



December 17, 2013

RE: The Appointment of the CFS National Chief Returning Officer

Dear Members of General Council,

Your Executive Committee puts forward this notice with deep concern. As we reported to you on Monday (December 9th 2013), the Executive Committee had sent a letter to the Canadian Federation of Students' National Executive Committee to register our concerns with regards to the appointment of Katharine Giroux-Brogard as the Chief Returning Officer (CRO) of the Federation for the current disaffiliation referenda. This letter was sent to fulfill our obligations to the membership, following a motion from the Annual General Meeting which compels us to ensure these concerns.

As noted in that initial letter, the membership has grave concerns with regards to Giroux-Brogard's impartiality on disaffiliation referenda due to her service as the Chairperson of the Federation (2008-9) and her previous work for the Federation on maintaining affiliations in situations such as this. In said letter (sent via email for expedience) and attached email correspondence, we asked for our request to be reviewed by the National Executive Committee as a whole by December 8th. Following repeated attempts to prompt their response to our letter, we received – late on December 8th – notice that we would be receiving mailed letters from the Federation to address this concern and to begin the petition verification process.

While the second of these letters arrived on Monday, December 9th, it was not until Wednesday, December 11th, that correspondence was received regarding the CRO. This correspondence, from Vanessa Hunt – Deputy Chairperson of the Federation – indicated that our letter had not been distributed as requested to the whole of the National Executive during the period in which we requested it and that no consideration was given at this time to our concerns. Further still, Hunt claimed that no party voted against or abstained on the appointment of the CRO and that said appointment occurred during Opening Plenary, which lacks factual accuracy and misrepresents the position of the representatives of the UTGSU. From our understanding, this vote occurred in Closing Plenary, was not unanimous, and did not reflect the UTGSU's position—as we had already left Plenary in response to the treatment of our delegation.

It is the opinion of the UTGSU Executive Committee that this indicates bad faith and unwillingness from the at-large National Executive members—the Chairperson, Deputy Chairperson, and Treasurer—to allow for proper and fulsome consideration of our concerns and to call for a Special General Meeting to deal with said concerns openly. Under these circumstances, we now believe that legal options must be considered to fulfill our obligations to our membership—as expressed in spirit by the disaffiliation referenda petitions and in practice by motions from both our Annual General Meeting and Council itself.

However, as was stated to General Council at our December 9th meeting, on this particular issue it is our belief that action to be taken should be ultimately directed by General Council. We have committed, as an Executive Committee, that we will not engage in unilateral legal action on matters surrounding the Federation, but would instead take direction from you.

At the UTGSU Executive Committee Meeting on December 12th 2013, we determined that the question of taking action on these matters related to the Chief Returning Officer of the Federation was of the utmost importance and would require as immediate attention as possible. As such—and as noted in the body

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of the email to which this letter is initially attached—you will note that we are calling a Special Meeting of General Council to be held on Wednesday, January 8th 2013 at 6:10 PM in the Earth Sciences Building Auditorium.

In anticipation of the Special Meeting of Council, we will acquire a legal opinion to inform the General Council on its legal options to contest appointment of the CRO. We wish to be as clear as possible that creating a long-term retainer for legal counsel and any legal action will be taken at Council's decision—not that of the Executive. In our view, Council has freedom of choice in these matter and must be led by sound advice by expertise in said areas of law – rather than by urging from your Executive alone.

As well, we have sent a request to Finance Committee to investigate—independent of the Executive Committee—the financial capacity of the Union to engage in legal issues and to provide for legal defense on issues related to the disaffiliation petitions. This investigation's initial findings will be presented to you at the Special Meeting to further ensure that representatives have the fullest information available on the impacts of legal action, if Council so chooses to move in this direction.

Your Executive Committee deeply believes in the ability of General Council to make decisions such as this one in its own right and wishes to provide it with the tools to aid in such discussions. Together, we—Executive Officers and Councillors alike—have been tasked with an explicit mandate to ensure and protect the democratic rights of our members. We have been tasked, together, to investigate and pursue this very issue by our Annual General Meeting.

So then, we hope this message finds you well and that, together, we might make the best decision for our membership,

All the best,



Brad Evoy

External Commissioner, on behalf of the Executive Committee of the Union.