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Universities

CFS threatens legal action against Eyeopener

Canada's largest student lobby group warns Ryerson student newspaper, and others

Erin Millar, Macleans.ca | Apr 05, 2007 | 18:22:29

At 4 PM, on April 3, in the midst of the production scramble at Ryerson's student paper the *Eyeopener*, editor-in-chief Robyn Doolittle got a phone call. The caller wanted her to check her email. "I told her I couldn't talk right then because we were two hours before deadline," Doolittle said. "I thought she was following up on a press release or something, but she said that it had to do with the paper this week." It eventually became clear that the caller was from a law firm, and she insisted that Doolittle read the email — though she refused to elaborate on its contents or identify her client. It turned out to be from a law firm representing Canada's largest student lobby group, the Canadian Federation of Students (CFS).

Three hours later, and one hour after deadline, a letter was hand-delivered to the *Eyeopener* by Ken Marciniac, national executive representative of the CFS-Ontario. It warned the paper not to include certain statements in an article that was to appear in the next morning's issue, or face legal action.

The CFS has become a frequent — and increasingly controversial — subject of coverage in student papers across Canada. In response, the CFS has taken to warning student newspapers in advance about potential inaccuracies in upcoming articles. That, in combination with other actions, has some student journalists wondering whether using CFS resources and legal funds to threaten student papers is appropriate.

The CFS is funded by student levies. More than 80 university and college students' unions across Canada are CFS members, covering approximately half a million students, including Ryerson students and the staff of the *Eyeopener*.

The letter delivered to the *Eyeopener* — **which can be found at the end of the online version of the article** — warns Robyn Doolittle, the newspaper's editor-in-chief, not to repeat "certain false and potentially defamatory statements which have been recently published in the student press."

"Please ensure that your upcoming article about CFS does not contain these or other falsehoods," the letter reads. "In the event that it does, be advised that CFS will consider all legal remedies available to it." The *Eyeopener* went to press that evening, and did not alter its article in response to the letter.

"I was very surprised they sent a letter before the article was published," said Doolittle. "There is a growing discontent across the country about the CFS and student press is finally covering it. And it appears that they are worried about it."

"To me, getting a letter delivered in person right at deadline is clearly an intimidation tactic," she said.

However, Ian Boyko, CFS government relations coordinator, says he is only

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trying to ensure accurate coverage of his organization. "The vast majority of student publications have little problem with that," he said. The CFS says that many stories about it in the student press still do contain errors, and that errors in one publication get picked up and repeated by others.

He cited articles in the *Manitoban* at the University of Manitoba, the *Excalibur* at York University, and earlier articles at the *Eyeopener* as examples of publishing inaccurate information.

One of the events that the *Eyeopener* was warned not to write about was "statements to the effect that the CFS recently loaned or advanced funds to the Douglas Students Union."

A forensic audit at Douglas College — ordered to look into "significant deficiencies in internal controls" — reported that the CFS made three loans to Douglas College Students' Union, for \$100,000 in October 2005, \$50,000 in December, and \$50,000 in January 2006. The alleged advances took place while Douglas College refused to remit payment of student fees to the students' union because of questions raised about the union's financial management. The audit also stated that none of the loans were approved by the union and were entered into without proper authorization.

Continued Below

The CFS denies this claim. In an affidavit sent to *Maclean's*, CFS Treasurer David Hare denied that any loans or advances were made. Boyko said that the audit was incorrect and that the auditor had since acknowledged his mistake.

However, Ronald H. Parks, an accountant who oversaw the audit on behalf of the Society of the Douglas Students' Union, insists that he has not retracted that section of the audit. "I didn't say that it was an inaccuracy," he said.

Parks did receive a complaint about mislabeling the group CFS instead of CFS-BC, but said that the CFS never provided him with documentation to confirm that assertion. He attempted to investigate the claim by contacting the CFS, but never received a response. "They contended that the money came from their provincial chapter. Quite frankly, the CFS is the CFS. I don't care what branch it is."

Parks said that in order to make a change to the audit, he would need proper documentation. "A loan agreement of some sort or/and in the absence of that, some claim on the building [that the CFS claimed to have secured the loan against]." Parks says that he never received a signed copy of the loan agreement after requesting it. "I don't think it actually exists," he said.

But lumping together different branches of the CFS is, according to Boyko, a serious error. He says that student papers routinely mix-up the CFS with their provincial counterparts or their subsidiary, CFS-Services. "These are completely, separately incorporated entities with their own bylaws and boards of directors," Boyko said. "The truth is that even if the board of directors of the CFS wanted to affect a decision of a provincial group, they wouldn't have the authority."

Boyko continues: "In a lot of cases, like in Ontario and BC, the incorporation of the provincial groups predates the establishment of the CFS. When the CFS was formed, there was a common understanding in the 1980s that students should be united on the provincial and national level. So there are name-sharing agreements."

However, Carson Jerema, editor-in-chief of the *Manitoban*, the student newspaper at the University of Manitoba, said that although the groups are legally separate entities, it doesn't make any difference to readers. "When students vote to join the CFS in a referendum, they don't vote on each group separately. They vote on the CFS and are automatically members of CFS-Manitoba and CFS-Services." He also pointed out that the board of directors for CFS and CFS-Services are made up of nearly the same people and that the bylaws are almost identical.

Jerema believes that the CFS complaining to papers about details such as

This week's newsmakers

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allegedly incorrect naming is overkill. "I think picking on those things – from an accountants or incorporation perspective, but not a day-to-day operations perspective – does not help their cause or encourage student media to be sympathetic to CFS issues."

Doolittle agrees and added that the CFS complaints discourage student papers from covering them. "A lot of student papers don't have the resources that the *Eyeopener* does and [receiving a legal letter] would be extremely intimidating. Students have to know that when you do get this type of letter, not to be afraid of it. That's why people avoid writing about the CFS."

Both Jerema and Doolittle admit that mistakes are made sometimes in student media. "Especially since the CFS is a student group," says Doolittle, "they should know that many of my writers are first and second-year journalism students. They are not professionals. But professionals make mistakes too. You have to appreciate the system of student media."

"Everyone has to be able to take criticism," Doolittle goes on. "The *Eyeopener* takes it all the time. But the point of these articles is to make the [CFS] better, not to take it down."

Boyko believes that student journalists must strive for more accurate coverage. "Accuracy in reporting is important to serve students properly."

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Tim Louman-Gardiner

April 6, 2007 | 03:52:12

What gets me about this isn't that the CFS is trying to protect its reputation, what bothers me are the intimidation tactics they're willing to use. If they were only concerned about some factual nuances, a lawyer's letter would be hardly necessary. But there's a power imbalance between a

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