$7.62 per full-time student, or \$3.81 per part-time student, should be redirected into a Society Development Fund? This will result in no overall fee increase for students.

<u>NAME</u>	<u>STUDENT NUMBER</u>	<u>SIGNATURE</u>
✓ Sack Boates	200052872	
✓ Euy O'Brien	301074797	
✓ Dami Olarewaju	301009913	
✓ Patrick Larivière-Wockle	301012209	
✓ Jason Chan	30108099	
✓ Nan Altaba	2001051	
✓ Allan Kelly	773030424	
✓ Wisnu Aditya	301050473	
✓ Hank Song	301021771	
✓ Yukie Sezto	301038331	
✓ Leon Li	301032856	
✓ Jessica Ji	301063136	Ji Ling
✓ Raven Sawyer	200079332	
✓ Evan Bleker	301011141	
✓ Smyla Chandra	301046075	
✓ Veronique Vachon	301016484	
✓ Carrie Ann Vetter	200070597	
✓ Shawn Ten	301039884	

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<input type="button" value="Personal"/>		<input type="button" value="Business"/>	

Home > Online Tools

Track a Package

Detailed Item Information

Item Number: 0101490000027530
 Product Type: Regular Parcels
 Service Standard Delivery Date: 2007/08/28

Date of Event	Time of Event	Location	Description	Retail Location	Signatory Name
2007/08/27	11:58	VANCOUVER, BC	Item was refused by Receiver and will be returned to Sender		
2007/08/27	08:17	VANCOUVER, BC	Item out for delivery		
2007/08/24	18:27	RICHMOND, BC	Item accepted and entered into sortation plant		
2007/08/24	14:20	BURNABY, BC	Item accepted at the office		

Shipping Options and Features for this Item:
 Signature Required

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This is Exhibit "D" referred to in the affidavit of DERRICK HARDER sworn before me at Vancouver this 14 day of SEPTEMBER 2008

A Commissioner for taking Oaths in the Province of British Columbia

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WEBPAGE PRINTOUT SHOWING THAT THE PETITION SENT TO THE CFS PROVINCIAL OFFICE WAS REFUSED.

AUGUST 28/07

Derrick Harder c/o

Simon Fraser Student Society

MBC 7250

8888 University Drive

Burnaby, BC

V5A 1S6

Rejected Parcel

Refused
7/10/1

Shamus Reid c/o




Canadian Federation of Students

Suite 250-1385, 8th Ave W

Vancouver, BC

V6H 3V9

025

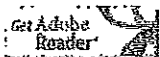
					
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Home > Online Tools					
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Detailed Item Information[Search Again](#) [Print](#)

Item Number: 0101490000027790
Product Type: Xpresspost
Service Standard Delivery Date: 2007/09/05

Date of Event	Time of Event	Location	Description	Retail Location	Signatory Name
2007/09/05	12:55	VANCOUVER, BC	Item successfully delivered to Receiver		
2007/09/05	12:55		Signature image recorded for Online viewing		TR
2007/09/05	07:03	VANCOUVER, BC	Item out for delivery		
2007/09/04	18:27	RICHMOND, BC	Item accepted and entered into sortation plant		
2007/09/04	12:09	BURNABY, BC	Item accepted at the Post office		

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Personal

Business

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Detailed Item Information

SEARCH AGAIN

BACK

Item Number: 58178807000

Product Type: Xpresspost

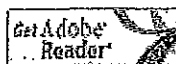
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2007/08/27	AM	OTTAWA, ON	Item successfully delivered		
2007/08/27	07:16	OTTAWA, ON	Item out for delivery		
2007/08/27			Signature image recorded for Online viewing		
2007/08/24	14:31	BURNABY, BC	Item accepted at the Post office		

Shipping Options and Features for this Item:

Signature Required

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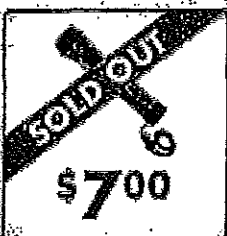
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VIEW TODAY'S DEAL

simon fraser student society

canadian federation of students local 23

mbc 2250, simon fraser university, 8888 university drive
coast salish territory, burnaby, bc, v5a 1s6
tel: 778.782.3870 fax: 778.782.5843
www.sfss.ca



November 5, 2007

To Amanda Aziz, National Chairperson, Canadian Federation of Students

You have now received both our Petition and our accompanying notarized Notice of Defederation in accordance with the relevant National bylaws. It is our intention that the March referendum be conducted in a manner that is efficient, transparent and fair. Acting in compliance with CFS Bylaw 2.4 and the Simon Fraser Student Society bylaws, we have scheduled the referendum for March 18th-20th, at the same time as the SFSS elections. To that end, we have enclosed with this letter a proposed procedure that we hope will allow the election and referendum to take place simultaneously, without the efficiency or integrity of either being compromised.

To the extent possible, our procedure is consistent with both the CFS and SFSS Bylaws. The procedure also attempts to resolve potential difficulties not addressed in either the SFSS or CFS bylaws.

One of the key elements of our proposed procedure is a mechanism for resolving disputes that might arise either within the Oversight Committee ("OC"), or between the OC and the Independent Electoral Commission ("IEC") required under the SFSS bylaws. As matters now stand, there is no procedure in place for resolving deadlocks within the four-person OC, and neither the SFSS nor CFS bylaws address the relationship between the IEC and OC. Amongst other things, our procedure proposes the appointment of a neutral third party arbitrator to be agreed upon by the CFS and SFSS.

We ask that you please provide us with any comments concerning this proposed procedure by Tuesday, November 27th, 2007. As I am sure you will agree, it is in everyone's best interests that any issues concerning the procedures be resolved well in advance of the referendum.

The SFSS has paid all its fees to the National CFS and, as agreed upon by External Relations Officer Amy Fox and former BC-CFS chair Scott Payne, the SFSS will pay all outstanding fees to the BC- CFS upon receipt of the BC-CFS audited financial statements.

We look forward to hearing from you. Please do not hesitate to contact me at 778.782.6564 should you have any questions or concerns.

Sincerely,

Derrick Harder, President
Simon Fraser Student Society

This is Exhibit E referred to in
the affidavit of DERRICK HARDER
sworn before me at VANCOUVER
this 14 day of SEPTEMBER 2008

A Commissioner for taking Oaths in the
Province of British Columbia

simon fraser student society
canadian federation of students local 23
mbc 2250, simon fraser university, 8888 university drive
coast salish territory, burnaby, bc, v5a 1s6
tel: 778.782.3870 fax: 778.782.5843
www.sfss.ca



PROPOSED PROCEDURES FOR DEFEDERATION REFERENDUM

DEFINITIONS

1. In these Procedures, the following definitions apply:
 - (a) **Arbitrator** means the Arbitrator appointed pursuant to paragraph 14 of these Procedures.
 - (b) **CFS** means the Canadian Federation of Students, and includes both the national and provincial branches of the Canadian Federation of Students.
 - (c) **IEC** means the Independent Electoral Commission formed pursuant to Bylaw 14 of the Simon Fraser Student Society Bylaws.
 - (d) **OC** means the Oversight Committee formed pursuant to Bylaw 2 of the CFS National Bylaws and these Procedures.
 - (e) **SFSS** means the Simon Fraser Student Society.

NOTICE

2. On or before 18 September 2007, SFSS shall deliver a Petition, signed by at least 10% of its members, asking for a referendum on the issue of Defederation (the "Defederation Referendum") to the head office of the CFS.
3. On or before 18 September 2007, the SFSS shall deliver a Notice to the head office of the CFS indicating that it intends to hold a Defederation Referendum.
4. The Notice shall include the exact dates and times of the vote on Defederation and be delivered by registered mail.

5. The question appearing on the ballot for the Defederation Referendum shall be as set out in the Petition.

DATE OF REFERENDUM

6. The Referendum shall be held on March 18th, 19th, and 20th, 2008, between 9:30 a.m. and 7:30 p.m.

OVERSIGHT COMMITTEE

7. An OC shall be created consisting of two members selected by the CFS and two members selected by the SFSS.
8. The OC shall keep Minutes of its meetings and shall keep a copy of the Minutes on the SFSS website.
9. All nominees for the OC and IEC shall be active members in good standing of the SFSS, other than members of Forum or the SFSS Board.
10. The OC shall work with the IEC to ensure that the Defederation Referendum and campaign are conducted in a manner that is transparent, fair and efficient.

Comment: See SFSS Bylaws 14(7) and 17(5)

11. The IEC and OC shall report on the conduct of the campaign and refer the results of the Defederation Referendum to the Board of Directors of the SFSS for ratification.

Comment: See SFSS Bylaw 17

12. Subject to paragraph 13, the OC and IEC may jointly make amendments to these procedures or add any procedures necessary to ensure a transparent, fair and efficient Defederation Referendum, so long as the proposed amendment or procedure is not inconsistent with the Bylaws of the SFSS. No amendment or new procedure will be valid until it has been consented to in writing by both the OC and IEC.
13. Notwithstanding paragraph 12, the OC and the IEC shall not make amendments or additions with respect to the following:

- (a) the date and time of the Defederation Referendum(paragraph 6);
 - (b) the location of the polling stations for the Defederation Referendum (paragraph 26);
 - (c) the wording of the ballot for the Defederation Referendum (paragraph 5);
 - (d) the right of the OC and the IEC to have scrutineers present at the polling stations (paragraph 29); or
 - (e) the role of the SFSS Board in ratifying the results of the election and Decertification Referendum vote (paragraph 11).
14. On or before 7 January 2008, the OC and IEC shall jointly appoint an Arbitrator who shall have the powers and duties set out in these Procedures. If the OC and IEC have not appointed an Arbitrator by 7 January 2008, the Arbitrator shall be appointed by the Registrar of Simon Fraser University.
15. In order to ensure that the elections and Referendum Campaign proceed smoothly, the OC and IEC shall make best efforts to resolve any procedural issues that arise during the Defederation Referendum campaign or vote. Subject to paragraph 16, if either the OC or the IEC are of the opinion that any issue that arises during the campaign or vote cannot be resolved jointly by the OC and the IEC in a timely fashion, that party may refer the issue to the Arbitrator, whose decision shall be binding.
16. At the close of the Referendum, the Arbitrator shall provide the Board with a report concerning any issues he or she considered and decisions he or she made. The Board shall consider the Arbitrator's Report and recommendations of the OC and IEC in determining whether or not to ratify the Defederation Referendum.

CAMPAIGNING

17. Campaigning shall be open for no less than two weeks prior to the Defederation Referendum.

18. Campaigning shall be limited to members and representatives of the SFSS and members and representatives of the CFS.
19. All campaign posters and related paraphernalia shall be removed on or before 12:01 am on 18 March 2008.
20. Literature circulated in the course of the campaign shall not be libelous or discriminatory.
21. The OC and IEC may review all materials relating to the Defederation Referendum to ensure that they are not libelous or discriminatory. If either of the OC or the IEC considers that material is libelous or discriminatory and the other party does not agree, the parties shall refer the matter to the Arbitrator pursuant paragraph 15* of these Procedures.

QUORUM AND MAJORITY VOTE

22. The Defederation Referendum vote shall have no effect unless at least 5% of the members of the SFSS have voted in the Defederation Referendum.
23. The resolution in favour of Defederation shall pass if a simple majority of the members who voted in the Defederation Referendum vote in favour of Defederation.

VOTING

24. There shall be less no less than 16 hours of polling on March 18-20, 2008.
25. The polling shall take place at the following polling stations:
 - (i) Three polling stations at SFU Burnaby (one in the foyer of the library, one located at the south-east corner of the Academic Quadrangle, and one across from Ravens Cafeteria in the West Mall Center);
 - (ii) One polling station in the foyer of SFU Surrey, and
 - (iii) One polling station in the foyer of SFU Harbour Center.

Comment: These are the sites that are traditionally used in SFSS elections and referenda They were selected on the grounds that they were visible and

known sites and most likely to attract eligible voters, and have worked in the past.

26. Polling stations shall provide a private area in which ballots shall be marked.
27. The OC and IEC shall oversee the voting on 18-20 March 2008. The OC and IEC may delegate the task of supervising the polls to paid SFSS students who shall be hired by both the OC and IEC and report to both the OC and IEC.
28. The CFS and SFSS may each have a scrutineer present during polling and the counting of the Defederation Referendum ballots. Scrutineers shall not attempt to influence voters or determine how members voted.

OFF CAMPUS MEMBERS

29. The IEC shall contact all members of the Society designated as "off-campus" for whom it has email addresses, to inform them of the election and any referenda, including the Defederation Referendum, and ask them if they intend to participate. The IEC shall send each individual who indicates that he or she intends to vote in the election and/or referendum a copy of the ballots by registered mail no later than four weeks before the date of the Defederation Referendum, with instructions that only those sealed ballots that are returned the chair of the IEC before 7:30 p.m. on 20 March 2008 will be included in the count.

Comment: We have left this task to the IEC since it is required to do it for SFSS elections

30. Members shall be considered "off campus" if they are registered in courses or programs designated by the University as "off-campus" and are not registered in courses that are held at any campus where a polling station is present.

COUNTING THE BALLOTS

31. The IEC shall seal the ballot boxes upon close of the voting. Members of the OC may be present when the boxes are sealed.

32. The IEC shall count the ballots and tally the results of the Defederation Referendum. Members of the OC may be present when the ballots are counted.

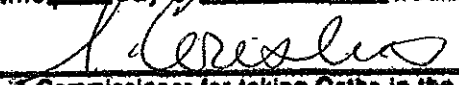
33. The IEC may use an electronic means to tally the results of the Defederation Referendum.

Comment: The IEC traditionally uses a Scantron machine to count the ballots since it provides a secure and impartial means of counting ballots. The IEC and the Oversight Committee can both be present when the Scantron does the count.

34. The OC or IEC may request a recount of the ballots cast in the Defederation Referendum within 72 hours of the polls closing.

35. The ballots will be kept for 30 days following the close of the polls or as required by law.



This is Exhibit "F" referred to in
the affidavit of DERICK HARDER
sworn before me at Vancouver
this 14 day of SEPTEMBER 2008

A Commissioner for taking Oaths in the
Province of British Columbia

December 3, 2007

Dear Mr. Harder,

I am writing in response to your letter dated November 5, 2007 and received in my office on November 13. As I believe you are aware, ten percent of the members of the Simon Fraser Student Society petitioned for a referendum on the question of continued membership in the Canadian Federation of Students.

As outlined in Bylaw 1.6.f., a Referendum Oversight Committee is struck and charged with the responsibility of preparing the rules that will govern a referendum and executing said referendum. Sole authority for the referendum rests with this Referendum Oversight Committee.

At its fall meeting, the National Executive selected the Federation's members of the Referendum Oversight Committee. National Treasurer Ben Lewis and Director of Organising Lucy Watson will be the Federation's representatives. I have taken the liberty of forwarding them your letter. Please advise them as to who will be representing the Simon Fraser Student Society on the Committee.

Finally, I cannot comment on the status of the remittance of the membership fees collected from Simon Fraser University students and held in trust by the Simon Fraser Student Society for the Canadian Federation of Students-British Columbia. I suggest that you communicate directly with that organisation.

Regards,



Amanda Aziz
National Chairperson

cc. Ben Lewis, Federation Representative on the Referendum Oversight Committee
Lucy Watson, Federation Representative on the Referendum Oversight Committee

simon fraser student society

canadian federation of students local 23

mbc 2250, simon fraser university, 8888 university drive
 coast salish territory, burnaby, bc, v5a 1s6
 tel: 778.782.3870 fax: 778.782.5843
 www.sfss.ca



January 10, 2008

To: Amanda Aziz, National Chairperson, Canadian Federation of Students.

I am happy to inform you that on January 9th, 2008, our Board of Directors appointed Mike Letourneau and Kyall Glennie as the Society's representatives to the Referendum Oversight Committee. Both Mike and Kyall are active members in good standing of the Society. As we do not have contact information for your representatives, and have not been contacted by them since their appointment, I trust that you will be able to forward this letter on to them. I will be happy to supply contact information for our representatives upon request.

It is my sincere hope that one of the first tasks of the Referendum Oversight Committee will be a thorough review of the draft procedures that we submitted to you in November. As I have stated previously, I believe that we both have a sincere interest in a referendum that is conducted transparently, efficiently, and fairly. The interests of our membership should be paramount through this process, and it is therefore incumbent upon us to develop as smooth and transparent a process as possible, that satisfies the relevant bylaws as well as the principles of democracy.

I trust that the Referendum Oversight Committee will manage to make contact and convene shortly. Again, we are concerned that discrepancies in procedure that are not resolved now could become problematic in the future; this would obviously not be in anyone's interests.

As ever, if you have any questions or concerns, please do not hesitate to contact me at 778.782.6564. I look forward to hearing back from you.

Sincerely,

Derrick Harder, President
 Simon Fraser Student Society

This is Exhibit "G" referred to in
 the affidavit of DERRICK HARDER
 sworn before me at VANCOUVER
 this 14 day of SEPTEMBER 2008

[Signature]
 A Commissioner for taking Oaths in the
 Province of British Columbia

PROPOSED REFERENDUM QUESTION

Referendum Oversight Committee

2008/02/11

Are you in favour of maintaining formal relations with the students who are members of the following students' unions:

University of British Columbia Students' Union-Okanagan

Camosun College Student Society

Capilano Students' Union

Downtown (City Centre) Campus Students' Union

Douglas Students' Union

Emily Carr Students' Union

Broadway (King Edward) Campus Students' Union

Malaspina Students' Union

College of New Caledonia Students' Union

North Island Students' Union

Northwest Community College Students' Association

Okanagan College Students' Union

College of the Rockies Students' Union

Selkirk Students' Association

Simon Fraser Student Society

Thompson Rivers University Students' Union

University of Victoria Graduate Students' Society

University of Victoria Students' Society

Alberta College of Art and Design Students' Association

University of Calgary Graduate Students' Association

First Nations University of Canada Students Association

University of Regina Students' Union

University of Saskatchewan Graduate Students' Association

University of Saskatchewan Students' Union

Brandon University Students' Union

University of Manitoba Graduate Students' Association

University of Manitoba Students' Union

Association étudiante du Collège universitaire de Saint-Boniface

University of Winnipeg Students' Association

Algoma University Students' Association

Atkinson Students' Association

Brock University Graduate Students' Association

Carleton University Graduate Students' Association

Carleton University Students' Association

Association étudiante de La Cité collégiale

Student Association of George Brown College

Glendon College Students' Union / Association des étudiants du Collège

Glendon

University of Guelph Central Student Association

University of Guelph Graduate Students' Association

Lakehead University Student Union

Laurentian Association of Mature and Part-Time Students

Laurentian University Graduate Students' Association

This is Exhibit "H" referred to in
the affidavit of DERRICK HARDEE
sworn before me at Vancouver
this 14 day of September 2008

[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

Laurentian University Students' General Association
 Association des étudiantes et étudiants francophones de l'Université
 Laurentienne
 McMaster Graduate Students' Association
 Nipissing University Student Union
 Ontario College of Art and Design Student Union
 University of Ottawa Graduate Students' Association des étudiant(e)s
 diplômé(e)s de l'Université d'Ottawa
 Queen's University Society of Graduate and Professional Students
 Continuing Education Students' Association of Ryerson
 Ryerson Students' Union
 Saint Paul University Students' Association
 Scarborough Campus Students' Union
 LUniversity of Toronto Graduate Students' Union
 Association of Part-Time Undergraduate Students of the University of Toronto
 University of Toronto Students' Union
 Trent Central Student Association
 Trent University Graduate Students' Association
 University of Western Ontario Society of Graduate Students
 Wilfrid Laurier University Graduate Students' Association
 University of Windsor Graduate Student Society
 University of Windsor Students' Alliance
 University of Windsor Organization of Part-time University Students
 York Federation of Students
 York University Graduate Students' Association
 Concordia Student Union
 Concordia University Graduate Students' Association
 Dawson Student Union
 Post-Graduate Students' Society of McGill University
 University of New Brunswick Graduate Students' Association
 Holland College Student Union
 University of Prince Edward Island Graduate Student Association
 University of Prince Edward Island Student Union
 Cape Breton University Students' Union
 Dalhousie Association of Graduate Students
 University of King's College Students' Union
 Mount Saint Vincent University Students' Union
 Student Union of NSCAD University
 Association générale des étudiants de l'Université Sainte-Anne
 Newfoundland and Labrador / Terre-Neuve et Labrador
 Grénfell College Student Union
 Marine Institute Students' Union
 Graduate Students' Union of the Memorial University of Newfoundland
 Memorial University of Newfoundland Students' Union
 College of the North Atlantic Students' Union

Yes OR No

038

simon fraser student society
canadian federation of students local 23

mbc 2250, simon fraser university, 8888 university drive
coast salish territory, burnaby, bc, v5a 1s6
tel: 778.782.3870 fax: 778.782.5843
www.sfss.ca

COPY



This is Exhibit "1" referred to in
the affidavit of DERRICK HARDEK

sworn before me at Vancouver
this 14 day of September 2008

[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

February 20, 2008

To: Amanda Aziz, National Chairperson, Canadian Federation of Students.

In follow-up to our brief conversation by phone this morning, I'd like to outline several concerns that I have with the process that has developed, especially considering the short amount of time remaining before the referendum.

I understand that a dispute has developed at the Oversight Committee over the dates of the Referendum, despite the fact that the SFSS gave notice of the March 18th, 19th, and 20th 2008 dates in accordance with the Federation's bylaws in August of 2007. There was no defect in the notice as delivered, and no concerns were raised by your office until this month. We have every intention of proceeding with a referendum on the dates as stated in our notice.

While a similar dispute has been resolved around the question that was submitted with the aforementioned notice in August 2007, the fact remains that the Federation representatives to the Oversight Committee have challenged both the question and the dates of the referendum at a very late date, despite our adherence to the required notice and repeated attempts to clarify the process. That these disputes have developed indicates a lack of respect for the Federation's own bylaws and the thousands of SFU students who signed the petition calling for a referendum.

In addition, I have significant concerns over the makeup of the Oversight Committee. While you have assured me that Lucy Watson, national Director of Organisation and one of the Federation's two representatives to the Oversight Committee, is not involved in the Federation's campaign, a leaked document from the CFS-BC office suggests that she is deeply involved in the planning and execution of the campaign. Further, Ms. Watson was the intended recipient of this document, which contained a comprehensive list of volunteers and campaign-related tasks. I am sure that I do not need to elaborate on how problematic it is to have the same person responsible for the development of a campaign and also responsible for the neutral oversight of the process, including the resolution of campaign-related disputes. Such a blatant conflict of interest calls into question the Federation's commitment to a fair and transparent process, and I would ask that Ms. Watson be replaced on the Committee, lest its integrity become irrevocably compromised.

The Oversight Committee has also run into problems over the lack of a representative from the CFS-BC component. I understand that many issues that have been raised at the Committee have been subsequently deferred, due to a claimed lack of knowledge on the part of the Federation's representatives as to the activities of the CFS-BC Executive Committee. I would ask that Ms. Watson's replacement on the committee be a member of the CFS-BC executive committee, so that both the national and provincial components are represented.

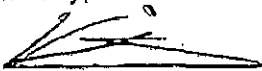
I would note that the Student Society did anticipate these problems, and made attempts through the Fall of 2007 to develop a process for this referendum that would be fair, transparent, faithful to all relevant bylaws, and most importantly conducive to a democratic decision. The Oversight Committee, as currently constituted in the Federation's own bylaws, has no dispute resolution mechanism, which is obviously problematic where there is an even number of members and no 'tie-breaker vote.' Should the

039

Committee prove unable to come to a consensus on any crucial issue, it is unclear how the Referendum can proceed under the oversight of this structure. As I have stated previously, I believe that we both have a sincere interest in a referendum that is conducted transparently, efficiently, and fairly.

As ever, if you have any questions or concerns, please do not hesitate to contact me at 778.782.6564. Given our proximity to the referendum dates, I would request a written response within one week, and by next Thursday, February 28th at the latest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick Harder', with a stylized flourish at the end.

Derrick Harder, President
Simon Fraser Student Society

Referendum Campaign Plan and Tasklist

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 2008

This is Exhibit "J" referred to in
the affidavit of TERRICK HARDER
sworn before me at Vancouver
this 14 day of September 2008

Logistics

DESCRIPTION	DEADLINE	RESPONSIBILITY	COMPLETED
1 Campaigners and Poll Clerks <ul style="list-style-type: none"> Determine 1st string campaigners Determine SFU campaigners Determine who is available to work as poll clerks Brainstorm list of 2nd string campaigners Coordinate/facilitate meeting with Yes campaigners Develop workshop proposals and division of labour for organising meeting 	January 28, 2008 January 28, 2008 January 28, 2008 January 28, 2008 February 19, 2008 February 19, 2008	Commissioner for taking Oaths in the Province of British Columbia McFadyen, Reid, etc. All All McFadyen, Reid McFadyen, Reid, Watson	
2 Travel Arrangements <ul style="list-style-type: none"> Arrange for other flights and flight authorisations Arrange for rental vehicle, determine if second vehicle is required 	February 11, 2008 February 25, 2008	Grof, Watson Grof	
3 Accommodation <ul style="list-style-type: none"> Determine billeting options Determine hotel options Book accommodation/make billing arrangements 	February 4, 2008 February 4, 2008 February 20, 2008	McFadyen, Reid, Grof Grof Grof, Watson	
4 Research/Statistics <ul style="list-style-type: none"> Determine institution's demographics i.e. International, Aboriginal, women/men Determine enrolment at each campus Determine enrolment figures for each faculty Quantify savings with Federation-handbook, Ssaver, health plan 	February 4, 2008 February 4, 2008 February 4, 2008 February 4, 2008	McFadyen, Reid McFadyen, Reid McFadyen, Reid Grof	
5 Printing Options <ul style="list-style-type: none"> Get BC office copiers serviced/ensure 24-7 access to a second copier Determine in town printing options for leaflet Determine in town printing options for banners Determine 24-hour copying options 	February 29, 2008 February 4, 2008 February 4, 2008 February 29, 2008	Grof Grof Grof Grof	completed
6 Translation <ul style="list-style-type: none"> Secure translation English-Punjabi Secure translation English-Mandarin Secure translation English-Cantonese Secure translation English-Korean Secure translation English-Japanese Secure translation English-Spanish (Filipino) 	February 4, 2008 February 4, 2008 February 4, 2008 February 4, 2008 February 4, 2008 February 4, 2008	McFadyen, Kim McFadyen, Kim McFadyen, Kim McFadyen, Kim McFadyen, Kim McFadyen, Kim	

Campaign Tactics

DESCRIPTION	DEADLINE	RESPONSIBILITY	COMPLETED
1 Information Table <ul style="list-style-type: none"> Confirm the availability of space and make any necessary bookings Determine the materials to be used, and the activity to occur, at the information table 	January 28, 2008 February 20, 2008	McFadyen, Reid McFadyen, Reid, Watson	
2 Classroom Speaking <ul style="list-style-type: none"> Secure maps of campus Secure the class schedules for SFU Develop a classroom speaking schedule Prepare a classroom speaking script 	January 25, 2008 January 25, 2008 February 4, 2008 February 20, 2008	Bratton Reid, Bratton McFadyen, Reid (Bratton?) McFadyen, Reid, Watson	completed
3 Website <ul style="list-style-type: none"> arrange for website redesign (Biro Comm.) determine availability of anti-CFS domain names and secure update website 		McFadyen, Reid Reid McFadyen, Reid	
4 Listserves <ul style="list-style-type: none"> Determine status of faculty, departmental, clubs listserves & create list Identify supporters on listserves Federation listserve and electronic strategy 	January 28, 2008 January 28, 2008	McFadyen, Reid McFadyen, Reid McFadyen, Reid, Watson	

Referendum Campaign Plan and Tasklist

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 2008

5 Letters of Support			
• prepare letter of support from University of Victoria Students' Society	February 25, 2008	McFadyen	
• prepare letter of support from x	February 25, 2008		
• prepare letter of support from x	February 25, 2008		
• prepare letter of support from x	February 25, 2008		
• prepare letter of support from University of Manitoba Students' Union	February 25, 2008	Aziz, Watson	
• prepare letter of support from University of Winnipeg Students' Union	February 25, 2008	Watson, Carlyle	
• prepare letter of support from University of Toronto Students' Union	February 25, 2008	Duff, McFadyen	
• prepare letter of support from Carleton University Students' Association	February 25, 2008	Duff, McFadyen	
• prepare letter of support from Memorial University Students' Union	February 25, 2008	McFadyen, Giroux-Bougard	
• prepare letter of support from Sierra Youth???	February 25, 2008	Aziz	
• prepare letter of support from CAUT	February 25, 2008	Aziz, Boyko	
6 Residences			
• Determine rules, if any, about campaigning in residence	January 28, 2008	Bratton, McFadyen, Reid	
• Determine if mass voicemail system for all residence students exists	January 28, 2008	Bratton, McFadyen, Reid	
• Determine names and contact info. for dons/resident assistants in each residence	January 28, 2008	Bratton, McFadyen, Reid	
• Determine names and contact information for supportive students in residence	February 11, 2008	Bratton, McFadyen, Reid	
7 Other Outreach			
• Connect with Hillel	February 4, 2008	Farrington, Watson	
• Determine the student clubs/organisations and for when any upcoming meetings	February 4, 2008	Bratton, McFadyen, Reid	
• Identify supportive faculty members, teaching assistants	February 4, 2008	Bratton, McFadyen, Reid	
• Determine location of student mailboxes (departmental etc.)	February 4, 2008	Bratton, McFadyen, Reid	
8 Promotion of the ISIC			
• Determine the air and surface travel discounts available with the ISIC in BC	February 4, 2008	Grof	
• Get ISIC statistics for SFU students	n.a.	Grof, Lewis	completed
• ensure adequate supplies of film and application forms (2500)	February 18, 2008	Grof	
9 Campus Media			
• Determine rate costs, publication dates, ad copy and required format deadline for	February 4, 2008	McFadyen, Reid	
• Book advertising space in the student newspaper		McFadyen, Reid	
• Design, layout and send advertisement(s) for the student newspaper		McFadyen, Reid (BIRO)	
• Determine the deadline for and policy related to 'letters to the editor'	January 25, 2008	McFadyen, Reid	
• Campus Radio - line up interviews re: referendum and campaign issues (pre-ref.)	February 25, 2008	McFadyen, Reid	
• Propose to the radio station that A. Aziz be interviewed on a current affairs show		McFadyen, Reid	
10 Community/Dailies Advertising			
• Determine rate costs, publication dates, ad copy deadline and required format for	February 4, 2008	McFadyen, Reid	
• Assess the value of purchasing space in the community paper and book if necessary	February 4, 2008	McFadyen, Reid, Watson	
• Design, layout and send advertisement(s) for the community newspaper	February 29, 2008	McFadyen, Reid (BIRO)	
• Determine value and availability of public service announcements on radio, TV	February 4, 2008	McFadyen, Reid	
• Get coverage of PSE/student issues in Metro/24 Hours	February 4, 2008	McFadyen, Reid	
• Purchase ads in Metro/24 Hours	February 29, 2008	McFadyen, Reid	

SUMMER/SHAMUS. PLS. COMPLETE

Referendum Campaign Materials

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 2008

Materials

DESCRIPTION	DEADLINE	RESPONSIBILITY	COMPLETED
1 Production of the Primary Pamphlet (17"x11" - 3 panel/2 fold) <ul style="list-style-type: none"> Determine appearance (colour scheme, etc.) and general content (messaging, tone) Complete all text for the pamphlet Write new letter Complete the design and layout of the pamphlet Determine deadlines for the printing of the pamphlet Arrange for the printing of the pamphlet Arrange for pick-up 	February 4, 2008 February 4, 2008 ##### February 4, 2008	All McFadyen, Reid McFadyen, Reid McFadyen, Reid (BIRO) Grof Grof Grof	
2 Production of Banners <ul style="list-style-type: none"> Banners: determine placement and reserve space if necessary Banners: determine dimensions and number to be prepared Banners: purchase cloth and develop transparency Banners: organise painting party with volunteers 	##### ##### ##### #####	McFadyen, Reid McFadyen, Reid, Watson McFadyen, Reid McFadyen, Reid	
3 Posters (colour - 11"x17") <ul style="list-style-type: none"> Determine general appearance and messages Prepare drafts of the posters Print and ship posters 		All McFadyen, Reid n.a.	
4 Buttons <ul style="list-style-type: none"> Determine feasibility of buttons Design buttons (if required) Order buttons (if required) 	February 4, 2008 February 4, 2008 February 4, 2008	McFadyen, Reid, Watson McFadyen, Reid (BIRO) McFadyen, Reid	
5 Website/Web Presence <ul style="list-style-type: none"> Update "Vote Yes" website 	February 4, 2008	McFadyen, Reid (BIRO)	
6 Production of Other Materials (incl. Constit.) <ul style="list-style-type: none"> Other "outside the box" materials Reprint bus pass holders Develop Aboriginal fact sheet (PSE) Reprint Stolen Sisters materials Develop International students handbill Develop enviro. specific materials (letter from Sierra Club-Aziz, etc.) Develop residence specific materials (handbill, door hangers) Develop text message for 1st & 2nd year students-develop strategy for dist. Develop "vote today" flyer 	##### ##### ##### February 4, 2008 February 4, 2008 February 4, 2008 ##### #####	All McFadyen McFadyen, Reid Aziz Watson McFadyen, Reid McFadyen, Reid (+ BIRO) McFadyen, Reid McFadyen, Reid (BIRO)	
7 Materials for the Information Table <ul style="list-style-type: none"> Determine the number of domestic guidebooks required and ship Determine the number of international guidebooks required and ship Gather, review and organise video tapes to be used at the information table Arrange for television and VCR for use at the information table Determine and gather fact sheets for info table 	February 11, 2008 February 22, 2008	Grof Grof Grof, Marciniak/Lisman Bratton Bratton, McFadyen, Reid	

Anti-Fed. Materials

1 General Preparation <ul style="list-style-type: none"> Identify possible anti-Federation arguments/players 		All	
2 Production of Materials <ul style="list-style-type: none"> Prepare pamphlet (myth/fact) Prepare cost/benefit analysis Prepare point/counter point speaking notes for YES campaigners Prepare op ed pieces 		McFadyen, Reid McFadyen, Reid McFadyen, Reid	

DESCRIPTION	RESPONSIBILITY	COMPLETED	NOTES
Display board Programmes backdrop for display board ISIC Printer & Labels Laptop computer for Issuing ISICs ISICards - 500 ISIC applications forms			

ISIC posters Fuji Instax camera Film for Fuji Instax camera - 50 packs of 10 shot film SWAP brochures (30) Student Traveller (30) Bylaws Budget (national and BC)-November 20 Financial Statements (10 copy) National campaigns strategy (25 copies Press Clippings-November 2007 + updated (25 copies ea.) National Executive Report-May 2007, Nov. 2007 (25 copies ea.)			
Submission to Standing Committee on Finance (5 copies) Research Digest (15 copies) Backgrounder: Federal Budget (50 copies) Backgrounder: Debt Clock (50 copies) Factsheet: Tuition Fees (100 copies) Factsheet: International students (25 copies) Factsheet: ICLRs (50 copies) Factsheet: Dedsignation (50 copies) Factsheet: MSF (50 copies) Factsheet: RESP (50 copies) Factsheet: No means No (25 copies)			
Provincial Executive Committee Report Provincial lobby reports, media reports Provincial submissions to government Provincial issues backgrounder			

Stolen Sisters materials

Updated: Thursday, January 3, 2008

[illegible]

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

MONDAY		TUESDAY	WEDNESDAY	THURSDAY
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31				

1

Melissa	Sanderson	Tiffany	F/T employed with NDP, Bruce Ralson
Jeremy	Van Der Meer	Steve	
Niel	Moncton	Summer/Tiffany	
Nav	Dardi	Tiffany	Speaks Punjabi, lives in Surrey
Heidi	Taylor	Summer	lives in Surrey, very unlikely
Jaime	Matten	Lucy/Michael	on campus at Uvic
Ryan	Lam	Joey	
Stephanie	Konefall	Steve	
Jeremy	Gervan	Summer	works full time as a social worker
Eileen	Mendez	Tiffany	works part-time, Mom (Childcare?)
Dave	Lubbers	Rob Nagai	
Rick	Powelson	Steve	
Sam	Hepell	Tiffany	UBC NDP Club
Jason	Yamashita	Summer	UBC Law student, speaks Japanese
Peter	Gill	Summer	former UCFV student now at SFU
Lee	Whitman	Steve	
Troy	Sebastien	Summer	
Lucas	Schuller	Summer	SFU Alumni, works f-t
Lisa	MacLeod	Summer	
Zahra	Habib	Lucy	F-T mom
Jason	O'Brien	Summer	works full time in Richmond... contacts?
Katie	Riecken	Michael	F/T at BCGEU as servicing Rep
Anita	Zaenker	Lucy	secondment?
Brandy	Zimmerman	Scott Payne	writing her first novel
Morgan	Stewart	Summer	F/T with NDP provincial office
Brenton	Walters	Summer	F/T organic foods
Nathan	Allen	Michael	F/T Portland Hotel Society
Am	Johal	Summer	would be good at Uvic Grads
Aaron	Ekman	Summer	
Linda	Szasz	Lucy	F/T mom... childcare?
Rose	Da Costa	Lucy	
Jenny	Kwan		contacts?
Libby	Davies		contacts?
Ashley	Niger		
Inderjit	Gil	Summer	speak Punjabi, lives in Surrey

Cara	Fisher	Lucy/Summer	
Lindsay	Borque	Steve	
Carly	Turner	Summer/Lucy	F/T mom... Childcare?
Penny	Beames	Scott/Shamus	
Jude	Coates	Scott	
Jason	Harman	Rob	
Heather	Cook	Rob	
Jonathan	Silvera	Rob	
Kiersten	Ballard	Summer	studying at Uvic
Tria	Donaldson	Dustin/Nathan	studying at TRU
Max	Harris	Dustin/Nathan	studying at TRU
Andrew	Bratton	Summer	studying at TRU
Janaina	Silvera	Rob	former KSA staffperson
Paul	Browning	Lucy	
Keetah	Eggers	?	
Jonny	Morris	Shamus?	
Obediay	Jones-Dareel	Tiffany	
Darcy	Lindberg		
Jonas	Gifford		
Miko	Ross	Summer/Rich	
Richard	Tones	Summer	
Christina	Clews	Tiffany	
Mike	White		secondment to SFU Kamloops?
Lindsay	Popes		Check your Head... studying masters of public policy SFU
Erin	Sikora	Shamus	F/T communications at BCGEU
Jason	Mann	Shamus	F/T organiser at BCGEU

BC: 2007-2008

Local	Union Name	Member	Level	Dawson					BC Week 1					BC Week 2					BC Week 3				
				Dates					March 3 to 7					March 10 to 14					March 17 to 21				
				M	T	W	R	F	M	T	W	R	F	M	T	W	R	F	M	T	W	R	F
	Vancouver Office	Summer McFayden	A																				
		Shamus Reid	A																				
		Dustin Grol	A																				
		Andrew Bratton	A																				
		Michlene Kim	B																				
		Melissa Ficke	B																				
		Mike White	A																				
3	UBC Okanagan	Rob Nagai	A																				
		Krystal Smith	B																				
		David Loppers	B																				
4	Selkirk Students' Union	Varenka Schwarz?																					
5	Capilano Students' Union																						
13	CNC Students' Union	Rebekah Keyes																					
		Valentine Crawford																					
15	TRU Students' Union	Nathan Lane																					
		Brent Dodge																					
		Tina Donaldson																					
		Max Harris																					
		Alex McLellan																					
		Jen Chan																					
		Kyle Bowman																					
		Blair Campbell																					
		Vanessa Hottel																					
18	Douglas Students' Union																						
23	Simon Fraser Student Society	Natalie Bocking																					
		Robyn Steudal																					
		Ravi Patel																					

Not available Sheridan Clemson

Stephanie Konefall

Stephanie Green

Bobby Chevarie

Steven Beasley

Heather Robinson

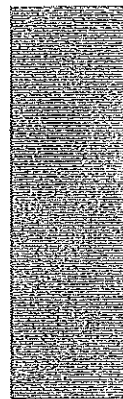


Jason Mann, Shift/IT organiser at BCGEU

Notes	Phone/Email
SFU	
Kwantlen	
SFU	
SFU	
Kwantlen	
SFU-North	
needs to go back for one day the week of the 14th, I'm not convinced it is a good idea to pull her from the local.	
???	
Aboriginal	
Punjabi, Hindi, Gujarati, Swahili	

former SFU student (2006)	
poll clerk	
former Teamster member, trades guy, 36 years old	
would like to Friday-Sunday (courses)	
Steve to follow-up	
250.797.1555	
Steve to follow-up	
emilygraceharrison@hotmail.com	
Pat Barbosa to follow-up	
Pat Barbosa to follow-up	
ISICS	
ISIC production	
BoG mtg on the 18th.	
Thai, Punjabi	
Mandarin	
Turcotte to follow-up	
Surrey, F/T employed with Bruce Ralston, NDP MLA	
Punjabi, Hindi: interested, need to schedule dates...778.891.3465	
works part-time, Mom (Childcare?)	





ON: 2006-2007

Local	Union Name	Member	Level	Dawson							BC Week 1							BC Week 2							BC Week 3						
				Dates							March 3 to 7							March 10 to 14							March 17 to 21						
				M	T	W	R	F	S	S	M	T	W	R	F	S	S	M	T	W	R	F	S	S	M	T	W	R	F	S	S
	Ontario Office	Jen Hassett	A																												
		Dave Wolennuis	A																												
		Joel Dull	A																												
		Jesse Greener	A																												
		Asnikon Hasnemi	A																												
		Christine Bourque	A																												
		Andrew Brett	B																												
1	Carleton Students' Association	Shirley Melanson	A																												
		Danielle Sampson	A																												
		Isaac Cockburn	B																												
		Briney Sinyun	B																												
		James Pratt	A																												
		Osmer Waynes	C																												
		Admin Assistant?	C																												
19	Toronto GSU	Rose Da Costa	A																												
		Wegnan Gallant	A+																												
		Gina Trubiani	C																												
		Alyson Stone	C																												
20	Nipissing University Student Union																														
24	Ryerson Students' Union	Nora Loreto	A																												
		Rebecca Rose	A																												
		Gina Drew	B																												
		Denise Hammond	A																												
		Roy Whitfield	B																												
		Muhammad Ali Jabbar	B																												
		Shania Nwira	C																												

[illegible]

[illegible]

Location	Name
18	Tiffany Kalanj
73/76	
103	Cathy Dawd
37	
N. Researcher	Stacey Mayhall
N. Admin/S'Saver	Dave Lubbers/Bretscher
N. Comm-Gov't-Camp	George Soule
N. General (2+)	Susan Hilts
E-ON Org.	Isaac Cockburn
Maritimes	Jen Hassum
Maritimes Comm-SUWS	Ben Lewis
ON-Services	Ken Marciniac
ON-Finance	Jen Stacey
SK/AB Organiser	
BC Staff (3)	Amanda Aziz
	Andrea Armborst
	Paul Bretscher
	Noah Stewart

Notes

Referendum Campaign Plan and Tasklist

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 2008

Voting

DESCRIPTION	DEADLINE	RESPONSIBILITY	COMPLETED
1 Polling <ul style="list-style-type: none"> • Determine location and number of polling stations • Secure voters list from SFU • Determine poll clerks for each station • Organise training session for clerks • Prepare voting guidelines/checklist • Design, layout and print the ballots for the referendum • Prepare polling station kits (guide, voters list, ruler, colour coded highlighter, envelope) • Determine inventory of ballot boxes and order additional boxes if necessary 			
2 Security/Counting <ul style="list-style-type: none"> • Determine secure location for ballot box storage 			



February 27, 2008

Derek Harder
President, Simon Fraser Student Society
MBC 2250 Simon Fraser University
8888 University Centre
Burnaby BC V5A 1S6

This is Exhibit "K" referred to in
the affidavit of Derek Harder
sworn before me at Vancouver
this 14 day of September 2008
A. Cressens
A Commissioner for taking Oaths in the
Province of British Columbia

Dear Mr. Harder,

I am in receipt of your letter dated February 20, 2008. I have provided a copy of your letter to the Federation-appointed members of the Oversight Committee as one of the issues that you raise speaks directly to their ongoing deliberations.

In your letter, you make reference to proceeding with a referendum. If you are referring to a referendum on continued membership in the Canadian Federation of Students, I must make it clear that the Simon Fraser Student Society does not conduct the referendum; the Federation does. As you are fully aware, the Bylaws of the Canadian Federation of Students govern the referendum process, including the right of individual members of the Federation to initiate a referendum on membership.

With respect to the accusations you make about Oversight Committee member Lucy Watson, they are based on false conclusions you have reached and are not supported by any evidence. As we have already discussed, Ms. Watson is not playing a role in the "development of the campaign," as you falsely assert in your letter.

Regarding your concern about the lack of involvement of Canadian Federation of Students-British Columbia representation in the conduct of the referendum, I suggest that you take the matter up with that organization.

Finally, I wish to assure you once again that the Canadian Federation of Students is committed to ensuring that the integrity of the referendum is protected and that it is conducted fairly, in a transparent and proper manner, and in accordance with the Bylaws. Any problems that arise within the referendum process are internal to the Canadian Federation of Students and will ultimately be dealt with by the members of the Federation represented by their unions.

Sincerely,

Amanda Aziz
National Chairperson

National Office • Bureau national
170, rue Metcalfe Street • 5th Floor/5^e étage • Ottawa, Ontario • K2P 1P3
Telephone/Téléphone: (613) 232-7394 • Fax/Télécopieur: (613) 232-0276 • www.cfs-fcee.ca

CALL TO ORDER – 3.30pm, Wednesday February 25th, 2008 This is Exhibit L "referred to in

1. APPOINTMENT OF THE CHAIR

BOD-02-25-08:01 Motion to appoint Chair

Lein/HAA

Motion to appoint Harder as chair

CARRIED

the affidavit of DERRICK HARDER
sworn before me at VANCOUVER
this 14th day of SEPTEMBER 2008
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

2. ROLL CALL OF ATTENDANCE

President.....	Derrick Harder
Internal Relations Officer.....	Haida Arsenault-Antolick
Treasurer.....	Adam Lein
University Relations Officer.....	Amanda van Baarsen
External Relations Officer.....	Amy Fox
Member Services Officer.....	Joe Paling
At Large Graduate Issues Officer.....	Clea Moray
Graduate At-Large Representative	Mike Letourneau
At Large Representative	Natalie Bocking
At Large Representative	Alex Hemingway
Faculty Representative (Applied Sciences).....	Bryan Ottho
Faculty Representative (Arts & Social Sciences)	Tyler Massé
Faculty Representative (Business).....	vacant
Faculty Representative (Education)	vacant
Faculty Representative (Health Sciences).....	Madiha Mahmood
Faculty Representative (Sciences)	Anna Belkine

Staff

Communications Coordinator.....	Garth Yule
Research and Policy Coordinator.....	James Papadopoulos
Staff Representative.....	Sam Bradd

3. ADOPTION OF THE AGENDA

BOD-02-25-08:02 Motion to adopt the agenda

Paling/van Baarsen

Be it resolved that the agenda be adopted as written

CARRIED

4. RATIFICATION OF REGRETS

Mahmood, Ottho and LeTourneau all sent their regrets.

5. GUEST SPEAKERS

6. ADOPTION OF THE MINUTES

7. MATTERS ARISING FROM THE MINUTES

8. APPOINTMENTS/RESIGNATIONS

9. UNFINISHED BUSINESS

10. REPORTS FROM EXECUTIVE AND FACULTY REPRESENTATIVES

11. REPORTS OF COMMITTEES, REPRESENTATIVES AND DELEGATES

a. Executive Committee

b. Finance and Administrative Services Committee

c. Commercial Services Committee

d. Constitution and Policy Review Committee

e. Advocacy Committee

f. Surrey Campus Committee

g. Graduate Issues Committee

h. Joint Operations Group

i. Joint Services Committee

j. Accessibility Fund Advisory Committee

k. Hiring Committees

12. NEW BUSINESS

a. CFS membership referendum question

BOD-02-25-08:03 MOTION

Van Baarsen/Arsenault-Antolick

Be it resolved that the following question be put to referendum:

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

Lein asked questions about the phrasing of the question and feedback from the Referendum Oversight Committee (ROC).

Harder stated this is likely the only thing the ROC agreed upon. The question is very close to the original question anyway.

Arsenault-Antolick asked for clarification on source of the question.

CARRIED

b. Society Development Fund

BOD-02-25-08:04 MOTION

Paling/van Baarsen

Be it resolved that the following question be put to referendum:

"If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do you agree that the former CFS membership fees of \$7.64 per semester for fulltime students and \$3.82 for part-time students should be redirected into a Society Development Fund which will result in no overall fee increase for students?"

JJ McCullough entered the room at 3.40pm

Van Baarsen asked whether there would be an automatic cost of living allowance adjustment made.

Harder stated that the intent was clear in the question and issues of 'redirection' would be moot.

Fox stated that COLA adjustments in previous referendum questions had led to the defeat of previous questions.

Harder stated that the previous question on the petition had been vetted by lawyers.

CARRIED

Bocking voted against the motion.

c. Bylaw Change – Membership in External Organizations**BOD-02-25-08:05 MOTION**

Van Baarsen/Fox

Be it resolved that the following question be put to referendum:

"Do you support the creation of By-Law 22 as written and the corresponding changes to By-Law 17(3)?

Yes/No"

By-Law 22: Membership in Provincial and National Student Organizations

1. The Society may become a member of a provincial or national student organization that requires the Society or its members to pay a membership fee to that organization, but only if the Society and the organisation enter into a binding, written agreement, which will remain in effect as long as the Society is a member of the organisation. The agreement must guarantee the following:
 - a. The Society's membership in the organisation does not preclude the Society's membership in other organisations.
 - b. The organisation will make its by-laws, policies and minutes available online to all members of the Society within three (3) months of their approval.
 - c. The organisation will, within two (2) months of receipt of a written request from any member of the Society, provide to them a copy of any document in care or control of the organisation not lawfully required to be kept private.
 - d. The organisation recognizes that the Society reserves the right to terminate its membership in the organisation according to the Society's by-laws and policy and according to any of the following procedures:
 - i) by resolution of the Board if the Society joined the organization by resolution of the Board;
 - ii) by resolution of a General Meeting if the Society joined the organization by resolution of the Board or by resolution of a General Meeting; or

- iii) by referendum in any case conducted in accordance with By-Law 17.
2. If the Society terminates its membership in an organization as described in By-Law 22(1) by any means other than referendum, and if the Society normally collects a membership fee from its members on behalf of that organization and remits it to that organization, then the Society will immediately cease collecting fees.
 3. If a resolution is put to referendum to terminate the Society's membership in an organization as described in By-Law 22(1), and if the Society normally collects a membership fee from its members on behalf of that organization and remits it to that organization, then a resolution to cease collecting the membership fee shall be automatically put to referendum according to By-Law 17 to occur concurrently with the referendum on ceasing membership in the organization.

By-Law 17(3) be amended to read:

Resolutions may be put to referendum by a simple majority vote of the Board or Forum, except where prohibited by these By-Laws, or upon presentation of a petition to the Board which contains the text of the proposed resolution and the signatures of five percent of the members in good standing of the Society, or according to By-Law 22(1)(d) or By-Law 22(3)

Van Baarsen went through the changes differing from what had been proposed previously.

AMENDMENT

Paling/Lein

"If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do ..."

A variety of opinions were presented by many members of the Board

FAILED

Bocking suggested that the Society must fulfill these criteria themselves.

Lein stated that the principle of democratic accountability had been demonstrated on multiple occasions by this Board and Society and held up only through technical difficulties.

HAA this Board has shown a commitment to transparency.

Paling asked whether the entire ballot will be placed on the ballot, or just the question.

McCullough stated that the question is likely to be in an appendix.

AMENDMENT

Paling/Fox

Strike "as written"

FAILED

Belkine stated that we should hold external organizations that the Society is a member of to the same standards of democracy and transparency that we hold ourselves to.

MAIN MOTION CARRIED

Bocking voted against.

McCullough left the room at 4.10pm.

d. Changes to AP-1 and AP-3

BOD-02-25-08:06 MOTION

Van Baarsen/Paling

Be it resolved that AP-1 be amended to read:

AP-1

1. Resignation of directors according to section 1 of by-law 5:
 - a. In order to comply with the provisions of section 1 of by-law 5, which requires each director of the Society to be registered as a student in at least two of the three semesters comprising their tenure of office, each person who is elected or appointed to be a director of the Society shall submit to the Society and to the University Registrar their written consent for the University Registrar to, at any time during their tenure of office, produce a report on their registration status in each of the three semesters comprising their tenure of office and to make this information available to the Society's Financial Coordinators and to any member of the Society upon request. They shall give this consent no later than the first day of their tenure of office as a director and they shall not withdraw this consent until the last day of their tenure of office.
 - b. Any person not giving consent as required in subsection a. shall be deemed not to be registered for classes for the purposes of section 1 of by-law 5.
 - c. For the purposes of this policy, a report under subsection a. shall list whether the subject of the report is currently registered in a course, program, or graduate program at the University, and for each of the previous semesters in their term of office, if the subject was so registered in that semester.
 - d. The Society's Financial Coordinators will,
 - i. no later than one week before the first scheduled meeting of Forum in each semester, and,
 - ii. as soon as possible after the University's last class "drop date" in each semester,
 obtain from the University Registrar reports pursuant to subsections a. on the registration status of each director of the Society.
 - e. The Society's Financial Coordinators will, in the case of a director elected in a by-election or appointed by Forum or by ordinary resolution to be a director, obtain from the University Registrar a report on the registration status of that person on, or as soon as possible after, the first day of that director's tenure of office.
 - f. As soon as possible after obtaining the reports given in subsections d. and e., the Society's Financial Coordinators shall distribute to the members of the Student Forum those reports along with a list of any directors who have paid their society fee for that semester directly to the Society and a list of any directors who owe to the Society any fee, fine, or penalty levied by the Society in accordance with the Society's by-laws or regulations.
 - g. Upon receipt of registration and fee-payment reports produced under this section, Forum shall review the report and shall advise the Board if they agree with the findings in those reports as they relate to the application of section 1 of by-law 5.
 - h. If Forum shall disagree with any information provided to it under this section, it shall provide clear and concise reasons to the Society of the nature of its disagreement with the report and the Society shall pursue those issues and a report on the issue will be provided to Forum as soon as possible.
 - i. For the purposes of administering section 1 of by-law 5, except as given otherwise in this policy, the Society shall consider each director to be a member in good standing until such time as Forum has agreed with the content of the report indicating that the director is not a member in good standing.

Further, once Forum has agreed with the content of a report indicating that a director is not a member in good standing, the Society shall deem that person to not to be a member in good standing, and they shall cease to be a director of the Society according to section 1 of by-law 5.

2. **Leaves of Absence**
 - a. Requests by Board of Directors members for leaves of absence shall be directed to the Internal Relations Officer for approval. In the event that the Internal Relations Officer requests a leave of absence, it shall be directed to the Treasurer for approval.
 - b. All requests for leaves of absence shall be accompanied by a written explanation of the reasons for seeking it.
 - c. In the event that a request for a leave of absence is denied, the Internal Relations Officer or Treasurer shall provide written reasons for their decision.
 - d. No more than 2 months leave of absence shall be granted within a one-year term of office.
 - e. Members of Board of Directors who have not paid Society fees for the semester for which they are requesting a leave of absence shall have these fees deducted from their first month's stipend in the semester they return.
3. **Excuses**
 - a. An "excuse" shall be defined as follows: An excuse is a protective mechanism that ought to be employed only in the event that unforeseen circumstances prevent a member of the Board of Directors from attending a meeting at which they otherwise would have been present. Examples of such circumstances would include, but not be limited to the following:
 - i. bereavement
 - ii. illness
 - iii. an academic or employment specific conflict
 - iv. a personal/family emergency
 - b. Requests by Board of Directors members for excuses from meetings of Board of Directors shall be directed to the Internal Relations Officer for approval. Such requests must be received no later than one hour prior to the meeting. In the event that the Internal Relations Officer requests an excuse it shall be directed to the Treasurer for approval.
 - c. All requests for excuses shall be accompanied by a written explanation of the reasons for seeking it.
 - d. In the event that a request for an excuse is denied, the Internal Relations Officer or Treasurer shall provide written reasons for their decision.
4. Leaves of absence and excuses approved by the Internal Relations Officer or Treasurer shall be reported to Board of Directors.
5. Notices of resignation from Board of Directors shall be directed to the Internal Relations Officer and accepted at the subsequent meeting of Board of Directors.

Be it further resolved that AP-3 be amended to include the following:

8. Except for those members whose fee status is stated otherwise in this policy, all members of the Society shall be assessed the full Society fee in any semester they are registered according to section 1 of by-law 2

van Baarsen gave a brief outline of the history of these changes.

CARRIED

13. IN CAMERA SESSION

BOD-02-25-08:07 MOTION

Arsenault-Antolick/van Baarsen

Be it resolved that the Board move in camera without staff at 4.11pm

CARRIED

BOD-02-25-08:08 MOTION

Paling/HAA

BIRT the Board meeting move ex camera at 4.30pm.

CARRIED

Kyle Glennie entered the room at 4.30pm.

BOD-02-25-08:09 MOTION

Fox/van Baarsen

Motion to move in camera with guest

CARRIED

LeTourneau entered the room at 4.40pm.

BOD-02-25-08:10 MOTION

Paling/HAA

Motion to move ex camera

CARRIED

14. ANNOUNCEMENTS

15. ATTACHMENTS

16. ADJOURNMENT

BOD-02-25-08:11 MOTION

LeTourneau/Lein

Motion to adjourn

CARRIED

GOWLINGS

093

This is Exhibit "M" referred to in
the affidavit of Derrick Harder
sworn before me at Vancouver
this 14 day of September 2008
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

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File No. 02847390

February 27, 2008

VIA FACSIMILE

Simon Fraser Student Society
Maggie Benston Centre, Room 2250
Simon Fraser University, 8888 University Drive
Burnaby, BC V5A 1S6

Attention: Derrick Harder, President

Dear Mr. Harder:

Re: Canadian Federation of Students Membership Referendum

We are the solicitors for the Canadian Federation of Students ("CFS").

As you know, an Oversight Committee, consisting of two members appointed by the CFS and two members appointed by the Simon Fraser Student Society (the "Society"), is in the process of meeting to deal with a referendum regarding the Society's continued membership in the CFS. The role of the Oversight Committee is set out in Bylaw 1, Article 6 of the Constitution and Bylaws (the "Bylaws") of the CFS. We understand that there are a number of critical unresolved issues, including:

- (a) the date that the referendum is to be held including campaign and voting dates;
- (b) how the polling is to be conducted; and
- (c) complaints regarding alleged violations of referendum rules including the process and penalties.

It is important that there was no date set by the petition which requisitioned the referendum and thus this is a matter to be dealt with by the Oversight Committee.

We understand that the Society has taken the position that the referendum is to be held on March 18 – 20, 2008, the same date as the Society's general elections.

The CFS's position is that the Society's general elections and the referendum can not take place on the same dates. Given that the issue of CFS membership may well play a significant role in the Society elections and the campaign leading up to such elections, having the elections and referendum on the same date could confuse the two issues. The CFS's view is that membership in the CFS ought not to be caught up in the question of who the members of the Society elect for 2008-2009 and the CFS is concerned that the integrity of the referendum will be compromised if held at the same time as the general elections. Conducting the elections and the referendum at the same time may also compromise the ability of the Oversight Committee to govern the referendum process.

We understand that the CFS has offered to hold a referendum on dates other than March 18 – 20, 2008 but the Society has refused to change its position regarding the date. The CFS maintains its position that the referendum cannot be held on March 18 – 20, 2008.

We now understand that the Society at a board meeting on February 25, 2008 decided to independently present two questions to voters on March 18 – 20, 2008 outside of the mandate of the Oversight Committee and the referendum proposed pursuant to the Bylaws. The two questions are:

1. "Are you in favour of maintaining membership in the Canadian Federation of Students?"; and
2. "If the Simon Fraser Student Society ceases to be a member of the Canadian Federation of Students, do you agree that the former CFS's semesterly membership fee would be redirected into a Society Development Fund which will result in no overall fee increase for students?"

First, it is not reasonable for the Society to conduct a polling of students parallel to the CFS referendum procedure which was initiated by the members of the Society. CFS's position is that this parallel procedure must cease. The CFS will not recognize the validity of any poll conducted outside of the procedures set out in the Bylaws.

In addition and in any event, the second question that the Society is currently proposing is inappropriate and will clearly bias the result against continued membership in the CFS. The addition of this second question is contrary to the agreement which had been reached by the Oversight Committee regarding the question to be put forward.

As well, the discussions and deliberations of the Oversight Committee are to be confidential. We do not think that there is any dispute over that. However, confidentiality has not been maintained by the Society. We understand that positions being taken by the CFS representatives during in camera Oversight Committee meetings have been reported in the student newspaper, The Peak and, as well, open Society board meetings have occurred where, again, the position of the CFS

representatives has been reported, and inaccurately, to the public. This is a breach of the process agreed upon and has made it now practically impossible to hold a fair referendum on March 18 – 20, 2008. CFS asks that the Society maintain the confidentiality which the Society agreed to.

Lastly, we have been provided with samples of campaign materials produced by the Society denouncing the CFS. These materials have been widely distributed on campus and on-line as part of a campaign promoting the cessation of membership in the CFS. Under Bylaw 1, Article 6, the Oversight Committee is to administer the campaign and responsibilities include approving all materials to be distributed during the campaign. The distribution of campaign materials prior to the campaign period constitutes a violation of both the letter and spirit of the rules. Offending material includes, but is not limited to, material on the Simon Fraser Student Society webpage under the heading "We Want Out: Learn more about the SFSS campaign to cease membership in the Canadian Federation of Students (CFS)". Again, this activity has made it impossible to have a fair referendum on March 18 – 20, 2008 and must cease.

The CFS wishes to have the Oversight Committee meet again in an effort to work out all of the above issues in a reasonable and cooperative manner. The CFS is committed to a referendum process, conducted in a transparent and fair manner, so as to ensure that the views of the members of the Society are accurately measured.

The CFS does, however, reserve its right to pursue all possible remedies available to it in these circumstances. If the above matters cannot be resolved, the CFS may well be forced to apply for a court order to ensure that a standard of fairness is maintained.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP



Martin L. Palleson

MLP/ce

cc: client

cc: Todd Burke (Gowlings)

096

GOWLINGS

This is Exhibit "N" referred to in
the affidavit of DERRICK HARDER
sworn before me at Vancouver
this 14 day of September 2008

February 29, 2008

VIA FACSIMILE

A Commissioner for taking Oaths in the
Province of British Columbia

Simon Fraser Student Society
Maggie Benston Centre, Room 2250
Simon Fraser University, 8888 University Drive
Burnaby, BC V5A 1S6

Attention: Derrick Harder, President

Dear Mr. Harder:

Re: Canadian Federation of Students Membership Referendum

Further to our letter of February 27, 2008, we gather that there was a further Oversight Committee meeting on February 28, 2008 but, unfortunately, none of the key issues between the parties, including the proposed date for a referendum, have been resolved.

We understand that the Society intends to go ahead with its decision, made at a Society board meeting on February 25, 2008, to independently present two questions to voters on March 18 – 20, 2008, as set out in our earlier letter.

The CFS wishes to make it clear that it will not recognize the validity of this proposed poll which is being conducted outside of the procedure set out in the Bylaws.

For all of the reasons set out in our earlier letter, a fair referendum on March 18 – 20, 2008 is not possible and the proposed poll will be fundamentally flawed.

Having said that, the CFS does intend to implement a campaign but will do so under protest on a without prejudice basis to its position that any poll unilaterally conducted by the Student Society on March 18 – 20, 2008 is not a valid or legally effective defederation referendum.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP


Martin L. Palleon
MLP/ce

cc: client

cc: Todd Burke (Gowlings)

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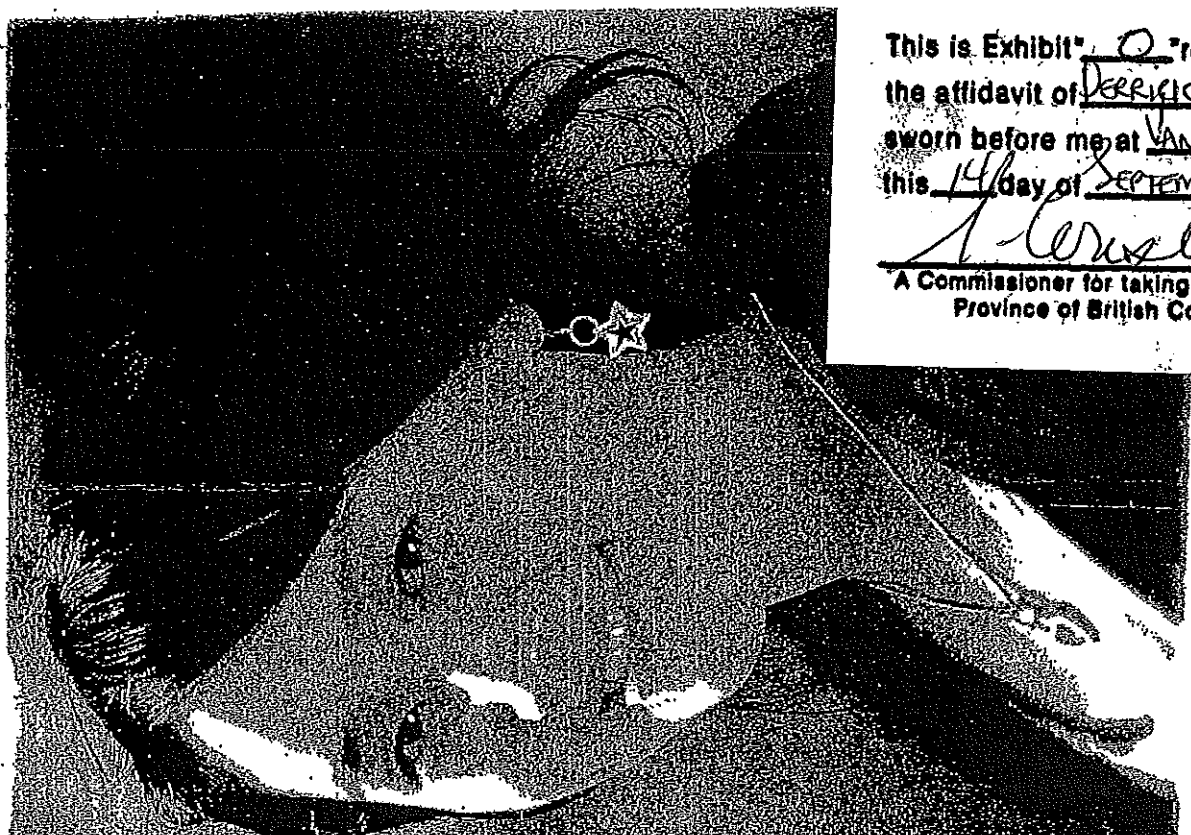
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File No. 02947390

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Canadian Federation of Students



This is Exhibit "O" referred to in
the affidavit of DERRICK HARDES
sworn before me at VANCOUVER
this 14 day of SEPTEMBER 2008
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

We want out: SFSS

CFS does not recognise the SFSS's bid to withdraw from their Federation

Earl Tapia
News Editor

Although the Simon Fraser Student Society wants to leave, the Canadian Federation of Students won't let them go.

The SFSS's bid to withdraw from the Federation has not been recognised by the CFS, and is not on the agenda for their 51st annual general meeting, taking place from May 24-27.

Brent Farrington, the National Deputy Chairperson for the CFS, says that he's unsure at what stage the SFSS's bid to leave the Federation is at.

"They're somewhere in the process, but we're not sure if they've put it on hold, or if they've decided if they're holding a referendum," he said.

"There's a whole prescribed process. They have to hold a referendum, they have to give a certain number of signatures from the membership, nothing too unstandard in the union going world for a student organisation," Farrington added.

Last semester the SFSS put a referendum question on the ballot during the SFSS executive election, where a majority of students voted to cease being members of the Federation.

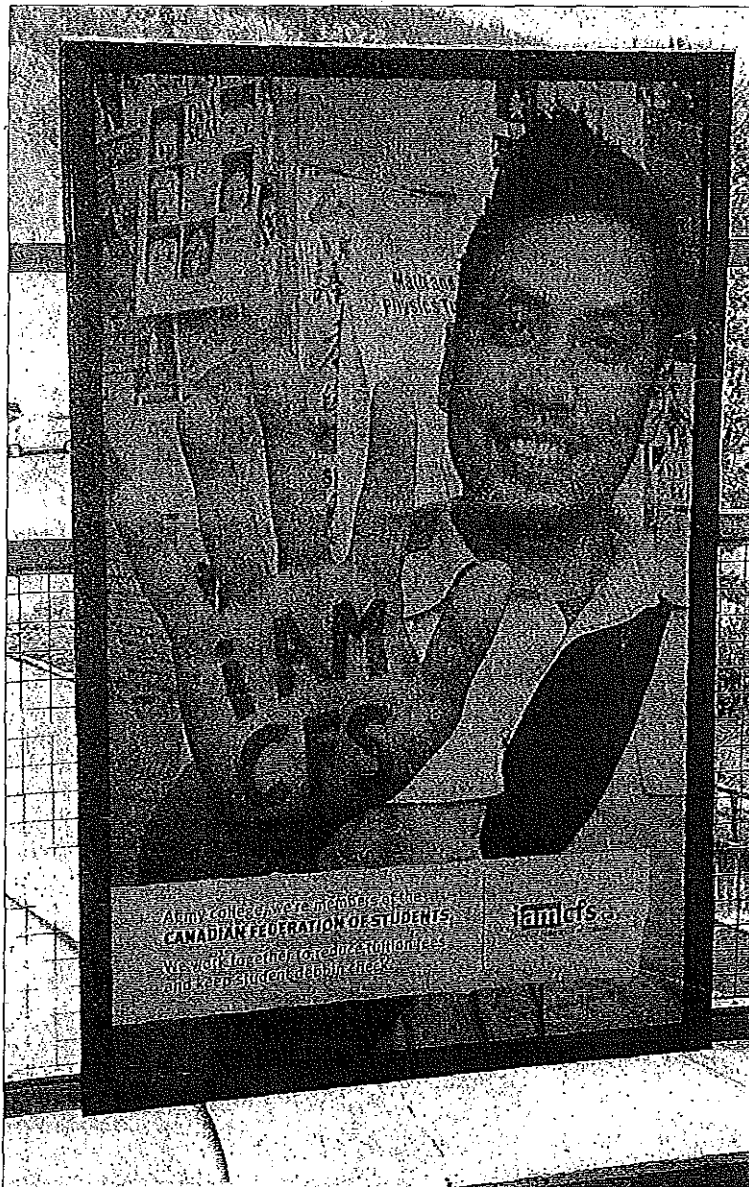
But Amanda Aziz, National Chairperson of the CFS, told Macleans.ca that the SFSS's referendum was flawed.

"According to policy, you're supposed to provide notice to the membership... to provide the opportunity for students to create 'no' campaigns or 'yes' campaigns," she said.

There was no official 'no' side during the referendum for leaving the Federation during last semester's election.

"We have a process by which students can join and leave the federation... It's to make sure that five students didn't decide at a meeting to join the organisation on behalf of all their membership. Each individual student is a member of this organisation, so each individual student needs to have a voice about whether they want to be a member or maintain their membership. The same standards need to be applied to leaving as to joining," she added.

Despite what Aziz said, SFSS President Derrick Harder said



A CFS awareness poster inside Production Way SkyTrain Station. The CFS has so far not recognised the SFSS's withdrawal bid from the Federation.

that the referendum was only meant to gauge where the SFSS membership stood in regards to the CFS.

"Our referendum was an internal process. We indicated to the Federation that this was an internal process in accordance

with our by-laws, it was conducted in accordance with our by-laws, and it was carried out in accordance with our own by-laws. It is clearly an indication of where our members stand," he said.

Harder stated that there are

three ways that a member can leave the CFS. One way involves the long process of de-federating, which can be undertaken anytime. Another way is by expulsion, where the CFS expels a member from the membership. The third way is by withdrawal,

which is what the SFSS is working towards.

"That is what we've pursued, where we indicate that we would like to withdraw... the vote goes to the plenary floor [during a general meeting] and the rest of the membership of the Canadian Federation of Students, at least those who are present, has a vote as to whether we get to stay or leave," he said.

Harder also expressed disappointment at the CFS's lack of communication.

"I'll express again my disappointment that the Federation has not contacted us for clarification, and has not contacted us in regards to the process we're trying to undertake," said Harder.

"They have yet to communicate about our membership in the Canadian Federation of Students outside of the media," he added.

Harder also thinks that the CFS has misunderstood the purpose of the SFSS referendum.

"We've received a letter from the Canadian Federation of Students... letting us know that our referendum was not according to their by-laws, and will not be recognised as such. We responded by saying, 'It has nothing to do with your by-laws, thank you very much,' because it isn't. We absolutely understand their de-federation process... and we undertook the referendum with full knowledge that it was not according to their process because it wasn't meant to be," said Harder.

"I don't think they understand that, or they're purposely obfuscate," he added.

If the SFSS fails to withdraw from the Federation during the CFS national meeting, the next time that a withdrawal bid can be put in by the SFSS is during the next scheduled general meeting in the fall.


Despite that, Harder says that he's determined to make sure the SFSS leaves the CFS.

"I'm taking it on as a mandate to leave the Canadian Federation of Students in accordance with their by-laws," he stated.

The CFS has good reason to keep the SFSS within its membership. The CFS receives around \$400,000 in annual fees, split between the provincial and national CFS organisations, from the SFSS.

This is Exhibit "G" referred to in
the affidavit of DERRICK HARDER
sworn before me at VANCOUVER
this 14 day of SEPTEMBER 2006

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A Commissioner for taking Oaths in the
Province of British Columbia

THE PEAK: SIMON FRASER UNIVERSITY'S INDEPENDENT STUDENT NEWSPAPER SINCE 1965. ON
SINCE 1994.

Last Word - issue 2, volume 125 — January 15, 2007 — manning up since 1965.

The weird world of the SFSS

J. J. McCullough, defeated candidate

It's an SFU tradition as old as time itself. First we have a student union election, then immediately after, the pages of The Peak get filled with irate letters from defeated candidates. They chronicle their whiny checklists of grievances (real or imagined), and complain about the multitude of ways they were wronged by a corrupt and crooked system in the race they just lost.

I don't write to whine or complain. I lost quite soundly, and I don't think it was the result of anything other than the will of the voters. During the course of the campaign I got to know Derrick Harder quite well, and I am confident he will make an excellent and innovative president. I think he is a really clever guy, with a brilliant and independent mind, and I have no doubt that both the SFSS and SFU will benefit greatly from his leadership.

All this being said, however, if I have learned one thing from my botched run at the presidency, it is just what a strange and isolated subculture the Simon Fraser Student Society truly is. Turnout is always atrociously low in this school's student elections, and from the looks of it, the single biggest cause of the phenomenon is the simple fact that no one seems to have much incentive to actually make it any higher. People vote when their interests are at stake, and unless you're currently on the SFSS payroll, or sleeping with someone who is, chances are your life isn't terribly influenced by anything the student union does. So we get a government by and for

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people who are already part of the bureaucracy, have friends in the bureaucracy, or aspire to be the bureaucrats themselves someday.

Upon declaring my candidacy, I was surprised to learn that there are all sorts of blogs and articles kicking around the internet in which people analyse and editorialise on the happenings of the SFSS. While running, I tried to keep up-to-date on such writings, but found it incredibly difficult. Unless you're already part of the student union subculture, nothing makes sense. People are constantly throwing out names and terms you've never heard of, and citing by-laws and rules you have no idea existed. For example, consider this random passage I plucked from the Comments section of the website of Titus Gregory, one of the best-known SFSS bloggers:

"There were no unauthorised cash payouts to her as I understand it, and either the IRO or the GIO approved of or were aware of all of her actions. The labour committee chose to make a case based on their own mean assumptions, interests and political goals and then used terminology that closely resembles that used by their legal counsel in court last week to publicly condemn her, whose real 'crime' might have been that she asked too many questions about accountability at the CFS national budget committee about loans to the DSU."

Such a passage is largely incomprehensible, yet it describes something the author feels passionately about and something he or she believes should influence the conduct of SFU voters. Because I've picked up some of the lingo during my run, I can now understand enough of the above paragraph to know the author is attempting to explain something to do with the circumstances surrounding the recent mass impeachments of SFSS officers (which, you may recall, was the reason we were forced into having an emergency election in the first place). Yet even after having spent countless hours chatting with all manner of insiders and hangers-on, to this day I still don't entirely understand why we even had an impeachment, and I strongly doubt the majority of SFU students are any different. Ultimately the entire 'scandal' that prompted the unprecedented political upheaval was a highly obscure, bureaucratic feud that only had relevance if you were already knee-deep in the world of SFSS politics. It's a truly sad state of affairs when even the student union's

scandals are too boring and complicated for average students to understand.

Now to repeat, my intention is not to whine. The kids who work at the SFSS are a hard-working, dedicated lot, who I am sure genuinely believe they are performing some manner of valuable service for us the students. From what I have seen, however, the SFSS has a rather backwards understanding of itself. We are supposed to be grateful for it, and the things it does, and generally admire it from a distant perspective. The students themselves are sometimes briefly useful — when there are petitions to signs and quorums to achieve — but generally the bureaucracy is so firmly entrenched and self-sustaining that the participation of ordinary students is at best a quaint and incidental occurrence.

It's been said that long after the planet is destroyed by nuclear war the vast offices of the United Nations will continue to function merrily away. I believe the same could more or less be said of the SFU student society. It will continue to function for years — and no doubt decades to come — doing more or less what it does now, and run by the same sort of people who run it now. And the vast majority of students will always remain indifferent, with both the entrenched bureaucrats and the bored student majority each helping perpetuate and justify the attitudes of the other. It's not necessarily anyone's fault, but I think students should be aware that at its core the SFSS is basically just another campus club, with an esoteric appeal, limited membership, and nerdy subculture. Kids who like anime join the anime club, and kids who like titles, rules, by-laws, and bureaucracy elect and run the SFSS.

I had a thesis that if an average, ordinary, well-meaning student ran for president on a highly populist platform, he could probably mobilise enough of the apathetic student majority to get elected, an event which would in turn dramatically shock the entire SFSS system. That clearly didn't pan out in my case, but it could in the future. No matter how you slice it, this was truly a bizarre election, and I may very well have simply been the wrong person in the wrong place at the wrong time. I don't think I'd ever want to run again, however. Once you've been inside the sausage factory you don't have

much of an appetite anymore.

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[The opinions presented here are the author's, and do not necessarily reflect those of The Peak. This space is here for the exchange of ideas and opinions. Articles should be 1000-1200 words. For more information, call our Features Editor at 291-4630 or e-mail [peak_features\(at\)mail\(dot\)peak\(dot\)sfu\(dot\)ca](mailto:peak_features@mail.dot.peak.dot.sfu.dot.ca). Say anything, the last word is yours!]

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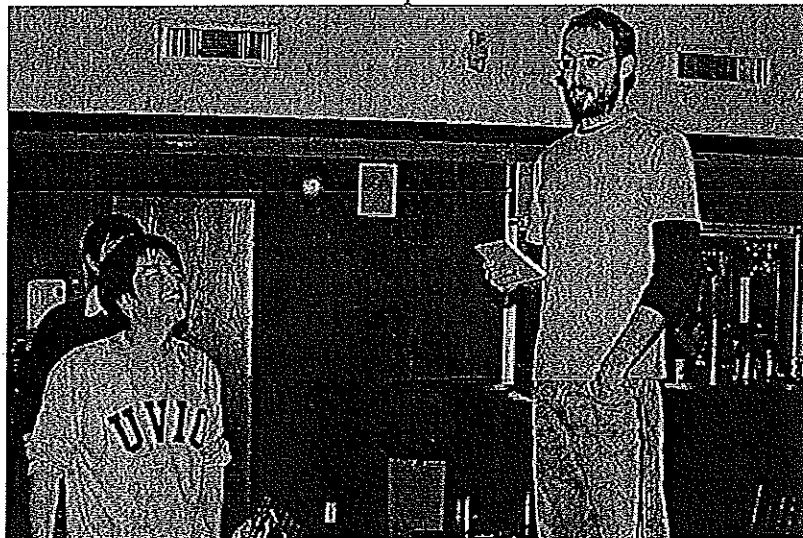


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Grads pull out



David Karp photo
No-side chairperson Joseph Kolthammer announces
referendum results.

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This is Exhibit B referred to in
the affidavit of TERRICK HARDER
sworn before me at VANCOUVER
this 14 day of SEPTEMBER 2008
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

Mar 20, 2008 10:52 PM

David Karp

UVic's graduate students are no longer members of the Canadian Federation of Students (CFS) after

students voted 58 per cent against maintaining ties with the national lobby group.

104

Polling went from March 18 to 20, and 457 students cast ballots.

"I'm relieved after four days of being nervous," said UVic Graduate Students' Society (GSS) director of communications and No-side chairperson Joseph Kolthammer.

On-campus representatives from the CFS declined to comment, and national chairperson Amanda Aziz and B.C. chairperson Shamus Reid did not answer their cellphones.

Campaigners for the CFS flew in from across the country to campaign at UVic. Campaigners, armed with colourful pamphlets, were visible outside the University Centre, where they frequently stopped undergraduate students who walked by to ask if they were graduate students. The CFS also held a barbecue for graduate students.

The No-side, meanwhile, ran a much smaller campaign.

"We only had one banner, [a website], and one set of buttons. That's our entire campaign," said Tayfun Ince, a member of the No campaign and former chair of the Graduate Students' Society. "We had nothing for material. We didn't use a single sheet of paper."

Ballot counting, which took almost two hours, didn't commence until almost 80 minutes after polls closed.

Roughly 30 graduate students gathered at the IQ Bistro, UVic's graduate pub, to drink, dance and await the referendum results.

The GSS, which has roughly 2,500 members, was local 89 of the Canadian Federation of Students.

The Simon Fraser Student Society held a referendum at the same time. Students at the school voted 67 per cent in favour of leaving the CFS.

Comments

Tim Ell wrote:

Yes! Way to go GSS!

Mar 21 at 02:55 AM

[Post](#) | [Flag as inappropriate](#)

Bhuvinder Vaid wrote:

Congrats Tayfun and the rest of the UVic grad crew!

Mar 21 at 08:37 PM

[Post](#) | [Flag as inappropriate](#)

jason mah wrote:

what's the point?

Mar 22 at 01:33 PM

[Post](#) | [Flag as inappropriate](#)

105

George wrote:

The point is that undergrads at UVic send them over \$260,000 per year in membership fees. We're now the largest school in BC to be in the CFS, and we only get one vote on the executive. Smaller schools like Vancouver Community College that contribute much less get multiple votes because they have different campus locations. Having our grads leave makes it much more attractive for us to leave as well.

Mar 22 at 08:09 PM

[Post](#) | [Flag as inappropriate](#)

Graham B wrote:

WTF??

"Campaigners for the CFS flew in from across the country to campaign at UVic."

At what cost??

Mar 24 at 05:23 AM

[Post](#) | [Flag as inappropriate](#)

Quinn L wrote:

Congrats to the GSS regarding this historic vote! We should follow their lead and rid UVIC of the CFS once and for all!

Mar 24 at 02:16 PM

[Post](#) | [Flag as inappropriate](#)

Sam V wrote:

The phallic headline on this story is fabulous.

Mar 24 at 02:24 PM

[Post](#) | [Flag as inappropriate](#)

Tim Ell wrote:

Well, I can tell you one thing for sure: the cost came out of your pocket. Ent that nice?

Mar 24 at 08:16 PM

[Post](#) | [Flag as inappropriate](#)

David Karp wrote:

I have removed a post because it directly and deliberately insults other posters. Please engage in debate, but please don't insult.

Mar 25 at 05:30 PM

[Post](#) | [Flag as inappropriate](#)

Dan wrote:

Well done. Our turn?

106

I mean, it really doesn't matter to me that much as I'm graduating this summer, but it's the principle of it all. I don't feel that the CFS represents ANY of my personal views/beliefs, nor do I believe that it represents the majority of students on all of its campaigns and philosophies. Unless it were to adopt a more utilitarian framework in its operations, and unless it drastically reduces the huge amount of bureaucracy and expenditure in its current operations, I think we absolutely have to secede from it.

Mar 25 at 08:17 PM

[Post](#) | [Flag as inappropriate](#)

Stephen B wrote:

Congratulations UVic grad students and SFU students! UVic undergraduates next year?

Mar 26 at 03:52 AM

[Post](#) | [Flag as inappropriate](#)

Amber wrote:

Ha ha, I didn't realize the subtle phallic insinuations until just a moment ago. But seriously though, way to go grads, seems like we need to follow in some footsteps...

Mar 29 at 10:14 PM

[Post](#) | [Flag as inappropriate](#)

jason m wrote:

two campaigners came to my office and we sat down for a chat for a whole hour. The campaigners were from Ontario and New Brunswick.

I asked them why fly you guys in when there must be people locally.....there answer was that they were national caucus chairs and communications execs....what a waste of money.

They love the federal NDP. In the words of Seinfeld, "not like there is anything wrong with that" but they really have no business siding with a political party as an organization.

I asked a simple question: "if the CFS evaporated tomorrow, how would it effect me, here at UVIC?".....I never got an answer, just a bunch of blabbering about IP campaigns.

They forgot to mention they spend hunderds of thousands of dollars suing their member societies and that tuition fees have gone up almost 70% since we have been a member of the CFS.

Good riddance.

Apr 08 at 07:09 PM

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Name: (required)

Email: (required)

Website:

Comment:

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 - directly and deliberately insults other posters
 - is promotional or commercial in nature
 - could be deemed libelous
- does not make a relevant contribution to the discussion

The Martlet also reserves the right to use comments in the newspaper.

Rick Mercer at UVic in 2004



YouTube

Rick Mercer at UVic in 2004 — a little old, but still entertaining.

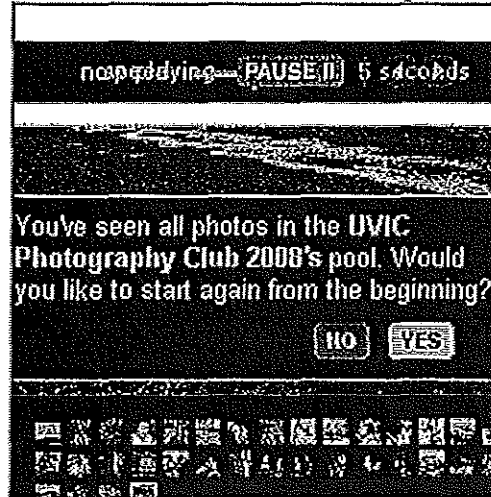
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Woooo! The Martlet spoofs the Star tabloid! Woooo!

UVic Photo Club 2008 Retrospective



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Campus News

No clear winner at first CFS debate



Mala Britt Odegaard / THE PEAK

Sara Lee
News Editor

Last Tuesday the Canadian Federation of Students membership question, an issue that has been dominating much of the Simon Fraser Student Society's politics, was brought before the SFSS student forum in a relatively diplomatic debate.

The debate was moderated by CJSE's Frieda Werden and included four panelists. B.C. Chairperson of the CFS Shamus Reid and SFSS Member At-Large Natalie Bocking presented the case for remaining members of the Federation and were countered by SFSS President Derrick Harder and SFSS University Relations Officer Amanda van Baarsen, both vocal activists in favour of defederation.

Harder, who was the first to speak, asserted that the society had "outgrown the Federation" and was now being "held back" by remaining members. He emphasized that the SFSS could use student funds for more concentrated lobbying efforts than the CFS.

Reid's opening statements punctuated a strong case for the national student lobbying power he believed the CFS was providing. He also accused the

SFSS Executive of spinning the campaign to leave and called their efforts a "complete manipulation."

Forum attendees were given slips of paper to write down questions for the panel. These questions were then gathered, chosen, and asked by the moderator.

The four panelists remained composed and fairly polite while answering questions from the audience and there were no particularly heated topics of discussion or arguments.

At one point during the meeting, former SFSS Director Andrea Sandau interjected off-mic, stating that Reid had "lied to her face" about certain issues in the past. She was silenced by moderator Frieda Werden soon after.

Only a few minutes later, noted CFS supporter Paul Browning also attempted to interject just as Sandau had done earlier, but was immediately silenced by Werden.

The meeting ended with no clear winner.

The Independent Electoral Commission will hold their debate on CFS defederation on Thursday March 13th at 4:00 p.m. in AQ 3153.

Downes and Lanji give dull Pub Nights a run for their money

Sarah Fullbrook and Luli L...
The Peak

Believe it or not, Pub Night is not the only time that it's worth while to check out the Highland Pub. Ryan Lanji and Catherine Downes, two SFU students and Higher Grounds coffee shop employees, are working hard to ensure that this is the case. A little over a month ago the two hosted Propaganda, a dance party open to all SFU students. The event took over six months of planning to pull together and was hugely popular among the capacity crowd. The two friends and co-workers were fueled by a shared desire to host a bash that was "open to anyone and everyone," said Lanji.

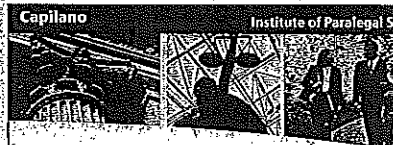
Due to the massive popularity of Propaganda, another party has been planned for March 7. Lanji and Downes' new theme is Lunettez — French for eyeglasses. They opted for this theme because they saw it as less restrictive than most theme parties — allowing everyone to wear whatever clothes they want — and because "everyone wants to wear sunglasses inside," said Downes.

Also, new to Lunettez is Caviar,

an Australian exchange student who will act as the night's Caviar. Caviar has lived in Australia and will be playing his keyboard at the event. His unique style along with the numerous styles of music which will be played (including techno and Irish) will hopefully push the bar locally and introduce SFU students to alternative types of music the pair.

Contrary to what some might think, Lanji and Downes are planning on making a profit. The \$8 cover charge is meant to recoup expenses and help fund future events. Their ultimate goal is to "make enough" to eventually have a patio in the summer with a live band, Lanji said. For anyone looking to let loose, dance, and explore the Pub on a night other than Thursday, he sure to find out Lunettez. It promises to be a night filled with fun people, music, and only one rule — your shades.

Lunettez is this Friday. Doors at 8:30 p.m., dance 9:30. Tickets are \$8 and are purchased either at the door from Ryan Lanji at 778-288-1



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THE PEAK

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J. Wooten
A Commissioner for taking Oaths in the Province of British Columbia

Campus News

CFS debate calm despite differences

Small crowd almost entirely pro-defederation

This is Exhibit I referred to in the affidavit of DERRICK HARDER sworn before me at VANCOUVER 17 SEPTEMBER 2008
H. Curran



Andy Tang / THE PEAK

SFSS Internal Relations Officer Halda Arsenault-Antolick (right) answers a question from Amanda Aziz, National Chairperson of the CFS (left).

Shara Lee
News Editor

At a time when tensions in the political student movement at Simon Fraser University are at an all-time high, a remarkably cordial debate was held last week by the Independent Electoral Commission of the Simon Fraser Student Society in which those in favour of leaving the CFS, and those in favour of remaining members were given a forum to face off.

The three-member panel consisted of SFSS President Derrick Harder, and SFSS Internal Relations Officer Halda Arsenault-Antolick who together defended the Society's plan to leave the CFS, and Amanda Aziz, the National Chairperson of the CFS, who made the case for the SFSS to stay in the Federation.

Shamus Reid, B.C. Chairperson of the CFS, was not in attendance.

"Well, Amanda [Aziz] was there. I feel that as the CFS National

Chairperson, she could provide a better encapsulation of what we're about," Reid later explained.

Chief Electoral Officer J.J. McCullough moderated the two-hour meeting before an audience approximately 60 audience members.

The applause that was repeatedly raised for Harder and Arsenault-Antolick and the lack of applause for Aziz proved that the audience was filled with those who supported leaving the Federation.

Arsenault-Antolick made the case for leaving by stressing that if we did leave, "money will stop going off campus, and to an organization that is not accountable." This particular criticism of the CFS not being "accountable" has been one that the SFSS has employed a fair bit in its ongoing campaign for defederation.

When it was Aziz's turn to speak, she stressed the "need and importance for unity." She also stated that it was "very important to present the government with

a united front." Even though her arguments advocated initiatives that university students are typically largely in favour of such as "collective action" and "unity," her case seemed to fall on deaf ears as most of those who attended this particular debate appeared to have already made up their minds about the situation.

The crowd was much more receptive to Harder and Arsenault-Antolick, cheering several times throughout the two hour meeting of both sides.

Although the audience appeared to be tough on Aziz and some of the attacks directed towards the CFS by the two executives were harsh, the panelists all seemed to get along quite well during several moments of the debate. At one point, Arsenault-Antolick even offered her water bottle to Aziz. Smiling, Aziz took a sip and appeared to be grateful for the gesture.

After McCullough had asked a few opening questions, audience

questions were received on slips of paper and read out to the panelists. Many of the same criticisms of the CFS raised in other debates and discussion forums were brought up again in this one.

The issue of whether this referendum was legitimate in the eyes of the CFS's constitution was asked of the panelists. Harder stressed his confidence that this referendum had been "done in good faith" to all relevant laws and bylaws.

Aziz rebutted Harder's remark by stating that the SFSS had been campaigning for six months which violated the time allotted for legitimate campaigning. She emphasized that this was "an issue."

During several instances throughout the debate, former SFSS president Clement Apaak and current external relations officer Amy Fox waved signs in the audiences that said, "You're dodging the question" and another one that said "That's not what I say."

At one point, McCullough who saw these actions as inappropriate

and disrespectful requested that the signs not be waved.

The debate ended with closing remarks from both Arsenault-Antolick and Aziz. "No matter how you feel, look at the issues," commented Arsenault-Antolick. She also spoke about how in her opinion, the money could be better spent.

According to Aziz, it was of utmost importance that students "talk about the issues." She also emphasized that it would not be fair sit back and let other student unions do all the work.

This meeting marks the last formal debate of the CFS membership question. With the Canadian Federation of Students actively campaigning for SFU's continued membership in the organization, and the SFSS working vehemently to defederate from a national student collective that they deem ineffective, the campus is guaranteed to be buzzing with political canvassers in the days leading up to the contentious referendum.

Campus News

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The five referendum questions

A brief description of the questions students will encounter at polling stations this week

1) CFS

Students at Simon Fraser University pay \$430,000 to the Canadian Federation of Students each year. Supporters of the CFS claim that this national student lobbying group gives students a united voice for government lobbying. Opponents of the CFS, however, claim that the Federation is ineffective and want to leave what they call an "unaccountable" organization. It is also the policy of most of the current Simon Fraser Student Society's Board of Directors that students do not benefit a great deal from the CFS. It will be up to students themselves to decide whether they wish to leave or remain members of the CFS.

2) Development fund

If separation from the CFS is passed, \$430,000 a year formerly paid to the Canadian Federation of Students can be given back to students, or put into things on campus such as clubs, departmental student unions, special events, more lobbying, and campaigns on student issues. If students vote yes on this question, the board is promising that students will be consulted for ideas and the final funding decisions made by the future board of the SFSS.

3) Acclamations

As it stands, if only one candidate runs for election, they win automatically. This referendum question is proposing that if someone runs unopposed, their election should be put to a yes/no ballot. If students think that they're competent, they can vote for them. If students think that they're terrible, they can vote to leave the position empty and have it filled at a later date. This change would bring the SFSS policy into line with the policies at other schools.

4) Bylaw 22

This bylaw is proposing a constitutional change for the Simon Fraser Student Society. For the SFSS to join a national or provincial student organization such as the Canadian Federation of Students, the organization must meet certain standards. It should post its bylaws, minutes, and other documents online within a three-month period, give paper copies to students if so asked, and acknowledge the right of SFU students to leave. If students decide to leave, they should be reimbursed their fees. The bylaw ensures that the Society will be prohibited from joining an organization like the CFS because it does not adhere to these strict guidelines. This bylaw is thought to be a particularly targeted aim at the Federation. If students vote to pass this resolution, it will make it difficult for SFU to rejoin the CFS or any organization like it unless they agree to conform to the SFSS's strict standards. Bylaw 22 has also been criticized of handing too much power to the Board. This bylaw permits the Board to join and leave organizations with a simple vote that does not require student approval.

5) Health plan

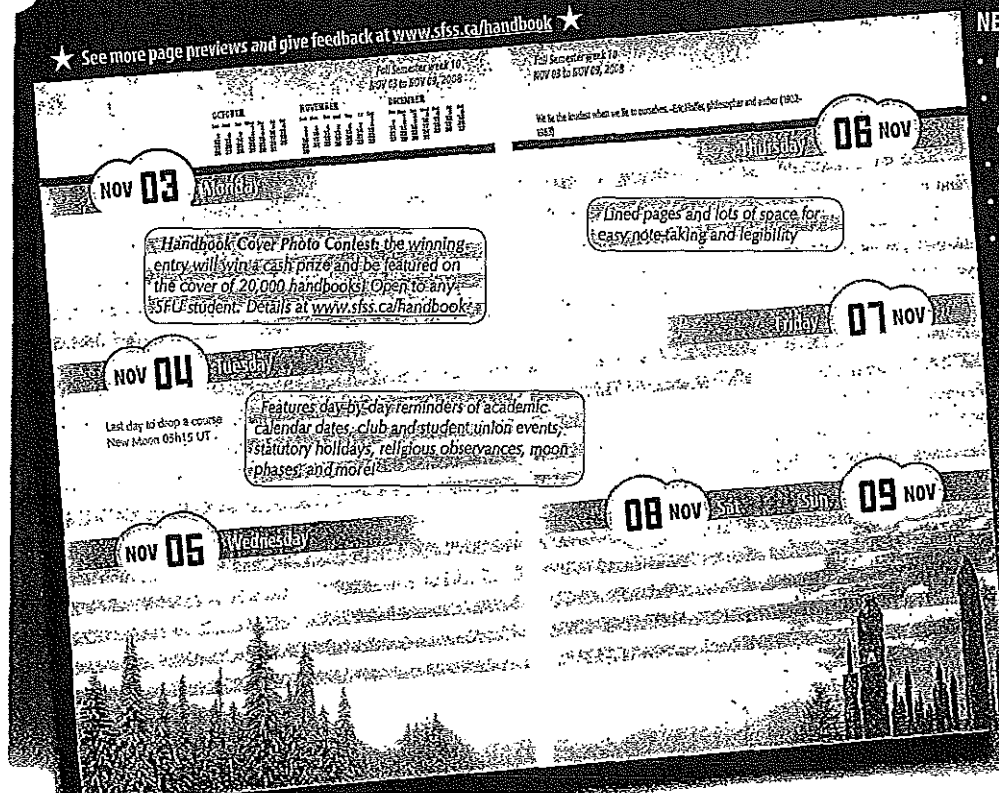
This is an exploratory question regarding the possibility of creating a health care plan for undergraduates. If students vote yes, the board will create a group of directors that will work on creating a health care system for undergraduate students. If students vote this question down, the Board will spend no time exploring the creation of an undergraduate health plan.

Coming Soon: the 2008/2009 SFSS Student Handbook and Day Planner

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sworn before me at Vancouver
this 14 day of September 2008

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THE PEAK: SIMON FRASER UNIVERSITY'S INDEPENDENT STUDENT NEWSPAPER SINCE 1965. ON
SINCE 1994.

News - issue 11, volume 127 — November 12, 2007 — hmmm what you say since 1965.

nat'l: CFS sues Acadia Students' Union

Angela Wilson, CUP Atlantic Bureau Chief

WOLFVILLE (CUP) — The Acadia Students' Union (ASU) and the Canadian Federation of Students (CFS) have a court date in December, potentially ending a decade-long saga.

The CFS sued the Students' Union at Acadia University following the Union's departure from the national lobby organization in 1996.

The CFS alleged that the union did not follow proper procedures when they "de-federated," the term used by the national lobby group for leaving its organization.

Ten years later, however, the case has become complicated due to a lack of records from both sides.

The main argument is based on the fact that two de-federation referendums were held at Acadia University: one in 1995 and the other in 1996.

Although the 1995 referendum to leave the CFS did not pass, the second, which was held within a year of the first, passed by a vote of 1077 to 319, with voter turnout at nearly 40 per cent of the student body.

In between these two referendums, however, the CFS passed a motion dictating that de-federation referendums could not be held within 24 months of one another.

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The ASU went ahead with their planned referendum, and subsequently left the CFS.

Because the CFS did not recognize the departure, though, they are seeking to collect two years worth of student fees they claim are still outstanding.

Kyle Steele, current president of the Acadia Students' Union, said that since the first referendum was held before the CFS changed their de-federation by-laws, the second referendum was lawful. According to CFS National Chairperson Amanda Aziz, however, the fees that the CFS is seeking were misappropriated by the ASU, who collected the fees from students in the two years of the referendums but never sent them to the CFS.

An article in the January 30, 1996 issue of Acadia's student-run newspaper, The Athenaeum, claimed that the ASU was contributing approximately \$30,000 annually to the CFS.

Further complicating the suit, however, are questions about the way the motion dictating the 24-month waiting period was passed.

According to Julia Carroll, ASU president at the time of the May 1995 CFS General Meeting, 18 delegations, including the ASU, walked out of the meeting in an attempt to strip the meeting of quorum.

Breaking quorum would have meant that any motions passed after that point would have been passed without the approval of the membership and in violation of the organization's bylaws.

However, it is unclear whether or not the motion dictating a grace period of 24 months between referendums was passed before or after this point in the meeting.

Minutes from the meeting were not available from either the ASU or the CFS as of press time.

The meeting's chairperson ruled that the tactic was of no effect, however, and that quorum was based on the number of delegations registered at the conference (50), as opposed to the number of

member delegations in the CFS (66).

However, the ASU and some other members disagreed with the ruling.

"Everything that was passed after that was illegal; it wasn't a proper meeting," Carroll said at the time.

Lawyers from both sides of the decade-old lawsuit are currently trying to reach a settlement. If none is met, the two sides will appear in court in December.

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September 8, 2008

VIA FACSIMILE

Coristine Woodall
Barristers and Solicitors
#660 – 220 Cambie Street
Vancouver, BC V6B 2M9

Attention: Susan M. Coristine

Dear Sirs/Madams:

This is Exhibit V "referred to in
the affidavit of DERRICK HARDER
sworn before me at VANCOUVER
this 19 day of SEPTEMBER 2008
[Signature]
A Commissioner for taking Oaths in the
Province of British Columbia

**Re: Simon Fraser Student Society v. Canadian Federation of Students, Canadian Federation of Students – Services and Canadian Federation of Students – British Columbia Component
S.C.B.C. Vancouver Registry, No. S082674**

As you know, we act for the Canadian Federation of Students and the Canadian Federation of Students – Services.

As you will be aware, the Simon Fraser Student Society ("SFSS") was a founding member of the Canadian Federation of Students and has been a full member since 1982. As such, pursuant to section 21(3) of the *College and Institute Act* (British Columbia), Simon Fraser University collects fees on behalf of the Canadian Federation of Students, the Canadian Federation of Students – Services and the Canadian Federation of Students – British Columbia Component.

The amount of fees remitted to the Canadian Federation of Students and Canadian Federation of Students – Services with respect to Simon Fraser University students is approximately \$215,000 per annum.

Normally, the Canadian Federation of Students and the Canadian Federation of Students – Services receives fees from the SFSS for the summer session in mid-June. Our clients estimate that the fees due and owing to it with respect to the 2008 summer session are approximately \$60,000. We are instructed that our clients have not yet received fees for the summer session, 2008 from the SFSS.

Page 2

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It is of course acknowledged that on March 18 – 20, 2008 the SFSS held a vote and the SFSS alleges that such a vote was sufficient to remove the SFSS from the Canadian Federation of Students and the Canadian Federation of Students – Services. Our clients' position, however, as you know, is that the vote was not held in accordance with the Canadian Federation of Students' bylaws and, for this reason, the vote is invalid and ineffective to remove the SFSS from the Canadian Federation of Students or the Canadian Federation of Students – Services.

The issue now is of course before the British Columbia Supreme Court and it is expected that the above noted Petition will be heard in the Fall, 2008. This hearing will not necessarily resolve the issue however.

Our clients' position is that the SFSS is still a member of the Canadian Federation of Students and the Canadian Federation of Students – Services and until this issue is resolved, Simon Fraser University ought to be collecting and remitting fees to our clients in accordance with section 21 of the *College and Institute Act* (British Columbia).

Further, regardless of the outcome of this litigation, our clients ought to receive fees for the summer session because, even if the SFSS's position is upheld by the Court, its membership could not have terminated until July 1, 2008 at the earliest, after the summer session fees ought to have been collected and remitted.

We ask what is the status of the fees for the summer session, 2008 which were, we expect, collected on behalf of the Canadian Federation of Students and the Canadian Federation of Students – Services by Simon Fraser University. Our clients' position is that such fees must be forthwith sent to our clients. We look forward to your response.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP



Martin L. Palleson

MLP/ce

cc: client

cc: Simon Fraser University (Attn: Office of the President)

cc: Mark Underhill (counsel for the Canadian Federation of Students – British Columbia Component)

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**UNDERHILL,
BOIES PARKER**
LAW CORPORATION INC.
BARRISTERS

MARK G. UNDERHILL
CATHERINE J. BOIES PARKER
ROBIN J. GAGE

In association with Black, Gropper & Company

Reply to: Mark G. Underhill (Vancouver Office)
Our File: 10170

September 11, 2008

VIA FACSIMILE

Coristine Woodall
Barristers & Solicitors
660 - 220 Cambie Street
Vancouver, BC V6B 2M9

Attention: Susan M. Coristine

Dear Ms. Coristine:

**Re: Simon Fraser Student Society v. Canadian Federation of Students
B.C.S.C. Vancouver Registry No. S082674**

As you know, I am counsel for the Canadian Federation of Students - British Columbia Component. ("CFS-BC") in the above-captioned matter. I write further to Mr. Palleson's letter of September 8, 2008. The CFS-BC also takes the position that it is owed fees for the 2008 summer session in the approximate amount of \$60,000, and seeks their immediate payment. Without repeating the points made in Mr. Palleson's letter, please advise as to the status of the 2008 summer fees, as well as the fees that are presently being collected for the 2008 fall term. I look forward to your early response.

Yours sincerely,

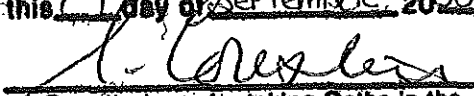
UNDERHILL, BOIES PARKER
LAW CORPORATION INC.

Per:


Mark G. Underhill

MGU/jfl

Copy by Fax: Gowling Lafleur Henderson LLP, Attention: Martin L. Palleson
Simon Fraser University, Attention: Office of the President

This is Exhibit W referred to in
the affidavit of DERRICK HARDEP
sworn before me at VANCOUVER
this 19 day of SEPTEMBER, 2008

A Commissioner for taking Oaths in the
Province of British Columbia