



This is the 1st affidavit of
T. Gregory in this case and was
made on December 16, 2010
No. 10 4638
Victoria Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

UNIVERSITY OF VICTORIA STUDENTS' SOCIETY

and

JOSÉ BARRIOS

PETITIONERS

AND:

CANADIAN FEDERATION OF STUDENTS

RESPONDENT

AFFIDAVIT #1 OF TITUS GREGORY

I, Titus Gregory, researcher, of 5 – 1001 Northlands Drive, in the District of North Vancouver, in the Province of British Columbia, make oath and say as follows:

1. I served as the Policy Analyst of the Kwantlen University College Student Association ("KSA") between January 2007 and December 2008 and was closely involved with an effort of the KSA in 2008 to secede from the Canadian Federation of Students ("CFS"). I then served as a Researcher for the Post-Graduate Students' Society of McGill University from September 2009 to March 2010. Commencing in September 2009, I extensively researched the history and process required by CFS members to secede from the CFS and, in particular, the CFS bylaws and practices surrounding member secession from the CFS. As such, I have personal knowledge of the matters and facts set out herein, except where stated to be based on information and belief, in which case I believe those matters to be true.
2. I have reviewed the first affidavit of Lucy Watson in this case that was sworn on December 9, 2010 ("First Affidavit of Ms. Watson").
3. At paragraph 16 of the First Affidavit of Ms. Watson, she states that it has "always been the practice of the Federation to take into account the stated

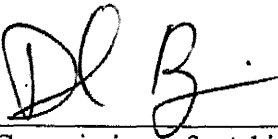
intention of individual members to have their names removed from a petition seeking a referendum on continued membership if the document expressing their intention to have their name removed is in compliance with the criteria noted above in paragraph fifteen (15)."

4. In March 2010, I completed authoring a paper that I titled, "Solidarity for Their Own Good: Self-Determination and the Canadian Federation of Students". In *Solidarity for Their Own Good: Self-Determination and the Canadian Federation of Students*, I focus largely on the evolution of CFS Bylaw I which addresses the process for acquiring CFS membership and seceding from the CFS and the CFS's practices surrounding secession efforts made by individual CFS members and various student associations affiliated with the CFS.
5. *Solidarity for Their Own Good: Self-Determination and the Canadian Federation of Students* was the product of significant research, which I conducted chiefly between September 2009 and March 2010. For example, I:
 - a. obtained the original Bylaws of the CFS and all of their amendments over the years, and carefully scrutinized the changes that have been made to Bylaw I;
 - b. obtained the minutes of almost all CFS national general meetings from 1981 to 2009, and reviewed all debates concerning proposed amendments to Bylaw I;
 - c. obtained and reviewed the affidavits, legal briefs, and other documents filed in eight different legal proceedings between the CFS and certain of its members who had held or who were seeking to hold referenda on accession to or secession from the CFS;
 - d. researched what constituted generally accepted best practices concerning the regulation and administration of referenda within democratic institutions; and,
 - e. researched the possible applicability of the oppression remedy to national not-for-profit corporations.
6. Attached hereto and marked as **Exhibit "A"** is a copy of my paper, *Solidarity for Their Own Good: Self-Determination and the Canadian Federation of Students*.
7. I note that in the First Affidavit of Ms. Watson, she does not provide any examples of the application of the practice to which she refers at paragraph 16 of her affidavit.
8. In the fall of 2009, a petition seeking a referendum on continued membership in the CFS was circulated at the University of Guelph (the "UoG Petition").
9. The CFS refused to honour the UoG Petition on the basis, *inter alia*, that a counter-petition had also been submitted to the CFS in the fall of 2009. The CFS

claimed that individuals who had signed the counter-petition wanted to have their signatures removed from the UoG petition.

10. On February 16, 2010, the Central Student Association of the University of Guelph ("CSA") filed an application with the Ontario Superior Court seeking an order that a referendum be held at University of Guelph at the end of March 2010 on continuing membership in the CFS of University of Guelph students and the CSA. Attached and marked as **Exhibit "B"** to my affidavit is a copy of the CSA's Notice of Application dated February 16, 2010.
11. The CFS opposed the CSA's application. I have reviewed the first affidavit sworn by Lucy Watson on March 8, 2010 and filed in the Ontario Superior Court of Justice in the application brought by the CSA (Court File #109/10). In her affidavit, Ms. Watson *does not* suggest that the practice she refers to in paragraph 16 of the First Affidavit of Ms. Watson was "always" the practice of the CFS. Attached and marked as **Exhibit "C"** is a copy of Ms. Watson's affidavit, without exhibits, sworn on March 8, 2010 and filed in the Ontario Superior Court of Justice.
12. On March 24, 2010, Mr. Justice O'Connor ordered that a referendum be held on the question of the University of Guelph's Central Student Association's continued membership in the Canadian Federation of Students and the Canadian Federation of Students-Ontario, such referendum to be held on April 7, 8, and 9, 2010. Mr. Justice O'Connor further directed that the referendum proceed in accordance with the Referendum Protocol appended as Schedule A to his Order. Attached and marked as **Exhibit "D"** is a copy of Justice O'Connor's Endorsement.
13. I am unaware of the CFS ever having engaged in the practice Ms. Watson references at paragraph 16 of the First Affidavit of Ms. Watson prior to the fall of 2009.

SWORN BEFORE ME AT THE City of)
 Vancouver, in the Province of British)
 Columbia, this 16th day of December 2010)


 _____)
 A Commissioner for taking Affidavits in)
 and for The Province of British Columbia)



TITUS GREGORY