

This is the 1st affidavit of  
L. Watson in this case and was  
made on December 9, 2010  
No: 10-4638

Victoria Registry

**In the Supreme Court of British Columbia**

**BETWEEN:**

**UNIVERSITY OF VICTORIA STUDENT SOCIETY**

**and**

**JOSE BARRIOS**

**Petitioners**

**and**

**CANADIAN FEDERATION OF STUDENTS**

**Respondent**

**AFFIDAVIT OF LUCY WATSON**

I, Lucy Watson, of the City of Ottawa in the Province of Ontario, MAKE OATH AND  
SAY AS FOLLOWS:

1. I am the Director of Organising with the Canadian Federation of Students (hereinafter the "Federation") and am responsible for overseeing membership-related matters for the Federation and as such have personal knowledge of the matters and facts hereinafter deposed to. Where my knowledge is based on information and belief, I have identified the source of my knowledge and verily believe the same to be true.

2. I have been Director of Organising with the Federation for six (6) years. In addition, prior to being Director of Organising, I was with the Federation in various other capacities for eight years. Prior to that I was the Ontario Representative on the National Executive of the Federation (hereinafter referred to as the "National Executive"). As Director of Organising, I am involved in initiatives across Canada by individual students to either join Federation or to hold a referendum on continuing membership in the Federation. As such, I have significant knowledge and experience with the custom and practice of the Federation in dealing with such initiatives.

#### **Background of Federation**

3. The Federation is a Canadian non-profit corporation incorporated under what was part 2 of the *Canada Corporations Act* (Canada). The Federation has a membership of approximately 600,000 individual students. The Federation considers itself to be the national union for students at post-secondary education institutions in Canada.
4. The Federation engages local campus student associations, referred to as member local associations, such as the University of Victoria Students' Society (UVSS) as agents, charged with representing the Federation in dealings or relations with its individual members on a particular campus. The UVSS is also responsible for remitting fees collected from individual members to the Federation. At general meetings of the Federation, member local associations also serve to exercise the collective vote of the Federation's individual members.

5. The UVSS became a member local association of the Federation in 1985. The undergraduate students at the University of Victoria and the UVSS have been respectively, individual members and a member local association, of the Federation continuously ever since. As a member local association of the Federation, the UVSS is bound by the By-laws of the Federation. Attached to my Affidavit and marked as Exhibit "A" is a true copy of the Federation's Constitution and By-law 1 of the Federation that governs membership, current as of November, 2009.
6. The individual members of the Federation at the University of Victoria are required to remit membership fees to the Federation in accordance with the By-laws.

**Petitions regarding continued membership**

7. By letter dated October 29, 2009, the National Executive received a petition from José Barrios, an individual member of the Federation. The petition had been signed by individual members of the Federation at the University of Victoria and requested that a referendum be held on the continued membership in the Federation (hereinafter the "Referendum Petition"). Attached as Exhibit "B" to this affidavit is a copy of the letter received from Mr. Barrios enclosing the Referendum Petition dated October 29, 2009.
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8. Mr. Barrios also included a letter from the Registrar at the University of Victoria which confirmed that 1892 of the 1972 signatures on the Referendum Petition were valid and that this represented 11.4% of the undergraduate population at the University of Victoria.

9. Based on the fact that 1892 undergraduates constituted 11.4% of the undergraduate population at the University of Victoria, that means that there was a total undergraduate population of 16,596 in the fall of 2009.
10. On or about November 13, 2009, the National Executive received a letter from Raizy Marmorstein, a student at the University of Victoria, enclosing a petition signed by 2913 members of the UVSS "calling for national student unity through continued membership in the CFS" [hereinafter referred to as the "Second Petition"]. Attached as Exhibit "C" is a copy of Ms. Marmorstein's letter dated November 13, 2009 and a copy of the Second Petition.
11. In her letter, Ms. Marmorstein advised the National Executive that she had become aware that those responsible for the Referendum Petition had misinformed those who had signed that petition. For that reason, she and other members of the UVSS had circulated the Second Petition "to properly inform members about the CFS and to provide any members who signed the petition to initiate a referendum as a result of misinformation with an opportunity to have their names removed."
12. The Second Petition that was attached to Ms. Marmorstein's letter contained the

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following preamble:

I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

- Lobby for reduced tuition fees and student debt
- Demand environmentally sustainable campuses

- Fight student aid cuts
- Improve transit service
- Get students services like a FREE International Student Identity Card
- Continue to work on campaigns such as "Where's the Justice for Aboriginal Peoples" and the "No Means No" anti-date rape campaign.

I believe that none of these objectives can be accomplished when students are divided.

*Therefore, I call on the board of the UVic Students' Society to defend student unity and to continue to fight for student rights through membership in the Canadian Federation of Students.*

*I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].*

13. I did not have any role and I am not aware of any National Executive member of the Federation, nor any staff member of the Federation, having any role with respect to the creation, coordination or circulation of the Second Petition.

#### **Confirming Validity of the Petitions**

14. By-law I of the Federation makes the National Executive responsible for reviewing any petition requesting a referendum on continued membership in the Federation. The criteria for determining whether a petition is in order includes the National Executive verifying the names entered on the petition. The National Executive has ninety (90) days after receipt of a petition to review the petition.

15. In order to be valid, a name on a petition submitted to the National Executive must be accompanied by a valid and corresponding student number and a unique signature. The name and student number must be reasonably legible. Finally, the individual must be a

current student at the institution and a member of the relevant member local association. These criteria have been employed by the National Executive in determining whether a petition is in order since the By-laws were amended to include the requirement for a referendum on continued membership.

16. Although there was no provision for a "counter-petition" in the Federation By-Laws, 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).
  17. The reason that this was and is the practice of the Federation is because such a practice has been in place for more than 20 years for trade union certification and decertification. Since the Federation considers itself the national union for students in Canada, the National Executive of the Federation had always accepted the applicability of this practice to the Federation.
  18. The Federation By-Laws were subsequently amended on May 25, 2010 to formalize the existing practice of accepting the withdrawal of individual member support when determining whether a petition seeking a referendum on continuing membership is in order.
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19. After receipt of the Referendum Petition and the Second Petition, the National Executive assigned three members of the National Executive to review the two petitions to determine whether the Referendum Petition was in order.
  20. Unless a petition received by the National Executive requesting a referendum on the question of continued membership in the Federation is accompanied by a letter from an institution's registrar's office which includes a report of the names on the petition that are valid, the National Executive will contact the member local association to request its assistance in verifying the names on the petition. This usually takes the form of the member local contacting the institution and requesting that each entry on the petition be verified. On occasion, a member local association will have a current copy of a list of students registered at the institution, and therefore members of the association, and will be able undertake this work directly.
  21. As noted above, the letter received from Mr. Barrios also included a letter from the Registrar at the University of Victoria confirming the validity of 1892 of the 1972 signatures. The letter enclosing the Second Petition from Ms. Marmorstein did not have a letter from the Registrar.
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22. As a result, on January 14, 2010, Dave Molenhuis, then-National Treasurer of the Federation wrote to Veronica Harrison, then Chairperson of the UVSS, indicating that the Federation was in receipt of the Referendum Petition requesting a referendum on continued membership be scheduled. In this same letter, Mr Molenhuis indicated that the

Federation was in receipt of the Second Petition from individual Federation members asking that their names be removed from the Referendum Petition. Mr. Molenhuis requested that the UVSS provide assistance verifying the membership status of the individuals who signed these petitions. Attached as Exhibit "D" is a copy of the January 14, 2010 letter from Mr. Molenhuis.

23. By email dated February 4, 2010, Ms. Harrison responded to the letter from Mr. Molenhuis and advised that Ms. Marmorstein was going to submit the Second Petition to the Registrar for verification. Attached as Exhibit "E" is a copy of the email dated February 4, 2010.
  24. By letter dated February 11, 2010, the Registrar at the University of Victoria confirmed that 2180 of the 2846 signatures on the Second Petition submitted by Ms. Marmorstein were valid. Attached as Exhibit "F" is a copy of the letter from the Registrar dated February 11, 2010.
  25. At no time did Ms. Harrison or the UVSS indicate opposition to the relevance or applicability of the Second Petition to the consideration being given by the National Executive to the Referendum Petition.
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26. Upon receipt of the letter dated February 11, 2010 from the Registrar, the petitions were reviewed by the National Executive of the Federation to determine how many student members whose signatures had been validated had signed both petitions. After a review



of both petitions, it was determined that 340 students whose signatures had been validated had signed both petitions.

27. By subtracting the validated signatures of those students who signed both petitions from the Referendum Petition, it was determined that the Referendum Petition only contained the signatures of 1552 valid members or 9.35% of the total undergraduate student body at the University of Victoria.
28. As a result, the National Executive of the Federation concluded that the Referendum Petition was not in order. The Federation advised Mr. Barrios of this in its letter dated March 24, 2010. A copy of that letter is attached as Exhibit "G" to this affidavit.
29. The position of the Federation was confirmed in the letter from our solicitor, Todd Burke, on August 13, 2010. A copy of Mr. Burke's letter is attached as Exhibit "H".

#### **Review of the Affidavit of James Coccola**


30. In making this Affidavit, I reviewed the affidavit of James Coccola sworn on November 12, 2010 in support of the UVSS application. In paragraph 15 of his affidavit, Mr. Coccola states that "[a]s far as I am aware the changes to the CFS Bylaws have not yet been consolidated into a updated version of the Bylaws." In fact, the By-laws of the Federation are consolidated immediately after the general meeting at which they are adopted. The By-laws are then submitted to Industry Canada for approval. Although copies of the new, consolidated By-laws are distributed to member local associations at

the subsequent general meeting, interested member local associations can request a copy of the consolidated By-laws prior to the general meeting.

31. I make this Affidavit in support of the response to the petition made by the UVSS and for no other or improper purpose.

SWORN BEFORE me at )  
the City of Ottawa in the )  
Province of Ontario this )  
9<sup>th</sup> day of December, 2010 )

  
A Commissioner, etc...  
Andrew McKenna

  
Lucy Watson

This is Exhibit "A" to the  
Affidavit of LUCY WATSON  
Sworn before me this 9th  
day of DECEMBER, 2010 A.D.

Andrew J. [Signature]  
A Commissioner, etc.,

## BYLAW I - MEMBERSHIP

### 1. Types of Memberships

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

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

### 2. Types of Voting Membership Status

#### a. Full Membership

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

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

#### b. Prospective Membership

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

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

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Section 2 b-vi, and conduct a full membership referendum, as described in Section 2 b-viii;

- vi. The fee for prospective membership in the Federation shall be five per cent (5%) of the regular Federation membership fee, notwithstanding that the fee may be reduced or waived by a majority vote of a national general meeting or the National Executive;
- vii. A prospective member association shall have full voting rights in Federation national general meetings, but shall not be permitted to designate a proxy to vote on its behalf, and shall have the same access to Federation resources and materials, except the International Student Identity Card, that a full member has;
- viii. A prospective member association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within twelve (12) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation;
- ix. In the event that the majority of those voting in the referendum support full membership in the Federation, full membership will be granted at the subsequent national general meeting, at which point prospective membership shall cease;
- x. In the event that the majority of those voting in the referendum oppose full membership in the Federation, prospective membership will immediately cease;
- xi. In the event that the referendum fails to achieve quorum, prospective membership will be automatically extended and another referendum on full membership will be held within the subsequent six (6) months in accordance with Section 5 of this Bylaw; and
- xii. In the event that a prospective member fails to conduct a referendum on full membership as required by this Bylaw, the Federation shall have the option to either cancel or extend, by majority vote of a national general meeting, the prospective membership until a referendum on full membership is conducted.

### 3. Membership Rights and Responsibilities

#### a. Rights of Individual Members

- i. The individual members of the Federation collectively belonging to a member local association will have sole authority to make decisions through referendum on all questions of membership in the Federation, subject to the other provisions of this Bylaw.
- ii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate, by petition signed by not less than ten percent (10%) of the individual members and delivered to the National Executive, a referendum to federate as described in Article 5 of this Bylaw.
- iii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate a referendum on continued membership, as described in Section 6 of this Bylaw, by submitting to the National Executive of the Federation a petition, signed by not less than ten percent (10%) of the individual members of the association, calling for the referendum.
- iv. Individual members of the Federation have the right to have their interests represented collectively in the Federation through their local student association, but will not have voting rights at the Federation general meetings.
- v. The Federation will attempt to ensure that a Federation membership card is issued to each individual member of the Federation who is a member of a full voting member of the Federation.

#### b. Rights of Voting Members

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

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

### c. Responsibilities of Voting Members

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

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

## 4. Vote to Federate

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

### a. Scheduling of the Referendum

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

### b. Referendum Oversight Committee

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

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

### c. Notice of Referendum

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

### d. Campaigning

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

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- ii. Only individual members and representatives of the prospective member association, representatives of the Federation and representatives of the Federation member local associations shall be permitted to participate in the campaign.

### e. Campaign Materials

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

### f. Voting and Tabulation

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

### g. Quorum

Quorum for any referendum vote on full membership shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.

### h. Appeals

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

## 5. Suspension and Expulsion of Members

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

### a. Process for Initiating the Procedure of Suspension or Expulsion

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

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

### b. Notice of the Suspension or Expulsion Procedure

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

- i. place the matter on the agenda for the next regularly scheduled national general meeting for which no less than four (4) week notice can be given; and

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- ii. inform, by registered mail, the member local association against which the suspension or expulsion procedure has been initiated no less than four (4) weeks prior to the national general meeting at which the matter of suspension or expulsion will be considered.
- c. **Required Majority**  
A two-thirds vote of a national general meeting shall be required in order to suspend the voting privileges or expel a member local association.
- d. **Appeal of Suspension or Expulsion**  
Any student association, which has had its voting privileges suspended or has been expelled, may appeal the decision to the next world congress of the International Union of Students.
- e. **Reinstatement of Voting Privileges**  
A member local association, which has had its voting privileges suspended, may have its voting privileges reinstated subject to the following procedure:
  - i. Upon receipt of a written application from a member local association requesting reinstatement of voting privileges, the National Executive will assess the merits of the application and make a recommendation to the voting member local associations at the next regularly-scheduled national general meeting.
  - ii. A two-thirds majority vote shall be required to reinstate a member local association's voting privileges.

## 6. Referendum on Continued Membership

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

### a. Petition

As per Bylaw I, Section 3.a.iii a petition calling for a referendum shall be signed by no less than ten percent (10%) of the individual members of the member local association and delivered to the National Executive of the Federation.

The petition shall be worded as follows: "We, the undersigned, petition the National Executive of the Canadian Federation of Students to conduct a referendum on the issue of continued membership in the Canadian Federation of Students."

### b. Schedule

- i. Within 90 days of receipt of the petition described in Bylaw I, Section 6.a, the National Executive will review the petition to determine if it is in order and, if it is, in consultation with the member local, will schedule a referendum that is not less than 60 days and not more than 90 days following, notwithstanding the provisions in Section 6.b.ii and subject to the following conditions:
  - there shall be no fewer than two (2) and no greater than five (5) days of voting; and
  - there shall be no less than seven (7) days and no greater than 21 days for campaigning, during which classes are in session, immediately preceding and during voting.
- ii. No vote on continuing membership may be held between:
  - April 15 and September 15; and
  - December 15 and January 15.
- iii. No referendum on continuing membership shall take place without compliance with Sections 6.b.i and 6.b.ii.

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### c. ~~Referendum Oversight Committee~~

The referendum will be administered by a four (4) person Referendum Oversight Committee composed of two (2) members appointed by the National Executive and two (2) members appointed by the applicable member local association. Within fourteen (14) days following the scheduling of the referendum, the National Executive will appoint two (2) representatives to serve on the Committee and request in writing from the member local association the appointment of two (2) representative to serve on the Committee. The Referendum Oversight Committee shall be responsible for:

- i. establishing the notice requirement for the referendum in accordance with Section 6.d of this Bylaw and ensuring that notice is posted;
- ii. approving all campaign materials in accordance with Section 6.f of this Bylaw and removing campaign materials that have not been approved;
- iii. deciding the number and location of polling stations;

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- iv. setting the hours of voting in accordance with Section 6.g.ii of this Bylaw;
  - v. overseeing all aspects of the voting;
  - vi. tabulating the votes cast;
  - vii. adjudicating all appeals; and
  - viii. establishing all other rules and regulations for the vote.
- d. Notice of Referendum**
- Notice of the referendum, that includes the referendum question and voting dates, shall be provided to the individual members of the member local association no less than two (2) weeks prior to the first voting date of the referendum.
- e. Campaigning**
- i. The member local association, the individual members from the member local association and the Federation not shall engage in any campaigning outside of the campaign period.
  - ii. Only individual members and representatives of the member local association, representatives of the Federation and individual members and representatives of Federation member local associations shall be permitted to participate in the campaign.
- f. Campaign Materials**
- i. Campaign materials shall include all materials developed specifically for the referendum campaign.
  - ii. Materials produced by the Federation that promote campaigns and services of the Federation shall not be considered as campaign materials unless they include specific content about the referendum.
  - iii. The Federation website shall not be considered a campaign material unless it includes specific content about the referendum.
  - iv. The Federation's annual report, financial statements, research and submissions to government shall not be considered a campaign material.
  - v. Campaign materials shall not be misleading, defamatory or false.
- g. Voting and Tabulation**
- i. Voting shall be conducted at voting stations or, subject to the agreement of the Referendum Oversight Committee, by mail-out ballot.
  - ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) and no more than five (5) days, except in the case of voting being conducted at a general meeting. In the event that voting is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.
  - iii. Unless mutually agreed otherwise by the member local association and the Federation, the referendum question shall be: "Are you in favour of continued membership in the Canadian Federation of Students?"
  - iv. The member local association and the Federation shall each be permitted to appoint one (1) poll clerk for each polling station.
  - v. The member local association and the Federation shall each be permitted to appoint one (1) poll scrutineer to oversee the counting of ballots.
- h. Quorum**
- Quorum for any referendum vote on continuing membership shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.
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- i. Appeals**
- Any appeals of the referendum results or rulings by the referendum Oversight Committee shall be adjudicated by an appeals committee (the "Appeals Committee") composed of one (1) member appointed by the member local association and one (1) member appointed by the Federation, neither of whom are members of the Oversight Committee.
- j. Advance Remittance of Outstanding Membership Fees**
- In addition to required compliance with Sections 6a. to i. and k. to l, in order for a referendum on continued membership to proceed, a member local association must remit all outstanding Federation membership fees not less than six (6) weeks prior to the first day of voting.
- k. Minimum Period Between Continued Membership Votes**
- In addition to required compliance with Sections 6 a. to j. and l., in order for a referendum on continued



membership to take place, a member local association may not have held a referendum on continued membership within the previous twenty-four (24) months, unless waived, by a two-thirds (2/3rds) majority vote of the National Executive.

**I. Minimum Period Between Vote to Federate and Vote on Continued Membership**

In addition to required compliance with Sections 6 a. to k., in order for a referendum on continued membership to proceed, a member local association may not have held a referendum to join the Federation within the previous twenty-four (24) months, unless waived, by a two-thirds (2/3rds) majority vote of the National Executive.

**7. Procedure for Application for Withdrawal**

- a. Following the holding of a referendum in accordance with Bylaw 1, Section 6 pursuant to which it is determined that the relevant membership shall not continue, the applicable member local association may provide a letter in writing notifying the Federation of its intention to withdraw from the Federation. Within ninety (90) days of the receipt of such letter, the National Executive will examine the notification to determine whether it is in order, and will make a recommendation to the voting members of the Federation concerning the withdrawal.
  - b. At the opening plenary of the next general meeting of the Federation, ratification of the withdrawal shall be put to a vote.
  - c. The withdrawal shall take effect on June 30 following the ratification of the withdrawal provided that all outstanding membership fees payable to such date shall have then been received by the Federation.
-

October 29, 2009

BY BAILIFF

To:

National Executive  
 Canadian Federation of Students  
 338C Somerset Street West  
 Ottawa, Ontario  
 K2P 0J9  
 Tel. (613) 232-7394  
 Fax (613) 232-0276  
 Email web@cfs-fcee.ca  
 Web www.cfs-fcee.ca

From:

José Barrios  
 University of Victoria Undergraduate Student  
 Society (CFS local 44)  
 1-1550 North Dairy,  
 Victoria, BC  
 V8T 3V3  
 Tel. (250) 588-8968  
 Email jlbarrios22@gmail.com

**RE: Notice of Referendum on the University of Victoria Student Society (Local 44)  
 Continued Membership in the Canadian Federation of Students**

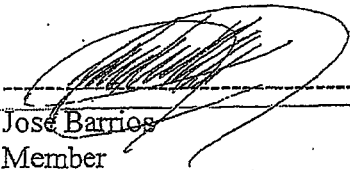
To Whom It May Concern:

Please consider this letter, the enclosed petition, and letter confirming the petition's validity, as official notice of a call for a referendum on the issue of continued membership of the University of Victoria Student Society (CFS local 44), in the Canadian Federation of Students.

The enclosed petition contains 1,892 verified signatures, approximately 11.4% of the members of the University of Victoria Student Society (CFS local 44) requesting such a referendum. There are 108 pages of the notarized copy of the referendum petition. Also included is confirmation letter from the University of Victoria Record & Registrarial Services.

We look forward to hearing from you as soon as possible.


Regards,

  
 José Barrios

Member

University of Victoria Student Society (CFS local 44)

This is Exhibit B to the  
 Affidavit of LUCY WATSON  
 Sworn before me this 9th  
 day of DECEMBER, 2009 A.D.

  
 A Commissioner, etc.,



University  
of Victoria

PO Box 3025 STN CSC  
Victoria BC V8W 3P2  
Canada  
Tel (250) 721-8121 Fax (250) 721-6225  
Web: www.uvic.ca/reco

9  
Undergraduate  
Records

23 October 2009

To Whom It May Concern:

RE: Petition to conduct a referendum on the issue of continued membership in the Canadian Federation of Students.

The Office of the Registrar of the University of Victoria has validated the signatures on the enclosed petition that belong to undergraduates currently enrolled in Winter Session 2009-2010. Of the total 1972 signatures delivered to our office, 1892 have been deemed to be valid, representing 11.4 % of the undergraduate population.

All undergraduate students at the University of Victoria are members of the UVic Students' Society (UVSS), Local 44 of the Canadian Federation of Students.

Sincerely,

Lauren Charlton  
Acting Registrar  
Records & Registrarial Services  
CU/gr

**A CERTIFIED TRUE COPY**

This is to certify that this is a true  
copy of Letter and  
consists of 1 pages, compared by  
me to the original and not found to  
have been altered in any way. Dated  
at the City of Victoria in the Province  
of British Columbia this 24 day of

Oct 2009

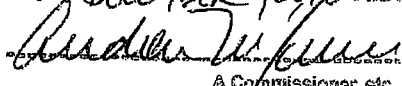
A Notary Public in and for the  
Province of British Columbia  
SABRINA I. HANOUSEK  
NOTARY PUBLIC  
201-2610 DOUGLAS STREET  
VICTORIA BC V8T 4M1  
TEL 250-382-8880

## Raizy Marmorstein

2605 Belmont Avenue • Victoria, BC V8R 4A7 • Phone: 250-858-9115  
E-Mail: raizy\_m@hotmail.com

Date: November 13, 2009

National Executive  
Canadian Federation of Students  
338 Somerset West  
Ottawa, ON  
K2P 0J9

This is Exhibit C to the  
Affidavit of LUCKY WATSON  
Sworn before me this 9th  
day of DECEMBER, 2010 A.D.  
  
A Commissioner, etc.,

To the National Executive of the Canadian Federation of Students:

I am writing to inform you that 2,913 members of the University of Victoria Students' Society (UVSS), Local 44 of the Canadian Federation of Students, have signed a petition calling for national student unity through continued membership in the CFS. I respectfully submit this petition for your full consideration in light of recent events at the University of Victoria.

It is my understanding that you are in receipt of a petition signed by what on the surface appears to be the minimum 10% of members of the UVSS required to initiate a referendum on continued membership in the Canadian Federation of Students. I feel compelled to inform you that the petition drive was conducted in a less than transparent manner and many of the organizers of that petition misinformed members as to the goal of the petition, as well as to the actions and role of the Canadian Federation of Students.

I was approached by organizers of the petition in the late stages of their petition drive and was told numerous things that I know to be untrue about the Canadian Federation of Students as inducement for me to sign the petition. Others I spoke with verified that they were given similar misinformation when approached. I am aware that, amongst other things, members were told by the organizers of that petition that:

- the petition doesn't mean there will be a referendum, but rather is the only way to initiate a dialogue on membership in the CFS;
- the CFS is corrupt and general members have no way to tell how money is being spent (at no time was it noted that budgets and audits for the CFS are available in the UVSS offices); and
- the CFS is ineffective (at no time was it noted that the work of the CFS in BC has resulted in the elimination of tuition fees for adult basic education, the tuition fee cap, and the Loan Reduction program).

Additionally, myself and others have heard from several students that they were harassed and otherwise pressured into signing their name to the petition to initiate a referendum when they were not fully aware of the consequences.

In light of the potential consequences of this misinformation campaign, myself and other individual members coordinated the circulation of the attached petition to properly inform members about the CFS and to provide any members who signed the petition to initiate a referendum as a result of misinformation with an opportunity to have their names removed.

I respect the right of members to discuss and debate our membership in our national student organization, and ultimately to initiate a referendum process if there is true dissatisfaction on campus. However, it is clear to me and the thousands of others who signed the attached petition that the drive to hold a referendum was not borne by grassroots dissatisfaction with membership, but rather by a small group of individuals with political ends that are antithetical to the goals of a united student movement. These individuals are deliberately misinforming members to achieve their personal ends. As such, I urge you to take the attached petition into consideration when deliberating on the petition to initiate a referendum on the continued membership of Local 44 members. In particular, I urge you to respect the second clause of this petition and remove the names of individuals who have signed the petition for student unity from the petition to initiate a referendum, wherever applicable.

I look forward to hearing from you at your earliest convenience.

Respectfully,

*Raizy Marmorstein*  
Raizy Marmorstein

Member, 3<sup>rd</sup> Year Economics  
Canadian Federation of Students Local 44

cc. Veronica Harrison, Chairperson of the University of Victoria Students' Society

I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

- lobby for reduced **tuition fees** and **student debt**
- demand environmentally **sustainable** campuses
- fight **student aid** cuts
- improve **transit** service
- get student services like a **FREE International Student Identity Card**
- continue to work on **campaigns** such as "Where's the Justice for Aboriginal Peoples" and the "No Means No" anti-date rape campaign

I believe that none of these objectives can be accomplished when students are divided.

Therefore, I call on the board of the UVic Students' Society to defend student unity and to continue to fight for student rights through membership in the Canadian Federation of Students.

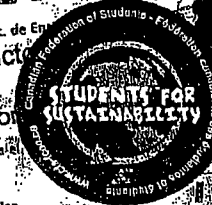
I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].

KEEP THE STUDENT MOVEMENT STRONG!



International Student Identity  
Carte d'étudiant Internationale / Carné International de l'étudiant

STUDENT



University of Victoria  
/ Étudiant à / Est. de l'Enseignement Supérieur de la  
/ Nombre: Johnson  
/ Style / Naddole  
/ 1987  
/ Validité / Validdez  
09/2009 - 12/2010

Name	Email	Signature	Student Number
Tim McMillan	icm@uvic.ca		V00204824
Zach Flood	floodz@		0427476
Elise Matthews	elysm@uvic.ca		V00704006
Reyna Chan	reynac@unc.ca		V00202450
Sara Pratt	western-chica@uvic.ca		V00504493
Noehwa Hwang	noehwang@uvic.ca		V00650327
Carl Stubens	carl.stubens@gmail.com		V00679153
Alan Smith	riotgear2112@hotmail.com		V00160752
Chuck Ukliis	dadubs@dadubs@hotmail.com		V00482761
Mike Berg	burg4@uvic.ca		V00131212

I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

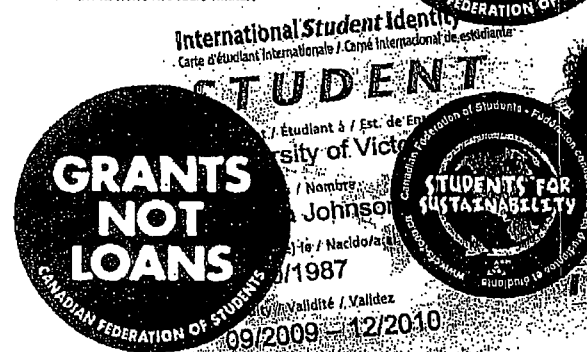
- lobby for reduced **tuition fees** and **student debt**
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- fight **student aid** cuts
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Therefore, I call on the board of the UVic Students' Society to defend student unity and to continue to fight for student rights through membership in the Canadian Federation of Students.

I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].

KEEP THE STUDENT MOVEMENT STRONG!



Name	Email	Signature	Student Number
Lindsay Myron	lmyron@uvic.ca	[Signature]	V00511274
Jamie Ferguson	fjarn33@gmail.com	[Signature]	V00706865
Kiefer Aland	kieferaland@hotmail.com	[Signature]	V00693690
Matthew King	mhking@uvic.ca	[Signature]	V00690920
OMAR KHAN	moR@uvic.ca	[Signature]	V00195992
Ginette Potentier	gpotentier@hotmail.com	[Signature]	V00685706
Rachel Davel	rdavel@uvic.ca	[Signature]	V00704660
Gillian H. Nicol	gnicol7@uvic.ca	[Signature]	V00704661
Colin Krahn		[Signature]	V00484949
Katherine Woyburn	kah_timberlake@hotmail.com	[Signature]	V00711931

I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

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- demand environmentally **sustainable** campuses
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- improve **transit** service
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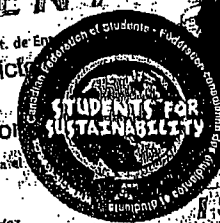
I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].

KEEP THE STUDENT MOVEMENT STRONG



International Student Identity  
Carte d'étudiant internationale / Carte internationale d'étudiant

STUDENT



09/2009 - 12/2010

Name	Email	Signature	Student Number
Vanessa Augustin	vna@uvic.ca		V00196596
Clara Pisarek	cpisarek@uvic.ca		V00699388
Alexa Gilker	gilker@uvic.ca		V00486584
Lisa Reimer	lreimer@uvic.ca		V00485604
Jared Georgeson			V00661392
Tracey Nguyen			V00679789
KIT BROWN-KATTS	k.brown@uvic.ca		0522558
Adella Gerry	adellag@uvic.ca		V0034366
Janelyn deBoer	janelynd@uvic		V00184027
Zeynep Horvath			V00707654



I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

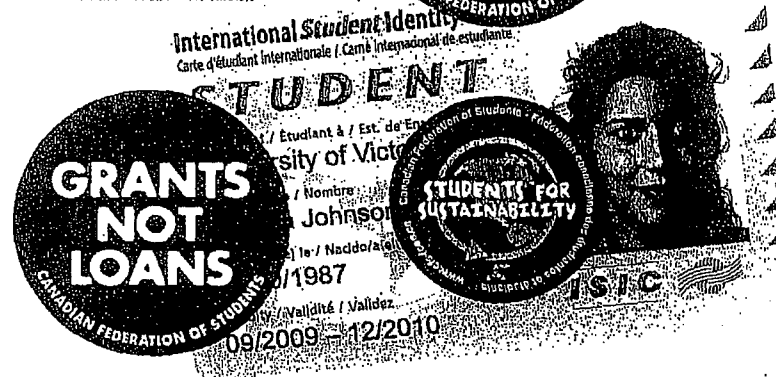
- lobby for reduced **tuition fees** and **student debt**
- demand environmentally **sustainable** campuses
- **fight student aid cuts**
- **improve transit service**
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Therefore, I call on the board of the UVic Students' Society to defend student unity and to continue to fight for student rights through membership in the Canadian Federation of Students.

I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].

KEEP THE STUDENT MOVEMENT STRONG!



Name	Email	Signature	Student Number
Alex Gajer	speciszra@gmail.com	<i>[Signature]</i>	—
Alisa Kits	alisak_713@hotmail.com	<i>[Signature]</i>	00706553
Reid Pearce	<i>[Signature]</i>	<i>[Signature]</i>	00189042
Conor Halliwell		<i>[Signature]</i>	U0660307
Hoodier McKenzie	hlmckem2@gmail.com	<i>[Signature]</i>	0530358
Geoffrey Richards		<i>[Signature]</i>	0485214
Schamie Asali	jascol@uvic.ca	<i>[Signature]</i>	V00659843
Daniel Coderre	danielc.mun1-573@hotmail.com	<i>[Signature]</i>	
Tristan Hutton	—	<i>[Signature]</i>	V00178165
Don Coutures	dwynter@uvic.ca	<i>[Signature]</i>	V00650436

I believe that the University of Victoria Students' Society should continue to work with students across BC and Canada through the Canadian Federation of Students to:

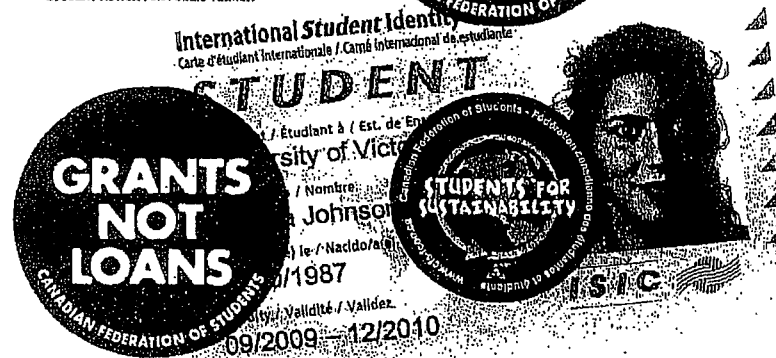
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- demand environmentally **sustainable** campuses
- fight **student aid** cuts
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- get student services like a **FREE International Student Identity Card**
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I do not want my name to be counted towards any petition to put to question membership in the Canadian Federation of Students [and the Canadian Federation of Students-British Columbia].

KEEP THE STUDENT MOVEMENT STRONG!



Name	Email	Signature	Student Number
Remy Hall	remyhall@uvic.ca		V00245564
Robin Tjay	rbctjay@uvic.ca		V00487611
Kyle Gillich	kgillich@uvic.ca		V00231993
Monika KOSZEWski	mkkoszewski@gmail.com		V00702687
Chloe Elly	ellasc@uvic.ca		V00482707
Michelle Gales	mxg		V00181277
Nathan Hoffert			V00659473
Tamara Camso	mara_c5@hotmail.com		V00178873
James Mitchell	jimitchell@uvic.ca		V00233648
RYAN SWANSON	RSWANSON@uvic.ca		V001684658



January 14, 2010

Veronica Harrison, Chairperson  
3800 Finnerty Road  
Student Union Building  
PO Box 3035  
Victoria, BC  
V8W 3P3

This is Exhibit 110 to the  
Affidavit of LUCY WATSON.  
Sworn before me this 9th  
day of DECEMBER, 2010 A.D.  
Andrew Wilson  
A Commissioner, etc.,

Dear Ms. Harrison,

The Canadian Federation of Students and its sister organisation, the Canadian Federation of Students-Services, were created to be national associations of individual post-secondary students. Within the Federations' structure, the individual student members are represented by their respective university and college student unions, through national assemblies employing a delegate voting system; however, the Federations' Bylaws set out that membership is determined directly by the individual members through on-campus referenda. In addition to setting out the process by which individual students vote on joining the Federations, the bylaws include a provision whereby the members can vote in a referendum on whether or not to continue their membership. To be initiated, such a vote requires a portion of the individual members belonging to a given student union to petition the Federations to conduct such a vote. Such a petition must be signed by at least ten percent of the individual students belonging to the union.

As you may already be aware, the Canadian Federation of Students' National Executive is in receipt of a petition submitted from individual members of the Federation belonging to the University of Victoria Students' Society seeking a referendum on the question of continued membership in the Federation. The petition appears to have been signed by at least ten percent of the Association's individual members and, therefore, appears to meet the minimum requirement set out in the Federation's bylaws.

In addition, the National Executive is in receipt of a second petition by individuals requesting that their names be removed from the initial petition seeking a referendum on the question of continued membership. The National Executive is requesting your assistance in verifying the authenticity of the names on the petition.

As a first step, the National Executive needs to verify if the petition has been signed by the required minimum number of individual Federation members belonging to the University of Victoria Students' Society. We are therefore requesting the assistance of the Students' Society in verifying the authenticity of the names appearing on the petition, including the enrolment status (or membership status, if different). Please ask that each name on the petition be marked as valid (or invalid) by the Registrar's office.

The Registrar must be able to confirm that the name of the individual and the student

number as they appear on the petition are legible and therefore verifiable. In addition, a sworn statement from the University of Victoria authenticating the names and confirming undergraduate enrolment numbers for the fall 2009 semester would likely suffice.

Please let me know at your earliest convenience whether the University of Victoria Students' Society will be able to assist with the verification. Please do not hesitate to contact me if you have any questions.

Regards,



Dave Molenhuis  
National Treasurer

From: "Veronica Harrison" <chair@uvss.uvic.ca>

Date: February 4, 2010 2:18:21 PM EST

To: <treasurer@cfs-fcee.ca>

Subject: UVSS petition

This is Exhibit "E" to the  
Affidavit of LUCY WATSON  
Sworn before me this 9th  
day of DECEMBER, 2010, A.D.  
*Andrew M. Lusa*  
A Commissioner, etc.

Dear Mr. Molenhuis,

My apologies for the delay in responding to your letter, which I received

last week. I have forwarded your correspondence to Raizy Marmorstein, as

she coordinated this petition on campus and is in possession of the petition. She has assured me that she will submit the petition to the Registrar for verification today.

Sincerely,

Veronica Harrison

Chairperson

UVic Students' Society

Local 44 - Canadian Federation of Students

(250) 721-8370

[www.uvss.uvic.ca](http://www.uvss.uvic.ca)



University  
of Victoria

PO Box 3025 STN CSC  
Victoria BC V8W 3P2  
Canada  
Tel (250) 721-8121 Fax (250) 721-6225  
Web: www.uvic.ca/reco

Undergraduate  
Records

11 February 2010

To Whom It May Concern:

This is Exhibit 11F1 to the  
Affidavit of LUCY WATSON  
Sworn before me this 9th  
day of DECEMBER 2010 A.D.  
Andrew Dufour  
Commissioner, etc.,

RE: Petition supporting the University of Victoria's membership in the Canadian Federation of Students entitled "Keep the Student Movement United."

The Office of the Registrar of the University of Victoria has validated the signatures on the enclosed petition that belong to undergraduates currently enrolled in January-April 2010. Of the total 2846 signatures delivered to our office, 2180 were deemed valid, representing 12.9% of the undergraduate population.

All undergraduate students at the University of Victoria are members of the UVic Students' Society (UVSS), Local 44 of the Canadian Federation of Students.

Sincerely,

Lauren Charlton  
Acting Registrar  
Records & Registrarial Services  
CU/gr



March 24, 2010

Veronica Harrison, Chairperson  
University of Victoria Students' Society  
3800 Finnerty Road  
Student Union Building  
PO Box 3035  
Victoria, BC V8W 3P3

Dear Ms. Harrison,

As you are aware, the Canadian Federation of Students' National Executive received a petition from individual members of the Federation belonging to the University of Victoria Students' Society seeking a referendum on the question of continued membership in the Federation.

Unfortunately, Jose Barrios, the individual who submitted the petition, failed to provide a return mailing address. As a result, I am unable to send the enclosed correspondence directly. I am hoping that you can forward the enclosed letter to Mr. Barrios at your earliest convenience.

Thank-you in advance for your assistance in this matter.

Sincerely,

Katherine Giroux-Bougard  
Chairperson

This is Exhibit "6" to the  
Affidavit of LUCY WATSON  
Sworn before me this 9th  
day of DECEMBER, 2010 A.D.  
Andrew H. [Signature]  
A Commissioner, etc.



March 24, 2010

Jose Barrios  
c/o University of Victoria Students' Society  
3800 Finnerty Road  
Student Union Building  
PO Box 3035  
Victoria, BC  
V8W 3P3

Dear Mr. Barrios,

As you are aware, the Canadian Federation of Students' National Executive received a petition from individual members of the Federation belonging to the University of Victoria Students' Society seeking a referendum on the question of continued membership in the Federation. In addition, the National Executive received a second document signed by individuals requesting that their names be removed from that petition seeking a referendum on the question of continued membership in the Federation.

In accordance with Bylaw I, 6. bi, the National Executive has undertaken a review of the petition to determine whether it is in order. As a result of this process, it has determined that the number of signatories on the petition to initiate a referendum on the question of continued membership did not meet the ten percent (10%) threshold required by the Federation's Bylaws.

To state the obvious, in order for a vote on the question of continued membership in the Federation to be initiated, there must be adherence to the Bylaws. As described above, the petition did not meet the ten percent (10%) threshold set out in the Bylaws and, therefore, was deemed invalid.

Sincerely,

Katherine Giroux-Bougard  
Chairperson

cc. Veronica Harrison, President, University of Victoria Students' Society





montréal • ottawa • toronto • hamilton • waterloo region • calgary • vancouver • moscow • london

August 13, 2010

VIA EMAIL

Mr. David Borins  
Heenan Blaikie LLP  
Suite 2200, 1055 West Hastings Street  
Vancouver, BC V6E 2E9

This is Exhibit "H" to the

Affidavit of *WATSON*

Sworn before me this *9th*

day of *DECEMBER, 2010* A.D.

*Todd J. Burke*

A Commissioner, etc.

Todd J. Burke  
Direct (613) 786-0226  
Direct Fax (613) 788-3513  
todd.burke@gowlings.com  
File No. 03350237

Dear Mr. Borins:

**Re: Canadian Federation of Students and University of Victoria Student Society  
("UVSS")**

As you are aware, I act as counsel for the Canadian Federation of Students ("CFS") with respect to this matter.

You are correct that my clients received a petition on November 4, 2009 requesting a referendum on continued membership in the CFS. You then suggest that my clients did not challenge the certification and that it was only in late March, 2010, that my clients advised that a counter-petition had been circulated and that any names on the counter-petition must be "deducted" from the names on the original petition. With respect, your recital of the facts is not complete.

In early January, the National Executive of CFS met to review the petition it received on November 4, 2009. This was in compliance with By-Law 1, section 6(b) which provides that the National Executive meet within 90 days of receipt of a petition to review the petition and determine if it is in order. At the time that the National Executive met, it was also in receipt of a second petition signed by individual members stating, among other things, that they did not want their name to be counted towards any petition to put to question continued membership in the CFS.

By letter dated January 14, 2010, my client advised your client of the receipt of both petitions. My client also requested UVSS' assistance in verifying the authenticity of the names of the student members who had signed the second petition (a copy of this letter is attached). By email dated February 4, 2010, Veronica Harrison responded to the letter from my client and advised that the person who was co-ordinating the second petition was going to submit it to the Registrar for verification. The second petition was subsequently verified, which resulted in my client's subsequent letter to your client dated March 24, 2010.

gowlings

Please consider this letter as confirmation of my client's position that the petition delivered November 4, 2009 is not in order. Clearly, there were a significant number of students who specifically requested that their names be removed from the November 4, 2009 petition. My client takes the position that the intention of these students should be respected. The review carried out by my client with respect to both petitions led it to the conclusion that less than 10% of the individual members at University of Victoria had requested for a referendum.

It is my client's position that the fact that the by-laws of the CFS do not make any reference to a "counter-petition" is not determinative of this issue. Unlike your client, my client was not prepared to disregard the intention of the students who requested that their names be removed from the petition.

In light of the above, my client will not be proceeding with the scheduling of a referendum on the question of continued membership in the CFS.

I trust this makes my client's position clear.

Yours very truly,



Todd J. Burke

AMK:ret

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