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SELF-DETERMINATION AND THE CANADIAN FEDERATION OF STUDENTS



Titus Gregory

March 2010
(Amended April 2013)

Minutes, agendas, and other documents of the Canadian Federation of Students and its predecessor organizations can be found on this website: <http://www.studentunion.ca/cfs/>. Documents relating to litigation involving CFS affiliation/disaffiliation referenda can be found on this website: <http://www.studentunion.ca/cases/>.

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Any errors remaining are mine. Should it be necessary to issue corrections, these will be posted to the following website: <http://www.studentunion.ca>.

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Nothing in this paper should be construed as being legal advice.

This paper contains references to affidavits, pleadings, and other documents that have been filed in court. The reader is cautioned that the facts asserted in these documents have not necessarily been proven by the court in question.

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Executive Summary

Although the Canadian Federation of Students (CFS) has been the subject of a great deal of criticism in recent years, few have sought to gain a detailed understanding of the organization and understand how it functions in practice. At present, many students are attempting to leave the organization,¹ but most of these attempts have been blocked through various legal maneuverings.² This paper is partly an organizational analysis of the CFS, partly a political argument, and partly an exposé.

Drawing largely on a large number of primary and secondary source documents, this paper argues that the CFS is governed, *de facto*, as an oligarchy consisting of a relatively small group of staff and directors. Due to a number of structural factors, the proper relationships of accountability between staff and directors, and between the CFS and its member students' unions, are partially inverted, turning the organization into a top-down structure whose corporate culture is essentially bureaucratically-oriented, rather than membership-oriented. As a result of this bureaucratic orientation, the CFS's interest in maintaining and increasing its membership (and source of funds) eclipses its commitment to respecting democratic decision-making, local autonomy, and freedom of the speech and of the press.

Specifically, this paper argues:

- that the referendum processes provided in CFS bylaws violate all rational norms for the fair administration of referenda, through a biased Referendum Oversight Committee that perpetuates the systematic suppression of freedom of speech on campus during the months preceding an affiliation or disaffiliation referendum;
- that forces within the CFS appear to support the abolition of the referendum process entirely, in favour of legislation that would force all Canadian students to be members of the CFS;
- that the CFS is internally organized along democratic centralist lines, in which the “student movement” is conceived as a single, structured organization that is expected to adhere to centrally-determined decisions, rather than as a voluntary federation of autonomous students' unions;
- that there is considerable evidence that senior CFS officials have interfered in local students' union elections;

¹ Erin Hale, “Students at 13 unions petition to leave CFS: Members disenchanted with student federation’s transparency and legal methods,” *The McGill Daily*, September 20, 2009, <http://www.mcgilldaily.com/articles/20149>.

² Jennifer Pagliaro, “The CFS goes to court: Only one school will see a CFS referendum this year, while other schools take legal action,” *Macleans.ca*, March 2, 2010, <http://oncampus.macleans.ca/education/2010/03/02/the-cfs-remains-intact-for-another-year/>.

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- that on a number of occasions, senior CFS officials have orchestrated a campaign of sabotage against “competing” student organizations, including the Canadian Alliance of Student Associations, as well as a number of other organizations that have since collapsed in part due to this sabotage;
- that CFS general meetings are tightly controlled, deliberately cut off from the general membership, and manipulated by CFS and students’ union staff in order to ensure that desired results are achieved; and,
- that the corporate culture of the CFS is such that the relationship between CFS officers and staff is subverted, such that officers tend to see themselves as “bureaucrats-in-training” rather than as elected student representatives.

Furthermore, drawing on sociological analyses of democratic organizations, this paper argues that the oligarchical nature of the CFS is hardly surprising, but is rooted in the organization’s unique bureaucratic structures and the transient nature of its student membership.

By forcing an oppressive and alienating bureaucratic structure on students, the CFS is not only turning students away from political activism, but is in fact delegitimizing the very concept of a democratic collectivist organization. Over the long term, this could result in an increase in support for legislation to make individual membership in students’ unions voluntary and for “open shop” labour legislation, and in a decrease of support for public social programs such as public education and healthcare. The CFS’s structures therefore threaten the very political goals that the organization has committed itself to achieving.

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List of Acronyms

- ACTISEC – Alberta College and Technical Institute Student Executive Council (1982 – present)
- AFS – Atlantic Federation of Students (1975 – 1978)
- AGEUM – Association générale étudiante de l’Université de Montréal (1922 – 1969)
- ANeq/ANEEQ – Association nationale des étudiants [et étudiantes] du Québec (1975 – 1994)¹
- ASU – Acadia Students’ Union (1967 – present)
- AOSC – Association of Students’ Councils (Canada) (1969 – 1992)
- ASSÉ – Association pour une solidarité syndicale étudiante (2001 – present)
- BC CASA – British Columbia Central American Student Alliance (1990s – present)
- CART – Canadian Academic Round Table
- CASA – Canadian Alliance of Student Associations (1995 – present)
- CAUS – Council of Alberta University Students (1986 – present)
- CCSA – Canadian Congress of Student Associations
- CCSS – Cariboo College Student Society (1970s – present) (now known as the Thompson Rivers University Students’ Union [TRUSU])
- CFS – Canadian Federation of Students (1981 – present)²
- CUP – Canadian University Press (1938 – present)
- CUPE – Canadian Union of Public Employees (1963 – present)
- CUS – Canadian Union of Students (1963 – 1969)
- FECQ – Fédération étudiante collégiale du Québec (1990 – present)

¹ In 1980, ANeq feminized its name, becoming “Association nationale des étudiants et étudiantes du Québec.” In 1988, the organization feminized its logo and acronym (ANEEQ). Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006* (Montréal : Sabotart Édition, November 2007), 38-40.

² The organization, at the national level, consists of two distinct not-for-profit corporations, the Canadian Federation of Students (“CFS-National”) and the Canadian Federation of Students-Services (“CFS-Services”). However, the two corporations at present have identical members, directors, and officers; their bylaws are very nearly identical; their national general meetings and national executive meetings occur simultaneously; their minutes, budgets and financial statements are invariably presented in combined form; and their staffs are combined and function as a single unit. In addition, the Federation has sought to minimize in students’ minds any distinction between the national, provincial, and even local work of the organization. In this paper, therefore, I use the term “Canadian Federation of Students” or “CFS” to refer to the organization as a whole, not simply CFS-National.

List of Acronyms

FEUQ – Fédération étudiante universitaire du Québec (1989 – present)

ITU – International Typographical Union (1852 – 1986)

KSA – Kwantlen Student Association (1981 – present)

LSU – Langara Students’ Union (1969 – present)

NFCUS – National Federation of Canadian University Students (1926 – 1963)

NGM – National General Meeting

NUS (Australia) – National Union of Students of Australia (1987 – present)

NUS (Canada) – National Union of Students of Canada (1972 – 1981)

NUS (UK) – National Union of Students of the United Kingdom (1922 – present)

OUCSA-K – Okanagan University College Student Association – Kelowna (now known as the UBC Students’ Union – Okanagan) (? – present)

OUA – Ontario Undergraduate Student Alliance (1992 – present)

PGSS – Post-Graduate Students’ Society of McGill University (1989 – present)

RAEU – Regroupement des associations étudiantes universitaires (1975 – 1987)

ROC – Referendum Oversight Committee

SCSU – Scarborough Campus Students’ Union (1966 – present)

SDU – Students for a Democratic University (1960s)

SFSS – Simon Fraser Student Society (1967 – present)

SFU – Simon Fraser University (1965 – present)

SFUO – Students Federation of the University of Ottawa (1969 – present)

SOGGÉÉCOM – Société Générale des Étudiantes et des Étudiants du Collège de Maisonneuve (1973 – present)

SSMU – Students’ Society of McGill University (1908 – present)

UASU – University of Alberta Students’ Union (1909 – present)

USC – University Students’ Council (governing body of the USSU)

UBC AMS – The Alma Mater Society of The University of British Columbia (1915 – present)

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UGEQ – Union générale des étudiants du Québec (1964 – 1969)

UPEISU – University of Prince Edward Island Student Union (1970 – present)

USSU – University of Saskatchewan Students' Union (1909 – present)

VMREU – Vancouver Municipal and Regional Employees' Union (1918 – present)³

³ Now known as CUPE Local 15.

Dedication

To the policy geeks of all parties.

Introduction

Despite its prosaic title, Bylaw I of the Canadian Federation of Students (CFS) has profoundly impacted organized student politics in Canada. By establishing – and altering – ‘the rules’ governing the process by which a students’ union can affiliate or disaffiliate from the national student organization, Bylaw I has fundamentally reshaped the power relationship that exists between a students’ union and the CFS. In addition, Bylaw I is partly responsible for the establishment of the CFS’ chief competitor, the Canadian Alliance of Student Associations (CASA); the expenditure of hundreds of thousands of students’ dollars on expensive referendum campaigns and lawsuits; and the fact that many hundreds of thousands of students in Canada are not represented at the national level at all. This paper seeks to explore the evolution of that bylaw, and seeks to analyze and explain how Bylaw I, in its current form, came to be.

I approach this subject from a particular experiential and ideological perspective, which has undoubtedly shaped the content of this paper. I do not pretend to be disinterested or unbiased. However, the facts in this paper are based on careful research, involving a very large number of primary and secondary source documents. An early draft of this paper was provided to the CFS prior to publication, and I have incorporated the CFS’s responses into the final document. However, there are a number of sections in this paper which the CFS has not seen prior to publication, and so the absence of CFS commentary for a particular section should not be interpreted as meaning that the CFS necessarily agrees with the points that I am making in that section.

In this paper, I argue that the Bylaws and other regulations of the CFS exist as they do due to the influence of a leadership class consisting of political bureaucrats, whom I refer to as the *nomenklatura*. It is therefore perhaps ironic that I am the person who writes this paper, since I am an archetypical student political bureaucrat myself. My ‘career’ in student politics has spanned eight years, significantly longer than the average student’s undergraduate career:

- September 2002: Commenced studies at Simon Fraser University (SFU);
- October 2002: Co-founded what is now known as the Interactive Arts and Technology Student Union of SFU;
- March 2003: Elected to the SFU Board of Governors and Senate; failed to be elected to the Simon Fraser Student Society (SFSS) Executive (in fact, my slate was disqualified);
- March 2004: Elected University Relations Officer of the SFSS;
- March 2006: Elected to the SFU Board of Governors and Senate; failed to be elected to the SFSS Executive;
- Fall 2006: Involved in efforts to (successfully) impeach the majority faction controlling the SFSS;

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- January 2007 – December 2008: Appointed Policy Analyst of the Kwantlen Student Association (KSA);
- August 2009 – present: Appointed Researcher of the Post-Graduate Students' Society of McGill University (PGSS).

However, I hope to distinguish myself from most students' union bureaucrats, in that although most bureaucrats are inherently disposed to hoard information and use it to maintain and increase their own power, this paper seeks to disperse the information that I have gleaned over the years to the widest possible audience. Most of the many source documents that I reference in this paper can be accessed by the reader through hyperlinks; in those cases where a given document is not already available online, I have generally uploaded the document to my website, www.studentunion.ca. Over the years, many of my friends and colleagues have asked me why I was so eager to collect documents relating to student politics; this paper is an answer to these questions.

Robert Clift has noted in his thesis on the Canadian Union of Students that “the span of a ‘generation’ of student leaders is only approximately two years, consequently student political events of four years past seem antique and eight years prehistoric and beyond memory.”¹ In my opinion, the current debate taking place within the Canadian organised student movement is missing a historical perspective. Unlike the Québec student movement, which has a relatively rich written historiography,² the Canadian student movement's historiography is primarily confined to somewhat self-serving chronologies delivered at CFS and CASA national meetings. For this reason, Chapters 1 and 2 of this paper provide a brief historical overview of the Canadian student movement, situating Bylaw I and its amendments within their proper context. This should not be considered a full “History of the Student Movement,” however; such a task would require not simply another essay, but an entire book.

Chapter 3 of this paper is a comprehensive analysis of the referendum rules of the Canadian Federation of Students. This chapter compares the referendum rules of the CFS with internationally-accepted norms for the administration of democratic referenda, and concludes that the former are flawed in virtually every respect. In particular, this chapter finds that the referendum rules of the CFS provide for a frequently biased and flawed Referendum Oversight Committee to administer the referendum, and provide for the systematic suppression of freedom of speech on campus during the months preceding the referendum.

Chapter 4 seeks to analyze the CFS's corporate self-understanding, so as to determine the ideology which motivates the organization to justify its obstruction of the right of its members to self-determination. Based on a number of actions taken by the CFS and its senior officials, this chapter concludes that the CFS sees itself as the only legitimate representative of Canadian students (outside of Québec). Furthermore, this chapter argues that the CFS appears to believe

¹ Robert Clift, “The Fullest Development of Human Potential: The Canadian Union of Students, 1963-1969” (M.A. diss., University of British Columbia, 2002), 81, http://circle.ubc.ca/bitstream/handle/2429/12426/ubc_2002-0366.pdf.

² Pierre Bélanger, *Le mouvement étudiant Québécois : son passé, ses revendications et ses luttes (1960-1983)*, (Montréal : Association Nationale des Étudiants de Québec, 1984), <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/index.htm>; Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006*.

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that the student movement should be structured according to the principle of democratic centralism, in which dissent from the national organization is considered a betrayal of the student movement itself.

Chapter 5 seeks to determine why it is that the CFS adheres to such an ideology. Examining in close detail the relationship between the members, elected leadership, and bureaucracy of the CFS and its member students' unions, this chapter concludes that a class of political staff exercises extensive control over the activities of the national organization. And as with any bureaucracy, the overarching interest of this class is the maximization of the power and strength of the institutional framework that maintains this class's livelihood.

Chapter 1

A Brief Pre-History of the Canadian Federation of Students

The first students' unions in Canada were created in the Nineteenth and early Twentieth Centuries.¹ Long before they were involved in provincial and national politics, students' unions were involved in social activities, organizing and regulating clubs, and advocating on behalf of their members to university administrators. These organizations were generally unincorporated and linked organically to the institution; for example, the Constitution of the Alma Mater Society of UBC (UBC AMS), for example, was "approved" by the UBC Senate in 1916², while the Alma Mater Society of Queen's University was (and continues to be) tasked with the responsibility of administering non-academic student discipline, functioning as a veritable 'student government.'³

1.1 National Federation of Canadian University Students

In 1926, the British "Imperial Debating Team toured Canadian universities in a series of international debates." One of these debate participants, the past president of the National Union of Students of England and Wales, encouraged students' union leaders to found a similar national organization in Canada⁴, and appears to have circulated a pamphlet advertising the British national union.⁵ A conference was held at McGill University and attended by nineteen delegates representing twelve students' unions⁶ – "nearly all the Universities of Canada."⁷ After considerable discussion, the delegates agreed to support the formation of a National Federation of Canadian University Students (NFCUS), having at its object "To promote in every way possible a better understanding among all Students; a greater degree of co-operation between all

¹ Dalhousie Student Union, "History," <http://www.dsu.ca/aboutus/history-of-the-dsu>; Jonathan Borden, "History of the King's Students' Union," September 19, 2008, King's Students' Union, http://www.ksu.ca/index.php?section_id=67; Students' Society of McGill University, "History," <http://ssmu.mcgill.ca/about/history/>; Sheldon Goldfarb, "Our History: A Trek Through UBC Student History," Alma Mater Society of UBC-Vancouver, http://www2.ams.ubc.ca/index.php/ams/subpage/category/our_history/; University of Toronto Students' Administrative Council, "About SAC,"

http://web.archive.org/web/20041214112606/http://www.sac.utoronto.ca/sac_website/html/history.html.

² University of British Columbia, Senate, Minutes, Meeting of December 13, 1916, 25, http://www.library.ubc.ca/archives/pdfs/senate/UBC_Senate_Minutes_1916_12_13.pdf.

³ Queen's University, "Discipline, Student," *Queen's Encyclopedia*, <http://qnc.queensu.ca/Encyclopedia/index.html>.

⁴ National Federation of Canadian University Students (NFCUS), Publicity Committee, "History of the National Federation of Canadian University Students: 1926–1948," ed. M. J. Diakowsky, 1949, 1, Alma Mater Society fonds, Box 38, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1949/1949-nfcus-history.pdf>.

⁵ The National Union of Students of the Universities and University Colleges of England and Wales, pamphlet, 1926, Alma Mater Society fonds, Box 97, Folder 5, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1926/1926-nusuk-pamphlet.pdf>.

⁶ NFCUS, "The Report of the Conference of Representatives from the Student Bodies of the Canadian Universities held in Montreal at McGill University, December 28th, 29th, 30th and 31st 1926 to investigate the formation of a National Federation of Canadian University Students," 1926, 1, Student Protest Collection / Canadian Union of Students, UBC chapter fonds, Box 3, Folder 8, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1926/1926-nfcus-report.pdf>.

⁷ *Ibid.*, 6.

Canadian Universities for the promotion of national interests and to provide a means for developing international relationships with student groups in other countries.”⁸ It was envisioned that the specific activities of NFCUS would include organizing debating teams, organizing exhibition tours of athletic teams, forming a “Canadian Universities Newspapers Assoc[iation],” and advocating for reduced student fares on rail transportation.⁹

At the conference, E. C. Amaron, of McGill University, advocated a broader mandate: “There was racialism in South Africa and India; it might be the same in Canada. Would the Union see problems everywhere in the world and ignore the problem at home, as evidenced by the French culture in Quebec, the Jewish problem and the Japanese problem? Would the Union ignore these matters, declaring them to be outside the province of a student organization or would it endeavour to do something worth while? Would the Union create a consciousness and come to grips with vital things or would it concern itself entirely with cheap text-books and cheap tours which should be mere by-products?”¹⁰ The debate over ‘what is a student issue?’ would continue for many decades to come.

Over the years, NFCUS was able to achieve a substantial amount of success in achieving its relatively modest goals. NFCUS organized a system of inter-university scholarships and a series of inter-university debates, obtained concessions on athletic equipment, rail travel, and air travel, joined the International Student Service (the origin of today’s World University Service of Canada¹¹), facilitated the organization of Canadian University Press,¹² offered a life insurance plan, and organized the “Corpuscle Cup” (an annual prize granted to the students’ union whose members would donate the most blood to the Red Cross). At the local level, NFCUS services were organized through “NFCUS committees,” which functioned “similar to that of a service club such as the Kiwanis or Rotary clubs.”¹³

On the political front, NFCUS engaged in very little lobbying during the first twenty years of existence. In the 1950s, however, NFCUS began to become more politically active, lobbying for direct federal aid to higher education, and in 1957 adopted “the principle of financial aid for any ‘needy and worthy’ student meeting the requirements for university admission.” In 1958, NFCUS submitted a brief proposing a federal system of 10,000 student bursaries of \$550 each, and in 1961 released *The National Bursary Plan*, a more comprehensive exposition of its goals.¹⁴

However, NFCUS was experiencing internal tensions at this time. The Québec students’ unions were far more interested in political action than their counterparts in the rest of Canada, and in fact played a key role in politicizing the organization in the 1950s. However, Québec

⁸ *Ibid.*, 34.

⁹ *Ibid.*, 19.

¹⁰ *Ibid.*, 9.

¹¹ World University Service of Canada, “Our History,” http://www.wusc.ca/en/alumni/our_history.

¹² Käthe Lemon, “Agent of social change: A history of Canadian University Press” (M.A. diss., Ryerson University, 2004), 17.

¹³ NFCUS, Publicity Committee, “History of NFCUS,” 2-8; Nigel Moses, “All That Was Left: Student Struggle for Mass Student Aid and the Abolition of Tuition Fees in Ontario, 1946-1975” (Ph.D. diss., Ontario Institute for Studies in Education, University of Toronto, 1995), 262-263, <http://www.studentunion.ca/docs/moses-thesis.zip> (note: 20MB file).

¹⁴ Robert Clift, “The Fullest Development of Human Potential,” 10-14.

students' unions were frustrated by the fact that NFCUS, in response, was advocating for an increased *federal* role for post-secondary education. Québec students' unions believed deeply in the principle of provincial autonomy, and on several occasions made presentations to the federal government that contradicted NFCUS positions.¹⁵

NFCUS also faced financial and membership problems at periodic times throughout its history. NFCUS Bylaws provided that any member students' union could disaffiliate simply by "filing a resignation with the Executive Secretary,"¹⁶ and many students' unions did exactly that. In 1940, the students' unions at the Université de Montréal and Université Laval temporarily withdrew from the organization when NFCUS conducted a poll on students' attitudes towards conscription.¹⁷ In 1948, Maritime students' unions threatened to withdraw if NFCUS joined the Soviet-dominated International Union of Students (NFCUS decided against joining).¹⁸ In the 1950s, high membership fees "caused cyclical disaffiliation and reaffiliation, reducing the membership to less than 50% of the total national student enrolment by 1956."¹⁹

1.2 Canadian Union of Students

In October 1963, NFCUS changed its name to "Canadian Union of Students," partly to recognize the membership of college students' unions and partly in an attempt to become more inclusive of Québec students' unions, who considered Québec to be a 'nation' in and of itself. By this time, however, "Québec student associations were more interested in the dynamic politics of their province and saw little benefit for fighting for further reform of CUS."²⁰ Québec student priorities included free tuition, lay (as opposed to clerical) rectors of their universities, solidarity with striking trade unionists, protesting the 1964 visit of the Queen, and the development of a movement of "student syndicalism."²¹ According to two Québec student leaders:

But the rising tide of nationalism would require both university and college [students'] unions to challenge this membership [in the Canadian Union of Students]. Already at the end of 1963, they add, some organizers thought of creating a national [i.e. Québec] organization; this need was motivated partly by the desire to leave the pan-Canadian unions, but also partly by the need to negotiate at the national level with the Ministry of

¹⁵ *Ibid.*, 9-16.

¹⁶ NFCUS, "BY-LAWS as revised and adopted by the XXVI National Congress, 1962," 1962, filed with Corporations Canada, Corporation #351512, 2, <http://www.studentunion.ca/cfs/1962/nfcus-bylaws.pdf>.

¹⁷ Robert Clift "The Fullest Development of Human Potential," 10.

¹⁸ NFCUS, Publicity Committee, "History of NFCUS," 7.

¹⁹ Robert Clift, "The Fullest Development of Human Potential," 11.

²⁰ *Ibid.*, 23.

²¹ Pierre Bélanger, *Le mouvement étudiant Québécois*, <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/chap1.htm>; Brian Hutchinson, "CUS and Student Unionism," Canadian Union of Students (CUS), 1968, 1-3, Atlantic Federation of Students (AFS)/Associated Student Unions fonds, MS-2-473, Box 7, File 12, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1968/1968-09-cus-and-student-unionism.pdf>.

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Education (then being formed), that seemed to want to take control of the various means of education in Québec.²²

Québec students' unions withdrew from CUS, having formed l'Union Générale des Étudiants du Québec (UGEQ) in March 1963. Québec francophone student newspapers also withdrew from the Canadian University Press in 1963 to join the recently formed Presse Étudiante Nationale, for similar reasons.²³ The Students' Society of McGill University (SSMU) attempted to join UGEQ at its founding congress, but was unable to do so as UGEQ forbade CUS members from joining. Three referendums were held at McGill in the following years on the subject of "UGEQ versus CUS," and in January 1967 the SSMU voted to join UGEQ, leaving CUS.²⁴

Despite the departure of their most activist and left-leaning members, however, CUS grew increasingly radicalized throughout the 1960s.²⁵ In part, this was because the Canadian government refused to implement NFCUS' proposal for 10,000 bursaries, instead creating the Canada Student Loan Program in 1961.²⁶ In addition, CUS was heavily influenced by several external organizations and movements, including:

- Student Union for Peace Action (1964-1967), a radical New Left organization that had grown out of the anti-nuclear weapons movement;²⁷
- Students for a Democratic University (SDU) clubs, which were first formed at McGill, Simon Fraser, and Sir George Williams Universities in 1968, and which were dedicated to democratizing universities by opposing the power of Boards of Governors and advancing the idea that universities should be governed by elected students, faculty, and staff representatives;²⁸
- Canadian University Press (CUP), which in 1965 adopted a resolution stating "that one of the major roles of the student press is to act as an agent of social change,"²⁹ which CUP frequently interpreted along Marxist lines;³⁰

²² Rough English translation of Pierre Bédard and Claude Charron, « Les étudiants québécois - la contestation permanente, » éditions spéciales de la revue Noir et Rouge, octobre 1969, 12, quoted in Pierre Bélanger, *Le mouvement étudiant Québécois*, <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/chap1.htm>. Original French text: « Or, la vague montante du nationalisme allait obliger, tant les organismes universitaires que les associations de gros collèges, à remettre en cause cette affiliation. Déjà à la fin de 1963, ajoutent-ils, certains organisateurs du milieu songeaient à créer un organisme national; ce besoin était motivé d'une part par le désir de quitter les Unions pan-canadiennes mais d'autre part par la nécessité de négocier, à l'échelle nationale, avec le ministère de l'éducation (à cette époque en voie de formation), et qui semblait vouloir prendre en main les divers moyens d'enseignement à travers le Québec. »

²³ Käthe Lemon, "Agent of social change," 46.

²⁴ Pierre Bélanger, *Le mouvement étudiant Québécois*, <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/chap2.htm>.

²⁵ Robert Clift, "The Fullest Development of Human Potential," 22-74.

²⁶ *Ibid.*, 25-27.

²⁷ *Ibid.*, 16-18, 33-36, & 54-55.

²⁸ *Ibid.*, 62; Hugh Johnston, *Radical Campus: Making Simon Fraser University* (Vancouver: Douglas & McIntyre, 2005), 132, 135, 150-151, 158, 275-276, & 289-290.

²⁹ Käthe Lemon, "Agent of social change," 21-22.

³⁰ *Ibid.*, 29-31

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- the Union Générale des Étudiants de Québec (UGEQ), even though UGEQ members had broken away from CUS,³¹ and
- American civil rights and New Left organizations, including the Student Nonviolent Coordinating Committee and Students for a Democratic Society.³²

Nigel Moses argues in his thesis on the Canadian student movement that CUS was influenced by the ideas of Karl Marx, C. Wright Mills, Jean-Paul Sartre, and Herbert Marcuse, “the theorist of the 1960s New Left.”³³ According to Canadian student movement scholar Roberta Lexier, the English-Canadian student movement was “inspired by what they saw as national liberation movements, including the Civil Rights Movement, the Red Power Movement, the Quiet Revolution in Quebec, the Vietnam War, and the Canadian nationalist movement.”³⁴

Thus, in 1964 CUS called for a freeze in tuition fees;³⁵ in 1965, for their elimination;³⁶ and by 1967, for a “system of student stipends” and a study on establishing a “national minimum guaranteed income,”³⁷ as part of CUS’ policy supporting the “Universal Accessibility” of post-secondary education. CUS’ other main policy position was “Academocracy,” the principle that post-secondary education needed to be democratized and that students needed to assert their power over the institution.³⁸ In the early 1960s, CUS sought student representation on university Boards, Senates, and advisory committees; by 1968, however, CUS was denouncing this incrementalist approach³⁹ and was instead demanding the “abolition of the Boards of Governors as presently constituted” and their replacement by democratically elected “parallel student-faculty university level decision-making bodies.”⁴⁰ CUS also became significantly more active in the area of foreign policy. In 1966, CUS adopted a six-page resolution condemning the Vietnam War⁴¹, in 1967 voted to invite a student delegation to Canada from the Vietcong “to provide

³¹ Robert Clift, “The Fullest Development of Human Potential,” 60; Colin Leonard, “Relations with l’Union générale des étudiants du Québec: a badly needed look,” CUS, 1968, Student Protest Collection / Canadian Union of Students, UBC Chapter fonds, Box 3, Folder 9, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1968/1968-09-cus-relations-with-ugeq.pdf>; Martha Tracey, “CUS Staff Member Observes UGEQ Congress,” *CUS Across Canada*, March 1, 1967, 7-8, Student Protest Collection / Canadian Union of Students, UBC Chapter fonds, Box 4, Folder 3, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1967/1967-03-01-cus-across-canada.pdf>; Brian Hutchinson, “CUS and Student Unionism,” 1-3.

³² Robert Clift, “The Fullest Development of Human Potential,” 18-21, 30-33, & 55-57.

³³ Nigel Moses, “All That Was Left,” 176-180; see also Association Nationale des Étudiants de Québec, preface, Pierre Bélanger, *Le mouvement étudiant Québécois*, <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/motaneq.htm>.

³⁴ Roberta Lexier, “‘The Backdrop Against Which Everything Happened’: English-Canadian Student Movements and Off-Campus Movements for Change,” *History of Intellectual Culture* 7, no. 1 (2007), <http://www.ucalgary.ca/hic/issues/vol7/3>.

³⁵ Robert Clift, “The Fullest Development of Human Potential,” 27.

³⁶ *Ibid.*, 38.

³⁷ *Ibid.*, 60; CUS, “Resolution B.7: Universal Accessibility,” 1967, in Robert Clift, “The Fullest Development of Human Potential,” 89-93.

³⁸ Robert Clift, “The Fullest Development of Human Potential,” 46-52, 61-64, 71-72, 88-89, & 93-104.

³⁹ Brian Hutchinson, “CUS and Student Unionism,” 6-13.

⁴⁰ CUS, “Resolution B.11: Student Power,” 1968, in Robert Clift, “The Fullest Development of Human Potential,” 103-104.

⁴¹ CUS, “Resolutions of the Thirtieth Congress of the Canadian Union of Students,” September 1966, 19-24, Student Protest Collection / Canadian Union of Students, UBC Chapter fonds, Box 2, Folder 5, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1966/1966-09-cus-resolutions.pdf>.

information and documentation on all points of view on the Vietnam conflict,”⁴² and by 1968 the Congress was chanting “Ho, Ho, Ho Chi Minh”⁴³ beneath red and black flags (representing socialism and anarchism, respectively).⁴⁴

This increased activism provoked a backlash from the more conservative elements of the student body. The University of Alberta Students’ Union (UASU) disaffiliated in 1966 following a bitter war of words between the UASU leadership and CUS over issues such as free tuition, CUS action on non-student issues, and the perception that CUS policy represented “the aspirations and concerns of a small, and to some extent, self-perpetuating, group of student leaders.” Later that year, there were more disaffiliations at Bishop’s University, Loyola College, Marianopolis College, Mount St. Vincent University, St. Dunstan’s University and Memorial University.⁴⁵

The reaction from CUS to this backlash was to step up their ‘fieldwork’ on member campuses. When students’ union leaders were not receptive to CUS ideals, some CUS staffers made contact directly with grassroots students and encouraged the establishment of “SDU [Students for a Democratic University] chapters for the purpose of radicalising the student body and forcing the student association to take action.”⁴⁶ SDU chapters were directly involved in local students’ union elections.⁴⁷ The CUS Board of Directors determined that “A fieldworker is not responsible to student council although he does have a responsibility to first try working with the student council on campus. If, however, the council is not acting on the programs and priorities of CUS, the fieldworker should encourage others to act in such a way to realize the aims and objectives of the Union.”⁴⁸ CUS Associate Secretary Brian Hutchinson asserted: “The fieldworker’s role is that of ‘social animator’; his major objective is the formation of cadres. These cadres may operate within, in support of, or in opposition to student government.”⁴⁹

CUS leaders also freely made use of their publications, *CUS Across Canada* and *Issue*, to criticize more conservative student leaders. One article described the newly formed Alberta Association of Students as a movement of “student fascism,” solely on the grounds that the provincial organisation believed that “a students’ union must show how a problem is a student problem before it has the right to deal with it... [otherwise] the students’ union has no authority to take a stand, but should encourage discussion in the formation of independent pressure groups.”⁵⁰ Exactly how encouraging free and open debate on controversial subjects constituted ‘student fascism’ was not explained in the article.

⁴² CUS, “Resolutions: XXXI CUS Congress,” 36-37.

⁴³ Robert Clift, “The Fullest Development of Human Potential,” 74.

⁴⁴ *Ibid.*, 70.

⁴⁵ *Ibid.*, 52-54.

⁴⁶ *Ibid.*, 65.

⁴⁷ Hugh Johnson, *Radical Campus*, 158.

⁴⁸ CUS, “Minutes of the Meeting of the Board of Directors: May 17-19, 1968,” May 1968, quoted in Robert Clift, “The Fullest Development of Human Potential,” 66.

⁴⁹ Brian Hutchinson, “CUS and Student Unionism,” 27.

⁵⁰ Brian Campbell, “The weird and wacky West has given birth to a new movement: ‘the deadest campus,’” *Issue* 1, no. 2 (March 8, 1968), 2, Student Protest Collection / Canadian Union of Students, UBC Chapter fonds, Box 4, Folder 3, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1968/1968-03-08-cus-issue.pdf>.

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These heavy-handed tactics only hastened CUS's decline. In 1968 and 1969, disaffiliation referenda were held at twelve universities. CUS leaders attempted to salvage the organization in 1969 by adopting a moderate program that disavowed CUS acting as the "vanguard of any minority," but the damage had already been done. The Canadian Union of Students dissolved itself on October 27, 1969.⁵¹

Meanwhile, UGEQ had also imploded. Although UGEQ had been enormously successful in rallying students together and had staged a number of protests and mobilizations, the organization fell apart at its March 1969 Congress. Three slates contested the annual election for the leadership of the organization: one group representing Trotskyites, another representing the outgoing executive, and a third representing a group that wanted to turn UGEQ into a political party; since no slate was able to attract majority support, the Congress ended without any leaders whatsoever. In addition, one of the most active students' unions in UGEQ, l'Association Générale Étudiante de l'Université de Montréal (AGEUM), was liquidated by its own executive, who, in a moment of hyper-radicalism, believed that the mass student demonstrations they had organized would assuredly continue 'spontaneously' without any elected leadership, and that AGEUM structures were simply quenching the masses' revolutionary fervour.⁵² (Suffice it to say, the revolution did not come as predicted, and Université de Montréal students went without a central students' union until the foundation of la Fédération des Associations Étudiantes du Campus de l'Université de Montréal [FAÉCUM] seven years later.⁵³)

There have been different attempts to explain the primary cause of the decline and fall of the Canadian Union of Students. Moses claims that "preliminary evidence shows how Liberal Party youth were active in anti-CUS activities," though he does not provide any details.⁵⁴ In an article published in *Canadian Dimension* in 1970, Steve Langdon (former President of the University of Toronto Students' Administrative Council) argued that the CUS leadership had adopted "anti-capitalist" and "anti-imperialist" positions that were not shared by the membership at large; that CUS's 'moderate turn' in 1969 only served to discourage "left-wing socialists" from campaigning for CUS during pull-out referenda; and that CUS's "far-right" opponents on campus resorted to a vicious campaign of "lies, misrepresentations, and innuendo."⁵⁵ Clift's thesis on CUS argues "that over time CUS policies and activities became increasingly 'left-wing,' causing CUS to become ever more isolated from the mainstream students who constituted its membership."⁵⁶ According to the new National Union of Students of Canada (NUS [Canada]), CUS floundered due to a combination of reasons, including CUS policy on 'non-student' issues, CUS endorsement of "confrontation as a politicizing technique, including confrontation between CUS/UCE and its members," and poor membership communication.⁵⁷

⁵¹ Robert Clift, "The Fullest Development of Human Potential," 74-75.

⁵² Pierre Bélanger, *Le mouvement étudiant Québécois*, <http://www.er.uqam.ca/merlin/dk491478/mvt-etu/chap3.htm>.

⁵³ Fédération des Associations Étudiantes du Campus de l'Université de Montréal, "La mission de votre Fédération," http://consultation.faecum.qc.ca/main.cfm?p=01_100.

⁵⁴ Nigel Moses, "All That Was Left," 466.

⁵⁵ Steve Langdon, "C.U.S.: R.I.P.," *Canadian Dimension*, February-March 1970, 7, <http://www.studentunion.ca/docs/cdn-dim-cus-rip.pdf>.

⁵⁶ Robert Clift, "The Fullest Development of Human Potential," ii.

⁵⁷ NUS (Canada), "History of Student Unionism," 1972, 4, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 2, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1972/1972-history-of-student-unionism.pdf>.

The Canadian Federation of Students, for its part, argued that CUS fell apart over CUS policy on the Vietnam War, as well a weak set of Bylaws, which did not insist on disaffiliation referenda but which allowed a students' union to withdraw through a mere "council vote."⁵⁸ This analysis is seriously flawed. Although it is true that CUS bylaws did not impose any requirement for a students' union to hold a referendum, all the primary and secondary source documents that I have reviewed indicate that all the disaffiliating students' unions held referendum votes. Furthermore, I am not aware of any allegations made that these disaffiliation referenda suffered from any procedural errors or irregularities due to their having been conducted under the bylaws of the students' union in question.

1.3 National Union of Students⁵⁹

In 1972, "the Fiscal Arrangements Act [was] expiring and governments [were] suggesting that tuition be tripled." The students' union of the University of Windsor led the drive to establish a new national student organization. Fifty students' unions were represented at the founding congress in Ottawa, but the "Atlantic and Québec delegates walked out because NUS/UNE could not be a federation of regional unions." Nonetheless, the remaining students' unions decided to resurrect the concept of a national student organization, and founded the National Union of Students (NUS [Canada]).⁶⁰

NUS (Canada), unlike CUS in its radical years, was willing to lobby the federal government to achieve its goals. These goals included: financing post-secondary education; unemployment; housing; increased student financial assistance (through grants, not loans); reducing the 'age of independence' to 18 in the administration of the Canada Student Loan Program; publishing a women's survival guide; upholding women's right to choice with respect to abortion; the granting of work visas for foreign students; a ban on unpaid internships ("free labour for companies"); and student parity (i.e. 50% elected representation) on institutional Boards of Governors.⁶¹ Similar to CUS, NUS (Canada) stood for "the abolition of tuition fees and adequate living stipends for all students."⁶² To pay for these initiatives, NUS (Canada)

⁵⁸ Ian Boyko, "History of the Student Movement," June 20, 2008, presentation before the 24th Annual Skills Development Weekend of the Canadian Federation of Students-British Columbia.

⁵⁹ Note: My records of the National Union of Students are spotty, so this section is not very comprehensive.

⁶⁰ B. Buckingham, H. Creswick and D. O'Connor, "NUS/UNE Orientation Paper: May Conference 1975," NUS (Canada), 1975, 1, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 1, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1975/1975-05-nus-orientation.pdf>; NUS (Canada), Founding Conference Minutes, November 1972, <http://www.studentunion.ca/cfs/1972/1972-nus-founding-conference-minutes.pdf>.

⁶¹ Nigel Moses, "All That Was Left," 442; NUS (Canada), "Minutes of the Conference of the National Union of Students: October 11-14, 1974," October 1974, 23, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 1, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1974/1974-10-nus-minutes.pdf>; NUS (Canada), "National Union of Students / Union Nationale des Étudiants: Minutes of the Third Annual General Meeting: May 1-5, 1975," May 1975, 6-9, 17, 20, & 25, <http://www.studentunion.ca/cfs/1975/1975-05-nus-minutes.pdf>.

⁶² NUS (Canada), "Report of the Central Committee to the NUS/UNE Third Annual General Meeting," May 1975, 7, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 1, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1975/1975-05-nus-cc-report.pdf>.

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advocated an increase in corporate taxation, a wealth tax, and a graduated consumption tax.⁶³ The organization was broadly socialist in its politics; its General Secretary, Miguel Figueroa, would in 1978 join the Communist Party of Canada (and is now its Leader).⁶⁴ Similar to CUP, NUS also committed itself to “act as an agent of social change.”⁶⁵

NUS Bylaw IV, s. 1 (c) stipulated that a students’ union applying for membership must have “held a referendum of its student members to authorize membership in the Union.” Bylaw IV, s. 4 provided: “A member may withdraw from the Union only after it has held a referendum of its student members authorizing the withdrawal.”⁶⁶ As interest in the Union grew, many students’ unions held affiliation referenda; in the 1975-76 academic year alone, 29 students’ union held affiliation referenda, of which 24 were successful.⁶⁷

As the organization developed, NUS leaders began to pay attention to the fragmented nature of student organization in Canada. In addition to the National Union of Students, there existed the British Columbia Students’ Federation, the Alberta Federation of Students, the Ontario Federation of Students, the Association Nationale des Étudiants du Québec (ANEQ⁶⁸), and the Atlantic Federation of Students. At the federal level, the Association of Student Councils (Canada) (AOSC) operated as a service provider, continuing many of the student services that CUS had provided prior to its dissolution. It was felt that this arrangement led to a lack of ‘coordination’ within the broader student movement.⁶⁹ After considerable discussion, NUS endorsed a merger with AOSC,⁷⁰ and a committee was formed in 1980 to make recommendations on the restructuring of the Canadian student movement.⁷¹ This committee endorsed the formation of a new national student organization, based on nine principles:

⁶³ NUS (Canada), “Minutes of the Fourth Annual General Meeting: May 12-16 1976,” May 1976, 20, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 9, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1976/1976-05-nus-minutes.pdf>.

⁶⁴ NUS (Canada), “Report of the Central Committee to the NUS/UNE Sixth Conference,” October 1975, 4, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 2, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1975/1975-10-nus-cc-report.pdf>; Communist Party of Canada, “A brief biography of the Leader of the Communist Party of Canada: Miguel Figueroa,” <http://www.votecommunist.ca/leader.html>.

⁶⁵ NUS (Canada), “Letters Patent,” February 17, 1975, filed with Corporations Canada, Corporation #537641, 3, <http://www.studentunion.ca/cfs/1975/nus-letters-patent.pdf>.

⁶⁶ NUS (Canada), “By-laws relating generally to the transaction of the affairs of NATIONAL UNION OF STUDENTS/UNION NATIONALE DES ETUDIANTS,” October 1975, filed with Corporations Canada, Corporation #537641, 1, <http://www.studentunion.ca/nus/1975/nus-original-bylaws.pdf>.

⁶⁷ NUS (Canada), “Central Committee Report,” May 12, 1976, 10, AFS/Associated Student Unions fonds, MS-2-473, Box 1, File 3, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1976/1976-05-nus-cc-report.pdf>.

⁶⁸ ANEQ was formed in 1975 to replace UGEQ. Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006*, 21.

⁶⁹ NUS (Canada), “Report of the Central Committee to the NUS/UNE Third Annual General Meeting,” May 1975, 6-10; NUS (Canada), “National Union of Students / Union Nationale des Étudiants: Minutes of the Third Annual General Meeting: May 1-5, 1975,” May 1975, 4-6, 37, 40. Provincial student organizations were first organized in the 1960s. Brian Hutchinson, “CUS and Student Unionism,” 14.

⁷⁰ NUS (Canada), “Central Committee Minutes: Meeting of June 28-30, 1977,” June 1977, 17, AFS/Associated Student Unions fonds, MS-2-473, Box 4, File 3, Dalhousie University Archives, <http://www.studentunion.ca/cfs/1977/1977-06-nus-cc-minutes.pdf>.

⁷¹ Brenda Côté, “Au Canada anglais: le mouvement étudiant se reorganize!,” *le québec-Étudiant*, September 1982, 5, <http://tinyurl.com/yk43n8x>.

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1. "All Canadian students will be invited and encouraged to participate fully in discussing the future of the national student movement."
2. "Students need one national student organization with single membership to unify and integrate the elements of the student movement."
3. "Existing national and provincial student organizations will be replaced by building one new organization."
4. "Students national organization will incorporate two functions or aspects of students interests. One type of component of the organization will organize students to deliver services, meeting their material, social and recreational needs and desires. Another type will organize students to represent their interests to other groups and to effect changes."
5. "The organized student movement will also link together components at different levels, each capable of independent action."
6. "Membership in the national student organization must be determined by referenda."
7. "Students will be represented in all components by their elected local councils, which have the primary responsibility for liaison between students and their national organization."
8. "Students in Quebec and students in the rest of Canada should co-operate closely and effectively. The right and desire of Quebec students to organize their own student structures must be recognized as a basis for all such co-operation."
9. "Implementation of these principles requires that each student population and each region have the flexibility to proceed when ready, based on its particular situation. However, such flexibility must depend upon a firm commitment to these long-term principles."⁷²

These principles would guide the formation of the Canadian Federation of Students.

⁷² NUS (Canada), "Report of the restructuring committee," 1-2, attached as Appendix I to NUS (Canada), "Conference Report," October 1980, <http://www.studentunion.ca/cfs/1980/1980-10-nus-conference-report.pdf>.

Chapter 2

The Canadian Federation of Students and the Evolution of Bylaw I

2.1 Founding Conference

On October 14, 1981, 131 delegates, representing 61 students' unions, assembled at Carleton University, together with 38 representatives of NUS (Canada), AOSC, and provincial organizations, and, "with thunderous applause and much cheering," brought into being the Canadian Federation of Students (CFS).¹ Eileen Dooley, AOSC Chairperson, described the CFS as "the most democratic, the best planned and the best organized in the Canadian student movement."² With the exception of one delegate from McGill University, no Québec students' unions were in attendance;³ this was in accordance with a NUS resolution adopted six years earlier recognizing the bi-national nature of the Canadian federation and "ANEQ as a national organisation with the same political status as NUS/UNE, and independent of the NUS/UNE."⁴ However, Marjorie Tyroler from the Regroupement des associations étudiantes universitaires (RAEU) attended as an observer and "expressed Quebec's solidarity with the Canadian student movement."⁵

The optimism of the conference was hampered by a looming threat: the Trudeau government's plans to cut transfer payments to the provinces under the *Established Programs Financing Act* (EPF). NUS Chairperson Mike "Spanky" McNeil (who would be elected by acclamation as the first National Chairperson of the CFS⁶) rallied the troops:

The EPF cuts could be the end of everything the student movement has tried to work for over the past ten years. It means tuition of over \$3,000. Such hikes will mean that there will be no schools in the less wealthy parts of the country. It means that those born with money will always have it and those who are born coal workers, miners and steel workers will always be so, because that's the way the government wants it. We must fight that.... We are no longer unorganized; we are the Canadian Federation of Students. We are going to work as students; we're going to fight the cuts and we're going to stop the cuts. We can do it—we're students and when they say "Cutback", we're going to say "Fightback."⁷

¹ CFS, Founding Conference Minutes, October 1981, i-iii & 16, <http://www.studentunion.ca/cfs/1981/1981-10-minutes.pdf>. I highly encourage you to read the minutes of this meeting in their entirety; they provide a fascinating glimpse into the spirit which animated the founders of the Federation.

² *Ibid.*, 1.

³ *Ibid.*, i-iii.

⁴ NUS (Canada), "National Union of Students / Union Nationale des Étudiants: Minutes of the Third Annual General Meeting: May 1-5, 1975," May 1975, 4.

⁵ CFS, Founding Conference Minutes, October 1981, 7. The RAEU was founded in 1976 as a caucus for university students' unions within ANEQ, but by 1981 it had split from ANEQ for ideological reasons and become a separate organization. Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006*, 21-23.

⁶ CFS, Founding Conference Minutes, October 1981, 40-41.

⁷ *Ibid.*, 6.

In addition to endorsing a full program of action to fight the cuts, the founding conference adopted a series of resolutions on a wide range of domestic and international political issues, such as supporting the communist Farabundo Martí National Liberation Front in its struggle against the US-supported military dictatorship in El Salvador; opposing any increases to the Canadian military budget; calling for the total elimination of nuclear weapons; urging the Canadian government to withdraw from NORAD and NATO; encouraging the student movement to focus on the specific issues faced by single parent students and Aboriginal students; and issuing statements of solidarity with teaching assistant unions that were negotiating collective agreements with their administrations.⁸ The conference committed the CFS to “work closely with the Canadian Labour Congress, in our common front approach, as our aims and objectives are the same in our pursuit to create a better Canada.”⁹ A proposal to research and develop an income-contingent loan repayment system (purely for the purpose of “dispel[ling] the myth forever” that such a system might work) was defeated, not out of any particular opposition to income-contingent loans *per se*, but rather out of a general opposition to the entire concept of student loans.¹⁰

The conference also adopted a set of bylaws that were generally similar to NUS bylaws. Bylaw I, s. 3(a)(i) provided that “Individual members of C.F.S. (only) have the right to make final decisions through referendum on all questions of withdrawal from full membership in C.F.S. or of increase in full membership fees currently paid by them.”¹¹ Affiliation to the Federation was also through referendum; fees were set at \$3.00 per student per year for CFS-National and \$1.00 per student per year for CFS-Services.¹² During the first several years of the organization, dozens of referenda were held across the country, and in most cases students voted for affiliation to the CFS. By April 1983, 400,000 students were full or prospective members of the CFS.¹³

2.2 1980s

Only 17 months after the Founding Conference, and in spite of the fact that no students’ union had disaffiliated from the organization, the CFS adopted an amendment to Bylaw I providing that a students’ union wishing to withdraw from the organization be required to give “two months notice of the exact time of the referendum in writing to the Chair of the Canadian Federation of Students.”¹⁴ The measure apparently passed with little debate. Six months later, the CFS adopted an amendment specifying that students’ unions which withdraw from the organization “are required to pay their membership fees up to and including the end of the

⁸ *Ibid.*, 34-69.

⁹ *Ibid.*, 58.

¹⁰ *Ibid.*, 63-64.

¹¹ CFS-National, “By-Law No. I,” October 1981, filed with Corporations Canada, Corporation #1217003, 4, <http://www.studentunion.ca/cfs/1981/1981-cfs-original-bylaws.pdf>. The word “referendum” was defined as including a vote at a General Meeting of the students’ union. *Ibid.*, 1.

¹² *Ibid.*, 2; CFS-Services, “The Canadian Federation of Students-Services: General By-Law No. 1,” January 1982, filed with Corporations Canada, Corporation #1273671, <http://www.studentunion.ca/cfs/1982/1982-cfs-services-original-bylaws.pdf>.

¹³ CFS, “CFS/NUS Membership Log,” May 1984, 1. <http://www.studentunion.ca/cfs/1984/1984-05-membershiplist.pdf>.

¹⁴ CFS, National General Meeting (NGM) Minutes, May 1983, 70.

Federation's fiscal year in which they withdraw,"¹⁵ and another amendment providing for a complex procedure by which a students' union could appeal an expulsion from the CFS.¹⁶ The CFS also considered, but rejected, an amendment that would provide specific wording for an affiliation or disaffiliation referendum question.¹⁷ In May 1987, Bylaw I was amended yet again to require a students' union to give *four* months' notice to the CFS of its intention to hold a disaffiliation referendum; furthermore, such notice would have to be delivered by "registered mail."¹⁸

2.3 Early 1990s – History

During the late 1980s and early 1990s, the CFS experienced severe tensions. According to student union organizer Evan Thornton, "For a seven year period from 1986 to 1993 virtually all CFS did was fight disaffiliation referenda."¹⁹ While Thornton may be exaggerating, CFS documents do indicate that the organization was facing a very significant number of referenda during this period of time, both for affiliation and for disaffiliation. In her May 1991 report, National Chairperson Jane Arnold claimed that "most of February and March was spent out of the office and on the road working at various referenda." And several of these referenda did not go well for the CFS, which Arnold attributed to various causes: a 2/3 vote requirement for affiliation at one students' union; hostile student press coverage at another students' union; being excluded from campaigning by the Chief Returning Officer of another students' union; and, at Mount Royal Community College, the existence of what she curiously termed "an illegal 'NO' side."²⁰ National Deputy Chairperson Christoph Sicking, analyzing the failure of an affiliation referendum at Queen's University, said that "the young Tories came out in full force, spreading misinformation about the Federation."²¹

Writing in 1992, National Chairperson Kelly Lamrock (who is now the New Brunswick Liberal Minister of Social Development²²) spoke of the challenges facing the Federation:

Another thing we must look at is democratizing our Federation — making students aware that they make the decisions, not some foreign body in Ottawa. It is always frustrating for me to go to a school contemplating withdrawal and learning that a major problem is a policy that same student union supported. If students are more aware of the process, I believe they will be more accepting of the inevitable policies they disagree with. If

¹⁵ CFS, NGM Minutes, November 1983, 74-75.

¹⁶ *Ibid.*, 78-79.

¹⁷ *Ibid.*, 75.

¹⁸ CFS, letter to Corporations Canada, October 29, 1987, filed with Corporations Canada, Corporation #1217003, <http://www.studentunion.ca/cfs/filings/1987-10-bylaws.pdf>.

¹⁹ Evan Thornton, "Understanding Student Unionism: A Canadian Perspective," Liberty Tree Foundation for the Democratic Revolution, http://www.libertytreedfdr.org/publications/understanding_student_unionism_canada.

²⁰ Jane Arnold, "National Chairperson's Report," May 1991, CFS, 1, <http://www.studentunion.ca/cfs/1991/1991-05-chair-report.pdf>.

²¹ Christoph Sicking, "National Deputy Chairperson Report," May 1991, CFS, 2, <http://www.studentunion.ca/cfs/1991/1991-05-deputychair-report.pdf>.

²² New Brunswick, Legislative Assembly, "Hon. Kelly Lamrock," July 23, 2009, <http://www1.gnb.ca/legis/bios1/bio-e.asp?idNo=102&version=e>.

students don't feel a part of the process, we risk dying the death of a thousand paper cuts, with every student finding at least one policy they feel doesn't represent them.²³

Lamrock advocated a number of reforms to the way that the Federation conducted its affairs, including establishing a Constituency Group Commission (which would coordinate the work done by Federation sub-organizations advocating on behalf of women, ethnic minority, disabled, and lesbian, gay, and bisexual students); launching a campaign to inform students about “their rights and responsibilities as members [of the CFS] and how they can influence and affect change within their movement”; sending non-operational policies to local students’ union councils for ratification; and reforming the General Meeting process.²⁴ In the end, however, Lamrock appealed to dissatisfied members to stay with the Federation:

Now more than ever students need a national voice, and they count on us collectively and co-operatively to give that to them. Often this year I have seen people prepared to fragment that voice, to pull out, over issues that seem small compared to our overall goal — to stop the assault on our educational system that robs thousands of our constituents each year of a future.

There is no speaking of the Federation in the third person; it is us, and so are all its successes and shortcomings. It is always a noble goal to rebuild and innovate, it is never noble to attempt to divide and fragment. We must not deny our students a national voice because student politicians couldn't get it together. I ask of you to remember that at the end of the day we need each other to learn from, to work with, and to count on. It is far better to share power in a powerful organization than to each reign over our own impotent fiefdoms. Let us not forget this week that no issue eclipses the most important of all — the survival of our collective voice.²⁵

Lamrock’s staunch belief in the importance of a strong national organization was influenced by the broader political climate facing students. The Mulroney Progressive Conservative government had introduced education funding cuts and regressive changes to the Canada Student Loan system.²⁶ And the Chrétien Liberal government to follow would continue this general trend. In 1994, the Chrétien government introduced the ‘Axworthy reforms,’ which would create the Canada Health and Social Transfer, consolidating – and substantially reducing – federal payments to the provinces for health, education, and social services²⁷, as part of its (successful) strategy to eliminate the national deficit and improve the Canadian economy. In response, the CFS held a massive “National Day of Strike and Action” on January 25, 1995, mobilizing students in 44 cities, and influencing the government to not implement an income-contingent loan repayment scheme.²⁸

²³ Kelly Lamrock, “Report: National Chairperson,” May 1992, CFS, 6, <http://www.studentunion.ca/cfs/1992/1992-05-chair-report.pdf>.

²⁴ *Ibid.*, 6-8.

²⁵ *Ibid.*, 8-9.

²⁶ *Ibid.*, 3-4.

²⁷ Canada, Department of Finance Canada, “A History of the Health and Social Transfers,” <http://www.fin.gc.ca/fedprov/his-eng.asp>.

²⁸ CFS, “Report of the National Strike Co-ordinator,” April 1995, attached to CFS, “Report of the National Executive,” May 1995, <http://www.studentunion.ca/cfs/1995/1995-05-execreport.pdf>.

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At the same time, more conservative students' unions were organizing competing structures. At the provincial level, Alberta students' unions were all members of CAUS (Council of Alberta University Students) or ACTISEC (Alberta College and Technical Institute Student Executive Council), and only a few were members of the CFS.²⁹ The Ontario Undergraduate Student Alliance (OUSA) was created in 1992; its first policy paper, issued in 1993, supported a combination of increased tuition fees, increased student financial assistance, and an income contingent loan repayment scheme.³⁰ Nationally, the University of Alberta Students' Union (UASU)'s efforts in the late 1980s to create a "Canadian University Students' Executive Council" floundered³¹ due to a lack of interest (commenting on one unproductive CUSEC conference held in August 1987, one exasperated UBC AMS executive remarked that Vancouver "is such a great place to visit in the summer, it is difficult to hold any workshops with more than a handful of people attending"³²). Nonetheless, UASU kept pushing, hosting a series of conferences in the 1990s called "Winds of Change" that would eventually result in the creation of CASA.³³ By their very existence, these alternative representational structures made disaffiliation from the CFS seem more plausible.³⁴

In addition, CFS general meetings became the sites of a pitched political battle between two factions. One more radical faction, led by CFS-British Columbia but also including supporters from across the country, wanted to complete the unification of the organized student movement as envisaged by the founders of the CFS in 1981. This unification would require the formation of CFS components in every province, with congruent memberships, and would also require the consolidation of the budgets and bureaucracies of CFS-National and CFS-Services. This faction believed that CFS-Services "was being run like a business," with revenues invested in expanding the organization's services, instead of being put towards the organization's campaigns. In addition, this faction believed that the CFS should take positions on social issues such as abortion, foreign policy, and Québec self-determination. However, a more conservative faction believed that the political and services components of the CFS should remain functionally separate, that provinces with existing organizations should not be forced to abandon these organizations, and that the CFS should steer clear of controversial social issues and confine its focus to so-called 'student issues.'³⁵

For example, at the May 1989 National General Meeting, CFS-British Columbia put forward a proposal to provide a fee rebate to all organized provincial components. At the time, there were only three provincial components: CFS-BC, CFS-Alberta, and CFS-Saskatchewan,

²⁹ CFS, NGM Minutes, November 1992, Closing Plenary, 30 (Motion 90.10.45); see also Council of Alberta University Students, "Council of Alberta University Students," March 2, 2008, http://caus.net/index.php?option=com_content&task=view&id=25&Itemid=39.

³⁰ Nigel Moses, *All That Was Left*, 471-482; Christine Taziar, "Student league urges higher fees, loan reform," *UW Gazette*, January 19, 1994, <http://tinyurl.com/ylzb7zf>.

³¹ Nigel Moses, *All That Was Left*, 481.

³² Tim Bird, "Report on C.U.S.E.C.," November 13, 1987, Alma Mater Society fonds, Box 102, Folder 3, University of British Columbia Archives, <http://www.studentunion.ca/docs/1987-cusec-report2.pdf>; see also Jody Woodland, "SUMMER PROJECT REPORT 1987: Canadian University Student Executive Conference," December 1987, Alma Mater Society fonds, Box 102, Folder 3, University of British Columbia Archives, <http://www.studentunion.ca/docs/1987-cusec-report1.pdf>.

³³ CASA, "History of CASA," July 7, 2008, <http://casa.ca/index.php/history-of-casa.html>.

³⁴ Evan Thornton, "Understanding Student Unionism."

³⁵ John-Henry Harter, Personal communication, January 2010.

and only CFS-BC had a staff. The Manitoba Alliance of University Students, the Ontario Federation of Students, the Students Union of Nova Scotia, and the Newfoundland-Labrador Federation of Students were active in their respective provinces, but these organizations did not call themselves “Canadian Federation of Students-[Province],” did not require congruent membership with the CFS, and did not see themselves as “components” of a larger organization. This was contrary to the founding principles of the CFS, but the leaders of these organizations had no desire to change. A delegation from CFS-BC, led by Chairperson Pam Frache and Langara Students’ Union staff person Philip Link, attempted to convince the Ontario caucus of the merits of the rebate proposal, but these efforts were unsuccessful.³⁶

2.4 Early 1990s – Bylaw Amendments

It is within this political context that we can situate the many amendments to CFS Bylaw I that were proposed during this period of time:

- There were two proposals to adopt a system of weighted voting, by which larger students’ unions would receive more votes at General Meetings than smaller students’ unions; both were rejected.³⁷
- CFS membership fees were increased in May 1992, following a nationwide referendum, and it was specified that fees would subsequently be adjusted to keep up with inflation.³⁸
- There was significant controversy over prospective membership³⁹; one motion complained that “last year a prospective member local association conducted a full referendum without informing the Federation, thereby denying the Federation the opportunity to undertake a campaign supporting membership.”⁴⁰ Proposals included requiring a 2/3 vote of the National General Meeting (NGM) to accept an application for prospective membership from a students’ union that had previously held prospective membership status⁴¹; requiring students’ unions to submit copies of their local referendum bylaws to the CFS in advance of an affiliation vote⁴²; increasing prospective membership fees to 10% or 15%⁴³; and even abolishing prospective membership altogether.⁴⁴ In the end, the CFS agreed to require a students’ union to hold an affiliation

³⁶ Chris Lawson, “CFS struggles over unity plan,” *The Gleaner*, November 9, 1989, ?, Box 658, Langara College Archives, <http://www.studentunion.ca/link/1989-11-09-lawson-gleaner.pdf>; see also CFS, NGM Minutes, May 1989.

³⁷ CFS, NGM Minutes, October 1990, 7 (Motion 90.10.29); CFS, NGM Minutes, November 1992, Closing Plenary, 58-59 (Motion 92.11.76).

³⁸ CFS, NGM Minutes, May 1992, 83 (Motion 92.05.115).

³⁹ Under the provisions of Bylaw I, a students’ union is eligible to apply for “prospective membership” in the CFS through a resolution of its Council or equivalent decision-making body. This membership entitles the students’ union to receive the same services that a full member receives, and to vote at National General Meetings, while only paying 5% of full membership fees. A prospective member is required to hold a full membership referendum within a specified period of time.

⁴⁰ CFS, NGM Minutes, May 1992, 68-69 (Motion 92.05.47 [iii]).

⁴¹ CFS, NGM Minutes, May 1991, 75-76 (Motion 91.05.147).

⁴² *Ibid.*, 76 (Motion 91.05.148).

⁴³ *Ibid.*, 76 (Motion 91.05.149); CFS, NGM Minutes, November 1992, Closing Plenary, 29 (Motion 91.11.83).

⁴⁴ CFS, NGM Minutes, November 1992, Closing Plenary, 29 (Motion 91.05.34).

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vote “before the end of the term of office of the Executive that was in office when prospective membership was granted,” thus ensuring the benefit of a supportive local executive, and to require a students’ union to give two months’ notice to the CFS before the vote.⁴⁵

In addition, there were many efforts to make it more difficult to disaffiliate from the CFS. In May 1991, the CFS increased the notice requirement for a disaffiliation referendum from four months to six months; such notice would have to specify the rules, dates, and exact text of the referendum question.⁴⁶ A motion was put forward to impose a 5% quorum requirement (or the quorum of the local students’ union, “whichever is higher”) at the May 1994 NGM⁴⁷, but this was not considered due to a lack of time.

More ambitious was a May 1993 motion to require disaffiliation referenda to be administered by a four-person Referendum Oversight Committee (ROC), consisting of two representatives of the CFS and two representatives of the students’ union. The motion specified that “in the event of a committee deadlock an independent Ombudsperson, unanimously retained to make the final ruling, as pertaining to the decisions of the committee.” Further, the motion stated: “Only individual members of the member local association, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign. The motion was referred to the National Executive for legal review.⁴⁸ At the May 1994 NGM, a very similar motion was put forward, this time without the provision for an Ombudsperson; due to a lack of time, this motion was not considered.⁴⁹

At the November 1994 NGM, the Dalhousie Student Union proposed an audacious motion which declared that “the Dalhousie Student Union does not, has not, and will never recognize that the Canadian Federation of Students, as a corporation in which we are a shareholder, has the jurisdiction or authority to override and otherwise impede the authority of the Dalhousie Student Union, which is constituted under a special Act of the Nova Scotia Legislature (April, 1966) to ‘act as the official organization of the Students of Dalhousie University (An Act to Incorporate Dalhousie Student Union, S. 2 (b)),’” and which would have allowed a students’ union to disaffiliate pursuant to a referendum conducted according to its own bylaws, and also asserted the right of each member students’ union “to choose what policies, initiatives, programmes, Standing Resolutions, By-Laws, and other activities or structures of the Federation that the voting member may or may not support, administer, adhere to or otherwise participate in.” The motion was withdrawn before a vote was taken; nonetheless, the tenor of this motion gives an idea of the controversy that the CFS was embroiled in at the time.⁵⁰

⁴⁵ CFS, NGM Minutes, May 1992, 67 (Motion 92.05.177).

⁴⁶ CFS, NGM Minutes, May 1991, 73-74 (Motion 91.05.28).

⁴⁷ CFS, NGM Minutes, May 1994, Opening Plenary, 6 (Motion 94.05.19).

⁴⁸ CFS, NGM Minutes, May 1993, 58-59 (Motion 93.05.39).

⁴⁹ CFS, NGM Minutes, May 1994, Opening Plenary, 7-8 (Motion 94.05.22).

⁵⁰ CFS, NGM Minutes, November 1994, Closing Plenary, 29-30 (Motion 94/11:33).

2.5 May 1995 National General Meeting

The May 1995 NGM⁵¹ would prove to be a critical event in the history of the CFS. Following a rousing speech from left-wing writer and journalist Murray Dobbin, the CFS accepted the disaffiliation votes of seven students' unions.⁵² In addition, the Carleton Graduate Student Association had held a disaffiliation vote which was not recognized as valid, and two students' unions were ratified as new members of the Federation.⁵³ Students at three other students' unions voted to remain members of the CFS, while three students' unions had served notice of upcoming disaffiliation referenda.⁵⁴ The organization was wracked with controversy stemming from the dismissal of the CFS-Services Executive Director, Dave Jones. Several of the disaffiliating students' unions wanted to maintain their membership in CFS-Services, and believed that the termination of Jones would negatively affect CFS-Services. One of the key leaders of this movement was, in fact, former National Chairperson Kelly Lamrock⁵⁵, who just three years earlier had written an impassioned appeal to students to stay with the Federation.

On the political front, the CFS received a very favourable report on its National Day of Strike and Action held four months' previously.⁵⁶ To continue this momentum, the CFS decided to conduct an "On to Ottawa Trek"⁵⁷, named after the 1935 march of unemployed men striking against the dismal conditions in federal work camps that were established during the Great Depression.⁵⁸ The CFS decided to organize a "National Symposium on Federal Funding Post-Secondary Education" as a means of propagating its vision for post-secondary education finance⁵⁹, and also for the purpose of preventing the newly-established CASA (described by one participant as a covert "Young Liberal Organisation") from hosting a similar forum and 'stealing away' the Federation's traditional coalition partners.⁶⁰ The CFS also deleted one sentence from its policy manual (adopted in 1991⁶¹) which read "The Federation supports a unified Canada," on the grounds that this could be interpreted as opposing Québec's right to secede following a referendum.⁶² (The CFS had defeated a motion recognizing Québec's "right to self-determination" in November 1992⁶³; a subsequent motion to "support the right of the people of Québec and the First Nations people of Canada to self-determination and recognize the right and legitimacy of the First Nations people of Québec to hold referenda on self-determination" was

⁵¹ CFS, NGM Minutes, May 1995, Opening Plenary, <http://www.studentunion.ca/cfs/1995/1995-05-minutes-openingplenary.pdf>; CFS, NGM Minutes, May 1995, Closing Plenary, <http://www.studentunion.ca/cfs/1995/1995-05-minutes-closingplenary.pdf>. Again, I highly encourage you to read the minutes of this meeting in their entirety, so as to obtain a more comprehensive understanding of the issues facing the Federation at this time.

⁵² CFS, NGM Minutes, May 1995, Opening Plenary, 1-4 & 12-14.

⁵³ *Ibid.*, 15.

⁵⁴ CFS, "Report of the National Executive," May 1995, 3, <http://www.studentunion.ca/cfs/1995/1995-05-execreport.pdf>.

⁵⁵ CFS, NGM Minutes, Closing Plenary, May 1995, 5-6.

⁵⁶ CFS, "Report of the National Strike Co-ordinator," attached to CFS, "National Executive Report," May 1995.

⁵⁷ *Ibid.*, 21-23.

⁵⁸ On to Ottawa Historical Society, "On to Ottawa Trek," <http://www.ontoottawa.ca/trek/trek.html>.

⁵⁹ CFS, NGM Minutes, Closing Plenary, May 1995, 23-27.

⁶⁰ *Ibid.*, 27; see also Michael Conlon, "Income Contingent Loans: Inequity and Injustice on the Installment Plan," CFS, May 2005, 12, <http://www.cfs-fcee.ca/html/english/research/submissions/ICR-Inequality.pdf>.

⁶¹ CFS, NGM Minutes, November 1991, 93 (Motion 91.11.121).

⁶² CFS, NGM Minutes, May 1995, Opening Plenary, 34-35 (Motion 94/11:151).

⁶³ CFS, NGM Minutes, November 1992, 7 (Motion 92.11.24).

first proposed in November 1996,⁶⁴ and, after amendments and 1.5 years of postponements, was adopted in May 1998.⁶⁵)

Organizationally, the threat of more disaffiliations was most likely responsible for the flood of motions that were considered at the May 1995 NGM. In total, eleven motions were proposed to amend Bylaw I: five motions relating to the membership fee, five motions relating to disaffiliation, and one motion to clarify that students' unions must be members of both CFS-National and CFS-Services. Most significantly, the CFS adopted the following motion:

95/05:266

University of Regina Students' Union / Wilfrid Laurier Graduate Student Association

Whereas the Federation is a partnership of students' associations; and

Whereas, it should be the rules of the partnership which govern how a students' association joins and leaves the partnership; and

Whereas, the existing rules of the partnership (The Federation's Bylaws) do not fully and adequately establish how a students' association leaves the partnership; therefore

Be it resolved that Bylaw I, Section 2 A(iv), be deleted; and

Be it further resolved that the following section be added to By-Law I Membership:

Section 6: Vote on De-Federating

The individual members of the Federation belonging to a member local association may vote on whether to de-federate, subject to the following rules and procedures:

a. Notice

- i. Notice of a vote on de-federating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
- ii. Notice of the vote must include the exact dates and times of voting.
- iii. In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that the ballots are mailed to the individual members;
- iv. Failure to adhere to the notice provisions in article A i), ii) and iii) shall invalidate the results of the vote.

b. Campaigning

- i. There shall be no less than two (2) weeks of campaigning immediately preceding the voting during which time classes are in session.
- ii. Only individual members of the member local association and representatives, representatives of the Federation and representatives of

⁶⁴ CFS, NGM Minutes, November 1996, Opening Plenary, 10 (Motion 96/05/16:37).

⁶⁵ CFS, NGM Minutes, May 1998, Closing Plenary, 31-32 (Motion 97/05:074).

Solidarity For Their Own Good

other Federation member local associations shall be permitted to participate in the campaign.

c. Voting

- i. Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association or a mailout 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. 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.

d. Quorum

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

e. Administering the Campaign and Voting

The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by the member local association. The committee shall be responsible for:

- i. deciding the manner of voting, be that by referendum, general meeting or a mail-out ballot.
- ii. deciding the number and location of polling stations;
- iii. approving all materials to be distributed during the campaign;
- iv. deciding the ballot question;
- v. overseeing the voting;
- vi. counting ballots;
- vii. adjudicating all appeals; and,
- viii. establishing all other rules and regulations for the vote.

f. Advance Remittance of Outstanding Membership Fees

In addition to Articles A to E, in order for a de-federation referendum to proceed, a member local association must remit all outstanding Federation fees not less than six (6) weeks prior to the date of the referendum.

g. Minimum Period Between De-Federating Votes

In addition to articles a) through f) in order for a de-federation referendum to take place the member local may not hold a de-federation referendum within the previous twenty-four (24) months.⁶⁶

Motion 95/05:266 marked the most important shift in the CFS's relationship with its member students' unions since the foundation of the organization in 1981. Previous amendments to Bylaw I regulated the timing of affiliation and disaffiliation referenda, but motion 95/05:266 explicitly gave the CFS 50% of the seats at the table of the body charged with regulating a disaffiliation referendum (but not, at this point, an affiliation referendum). In addition, motion 95/05:266 imposed a minimum quorum of 5%, explicitly allowed CFS and CFS-member students' union officials to campaign on campus, and imposed limits on the campaign period and voting period. Paragraph 6(e)(iii) would be interpreted as banning the distribution of all campaign materials not pre-approved by the ROC, and paragraph 6(b)(i) would be interpreted as banning all campaigning before the official campaign period.⁶⁷ It is therefore somewhat surprising to note that motion 95/05:266 was adopted *without any debate whatsoever*, with the exception of a lengthy debate on sub-section 6(g) (which was added as an amendment to the main motion).

In response to a draft of this paper, CFS legal counsel claims:

You claim that motion 95/05:266 was adopted “*without any debate whatsoever*” (your emphasis). This is false. The CFS' general meeting is structured to conduct a large volume of business. To facilitate this, the meeting starts in a plenary session but quickly breaks down into various committees and other working groups to ensure wide-ranging debate on each and every motion at the general meeting. Individuals present at the meeting at which this motion was adopted confirm that both the Organizational Development Committee and various regional caucuses engaged in debate regarding the motion. You have been to two national general meetings and one BC general meeting and are well aware that the absence of debate in closing plenary is not indicative of the absence of debate at the general meeting.⁶⁸

I accept that this is true. However, controversial motions are almost always also debated during the closing plenary session as well as in committees. In this instance, whatever discussion that occurred at the committee level on motion 95/05:266 apparently led to a consensus among the CFS's members (at least among those members who stayed until the end of the National General Meeting), such that no debate was considered necessary during closing plenary. Given the importance and radical nature of this motion, this is astonishing.

⁶⁶ CFS, NGM Minutes, May 1995, Closing Plenary, 111-113.

⁶⁷ Lucy Watson, “Affidavit #1,” May 26, 2008, 7-13, in *Simon Fraser Student Society v. Canadian Federation of Students*, Supreme Court of British Columbia, Vancouver Registry, No. S082674, <http://www.studentunion.ca/cases/sfu/watson1.pdf>; Lucy Watson, “Affidavit #1,” March 3, 2008, 5-6, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/watson1.pdf>.

⁶⁸ Wendy J. Wagner, Personal communication, February 2010.

2.6 Late 1990s – History

The late 1990s marked the ascendancy of left-wing politics within the Canadian Federation of Students. As several more conservative students' unions had disaffiliated, the CFS was no longer wracked by the same political debates that had plagued the organization in the early 1990s. At its November 1995 NGM, the CFS adopted a policy supporting “public remuneration of all homemakers;”⁶⁹ encouraged provincial components and member students' unions “to organize occupation teams” to occupy government buildings;⁷⁰ adopted a policy supporting “the implementation of a guaranteed minimum income for all students” (i.e. negative tuition fees);⁷¹ adopted a policy supporting “the right of women to free accessible abortion upon demand”⁷² (similar motions had failed, on roll-call votes, in November 1992⁷³). The CFS also discontinued the Canadian Programming Service (CPS)⁷⁴, a speaker's bureau which had come under criticism for, among other reasons, including pro-life speaker Dr. Paul Ranalli on its roster⁷⁵ along with pro-choice speaker Dr. Henry Morgentaler⁷⁶. The motion of discontinuance directed the National Executive to establish a new speaker's bureau consisting solely of individuals who agreed with the organization's 83-page⁷⁷ policy manual; perhaps unsurprisingly, this did not happen.

In response to a draft of this paper, CFS legal counsel disputes that the CFS discontinued the CPS due to “political” reasons, and instead argues that “the CFS's decision to close the Speaker's Bureau was solely financial. Each year, the Speaker's Bureau required a significant subsidy from the CFS's budget. As the early-to-mid 1990's were a time of financial difficulty for the CFS, a decision was made to eliminate the drain on the CFS's resources by terminating the program.”⁷⁸ While financial considerations certainly played a part in the CFS's decision to discontinue the CPS, there is considerable evidence that finances was not the “sole” determining factor. At the May 1995 National General Meeting, a backgrounder distributed at a BC Component meeting claimed that “it is not always possible to guarantee consistency between the views espoused by speakers represented through the Canadian Programming Service and the policies of the Federation.”⁷⁹ The May 1995 Budget Committee drafted a motion recommending that the CPS be reviewed, citing both financial reasons as well

⁶⁹ CFS, NGM Minutes, November 1995, Closing Plenary, 17 (Motion 95/05:127).

⁷⁰ *Ibid.*, 38 (Motion 95/11:189).

⁷¹ *Ibid.*, 51-52 (Motion 95/11:230). As far as I am aware, this marked the first time that the CFS supported a universal student stipend, although NUS (Canada) and (very briefly) CUS had supported such a position.

⁷² *Ibid.*, Closing Plenary, 55 (Motion 95/11:248).

⁷³ CFS, NGM Minutes, November 1992, Opening Plenary, 5-6 (Motions 92.05.27 & 92.05.36).

⁷⁴ CFS, NGM Minutes, November 1995, Closing Plenary, 68 (Motion 95/11:293).

⁷⁵ CFS, NGM Minutes, May 1991, 66.

⁷⁶ CFS, “Programs,” October 1990, 59, <http://www.studentunion.ca/cfs/1990/1990-10-cfs-services-report.pdf>.

⁷⁷ CFS, “Policy Manual: Issues Policy: Canadian Federation of Students: As amended at the May 1997 National General Meeting,” filed with Corporations Canada, Corporation #1217003, <http://www.studentunion.ca/cfs/filings/1997-bylaws.pdf>. I do not have an exact copy of the 1995 policy manual, so this figure is not exact.

⁷⁸ Wendy J. Wagner, Personal communication, February 2010.

⁷⁹ CFS-British Columbia, “Assessing the Value of the Canadian Programming Service,” May 1995, <http://www.studentunion.ca/cfs/1995/1995-05-bcdelegateprep.pdf>.

as concerns that “the Canadian Programming Service does not necessarily promote speakers that represent the views of the Federation.”⁸⁰ The November 1995 Organizational Development Committee Report recommended that a replacement program for the CPS should be based on two criteria: “All reasonable attempts should be made to book speakers that whose interests are not in direct conflict with those of the Federation”; and “the overall costs of the administration of the program was to be kept low.”⁸¹

The late 1990s also marked new developments in the CFS’s relationship to the Québec student movement. The CFS’s original bylaws provided for a Central Committee which included only nine provincial representatives, plus “one non-voting representative chosen by organized post-secondary students in Quebec.”⁸² However, the Post-Graduate Students’ Society of McGill University joined the CFS in 1993,⁸³ and the Concordia University Graduate Students’ Association joined the CFS in 1994.⁸⁴ In response, the CFS voted to “commence membership development in Québec,”⁸⁵ to add a voting Québec representative on the National Executive,⁸⁶ and to recognize a Québec provincial component.⁸⁷

By this time, ANEEQ (Association Nationale des Étudiantes et Étudiants de Québec) and RAEU (Regroupement des Associations Étudiantes Universitaires) had dissolved, leaving the Fédération Étudiante Universitaire du Québec (FEUQ) and the Fédération Étudiante Collégiale du Québec (FECQ) as the dominant student organizations in Québec. FEUQ and FECQ were relatively conservative in comparison to ANEEQ, with many of their executives supporting the Parti Québécois.⁸⁸ However, in response to the Axworthy reforms of 1994, a group of Québec students’ unions, calling themselves “Coalition X,” organized, with CFS-Québec (and over the opposition of FEUQ and FECQ) a series of demonstrations on January 25, 1995, as part of the CFS National Day of Strike and Action.⁸⁹ The “Coalition X” then decided to organize itself permanently as the Mouvement pour le Droit à l’Éducation (MDE).⁹⁰ The CFS was therefore

⁸⁰ CFS, “Budget Committee Report,” May 1995, <http://www.studentunion.ca/cfs/1995/1995-05-cttereports-partial.pdf>.

⁸¹ CFS, “Organizational Development Committee Report,” November 1995, <http://www.studentunion.ca/cfs/1995/1995-11-misc-cttereports.pdf>.

⁸² CFS, “By-Law No. I,” 11.

⁸³ CFS, NGM Minutes, May 1993, 1 (Motion 93.05.03).

⁸⁴ CFS, NGM Minutes, November 1994, 5 (Motion 94/11:05).

⁸⁵ *Ibid.*, 91 (Motion 94/11:179).

⁸⁶ *Ibid.*, 98 (Motion 94/11:204).

⁸⁷ *Ibid.*, 99 (Motion 94/11:205).

⁸⁸ Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006*, 121-146; Société Générale des Étudiantes et des Étudiants du Collège de Maisonneuve (SOGÉÉCOM), “Mémoire sur la mise sur pied de l’Association pour une Solidarité Syndicale Étudiante,” 2000, 12-13, 16, & 23-25, <http://tinyurl.com/yhqlcf5>.

⁸⁹ CFS, NGM Minutes, November 1996, Opening Plenary, 20; Guy Caron, “Report of the National Chairperson,” CFS, November 1995, 1, <http://www.studentunion.ca/cfs/1995/1995-11-exereport.pdf>; SOGÉÉCOM, “Mémoire sur la mise sur pied de l’Association pour une Solidarité Syndicale Étudiante,” 11-12; Benoît Lacoursière, *Le mouvement étudiant au Québec de 1983 à 2006*, 117.

⁹⁰ For an idea of the general political orientation of MDE, see Mouvement Pour le Droit à l’Éducation, “Moyens d’action,” <http://web.archive.org/web/20020608053758/www.mde.qc.ca/moyensaction.html>.

partly responsible for the renewal of the radical currents within the Québec student movement that had lain dormant since the breakdown of ANEEQ in 1990.⁹¹

The CFS and the MDE worked closely together (leading FEUQ to accuse the CFS of “meddling into the Quebec student movement internal political affairs”⁹²). In November 1996, representatives of MDE gave a speech before the National General Meeting;⁹³ and in November 1998, the CFS voted to enter into negotiations with MDE regarding prospects for a merger.⁹⁴ However, the negotiations fared poorly, due to disagreements on fee structures, lobbying practices (the MDE refused, on principle, to lobby governments), and what the CFS termed the MDE’s “war[iness] of the high level of internal development and organisation of the Federation”⁹⁵ (or, in the perhaps less euphemistic words of one MDE member: “CFS-Québec is ultimately a division of a pan-Canadian organization with a long history and ultra-bureaucratic structures”⁹⁶). Nonetheless, the CFS presence continued to develop in Québec; in May 1998, the Concordia Students’ Union became the CFS’s third member in that province.⁹⁷

A “radical left caucus” also emerged at this time, founded by activists who had been involved in the 1995 National Day of Strike and Action.⁹⁸ This caucus founded the *Student Activist*, a “national radical student newspaper written, produced and distributed by student activists for the express purpose of helping to provide the basis for organizing a national grassroots student movement.”⁹⁹ The *Student Activist* supported the CFS, from a critical perspective, “for its progressive stand on many social issues facing students today,”¹⁰⁰ For its part, although the CFS never officially supported the *Student Activist*¹⁰¹, several key elected officials were involved in the paper, including Rob Fleming,¹⁰² Joel Harden,¹⁰³ Penny McCall Howard,¹⁰⁴ Marjorie Brown,¹⁰⁵ and Jessica Peart.^{106,107} Coming from this perspective, the York Federation of Students and the Guelph Central Student Association submitted a position paper

⁹¹ SOGÉÉCOM, “Mémoire sur la mise sur pied de l’Association pour une Solidarité Syndicale Étudiante,” 11-12.

⁹² Guy Caron, “Report of the National Chairperson,” CFS, May 1996, 3.

⁹³ CFS, NGM Minutes, November 1996, Opening Plenary, 20-23.

⁹⁴ CFS, NGM Minutes, November 1998, Closing Plenary, 30.

⁹⁵ CFS, “National Executive Report,” May 1999, 26, <http://www.studentunion.ca/cfs/1999/1999-05-exereport.pdf>.

⁹⁶ Rough English translation of SOGÉÉCOM, “Mémoire sur la mise sur pied de l’Association pour une Solidarité Syndicale Étudiante,” 30-31 (original French text : «la CFS-Q/FCEE-Q...est, à l’origine, une division d’une organisation pancanadienne ayant un lourd passé de structures ultra-bureaucratique») ; see also Mathieu Frappier, “Vers une fusion du MDE et de la FCEE-Q,” Camp de formation et d’orientation, Mouvement Pour le Droit à l’Éducation, June 2000,

<http://web.archive.org/web/20020608165747/http://www.mde.qc.ca/documentation/camp2000-05-03.htm>.

⁹⁷ CFS, NGM Minutes, May 1998, Opening Plenary, 4 (Motion 98/05:007).

⁹⁸ Caelie Frampton, “Strength in Numbers? Why Radical Students Need a New Organizing Model,” *Upping the Anti: A Journal of Theory and Action*, no. 5 (October 2007), 101-114, http://auto_sol.tao.ca/node/3018.

⁹⁹ Tom Keefer, “Building a Fighting Student Movement: The NRSP Proposal,” Direct Action Solidarity Network, <http://web.archive.org/web/20000310200845/www.tao.ca/~dasn/issue1/proposal.html>.

¹⁰⁰ *Ibid.*

¹⁰¹ CFS, NGM Minutes, November 1997, Closing Plenary, 44-45 (Motion 97/11:406).

¹⁰² 1999-2000 BC National Executive Representative. CFS, NGM Minutes, November 1999, Attendance.

¹⁰³ 1998-2000 Ontario Chairperson. *Ibid.*

¹⁰⁴ 1999-2000 Nova Scotia National Executive Representative. *Ibid.*

¹⁰⁵ 1997-1998 Saskatchewan National Executive Representative. CFS, NGM Minutes, May 1998, Attendance.

¹⁰⁶ 1998-1999 Saskatchewan National Executive Representative. *Idem.*

¹⁰⁷ Direct Action Solidarity Network, “Student Activists!,”

<http://web.archive.org/web/20000310224157/www.tao.ca/~dasn/issue1/staff.html>.

entitled “Praxis Makes Perfect,”¹⁰⁸ proposing a radical re-working of the CFS National Executive and General Meeting structures; although the proposals were defeated,¹⁰⁹ this position paper provides insight into the politics of this “radical left caucus.”

During this period of time, a number of students’ unions held disaffiliation referenda. For example, the May 1996 National Executive Report indicated that nine students’ unions had held disaffiliation votes during the preceding six months; of these, two students’ unions voted to remain in the CFS, three students’ unions voted to leave, and four students’ unions’ disaffiliation votes were rejected as being invalid.¹¹⁰ However, in the same period of time, three students’ unions held affiliation votes (of which two were successful) and two students’ unions applied for prospective membership.¹¹¹ Overall, the CFS’s membership adjusted from 62 students’ unions as of November 1995¹¹² to 60 students’ unions as of May 2000.¹¹³

2.7 Late 1990s – Bylaw Amendments

During the late 1990s, only two substantive amendments to CFS Bylaw I were adopted relating to disaffiliation: one amendment forbade a disaffiliation referendum from being held between April 15 and September 15 or between December 15 and January 15,¹¹⁴ and a second amendment required a petition, signed by 10% of a students’ union’s members and delivered to the National Executive, to “initiate” an affiliation or a disaffiliation referendum.¹¹⁵ A proposed amendment that would have imposed specific wording for such a petition was defeated.¹¹⁶ A number of amendments to CFS Bylaw I were adopted relating to affiliation referenda; the most significant of these amendments, approved in May 1997, imposed the “Referendum Oversight Committee” for all affiliation referenda, on terms largely identical to what had been adopted in May 1995 for disaffiliation referenda.¹¹⁷ In addition the CFS adopted a completely new Article relating to the suspension and expulsion of member students’ unions (which has not yet been invoked),¹¹⁸ and eliminated the requirement for a national referendum to increase membership dues.¹¹⁹

¹⁰⁸ York Federation of Students and Guelph Central Student Association, “Praxis Makes Perfect,” November 1997, <http://www.studentunion.ca/cfs/1997/1997-11-praxis-makes-perfect.pdf>.

¹⁰⁹ CFS, NGM Minutes, Closing Plenary, November 1997, 19-21 (Motions 97/11:305 and 97/11:306).

¹¹⁰ CFS, “Report of the National Executive,” May 1996, 27-29, <http://www.studentunion.ca/cfs/1996/1996-05-execreport.pdf>.

¹¹¹ *Ibid.*, 26-27.

¹¹² CFS, NGM Minutes, November 1995, 1-2.

¹¹³ CFS, Membership List, May 2000.

¹¹⁴ CFS, NGM Minutes, November 1997, Closing Plenary, 34 (Motion 97/11:359).

¹¹⁵ CFS, NGM Minutes, May 1998, Closing Plenary, 27 (Motion 98/05:128).

¹¹⁶ CFS, NGM Minutes, May 1996, Closing Plenary, 17-20 (Motion 96/05:077).

¹¹⁷ CFS, NGM Minutes, May 1997, Closing Plenary, 16 (Motion 97/05:104).

¹¹⁸ CFS, NGM Minutes, May 1996, Closing Plenary, 77-79 (Motion 96/05:13:06).

¹¹⁹ CFS, NGM Minutes, November 1995, Closing Plenary, 68 (Motion 95/11:292).

In response to a draft of this paper, CFS legal counsel claims that “there has never been ... a requirement” for “a national referendum to increase [Federation] membership dues.”¹²⁰ Not true. In fact, the original Bylaws of the CFS clearly provided that “Individual members of C.F.S. (only) have the right to make final decisions through referendum on all questions of withdrawal from full membership in C.F.S. or of increases in full membership fees currently being paid by them.”¹²¹ The preamble to motion 95/11:292, which eliminated the requirement for a referendum to increase CFS fees, explicitly recognized that existing bylaws require “a nation-wide referendum”:

Whereas, the Federation employs a delegate voting system rather than holding national referenda votes on Policy and By-law questions; and

Whereas, the delegate voting system is considered sufficient for deciding all other Policy and Bylaw questions; and

Whereas, it would be both contradictory and impractical to undertake a nation-wide referendum of all individual members in order to amend the membership fee; therefore

Be it resolved that Bylaw I, Section 3 A(i), be amended to read:

Only individuals members of the Federation have the right to make decisions through referendum on all questions of withdrawal from full membership in the Federation. Increase in full membership fees currently being paid by them shall require ratification by two-thirds of the member locals through referendum or duly enacted motion of the student council.¹²²

2.8 2000s

During the 2000s, the CFS experienced a strong period of stability and membership growth. In May 2000, the National Executive reported: “For the past few years, the Federation has experienced a level of membership stability unprecedented in its nineteen year history. Since 1996, only two member locals have withdrawn from the Federation, and one of those — the Grenfell College Students' Union — rejoined the Federation within eighteen months.”¹²³ This positive news continued through November 2005, when the CFS was able to report that “over 22 students' unions have joined the Federation for the first time, rejoined or reactivated their memberships.”¹²⁴ The CFS's membership roster soared from 60 students' unions in May 2000¹²⁵ to 85 students' unions in November 2009,¹²⁶ an increase of 25 students' unions, representing an average growth of 2.8 students' unions a year. This growth included two very large students'

¹²⁰ Wendy J. Wagner, Personal communication, February 2010.

¹²¹ CFS-National, “By-Law No. I.”

¹²² CFS, NGM Minutes, November 1995, Closing Plenary, 68 (Motion 95/11:292).

¹²³ CFS, “National Executive Report,” May 2000, 65, <http://www.studentunion.ca/cfs/2000/2000-05-execreport.pdf>.

¹²⁴ CFS, “National Executive Report,” November 2005, 62, <http://www.studentunion.ca/cfs/2005/2005-11-execreport.pdf>.

¹²⁵ CFS, “Membership List: Canadian Federation of Students: May 2000,” May 2000, <http://www.studentunion.ca/cfs/2000/2000-05-delegateguide.pdf>.

¹²⁶ CFS, “Membership List: November 2009 National General Meeting,” November 2009, <http://www.studentunion.ca/cfs/2009/2009-11-delegateguide.pdf>.

unions, the University of Manitoba Students' Union and the University of Toronto Students' Union. Furthermore, for the first time since 1996,¹²⁷ the CFS acquired members in Alberta and New Brunswick.¹²⁸ From 1999 to 2007, only two disaffiliation referenda were held under CFS Bylaws, and in both cases students voted to remain members of the CFS.¹²⁹

This period of membership growth also coincided with a growth in the services offered by the CFS. These included the Common Handbook Project,¹³⁰ StudentPhones.com,¹³¹ Homes4Students.com,¹³² UFile.ca,¹³³ the Students' Union Website Service,¹³⁴ and an Orientation & Promotional Materials Service.¹³⁵ In addition, the National Student Health Network was greatly expanded, increasing from 13 students' unions in 2001¹³⁶ to 43 students' unions in 2009.¹³⁷

Politically, the CFS continues to support approximately the same policy stances on post-secondary education issues that it did at its founding. The CFS supports the elimination of tuition and most ancillary fees,¹³⁸ the establishment of a national system of needs-based grants,¹³⁹ and the establishment of a "guaranteed minimum income for all students,"¹⁴⁰ leading to the elimination of any need for a system of student loans.¹⁴¹ The principles of CUS's "Academocracy" can be found (in greatly abbreviated form) in the CFS's "Governance of Post-Secondary Institutions" policy, which supports increasing student representation on institutional Boards of Governors and Senates to 50%, while opposing "the domination of governance structures of post-secondary institutions by representatives of large corporations."¹⁴²

¹²⁷ CFS, "National Executive Report," May 2000, 65.

¹²⁸ CFS, "National Executive Report," May 2001, 29-30, <http://www.studentunion.ca/cfs/2001/2001-05-execreport.pdf>; CFS, "National Executive Report," May 2006, 56, <http://www.studentunion.ca/cfs/2006/2006-05-execreport.pdf>.

¹²⁹ CFS, "National Executive Report," November 2002, 32, <http://www.studentunion.ca/cfs/2002/2002-11-execreport.pdf>; CFS, "National Executive Report," May 2005, 57, <http://www.studentunion.ca/cfs/2005/2005-05-execreport.pdf>.

¹³⁰ CFS, "National Executive Report," November 2001, 30, <http://www.studentunion.ca/cfs/2001/2001-11-execreport.pdf>.

¹³¹ *Ibid.*, 34-35.

¹³² CFS, "National Executive Report," May 2003, 34-35, <http://www.studentunion.ca/cfs/2003/2003-05-execreport.pdf>.

¹³³ CFS, "National Executive Report," May 2005, 33.

¹³⁴ CFS, "National Executive Report," November 2005, 50-51.

¹³⁵ CFS, "National Executive Report," May 2008, 33-35, <http://www.studentunion.ca/cfs/2008/2008-05-execreport.pdf>.

¹³⁶ CFS, "National Executive Report," November 2002, 40.

¹³⁷ CFS, "National Executive Report," November 2009, 39, <http://www.studentunion.ca/cfs/2009/2009-11-execreport.pdf>.

¹³⁸ CFS, "Policy Manual: Issues Policy – Post-Secondary Education," November 2008, "Accessibility," "Ancillary, Auxiliary, Incidental, and Administrative Fees," "Canadian Constitution," "Funding Education," and "Tuition Fees," http://www.cfs-fcee.ca/downloads/Post-Secondary_Education_Policy.pdf.

¹³⁹ *Ibid.*, "Income Contingent Loan Repayment," "Post-Secondary Education Agreement and Principles," "Student Financial Assistance," and "Tuition Fees."

¹⁴⁰ *Ibid.*, "Accessibility."

¹⁴¹ *Ibid.*, "Student Financial Assistance."

¹⁴² *Ibid.*, "Governance of Post-Secondary Institution."

A number of student organizations other than the CFS continue to exist. The Canadian Alliance of Student Associations (CASA) has grown, though a number of large member students' unions have withdrawn (temporarily or permanently) in recent years, including the Alma Mater Society of UBC, the University of Alberta Students' Union, the University of Saskatchewan Students' Union, the University of Manitoba Students' Union, and the Students' Society of McGill University. At the provincial level, there exist a number of student organizations that are informally linked to CASA, including the Council of Alberta University Students, the Alberta College and Technical Institute Student Executive Council, the Ontario Undergraduate Student Alliance, the New Brunswick Student Alliance, and the Alliance of Nova Scotia Student Associations. In Québec, the radical left Association pour une Solidarité Syndicale Étudiante (ASSÉ) was formed in 2001 to replace the Mouvement Pour le Droit à l'Éducation (MDE), which had become defunct.¹⁴³ However, the CFS does not have the same close relationship with ASSÉ as it had with the MDE in the 1990s; instead, in November 2003, the CFS approved a resolution to develop closer ties with the Fédération Étudiante Universitaire du Québec (FEUQ).¹⁴⁴

2.9 Motion 2003/05:032

In May 2003, the Carleton University Graduate Students' Association submitted a motion (Motion 2003/05:032) to reform the process of conducting affiliation referenda. The preamble to Motion 2003/05:032 noted that in the years since the CFS adopted the "Referendum Oversight Committee" (ROC) model for affiliation referenda, "over twenty membership referenda have now been conducted using the procedures established in Section 5 [now Section 4] of Bylaw I," and argued that "the experience from those referenda have served to identify areas in which the procedures need to be modified and improved." These modifications and improvements consisted of the following:

- Instead of providing that a prospective member students' union must give one months' notice of the dates of the referendum, the Bylaws would merely provide that "the referendum will be scheduled by the prospective member association in consultation with the Federation."
- The referendum question, instead of being the responsibility of the Referendum Oversight Committee, was fixed: "Are you in favour of membership in the Canadian Federation of Students?"
- A new provision was added requiring two weeks' notice of the referendum to be delivered to the individual members (i.e. students) of the students' union.
- The CFS and the prospective member students' union were granted the right to appoint one poll clerk at each polling station, and to appoint one scrutineer to oversee the counting of ballots.

¹⁴³ Héloïse Moysan-Lapointe, "L'ASSÉ depuis sa création," September 6, 2004, http://www.asse-solidarite.qc.ca/documents/fr/recherches_analyses/2%20ans%20avec%20l%27ASS%C9.pdf.

¹⁴⁴ CFS, NGM Minutes, November 2003, Closing Plenary, 19-22 (Motion 2003/11:013).

Chapter 2. The Canadian Federation of Students and the Evolution of Bylaw I

- The Referendum Oversight Committee was given the explicit responsibility to “remov[e] campaign materials that have not been approved;” furthermore, “campaign materials” was defined to exclude “materials produced by Federation that promote the campaigns and services of the Federation,” as well as the Federation’s website, annual report, financial statements, research and submissions to government. Lastly, campaign materials that were “misleading, potentially libelous, or false” were explicitly forbidden.
- An Appeals Committee would be established to adjudicate appeals, consisting of one representative each of the CFS and the prospective member students’ union.¹⁴⁵

None of these provisions would apply to disaffiliation referenda.

At the same National General Meeting, however, the Scarborough Campus Students’ Union (SCSU) – which had recently voted to join the Federation – had submitted a separate motion (Motion 2003/05:34) which also would have amended the rules for affiliation referenda. Motion 2003/05:34 provided for a three-person Referendum Oversight Committee, jointly appointed by the CFS and the prospective member students’ union and consisting entirely of students from the prospective member; empowered the ROC to agree to any “compromises” between the CFS’s bylaws and the students’ union’s bylaws (thus implicitly accepting the proposition that the students’ union’s bylaws had any currency during an affiliation referendum, a proposition staunchly denied by the CFS); required the ROC to be “non-partisan” and “non-political”; required the ROC to “demonstrate respect for bylaws and resolutions of the Federation and the students’ association”; and provided up to \$2,000 in funding for a “No” committee.¹⁴⁶ According to Dan Bandurka, SCSU past president,¹⁴⁷ “the purpose of the original motion was to initiate a debate about some of the concerns that arose during and following the membership drive at [the SCSU].”¹⁴⁸

Since Motion 2003/05:032 was considered first at Closing Plenary, advocates of the reforms contained in Motion 2003/05:034 decided to attempt to enact these reforms through amendments to that motion. The SCSU moved one amendment to provide for a three-person ROC consisting of independent students-at-large. Speaking in favour, SCSU delegate Bandurka argued that such a structure “would reduce the possibility of a stalemate,” and “would remove the perception of, or the possible, bias in the committee.” Ashley Morton of the University of Toronto Students’ Union, which had also recently joined the Federation, said that “a membership referendum was about a students’ union deciding whether to become a member of the Federation,” and as such, “the Federation should not be involved in the process.”¹⁴⁹

However, University of Victoria Students’ Society Resource Coordinator¹⁵⁰ Richard Tones claimed that the existing composition of the ROC was “appropriate for a membership

¹⁴⁵ CFS, NGM Minutes, May 2003, Closing Plenary, 6-10 (Motion 2003/05:032).

¹⁴⁶ *Ibid.*, Closing Plenary, 10-13 (Motion 2003/05:34).

¹⁴⁷ Vanessa Fischer, “UTSC student centre breaks ground,” *The Varsity*, April 8, 2003, <http://thevarsity.ca/articles/13549>.

¹⁴⁸ CFS, NGM Minutes, May 2003, Closing Plenary, 8.

¹⁴⁹ *Ibid.*, Closing Plenary, 8-9 (Motion 2003/05:054).

¹⁵⁰ Sean Holman, “The revolutionary vanguard,” *Public Eye*, January 4, 2005, <http://www.publiceyeonline.com/archives/000488.html>.

driven organisation,” and the CFS was represented on the ROC “to ensure that any decision to become a member of the Federation was in accordance with some basic principles.” UBC Students’ Union-Okanagan President Karina Frisque, who had served on the ROC when her students’ union joined the CFS in February 2003, claimed that the CFS representatives on the ROC “brought a lot of knowledge and perspective to the oversight committee.” Andrea Rhounce claimed that the ROC was supposed to work by consensus, and further claimed that CFS representation on the ROC was warranted “because Federation member locals had a vested interest in the referendum process.” In the end, these voices carried the day, and the amendment was rejected.¹⁵¹

The Capilano Students’ Union then moved a second amendment, which would add a fifth, jointly appointed, member of the ROC, “to break a deadlock should one occur.” However, Concordia University Graduate Students’ Association representative Tobias Whitfield claimed “that it would be virtually impossible to find a student who was well enough informed about referenda processes who could participate in such a committee,” and that “it was also unlikely that there was anyone who was unbiased who could participate on the committee.” National Graduate Caucus Chairperson Jesse Greener also argued that the ROC was supposed to work on “consensus.” The delegates agreed, and this amendment was also rejected.¹⁵² No media were present at the May 2003 National General Meeting to report on the debate.

2.10 Motion 2004/11:078¹⁵³

One year later, the Simon Fraser Student Society (SFSS) submitted a much more modest proposal (Motion 2004/11:078), which would simply require members of the Referendum Oversight Committee (ROC) to “remain non-partisan” and “not participate in the campaign.” Speaking in favour, Scarborough Campus Students’ Union (SCSU) delegate Mathieu Dagonas, a member of the SCSU ROC, argued that a non-partisan ROC was necessary since having ROC members both participate on the Oversight Committee and actively campaign in the referendum “tarnished the legitimacy of the process,” particularly in the eyes of external parties such as the University of Toronto administration (which was refusing to recognize the legitimacy of the referendum¹⁵⁴). SFSS staff delegate Hattie Aitken said that Motion 2004/11:078 would “promote transparency” and ensure that anti-CFS campaigners “could not complain that the Federation had been protecting its interests before those of the members on each campus.” Kwantlen Student Association delegate Pat Meehan suggested that students would be intimidated from being complaints before the ROC if they knew that ROC members were involved in the ‘Yes’ campaign.¹⁵⁵

¹⁵¹ CFS, NGM Minutes, May 2003, Closing Plenary, 8-9 (Motion 2003/05:054).

¹⁵² *Ibid.*, Closing Plenary, 9 (Motion 2003/05:055).

¹⁵³ For the purpose of full disclosure, it should be noted that I drafted Motion 2004/11:078 and introduced it at the SFSS Board of Directors; however, I did not attend the November 2004 meeting of the CFS.

¹⁵⁴ David Farrar, memorandum to the University Affairs Board of the Governing Council of the University of Toronto, May 27, 2003, <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?vid=3530>; Jim Delaney, letter to Alexandra Artful-Dodger, Dan Bandurka, and Emily Sadowski, February 25, 2003, <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?vid=3531>.

¹⁵⁵ CFS, NGM Minutes, November 2004, Closing Plenary, 25 – 27 (Motion 2004/11:078).

However, the defenders of the status quo again carried the day. Camosun College Student Society delegate Adam Layne argued that Motion 2004/11:078 “severely disadvantaged the Federation” by “restrict[ing] the Federation’s ability to effectively campaign.” Brandon University Students’ Union delegate Meeghan Gavin claimed that “if members of the Oversight Committees had been prevented from participating in the campaign it would have required the deployment of more resources and the Federation would have been at a disadvantage.” University of Toronto Graduate Students’ Union representative Alex Kerner insisted that “the Federation was at a major disadvantage when campaigning for membership and preventing the members of the Oversight Committee from participating disadvantaged the membership of the organisation as a whole.” Kerner also claimed that the University of Toronto’s refusal to recognize the legitimacy of the SCSU referendum was politically-motivated, and that critics of the CFS “would find issues to complain about regardless of their validity.”¹⁵⁶

Following a lengthy dispute over procedure, in which the CFS refused to hold a roll-call vote on the question, Motion 2004/11:078 was rejected. Only seven students’ unions (Capilano Students’ Union, SFSS, Kwantlen Student Association, Guelph Central Student Association, University of Ottawa Graduate Students’ Association, University of Toronto Students’ Union, and SCSU) had their favourable vote on the motion noted in the record.¹⁵⁷ No media were present at the November 2004 National General Meeting to report on the debate.

In response to a draft of this paper, CFS legal counsel claims:

In reference to a debate about a proposal from the Simon Fraser Student Society to amend the nature of the Referendum Oversight Committee, you state “[n]o media were present at the November 2004 National General Meeting to report on the debate.” Contrary to your clear implication, there was nothing nefarious about the absence of media to report on this debate. Similar to most private organizations, it is not the practice of the CFS to invite the media to attend and report on debates regarding its internal structure. The CFS may invite media to attend on specific occasions, such as a presentation from a senior politician or bureaucrat. The CFS may also grant *[sic]* requests for media to attend general meeting, and, if they are made, normally grants such requests. Given that you have attended several national general meetings, you would be aware of this.¹⁵⁸

Although I do regard the non-presence of the media at this meeting as problematic, I did not accuse the CFS of doing anything “nefarious” here to deny the media the right to attend this meeting; it may simply have been the case that no representatives of the media bothered to attend this meeting. However, the CFS’s claim that National General Meetings are “internal” meetings for which it is not necessary or desirable for the student media to attend *actually is nefarious!* The CFS is not simply a “private organization”; it is a mandatory-membership organization governed as a representative democracy, similar to a government or a trade union, and representative democracy does not work unless constituents are aware of how their representatives are acting on their behalf.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ Wendy J. Wagner, Personal communication, February 2010.

2.11 Motion 2008/05:048

Although the CFS maintained very strong and stable membership growth throughout most of the 2000s, there were pockets of discontent, which dramatically manifested themselves in the spring of 2008. Four students' unions – the Kwantlen Student Association (KSA), the Simon Fraser Student Society (SFSS), the Graduate Students' Society of the University of Victoria, and the Cape Breton University Students' Union – held disaffiliation referenda, all within a few weeks of each other, and all but the KSA voted to disaffiliate from the national organization. The CFS insisted that the referenda at Simon Fraser University and Cape Breton University were invalid (and is currently embroiled in a lawsuit over the matter with the SFSS); nonetheless, it was clear that all was not well within the Federation.¹⁵⁹

In response, the Carleton University Students' Association submitted a motion (Motion 2008/05:048) to radically overhaul the disaffiliation process. Motion 2008/05:048 enacted for disaffiliation referenda all of the 'reforms' that had been enacted in 2003 in relation to affiliation referenda. In addition, there were a number of new features:

- All references to “defederation” were deleted, and replaced with the term “referendum on continued membership.”
- The wording for a petition to initiate a disaffiliation referendum was spelled out: “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.” While early iterations of Bylaw I provided that an affiliation/disaffiliation referendum was a referendum of the students' union, and later iterations of Bylaw I were ambiguous on the matter, Motion 2008/05:048 made it clear that a local students' union would have absolutely no organic role to play in the administration of a disaffiliation referendum.
- While previous iterations of Bylaw I clearly specified that the local students' union would schedule the dates of the disaffiliation referendum, Motion 2008/05:048 gave that responsibility to the CFS National Executive, “in consultation with the member local.” Previously, six months' notice were required before a disaffiliation referendum could take place, but the new language allowed a referendum to take place over a four-month period, thus allowing the National Executive to schedule different referenda at different times.
- Campaigning (except CFS self-promotion) was explicitly prohibited before the official campaign period.

¹⁵⁹ Greg Beneteau, “CFS: The Fractured Federation: Lawsuit, mystery campaigners and leaked documents mar referendums,” *The Ontario*, March 28, 2008, http://www.theontario.ca/viewarticle.php?id_page=1575; J. J. McCullough, “CFS scores crucial victory as Kwantlen students vote to stay in,” *The Other Press*, May 5, 2008, <http://theotherpress.ca/view.php?aid=39073>; Stephen Moore, “92% Vote Yes,” *View From CBU*, March 14, 2008, <http://viewfromcbu.blogspot.com/2008/03/92-vote-yes.html>; CFS, “National Executive Report,” May 2008, 48-79.

- While the ROC was directed to disapprove “misleading, potentially libelous, or false” campaign materials during affiliation referenda, Motion 2008/05:048 instructed ROCs administering disaffiliation referenda to disapprove “misleading, defamatory, or false” campaign materials. (This is an important distinction, because the term “potentially libelous” arguably includes *all* materials that are critical of a person or organisation.)¹⁶⁰

This motion passed with little opposition, and indeed little debate. An article in *The Charlatan*, entitled “CFS exit policy re-examined, old rules get new words,” portrayed this amendment as only containing minor, technical changes. The article quoted Carleton University Students’ Association President Brittany Smyth as explaining that “We wanted to see the word ‘defederation’ changed to ‘referendum on continued membership’ because defederation is not a word. And the motion amended bylaws to prohibit campaigning outside the campaign period, which is self-explanatory.”¹⁶¹

2.12 Motion 2009/11:020

In 2009, students at about one dozen CFS member students’ unions across the country began the process of collecting petitions for the purpose of initiating disaffiliation referenda.¹⁶² In response, the Carleton University Graduate Students’ Association submitted a motion (Motion 2009/11:020) before the November 2009 National General Meeting to address this threat. Describing the petitions as “a coordinated plan to destabilize our Federation by a small group of individuals,” the motion insisted that “forcing all referenda to be held within the same, small window of time is fundamentally anti-democratic because the Federation and its members would have no reasonable opportunity to present a case for continued membership in the Federation.” The motion further claimed that “the enormous task of trying to present the case for continued membership in so many referendums within the same, small window in time would inevitably detract from the Federation’s normal duty of providing representation and services,” and ended its preamble with the assertion that “the interests of students in Canada are best served by having a strong and stable national association.” The operative paragraphs of this motion enacted the following three amendments to Bylaw I:

- The number of signatures required for a disaffiliation petition was increased from 10% to 20% of the members of the local students’ union. (The number of signatures for an affiliation petition remained at 10%.)
- A new paragraph was added which read: “There shall be no more than two (2) referendums on continued membership in any three-month period.” Coupled with the existing restriction on disaffiliation referenda from taking place between April 15 and September 15, and between December 15 and January 15, this meant that there could be a maximum of four disaffiliation referenda per year.

¹⁶⁰ CFS, NGM Minutes, May 2008, Closing Plenary, 17-20 (Motion 2008/05:048).

¹⁶¹ Ruby Pratka, “CFS exit policy re-examined, old rules get new words,” *The Charlatan*, May 29, 2008, 2, http://www.charlatan.ca/drupal/sites/default/files/issues/pdf/38_01.pdf.

¹⁶² Erin Hale, “Students at 13 unions petition to leave CFS.”

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- The minimum period between successive disaffiliation referenda was increased from two years to five years. (In the case of college students' unions, the minimum period was set at three years.)¹⁶³

Debate on this motion was extensive, and in the end 44 students' unions voted in favour, with 19 students' unions voted against, and 5 students' unions abstained.¹⁶⁴ A request for a roll-call vote on the motion was rejected by the majority of students' unions present at the meeting.¹⁶⁵

Unlike most previous motions, Motion 2008/11:020 aroused considerable media coverage. According to *The Link* (the student newspaper of Concordia University), Zachary Crispin, a member of 'Progressive Students 4 CFS,' "said defederation activities threaten the student movement and take resources away from the organization's advocacy efforts to freeze or lower tuition"¹⁶⁶ — echoing an argument made in the motion's preamble. Kimalee Phillip, President of the Carleton University Graduate Students' Association, said that the alleged adoption of the motion "showed that CFS is stronger than most people assume — and that we are here for the students."¹⁶⁷

Critics, however, condemned Motion 2009/11:020 as representing "top-down authoritarianism," "restricting the rights of individual members," and "an attack on the democratic process."¹⁶⁸ CFS-Québec President Gregory Johansson said that "democracy is premised on the freedom of individuals in a group to choose their own destiny, to articulate and self-determine what their best interests are, and to enact those interests in meaningful ways. Grassroots movements are premised on action coming from the bottom-up, not the top-down. I fear this motion, coupled with the possible failure of a series of reform motions, will greatly restrict these dynamic processes."¹⁶⁹ Nicole O'Byrne, a constitutional law professor at the University of New Brunswick, described Motion 2009/11:020 as "an example of autocratic centralism, the absolute antithesis of grassroots democracy."¹⁷⁰

¹⁶³ CFS, "Organisational and Services Development Committee Report," November 2009, 3-4 (Motion 2009/11:020), <http://www.studentunion.ca/cfs/2009/2009-11-execreport.pdf>.

¹⁶⁴ Tori Crawford, "PGSS executives disappointed with CFS Annual General Meeting: Dispute arises over group's delegate registration," *The McGill Tribune*, December 1, 2009, <http://media.www.mcgilltribune.com/media/storage/paper234/news/2009/12/01/News/Pgss-Executives.Disappointed.With.Cfs.Annual.General.Meeting-3842198.shtml>.

¹⁶⁵ Emma Godmere, Twitter status update, November 28, 2009, 8:02:51 PM, http://www.scribblelive.com/Event/CUP_November_09_CFS_AGM?Page=3.

¹⁶⁶ Tom Llewellyn, "Leaving the CFS might get a lot harder: National lobby group tries for 11th hour referendum restrictions," *The Link*, November 24, 2009, <http://www.thelinknewspaper.ca/articles/1919>.

¹⁶⁷ Emma Godmere, "Tensions high, debate extensive at CFS annual general meeting," *The Fulcrum*, December 3, 2009, <http://www.thefulcrum.ca/articles/23581>.

¹⁶⁸ Joe Howell and Alex Ross, "A little bird told me: Twitter opens window on CFS annual general meeting," *The Varsity*, December 5, 2009, <http://thevarsity.ca/articles/23679>; Emma Godmere, "Tensions high, debate extensive at CFS annual general meeting"; Justin Giovannetti, "A week in hell: Concordia delegation, faced with harassment and intimidation, walks out of CFS meeting along with six others," *The Link*, December 1, 2009, <http://www.thelinknewspaper.ca/articles/1961>; Nicole Elsasser, "CFS AGM passes motion to limit referendums on university campuses," *The Ontario*, December 10, 2009, http://www.theontario.ca/viewarticle.php?id_page=2860.

¹⁶⁹ Gregory Johansson, "You do it yourself...", *Students For Progress*, November 21, 2009, <http://studentsforprogress.wordpress.com/2009/11/21/you-do-it-to-yourself>.

¹⁷⁰ Tom Llewellyn, "Leaving the CFS might get a lot harder."

Chapter 2. The Canadian Federation of Students and the Evolution of Bylaw I

The motion did not actually pass. CFS Bylaw XV, s. 1 clearly provides as follows:

The Constitution and Bylaws of the Federation may only be repealed or amended by the vote of at least two-thirds of the voting members present at a general meeting.¹⁷¹

Since there were 68 students' unions present at the November 2009 National General Meeting, the threshold required for the adoption of an amendment to the CFS's Bylaws was 46 "yes" votes. Although this form of a supermajority vote is different from the usual "two-thirds vote" (in which abstentions are not counted), it is recognized by *Robert's Rules of Order* as a legitimate form of a supermajority vote.¹⁷² It cannot be argued that the phrase "two-thirds of the voting members present" is equivalent to the phrase "two-thirds of the members present and voting," because the term "voting members" is already defined in Bylaw I, s. 1 as meaning "local student associations." Furthermore, Bylaw III, s. 1 (d) (relating to the amendment of CFS Policies) and Bylaw IV, s. 1 (relating to the amendment of CFS Standing Resolutions) both use the simple term "two-thirds vote"; had the drafters of Bylaw XV, s. 1 desired to allow the Bylaws to be amended by a simple two-thirds vote, they would have used that language.

That the threshold for the amendment of the CFS's Bylaws is greater than the simple two-thirds vote required to amend the organization's Policies and Standing Resolutions has been known to the CFS since 1990.¹⁷³ Nonetheless, the CFS has amended its "Constitution and Bylaws" on its website to reflect the purported adoption of Motion 2009/11:020,¹⁷⁴ and CFS officials have maintained that the motion is valid and fully applicable to current and future disaffiliation referenda (see pages 210-211).

2.13 'Reform Package'

At the same meeting, the Post-Graduate Students' Society of McGill University submitted a 'reform package,' consisting of 43 motions covering a broad range of subjects: separating CFS-National and CFS-Services; publishing certain information on the CFS website; reducing the salaries of the at-large national executive members to the minimum wage; opening CFS meetings to the press; creating a Judicial Board, to be filled by lottery, and granting this Board "the exclusive power of beginning, ending, and continuing any legal actions and/or responses taken by the CFS(-Services)"; allowing CFS-Québec to exist as a separately incorporated body; and allowing motions to be submitted to National General Meetings by a petition of individual students.¹⁷⁵ A motion to impeach National Deputy Chairperson Noah Stewart-Ornstein (for tearing down opposition campaign posters during the 2009 Concordia Arts

¹⁷¹ CFS, "Constitution and Bylaws: Canadian Federation of Students: As amended at the November 2008 national general meeting," November 2008, Bylaw XV, s. 1, <http://www.studentunion.ca/docs/cfs-bylaws-Nov-2008.pdf>.

¹⁷² Henry M. Robert, *Robert's Rules of Order Newly Revised*, 10th edition, eds. Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, (Cambridge, Massachusetts: Perseus Publishing, 2000), 389-390.

¹⁷³ CFS, NGM Minutes, May 1990, 86 (Motion 90GM092).

¹⁷⁴ CFS, "Constitution and Bylaws: Canadian Federation of Students: As amended at the November 2009 national general meeting," <http://www.cfs-fcee.ca/downloads/Bylaws.pdf>.

¹⁷⁵ Post-Graduate Students' Society of McGill University, "Reform the CFS, you say?," October 14, 2009, http://pgss.mcgill.ca/EAC/CFSreformPackage_14October2009.pdf.

and Science Federation of Associations' general election¹⁷⁶) was thrown out on procedural grounds,¹⁷⁷ and a motion to dismiss CFS-Services Executive Director Philip Link was thrown out on the grounds that said motion violated the CFS – CUPE 1281 Collective Agreement.^{178,179} The 'reform package' included four motions that would amend Bylaw I:

- Motion 2009/11:134 would have allowed a students' union to hold a disaffiliation referendum in accordance with its own constitution and bylaws, and would have forbidden the CFS and its provincial components from campaigning during such a referendum;
- Motion 2009/11:138 would have eliminated the status of "prospective membership";
- Motion 2009/11:146 would have exempted a students' union from increasing CFS membership fees in line with inflation if the members of that students' union had not approved this fee increase;
- Motion 2009/11:148 would have allowed individual students to opt out of paying CFS membership fees.

In addition, the Graduate Students' Association of the University of Calgary introduced three motions of its own:

- Motion 2009/11:072 would allow individual members of a local students' union (but not the students' union itself, or the CFS) to campaign for or against disaffiliation during the period preceding the official campaign period;
- Motion 2009/11:074 would have standardized the quorum for disaffiliation referenda at 5% of the membership;
- Motion 2009/11:076 would have added a fifth neutral member to the Referendum Oversight Committee.

All of these motions failed, and all were harshly criticized by the CFS's supporters. Zachary Crispin claimed that these motions "would break collective agreements with the CFS's unionized

¹⁷⁶ Justin Giovannetti, "Canadian Federation of Students hopeful interferes in Concordia election: Quebec representative tore down campaign posters in violation of election rules," *The Link*, March 10, 2009, <http://www.thelinknewspaper.ca/articles/1039>; Jacob Serebrin, "Former CSU politician Caught on tape: Student politician, turned lobbyist tears down campaign posters," *The Concordian*, March 10, 2009, <http://www.theconcordian.com/2.4738/former-csu-politician-caught-on-tape-1.634296>.

¹⁷⁷ Emma Godmere, Twitter update, November 28, 2009, 3:21:56 PM, http://www.scribblelive.com/Event/CUP_November_09_CFS_AGM?Page=1.

¹⁷⁸ Katherine Giroux-Bougard, letter to the voting members of the CFS, October 27, 2009, <http://www.studentunion.ca/cfs/2009/2009-11-secondnotice.pdf>.

¹⁷⁹ In response to a draft of this paper, CFS legal counsel claimed that I "refer to several motions in a package by the Post-Graduate Students Society of McGill as having been thrown out for '...procedural reasons,' implying that mere technicalities were responsible for the motions being excluded from the motions package. In fact, the content of the motions was, in many cases, libelous, and in the case of a motion calling for the dismissal of one CFS director, was an attempt to induce the CFS to break a contract." As can clearly be seen, I only used the word "procedural" in reference to the motion to impeach Stewart-Ornstein.

employees, force elected leaders of the student movement to earn the minimum wage, and institute procedures such as leadership by lottery,” and said that “delegates from a number of student unions attended the meeting in hopes of disrupting the process and stifling regular discussion.”¹⁸⁰ Andrew Brett described the ‘reform package’ as “right-wing,” and criticized the Post-Graduate Students’ Society of McGill University Executive for submitting the motions without authorization from their Council.¹⁸¹ On the other side, Beisan Zubi claimed that “all reforms were met hostilely by ardent CFS supporters as they were dismissed without any look to their merit.”¹⁸²

¹⁸⁰ People’s Voice Youth Bureau, “Right-Wing Tactics Disrupt CFS Meeting,” *People’s Voice*, January 2010, <http://www.peoplesvoice.ca/Pv01ja10.html>.

¹⁸¹ Andrew Brett, “Right-wing reform package defeated at CFS meeting,” *Rabble.ca*, December 1, 2009, <http://www.rabble.ca/blogs/bloggers/andrew-brett/2009/12/right-wing-reform-package-defeated-cfs-meeting>.

¹⁸² Beisan Zubi, “The Canadian Federation of Students’ AGM: A reformer’s perspective,” *Rabble.ca*, December 1, 2009, <http://www.rabble.ca/blogs/bloggers/beisan-zubi/2009/12/canadian-federation-students-agm-reformers-perspective>.

Chapter 3

Analysis of the Referendum Rules of the Canadian Federation of Students

3.1 Introduction

When criticized for their heavy-handed approach to affiliation/disaffiliation referenda, representatives of the CFS are quick to point to the democratic process by which the Bylaws relating to such referenda were adopted. “Any student union is allowed to bring forward a motion and those motions are included on the agenda and discussed at the general meeting,” said National Chairperson Katherine Giroux-Bougard. “All motions were debated during committees, during planning groups and finally in closing plenary. So, there was a decision by the plenary as a whole to adopt [Motion 2009/11:020, the motion amending CFS Bylaw I that was purportedly adopted at the November 2009 National General Meeting].”¹ Similarly, CFS Director of Organising Lucy Watson has noted that “only member local associations can vote on proposed changes to the Bylaws,” and claimed that “the National Executive... did not propose any of the changes to the defederation rules and procedures.”² According to this analysis, referendum rules cannot possibly be criticized as undemocratic if they were validly adopted by the highest democratic representative body within the CFS.

The problem with this analysis is that the referendum is itself a form of democratic decision-making. Referendum rules must themselves be democratic; it is not sufficient to declare that the rules were adopted by the required vote at a National General Meeting. The referendum rules of the CFS can thus be critiqued against objective criteria: Will they likely ensure a free and fair referendum? Are they reasonable? Are they practicable?

3.2 Petition Requirement

The requirement for a petition to initiate an affiliation or disaffiliation referendum is arguably just and reasonable. Requiring a petition puts the decision to hold or not hold a referendum directly in the hands of the student body. The petition collection process can also raise awareness of the issue of membership in the CFS many months before the vote itself.

That said, the very high signature requirements for a disaffiliation petition – 20% of the student body (as opposed to just 10% for an affiliation referendum) – is cause for concern. In the United States, where initiative referenda are a fact of life in 24 states, the signature requirements are significantly less stringent. In states where the signature requirement is based on the number of votes received by a state-wide office-holder in the previous general election, the average requirement is 9.8% of votes cast in the previous election; in states where the signature

¹ Justin Giovannetti, “A week in hell.”

² Lucy Watson, “Affidavit #2,” March 12, 2008, 7, filed in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/watson2.pdf>.

requirement is based on the total number of registered voters or residents, the average requirement is 7.5% of voters.³ The Saskatchewan *Referendum and Plebiscite Act* requires a petition of 15% of the electors to initiate a plebiscite.⁴ In British Columbia, the *Recall and Initiative Act* requires a petition of 10% of the electors in each electoral district, collected within a 90-day time window,⁵ but this requirement has been criticized as unworkable and an “impossible goal”;⁶ an effort in 2002 by the Green Party to trigger an initiative referendum on switching to a Mixed Member Proportionate voting system failed despite the dedicated efforts of 4,000 volunteer canvassers.⁷

In addition, the mandated petition text – “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” – is extremely troubling, for two reasons:

1. When the CFS Bylaws were first drafted, it was understood that a “referendum” referred to a referendum of the local student association. In 1983, when the UBC Graduate Students’ Society proposed an amendment to Bylaw I specifying the wording for a referendum question, CFS legal counsel recommended that the motion be amended by adding the words “where the association constitution and by-laws allow,” thus implicitly recognizing the authority of students’ unions’ bylaws.⁸ By contrast, the mandated petition text (adopted in 2008), by explicitly stating that a disaffiliation referendum would be “conducted” (solely) by the CFS, purports to strip the local students’ union of any organic authority over the referendum. This action purports to force the local students’ union to violate any bylaws it may have adopted concerning referenda, which is arguably contrary to the decision of the Saskatchewan Court of Appeal in *Canadian Federation of Students v. Mowat* (see section A.7).⁹

In response to a draft of this paper, CFS legal counsel argues that I “provide no support” for the claim “that the CFS conduct a vote on continued membership may violate the decision of the Saskatchewan Court of Appeal in *Canadian Federation of Students v. Mowat*” and that I “fail to reference court decisions in Ontario and British Columbia which have upheld the validity of this aspect of the CFS’ Bylaws.”¹⁰ My

³ National Conference of State Legislatures, “Signature Requirements for Initiative Proposals,” August 2008, http://www.ncsl.org/Portals/1/documents/legismgt/2008_Sig_Reqs.pdf. In states where the signature requirement for a constitutional initiative was different from that for a statutory initiative, the higher figure was used.

⁴ Saskatchewan, *Referendum and Plebiscite Act*, S.S. 1990-91, c. R-8.01, s. 7(1)(b), <http://www.canlii.org/en/sk/laws/stat/ss-1990-91-c-r-8.01/latest/ss-1990-91-c-r-8.01.html>.

⁵ British Columbia, *Recall and Initiative Act*, R.S.B.C. 1996, c. 398, s. 7(1)(b), <http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-398/latest/rsbc-1996-c-398.html>.

⁶ Anthony Marr, “Making BC’s Referendum Act Workable,” *Common Ground Magazine*, May 1997, <http://www.npsnet.com/cdd/common-3.htm>.

⁷ Adriane Carr, “Submission to the Citizens’ Assembly on Electoral Reform By Adriane Carr, Proponent of the 2002 Initiative to Establish a Proportional Representation Electoral System in BC,” May 3, 2004, 2, http://www.citizensassembly.bc.ca/resources/submissions/csharman-10_0405061729-790.doc.

⁸ CFS, NGM Minutes, November 1983, 75.

⁹ *Canadian Federation of Students v. Mowat*, 2007 SKCA 90 (CanLII), August 27, 2007, <http://www.canlii.org/en/sk/skca/doc/2007/2007skca90/2007skca90.html>.

¹⁰ Wendy J. Wagner, Personal communication, February 2010.

summary of *Canadian Federation of Students v. Mowat* in section A.7 addresses the former point. The CFS relied on the Ontario Court of Justice's decision in *Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa* and the Supreme Court of British Columbia's decision in *Byers v. The Cariboo College Student Society* in its initial argument in *Mowat*.¹¹ The Saskatchewan Court of Queen's Bench did not reference this portion of the CFS's argument in its decision. However, the Court's decision, which overturned the affiliation referendum results on account of a failure to observe the bylaws of the University of Saskatchewan Students' Union (USSU), even though CFS bylaws had been adhered to, implicitly rejected that portion of the CFS's argument.¹² In its appeal to the Saskatchewan Court of Appeal, the CFS did not even bother to argue that USSU bylaws did not apply to the USSU's affiliation referendum.¹³

2. The language specifying that the "National Executive of the Canadian Federation of Students" shall "conduct" the disaffiliation referendum implicitly threatens the independence of the electoral management body. Under federal and provincial law, the Cabinet does not "conduct" any election or referendum; rather, the law provides that elections and referenda are to be "conducted" by the Chief Electoral Officer of the jurisdiction in question.¹⁴ (For this reason, Elections Canada describes itself as "an independent body set up by Parliament.") It is unclear whether this language purports to grant to the CFS National Executive the power to overrule decisions of the ROC, to unilaterally cancel a referendum, etc.; undoubtedly this will be the subject of future litigation.

In response to a draft of this paper, CFS legal counsel claims that I "have no factual basis for the unsubstantiated assertion that this matter will 'undoubtedly' result in future litigation, and the attendant implication that the CFS is overly litigious."¹⁵ Very well: I admit that I do not possess the power to see into the future, and I was merely offering a prediction of what is likely to occur. The question of whether or not I defamed the CFS by implying that the organization is "overly litigious" is left as an exercise for the reader.

¹¹ Todd J. Burke and Andrew W. McKenna, "Brief of Law of the Moving Parties," July 5, 2006, 31-32, in *Robin Mowat v. University of Saskatchewan Students' Union*, Saskatchewan Court of Queen's Bench, Judicial Centre of Saskatoon, No. 655 of 2006, <http://www.studentunion.ca/cases/saskatchewan/brief-of-law-cfs.pdf>.

¹² *Mowat v. University of Saskatchewan Students' Union*, 2006 SKQB 462 (CanLII), <http://www.canlii.org/en/sk/skqb/doc/2006/2006skqb462/2006skqb462.html>.

¹³ Todd J. Burke and Andrew W. McKenna, "Factum of the Appellants the Canadian Federation of Students and the Canadian Federation of Students-Services," December 8, 2006, in *Canadian Federation of Students v. Mowat*, Saskatchewan Court of Appeal, No. 1376, <http://www.studentunion.ca/cases/saskatchewan/cfs-factum.pdf>.

¹⁴ See, e.g., Canada, *Canada Elections Act*, S.C. 2000, c. 9, s. 16, <http://www.canlii.org/en/ca/laws/stat/sc-2000-c-9/latest/sc-2000-c-9.html>.

¹⁵ Wendy J. Wagner, Personal communication, February 2010.

3.3 Scheduling the Referendum

Perhaps in no other case is there a starker discrepancy between the rules provided for an affiliation referendum and the rules provided for a disaffiliation referendum than with respect to the rules relating to scheduling referenda. The legislation for affiliation referenda could not be more clear or simple: “The referendum will be scheduled by the prospective member association in consultation with the Federation.” For disaffiliation referenda, however, a much broader set of rules come into play:

- First, the CFS National Executive is required to make a decision to schedule a referendum within 90 days of receipt of a valid petition requesting such a referendum. This decision must be made “in consultation with the member local,” though there is no requirement whatsoever that the National Executive promptly inform the local students’ union of the chosen dates.
- Second, the referendum itself must be scheduled “not less than 60 days and not more than 90 days following” the scheduling decision. This gives the CFS a four-month window of time in which to schedule a referendum, assuming all other restrictions have been adhered to.
- Third, no disaffiliation vote can be held between April 15 and September 15, or between December 15 and January 15.
- Fourth, “there shall no more than two (2) referendums on continued membership in any three-month period.”
- Fifth, no referendum can be held unless the students’ union remits all outstanding membership dues to the CFS six weeks prior to the first day of voting.
- Sixth, once a disaffiliation referendum is held, a second such referendum cannot be held until five years later (or three years in the case of college students’ unions).
- Seventh, a newly affiliated member of the CFS cannot hold a disaffiliation referendum until five years later (or three years in the case of college students’ unions).

It cannot be rationally argued that this barrage of rules and restrictions is needed for administrative or logistical reasons. Nor did the CFS so argue. Instead, the CFS argued that holding disaffiliation referenda more frequently “is fundamentally anti-democratic because the Federation and its members would have no reasonable opportunity to present a case for continued membership in the Federation,” and furthermore, “the enormous task of trying to present the case for continued membership in so many referendums... would inevitably detract from the Federation’s normal duty of providing representation and services.”¹⁶

¹⁶ CFS, “Organisational and Services Development Committee Report,” November 2009, 3-4 (Motion 2009/11:020).

Such assertions need to be unpacked. The CFS and its members are quite wealthy, with respect to both financial and human resources.¹⁷ It can not seriously be argued that “present[ing] a case for continued membership in the Federation” at five, six, or even ten campuses a year is in any way unfeasible or financially prohibitive. This argument can only begin to make sense if one considers the actual campaign waged by “the Federation and its members” at Simon Fraser University in March 2008. While Simon Fraser Student Society (SFSS) regulations provide that the “Yes” and “No” sides in a referendum are each limited to \$300 in campaign spending,¹⁸ I estimate that the CFS and its affiliates easily spent over \$100,000 on their (unsuccessful) campaign, flying dozens of officials and staff to Vancouver (primarily from Ontario) to campaign full-time in the referendum, supported by a massive advertising campaign and a full team of lawyers, communications consultants, back-room political strategists, and other logistical support personnel.¹⁹ Should the CFS have to wage ten campaigns of this magnitude a year, it indeed is likely that “the Federation’s normal duty of providing representation and services” would indeed suffer.

However, it is not at all clear that making it easier for the CFS to wage \$100,000 campaigns on campuses seeking to leave the organization exactly qualifies as “democratic.” In fact, the opposite is true: referendum scholar Matt Qvortrup’s review of referendum campaign spending practices concluded that “the side which spends more freely can influence the result of a referendum if it succeeds in controlling the agenda. Campaign spending cannot ‘buy’ the result, and it is still possible that an attempt to control the media will fail because the media’s focus is on an agenda other than that of the side seeking control.... Nonetheless, there are few examples of campaigns in which the side with money to spend has failed to control the agenda.”²⁰ If the CFS were actually concerned about “democracy,” it would have supported the Student Federation of the University of Ottawa’s (SFUO) motion in May 2009 to establish “equal spending limits” for referendum campaign teams.²¹ This motion, of course, was rejected,²² which

¹⁷ CFS, “Canadian Federation of Students and Canadian Federation of Students – Services: Combined Financial Statements: June 30, 2008,” June 2008, <http://www.studentunion.ca/cfs/2009/2009-05-cttereports-financial-statements.pdf>; CFS, “Referendum Campaign Plan and Tasklist: Simon Fraser University Students’ Society,” January 23, 2008, attached to Summer McFadyen, email to the CFS-British Columbia Executive Committee, January 29, 2008, <http://www.studentunion.ca/docs/23-Ref-Plan-2008-01-07.xls>.

¹⁸ SFSS, “R-17 Electoral and Referenda Policy,” August 31, 2009, 8, <http://www.sfss.ca/Library/docs/electionspolicy.pdf>.

¹⁹ This figure is purely an estimate, since full campaign spending figures for the CFS and its affiliates are unavailable. For a partial picture of what a CFS referendum looks like “in practice,” see: Jennifer Hine, “Sick of solicitation,” *The Peak*, March 17, 2008, 3, http://www.the-peak.ca/images/peak/pdf/peak_issue_1117.pdf; Daniel Boden, “Lurking behind every corner,” *The Peak*, March 17, 2008, 6, http://www.the-peak.ca/images/peak/pdf/peak_issue_1117.pdf; Greg Beneteau, “CFS: The Fractured Federation,” CFS, “Budget – Final Draft: Canadian Federation of Students and Canadian Federation of Students-Services: July 1, 2009 to June 30, 2010,” May 2009, 1 (2007-2008 Actuals for “Membership Drives and Referenda” and “Membership Development and Outreach”), <http://www.studentunion.ca/cfs/2009/2009-05-cttereports-financial-statements.pdf>; Derrick Harder, “Affidavit #2,” September 14, 2008, 15, filed in *Simon Fraser Student Society v. Canadian Federation of Students*, Supreme Court of British Columbia, Vancouver Registry, No. S082674, <http://www.studentunion.ca/cases/sfu/harder2.pdf>; Kevin Harding, “Dirty Tricks: What a CFS Defederation Referendum Looks Like,” *Soapbox of Twigs*, March 15, 2008, <http://soapboxoftwigs.ca/2008/03/15/dirty-tricks-what-a-cfs-defederation-referendum-looks-like/>.

²⁰ Matt Qvortrup, *A comparative study of referendums*, 2nd ed. (Manchester: Manchester University Press, 2005), 152.

²¹ CFS, NGM Minutes, May 2009, Closing Plenary, 7 (Motion 2009/05:010).

is hardly surprising, considering that CFS-Ontario went to court fourteen years previously to block SFUO's attempt to impose campaign spending limits during its (ultimately successful) disaffiliation referendum (see section A.4).²³

In response to a draft of this paper, CFS legal counsel claims:

You assert that the CFS' practice of having volunteers, employees and directors attend at campuses for membership referendums is inherently undemocratic, in that there are vast differences between the resources of the CFS and those available to students on a particular campus who may oppose membership. This is factually untrue.

First, in many cases, it is the local students' union that initiates the referendum on continued membership. The largest local students' unions have budgets exceeding that of CFS. In general, there is not a wide discrepancy of available resources between the CFS and a member local students' union.

Secondly, you ignore the fact that prior to the arrival of CFS' representatives on campus, there will likely have been a campaign to discredit CFS. Local campus activists have an inherent advantage in recruiting volunteer campaigners to participate in the referendum, including daily access to a pool of volunteers to assist in their side of the campaign. By contrast, the CFS' representatives must recruit volunteers from campus at the same time as it is engaged in the campaign.²⁴

Contrary to the CFS's claims, this is a question of opinion, not a question of fact. The CFS notes that disaffiliation referenda are usually initiated by the local students' union's leadership, but this is not always the case. It is also usually the case that referenda to *join* the CFS are initiated by the local students' union's leadership, but the CFS's response completely ignores these referenda. While it is true that "the largest local students' unions have budgets exceeding that of CFS," this is not the case for small- and medium-sized students' unions. The CFS's response ignores the fact that the CFS normally marshals the resources of its many provincial components and loyalist local students' unions in addition to its own central resources in its referendum campaigns. The CFS's response ignores the fact that "pre-campaigning" is banned according to CFS bylaws. Lastly, the CFS claims that "local campus activists have an inherent advantage in recruiting volunteers," whereas "the CFS' representatives must recruit volunteers from campus at the same time as it is engaged in the campaign." This claim is predicated on the flawed assumption that "local campus activists" will be uniformly anti-CFS – even during a referendum to *join* the national student organization.

²² *Macleans.ca*, "Equal campaign spending: Why would you want a fair referendum that you might lose?," July 4, 2009, <http://oncampus.macleans.ca/education/2009/07/04/equal-campaign-spending/>; Emma Godmere, "SFUO divided on bylaw change at CFS national meeting," *The Fulcrum*, June 25 – July 29, 2009) 5, http://hotink.theorem.ca/system/fulcrum/issues/000/004/068/Fulcrum062509low_screen_quality.pdf?1258572285.

²³ *Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa*, [1995] O. J. No. 4774 (Gen. Div.) (QL), <http://www.studentunion.ca/cases/ottawa/CFS-Ontario-v-SFUO-order.pdf>.

²⁴ Wendy J. Wagner, Personal communication, February 2010.

3.4 Referendum Question

The Bylaws mandate the following referendum questions:

- “Are you in favour of membership in the Canadian Federation of Students?”
- “Are you in favour of continued membership in the Canadian Federation of Students?”

These questions could be criticized on the grounds that they do not reference the membership fee. Seven US states mandate that a “fiscal impact statement,” showing the monetary effect of any initiative referendum, be printed on the ballot.²⁵

However, these issues must be considered in context. Prior to the enactment of fixed referendum questions, the determination of the referendum question was left to Referendum Oversight Committees, an arrangement that was open to abuses. In 2008, the CFS representatives on the KSA Referendum Oversight Committee put forward a series of biased and confusing ‘proposed referendum questions,’ including “Are you in favour of stopping the further fragmentation of Canada’s student movement through a democratic framework called the Canadian Federation of Students?,”²⁶ as part of their (partially successful) efforts to stall and delay the disaffiliation referendum on that campus. With the adoption of uniform referendum questions, these tactics are no longer feasible.

3.5 Referendum Oversight Committee – Administrative Capacity

The administration of a referendum is a complicated task, and the selection of a neutral, competent electoral management body is considered necessary to prevent partisan interference in the administration of the referendum.²⁷ According to Elections Canada’s *Election off the Shelf: Model for Student Elections*, “Good regulations are not enough to guarantee a well administered election or referendum, however. You also need good administrators.”²⁸ *Election off the Shelf* describes a wide range of responsibilities for the Chief Electoral Officer of a students’ union election, most of which also apply to referenda:

- administering elections and referendums;

²⁵ National Conference of State Legislatures, “Preparation of a Fiscal Analysis,” February 3, 2003, <http://www.ncsl.org/default.aspx?tabid=16534>.

²⁶ CFS, “Proposed Referendum Questions,” February 27, 2008, attached to Ben West, “Affidavit #1,” as Exhibit “C,” filed in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/west1.pdf>.

²⁷ Matt Qvortrup, “Referendum Regulation: Canada and the United Kingdom as Models for Fair Practices,” *Electoral Insight*, March 2006, http://www.elections.ca/eca/eim/article_search/article.asp?id=137&lang=e&frmPageSize=&textonly=false.

²⁸ Canada, Elections Canada, *Election off the Shelf: Model for Student Elections*, 7, http://web.archive.org/web/20040214135653/http://www.elections.ca/youth/english/offtheshelf_e.pdf. It should be noted that CFS-Ontario’s website used to contain a link to this document. CFS-Ontario, “Resources on the Web,” January 23, 2003, <http://web.archive.org/web/20040214135653/cfsontario.ca/policy/resources.shtml>.

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- ensuring that the election regulations of your institution are enforced;
- informing the students that a vote is being held, explaining how to exercise the right to vote, and piquing their interest in the campaign by means of printed, electronic or video documents;
- overseeing the registration of candidates;
- approving the candidates' budgets, monitoring their election expenses and, if necessary, reimbursing their expenses in accordance with the established policies;
- ensuring that candidates or referendum committees respect the spending limits and present their election expenses reports and receipts by the set deadlines;
- organizing the candidates' debates/speeches and, if you feel it is appropriate, organizing a question period chaired by a moderator;
- responding to requests for information from electors and candidates;
- deciding on the measures to take following infractions of the election regulations;
- directing the election officers and supervising the administration of your office: pay, facilities, contracts, inventory, telecommunications, etc.;
- establishing and respecting the overall election budget; in some institutions, this budget must first be submitted to the students' association.²⁹

Election off the Shelf further outlines a range of duties for the Returning Officer (the Chief Electoral Officer's deputy) of a students' union election:

- recruiting, training and supervising the staff of the polling stations (also called polling places);
- preparing the elements of staff identification (T-shirt, button, etc.);
- administering the elector registration process;
- determining the location of the polling stations;
- planning and managing the use of computers in the polling stations;
- making the necessary arrangements for the reception and preparation of election supplies before voting begins;
- establishing, in co-operation with the CEO, the schedule of voting and the schedule for polling station staff;

²⁹ *Ibid.*, 8.

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- ensuring the orderly operation of the polling station during the election or referendum;
- administering the process of counting the votes;
- paying the polling station staff.³⁰

None of these tasks can actually be *conducted* by committee. A committee can adopt resolutions, create and amend policies, determine the time and location of its next meeting, and many other tasks, but no committee can actually drive a car, run a debate, design ballots, or host a training workshop; it can merely delegate these tasks to individual persons. As Henry M. Robert, III, one of the editors of *Robert's Rules of Order*, noted:

An assembly does not take action, it never does. It *adopts a statement* directing that action be taken. John Q. Public is used to deciding *what* to do, not to *writing about* what is to be done. Yet the assembly's decision in any matter that is at all complex needs to be set down in a very specific and clear written form – the form of the motion or resolution. If this is not done, then whoever is to carry out the will of the assembly is left with that much more discretion in interpreting what that will really is.³¹

The CFS, however, does not appear to have grasped this concept. CFS representatives on ROCs have steadfastly rejected any notion of “delegating” the work of the ROC to any one individual.³² Nonetheless, when the ROC process does function, “delegation” inevitably does occur, though on an informal basis, and by individuals who are not necessarily best suited to the tasks in question.

To illustrate this point, consider the “Referendum Protocol” adopted by the Referendum Oversight Committee for the University of Saskatchewan Students' Union (USSU) affiliation referendum in October 2005. In the following sections of the Protocol, the ROC committed itself to do certain things without actually specifying who was delegated to perform the actual task:

- “The Committee will remove any materials that have not been approved but have been distributed.” (s. 4[c])
- “The Committee shall retain a copy of all materials distributed during the campaign.” (s. 4[d])
- “Any University of Saskatchewan student who wishes to campaign in the referendum may request and shall receive an orientation to the referendum protocol by the members of the Referendum Oversight Committee.” (s. 5[b])

³⁰ *Ibid.*, 19.

³¹ Henry M. Robert, III, “Reflections on Public Misunderstanding of Parliamentary Procedure,” *National Parliamentarian* 68, Third Quarter 2007, 12.

³² Ben West, “Affidavit #1,” March 10, 2008, 7, 9, 12 – 14; CFS, “23-ROC-Meeting-2008-02-25,” 24, attached as Exhibit “E” to Lucy Watson, “Affidavit #2,” *Simon Fraser Student Society v. Canadian Federation of Students*, Vancouver Registry, No. S082674, <http://www.studentunion.ca/cases/sfu/watson2.pdf>.

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- “The Referendum Oversight Committee shall review the list of poll clerks prior to October 1, 2005.” (s. 6[b])
- “The Referendum Oversight Committee will hold a training session for all poll clerks prior to October 4, 2005.” (s. 6[c])
- “All ballot and ballots shall be secured in a location approved by the Committee.” (s. 7[a])³³

A review of the minutes of ROC meetings reveals that no point did the ROC ever adopt any motion delegating anyone with the task of actually performing these various administrative tasks.³⁴ Presumably *someone* did all of these things. But who? Would an individual member of the ROC take it upon themselves to tear down supposedly illegal opposition campaign posters? In response to a draft of this paper, CFS legal counsel claims that “if the CFS representatives on the Referendum Oversight Committee did remove posters, this only would have occurred if agreed to by the Committee, and in conjunction with a USSU representative.”³⁵ However, this is not spelled out in the Referendum Protocol or in the minutes of ROC meetings, and the practice of the ROC to not record its delegation decisions means that it would be impossible to prove whether or not a given decision of this nature was properly debated and approved by the Committee.

It is thus hardly surprising that the USSU Elections Board, which reviewed the conduct of the referendum, concluded that the 2005 referendum was “seriously flawed” due to failures on the part of the Referendum Oversight Committee in the areas of “clarity,” “transparency,” “equality of treatment,” and “accessibility.”^{36,37} Even if the ROC was a neutral electoral administration body (and it certainly was not), it still would have had extreme difficulties in carrying out the many administrative tasks described in *Election off the Shelf* that were necessary to competently conduct a referendum.

³³ CFS and USSU, Referendum Oversight Committee, “Referendum Rules,” September 2005, attached as Exhibit “N” to Lucy Watson, “Affidavit of Lucy Watson,” July 5, 2006, in *Robin Mowat v. University of Saskatchewan Students’ Union*, Saskatchewan Court of Queen’s Bench, Judicial Centre of Saskatoon, No. 655 of 2006, <http://www.studentunion.ca/cases/saskatchewan/watson1.pdf>.

³⁴ CFS and USSU, various Referendum Oversight Committee minutes, attached as Exhibits “M,” “O,” “P,” “R,” “S,” “U,” “V,” and “W,” to Lucy Watson, “Affidavit of Lucy Watson,” July 5, 2006, in *Robin Mowat v. University of Saskatchewan Students’ Union*.

³⁵ Wendy J. Wagner, Personal communication, February 2010.

³⁶ USSU, Elections Board, “Summary of Concerns regarding the USSU-CFS Membership Referendum 2005,” attached as Exhibit “G” to Victoria Coffin, “Affidavit of Victoria Coffin,” May 9, 2006, in *Robin Mowat v. University of Saskatchewan Students’ Union*, <http://www.studentunion.ca/cases/caskatchewan/coffin1.pdf>.

³⁷ Specifically, the Elections Board stated that no formal notice was given to USSU members informing them of the referendum question, the beginning of the official campaign period, or the procedures to follow to register one’s campaign; that the Referendum Protocol was an “evolving document,” and amendments to this document were not distributed to the “No” side; and that the Referendum Oversight Committee failed to reach agreement on a number of different issues throughout the course of the campaign. Central to the Elections Board’s concerns was the fact that the “Yes” side was *represented* on the Committee through the CFS’s two representatives, while the “No” side was not even informed of the Committee’s proceedings.

3.6 Referendum Oversight Committee – Partiality

Should an electoral management body be non-partisan? Among practitioners and scholars of election management, there is extremely little debate on this subject. A paper on the subject authored by Professor Rafael López-Pintor for the United Nations Development Program does not *argue* that electoral management bodies should be non-partisan, it simply states so in its Preface: “Effective management of electoral systems requires institutions that are inclusive, sustainable, just and independent – which includes in particular electoral management bodies that have the legitimacy to enforce rules and assure fairness with the cooperation of political parties and citizens.”³⁸ López-Pintor’s survey of national electoral management bodies identified three separate models of electoral administration:

1. The election is administered by an electoral commission that is completely independent of the government – 53% of surveyed countries.
2. The election is administered by the government, but is supervised by an independent collective body, frequently consisting of judges, which has supervisory, regulatory, and judicial capacities – 27% of surveyed countries.
3. The election is administered by the government, without any supervision – 20% of surveyed countries.³⁹

López-Pintor identified the independent electoral commission model as being increasingly dominant within the world. The African Association for Public Administration and Management issued a report in 1993 advocating the adoption of a constitutionally-entrenched, permanent, professional, non-partisan, independent electoral management body for all nations in Africa.⁴⁰ The ACE Electoral Knowledge Network says that “an election management body (EMB) should be founded on principles of independence, nonpartisanship, and professionalism.”⁴¹ In contrast, López-Pintor finds that “elections managed exclusively by the executive branch remain the residue of history, an element of the developmental pattern of democracy.”⁴² Even in these cases, where developed cases implement an election according to the third model, the elections are, in practice, administered by non-partisan civil servants, not political operatives.⁴³

However, the Referendum Oversight Committees prescribed by the CFS are *neither* independent *nor* non-partisan. The CFS invariably appoints partisan political operatives to the Referendum Oversight Committee, usually its own staff or executives.⁴⁴ These appointees

³⁸ Rafael López-Pintor, “Electoral Management Bodies as Institutions of Governance,” United Nations Development Program, September 2000, <http://www.undp.org/governance/docs/Elections-Pub-EMBbook.pdf>.

³⁹ *Ibid.*, 21-26.

⁴⁰ *Ibid.*, 31-32.

⁴¹ The ACE Electoral Knowledge Network, “Guiding Principles,” *ACE Encyclopaedia Version 1.0*, <http://aceproject.org/main/english/em/em20.htm>.

⁴² Rafael López-Pintor, “Electoral Management Bodies as Institutions of Governance,” 52 (internal citation omitted).

⁴³ *Ibid.*, 59-60.

⁴⁴ Lucy Watson, “Affidavit #1,” March 3, 2008, 3, filed in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553; Lucy Watson, “Affidavit #1,” May 26, 2008, 5, filed in *Simon Fraser Student Society v. Canadian Federation of Students*; Lucy

consider themselves to be *representatives* of the CFS, not independent agents, and frequently participate actively in the CFS's "Yes" campaign.⁴⁵ The most frequent appointee to ROCs, CFS Director of Organising Lucy Watson, is heavily involved in formulating the CFS's referendum campaign strategy,⁴⁶ and is also the staff person primarily involved in formulating the CFS's legal strategy in dealing with the many lawsuits that have arisen in connection with its affiliation/disaffiliation referenda.

Some proposals for reform (which have invariably been shot down when proposed at National General Meetings) involve adding a fifth, jointly-appointed 'neutral' member to the Referendum Oversight Committee,⁴⁷ on the theory that the two CFS appointees to the ROC would be 'balanced out' by the students' union's representatives, and that all that is necessary is a mechanism to deal with deadlocks. However, this analysis is fundamentally flawed, because in some disaffiliation referenda, and the great majority of affiliation referenda, the students' union leadership is supportive of the CFS. Under the present system, when the local students' union's leadership is supportive of the CFS, the students' union will appoint "neutral" members to the Referendum Oversight Committee.⁴⁸ However, in at least three cases, records indicate that the students' union appointed at least one staunch CFS loyalist:

- For the February 4 – 6, 2003 affiliation referendum of the Okanagan University College Student Association – Kelowna (OUCSA-K, now known as the UBC Students' Union - Okanagan), the students' union appointed Karina Frisque to the ROC.⁴⁹ Frisque was shortly thereafter elected OUCSA-K President,⁵⁰ and her signature appears on a Collective Agreement between OUCSA-K and the staff union representing its employees which contained a provision requiring OUCSA-K to "support programs and activities and to participate in the Canadian Federation of Students (BC), and the Canadian Federation of Students (National)."⁵¹ This provision fettered the right of the Board of Directors of

Watson, "Affidavit of Lucy Watson," July 5, 2006, 6 & 9, filed in *Robin Mowat v. University of Saskatchewan Students' Union*; University of Victoria Graduate Students' Society, "Referendum on CFS Membership," <http://gss.uvic.ca/cfsreferendum.htm>; CFS and Students Federation of the University of Ottawa, Referendum Oversight Committee, "Referendum Rules," October 31, 2008, 3, <http://laronde.ca/wp-content/uploads/2008/11/reglements-fcee-version-finale.pdf>; Melanie Hotchkiss Chacón, Personal communication, March 2008; CFS and Association of Part-Time Students of the University of Toronto, "Report of the APUS-CFS Referendum Committee," <http://www.apus.utoronto.ca/ArchivesEvents.html>; Terry Monteleone, "Affidavit #1," February 9, 2006, in *Byers v. Cariboo College Student Society*, Supreme Court of British Columbia, Kamloops Registry, No. 38229, <http://www.studentunion.ca/cases/cariboo06/monteleone-affidavit.pdf>.

⁴⁵ Melanie Hotchkiss Chacón, Personal communication, March 2008; Jeremy Ring, "Affidavit of Jeremy Ring," May 8, 2006, 2, in *Robin Mowat v. University of Saskatchewan Students' Union*, <http://www.studentunion.ca/cases/saskatchewan/ring1.pdf>.

⁴⁶ CFS, "Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society," January 23, 2008.

⁴⁷ CFS, NGM Minutes, May 2003, Closing Plenary, 9 (Motion 2003/05:055); CFS, "Organizational Development and Services Committee Report," November 2009, 8-9 (Motion 2009/11:076).

⁴⁸ See, e.g., Trent Evanisky, "Affidavit of Trent Evanisky," July 4, 2006, 2-3, filed in *Robin Mowat v. University of Saskatchewan Students' Union*, <http://www.studentunion.ca/cases/saskatchewan/evanisky1.pdf>.

⁴⁹ OUCSA-K, "Council Meeting Minutes," March 3, 2003, 2 & 9, <http://web.archive.org/web/20030919144249/www.oucsak.bc.ca/thecouncil/minutes/2003/PDF/2003Mar03.pdf>; CFS, NGM Minutes, May 2003, Closing Plenary, 8.

⁵⁰ OUCSA-K, "Karina Frisque: President," http://web.archive.org/web/20030710074326/www.oucsak.bc.ca/thecouncil/members/member_president.html.

⁵¹ British Columbia Government and Services Employees' Union and OUCSA-K, "Collective Agreement between the Okanagan University College Student Association – Kelowna (The Association) and the B.C. Government and

OUCSA-K to choose the manner in which it would participate in the programs and activities of the CFS, in essence making dissent from the CFS a grievable offense.

In response to a draft of this paper, CFS legal counsel claims that “Ms. Frisque did not even participate in the negotiation or ratification of the collective agreement that governed her employment. Furthermore, this term was included in the collective agreement at the insistence of the British Columbia Government and Services Employees Union, which is the representative of the employees of OUCSA-K, and not the employer.”⁵² This may be true; however, one cannot deny the fact that Frisque was staunchly supportive of the CFS. In her inaugural presidential address, Frisque spoke positively about “OUCSA-K rejoining the national student movement,” claiming that “after nearly a decade and a half we have reclaimed our position as Local 3 of the Canadian Federation of Students, and now have access to a greater degree of influence in provincial and national post-secondary policy generation.”⁵³

CFS legal counsel further claims that I sought to “discredit Ms. Frisque in her role as a member of the OUCSA-K Referendum Oversight Committee,” but this is not true; I simply sought to discredit the *structure* of the ROC, not Frisque as an individual. I never alleged, and I have no reason to believe, that Frisque’s work on the ROC was anything short of exemplary.

- For the February 7 – 9, 2006 affiliation referendum of the Thompson Rivers University Students’ Union, all four members of the Referendum Oversight Committee were partisan supporters of the CFS (see section A.8), and at least one of these Committee members vigorously campaigned on behalf of the CFS during the referendum.
- For the February 12 – 14, 2008 affiliation referendum of the Dawson Student Union, the students’ union appointed its President, Charles Brenchley, to the ROC, a staunch supporter of the CFS (see section 3.9).⁵⁴ Brenchley vigorously campaigned on behalf of the CFS during the affiliation referendum,⁵⁵

Services Employees’ Union (BCGEU): Effective from February 24, 2004 to February 23, 2006,” 2004, 44-45, <http://www.lrb.bc.ca/cas/WRD9.pdf>.

⁵² Wendy J. Wagner, Personal communication, February 2010.

⁵³ Karina Frisque, “President’s First Address,” May 1, 2003, OUCSA-K, http://web.archive.org/web/20030927153100/www.oucsak.bc.ca/thecouncil/members/president/1st_address_May_2003.pdf.

⁵⁴ SFUO, Ad-hoc Committee on Student Advocacy Organizations, “Report Concerning the Canadian Federation of Students,” July 22, 2008, 21-22, <http://www.scribd.com/doc/4141011/Sao-Cfs-Report>.

⁵⁵ Melanie Hotchkiss Chacón, Personal communication, March 2008.

3.7 Poll Clerks and Scrutineers

The Referendum Oversight Committee does not have the authority to appoint poll clerks; instead the CFS and the students' unions are granted the right to appoint one poll clerk each. Again, the CFS appears to appoint its own political operatives to act as poll clerks.⁵⁶ The students' union can appoint poll clerks at its own discretion; however, the notion that these appointments can "balance out" the CFS-appointed poll clerks is erroneous, as the students' union's leadership is very frequently supportive of the CFS during affiliation and disaffiliation referenda. Furthermore, the poll clerks are operating almost completely independently. Any dispute between the two poll clerks at a voting station could be referred to the Referendum Oversight Committee, but since this Committee can only make decisions at its meetings, an irreconcilable dispute between the poll clerks at a given polling station could lead to the closure of that polling station for a considerable length of time. Since one poll clerk at each polling station is a CFS political operative, the CFS has the power to unilaterally "stop" a referendum, for any reason (warranted or otherwise) simply by instructing its poll clerks to leave their duties.

Similarly, the Bylaws create the illusion of fairness by providing that both the CFS and the students' union have the right to appoint a scrutineer to be present at the counting of ballots.

3.8 Restrictions on Campaigning

During the 2008 disaffiliation referendum campaign at Simon Fraser University, the Simon Fraser Student Society (SFSS) produced a series of posters entitled "We Want Out," all featuring a quote from a member of the Simon Fraser community as to why that person supported leaving the CFS. One of these posters (Figure 1) featured a quote from Rufus, a 16-year-old part border collie: "I'm usually the first one to enjoy a rotting fish or some tasty garbage, but even I can't stomach the stinky shenanigans of the CFS's hired campaigners. And they don't give me belly rubs." Although not actually a member of the SFSS, Rufus was a constant fixture within SFSS offices, as his owner was long-time SFSS staffer Hattie Aitken.

According to CFS Director of Organising Lucy Watson, however, the Rufus poster constitutes "defamation" against the CFS. Although Watson did not go into detail, she insisted that the use of this poster, among others, constituted sufficient grounds to invalidate the referendum.⁵⁷ Not only was Watson suppressing freedom of (canine) speech, she was wrong on the facts: the CFS's campaigners were paid, their conduct was frequently criticized by SFU students, and they certainly did not give Rufus any belly rubs.

⁵⁶ Melanie Hotchkiss Chacón, Personal communication, March 2008; Amanda Shendruk, "Controversy at CFS polls: Students encounter campaigning, identified ballots at polling stations," *The Fulcrum*, November 21-26, 2008, http://hotink.theorem.ca/system/fulcrum/issues/000/003/813/Fulcrum112108_screen_quality.pdf; *La Rotonde*, "Le vice-président de la FCÉE était scrutateur," November 25, 2008, <http://larotonde.ca/2008/11/le-vice-president-de-la-fcee-etait-il-scrutateur/>; see also pages 188-189 of this paper.

⁵⁷ Lucy Watson, "Affidavit #1," May 26, 2008, 19 (para. 70[g]), filed in *Simon Fraser Student Society v. Canadian Federation of Students*.

In response to a draft of this paper, CFS legal counsel claims that the words “stinky shenanigans” in the Rufus poster were defamatory, as they imply “that the CFS was engaged in illegal and immoral campaign tactics.”⁵⁸ But there is considerable evidence that CFS campaigners engaged in dubious campaign tactics during the SFU referendum. One CFS campaigner harassed two female opposition campaigners by accusing them of betraying feminism because they engaged in dancing as part of their campaign activities;⁵⁹ one opposition campaigner was subject to harassment by CFS campaigners;⁶⁰ some CFS campaigners falsely claimed to be SFU students.⁶¹ More generally, the devotion of such a vast quantity of CFS resources to referendum campaigns – which detract from the ability of the CFS, its various provincial components, and its loyalist students’ unions from effectively carrying out their respective mandates across the country – is itself problematic (see pages 56-57 for an extended discussion of this argument).

Similarly, Watson argued that a poster contrasting the CFS and Star Trek’s “United Federation of Planets” (Figure 2) was “false and defamatory.”⁶² Again, the facts asserted in this poster, snarky though it was, are true. The United Federation of Planets is a voluntary council of over 150 member planets founded on principles of peace, democracy, and scientific advancement,⁶³ with a socialist economy,⁶⁴ faster-than-light travel,⁶⁵ and Captain Jean-Luc Picard (played by Patrick Stewart, who was voted “Sexiest Man on Television” by the readers of *TV Guide* in 1992⁶⁶). By contrast, well over two-thirds of the CFS bureaucracy is based in Ontario; attempts to leave the organization are frequently met with litigation (see Appendix A); CFS and CFS-BC fees for SFU students did total \$430,000 a year;⁶⁷ attempts to reform the organization have been regularly rebuffed (see pages 42-51, 121-125); former CUP President Erin Millar has described the CFS as “the most aggressive organization I’ve ever covered” with respect to legal threats against journalists;⁶⁸ the CFS and its most senior officials have disrupted the functioning of other student groups perceived as ‘competitors’ (see sections 4.4-4.7); the CFS has discouraged students’ unions from presenting their unique perspectives before the government;⁶⁹ and William Shatner, sexy though he may perhaps be, nonetheless graduated from McGill University long before the CFS was incorporated.

⁵⁸ Wendy J. Wagner, Personal communication, February 2010.

⁵⁹ Amanda van Baarsen, Personal communication, March 2010; Haida Arsenaault-Antolick, Personal communication, March 2010.

⁶⁰ Jessica Burch, Personal communication, March 2010.

⁶¹ Amy Fox, Personal communication, March 2010.

⁶² Lucy Watson, “Affidavit #1,” May 26, 2008, 16-17 (para. 70[a]), filed in *Simon Fraser Student Society v. Canadian Federation of Students*.

⁶³ *Memory Alpha*, “United Federation of Planets,” http://memory-alpha.org/en/wiki/United_Federation_of_Planets.

⁶⁴ *Memory Alpha*, “New World Economy,” http://memory-alpha.org/en/wiki/New_World_Economy.

⁶⁵ *Memory Alpha*, “Warp drive,” http://memory-alpha.org/en/wiki/Warp_drive.

⁶⁶ *WireImage.com*, “Biography – Patrick Stewart,” <http://www.wireimage.com/Celebrities/Patrick-Stewart>.

⁶⁷ SFSS, “Financial Statements: Simon Fraser Student Society: April 30, 2009,” July 2009, 17, http://www.sfss.ca/Library/docs/SFSS_Financial_Statements_09.pdf.

⁶⁸ Erin Hale, “Students at 13 unions petition to leave CFS.”

⁶⁹ Laura Anderson, “Affidavit #1,” March 9, 2008, 10-11 (para. 39), filed in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/anderson1.pdf>.



Figure 1 — SFSS “I Want Out” poster featuring Rufus, long time SFSS supporter

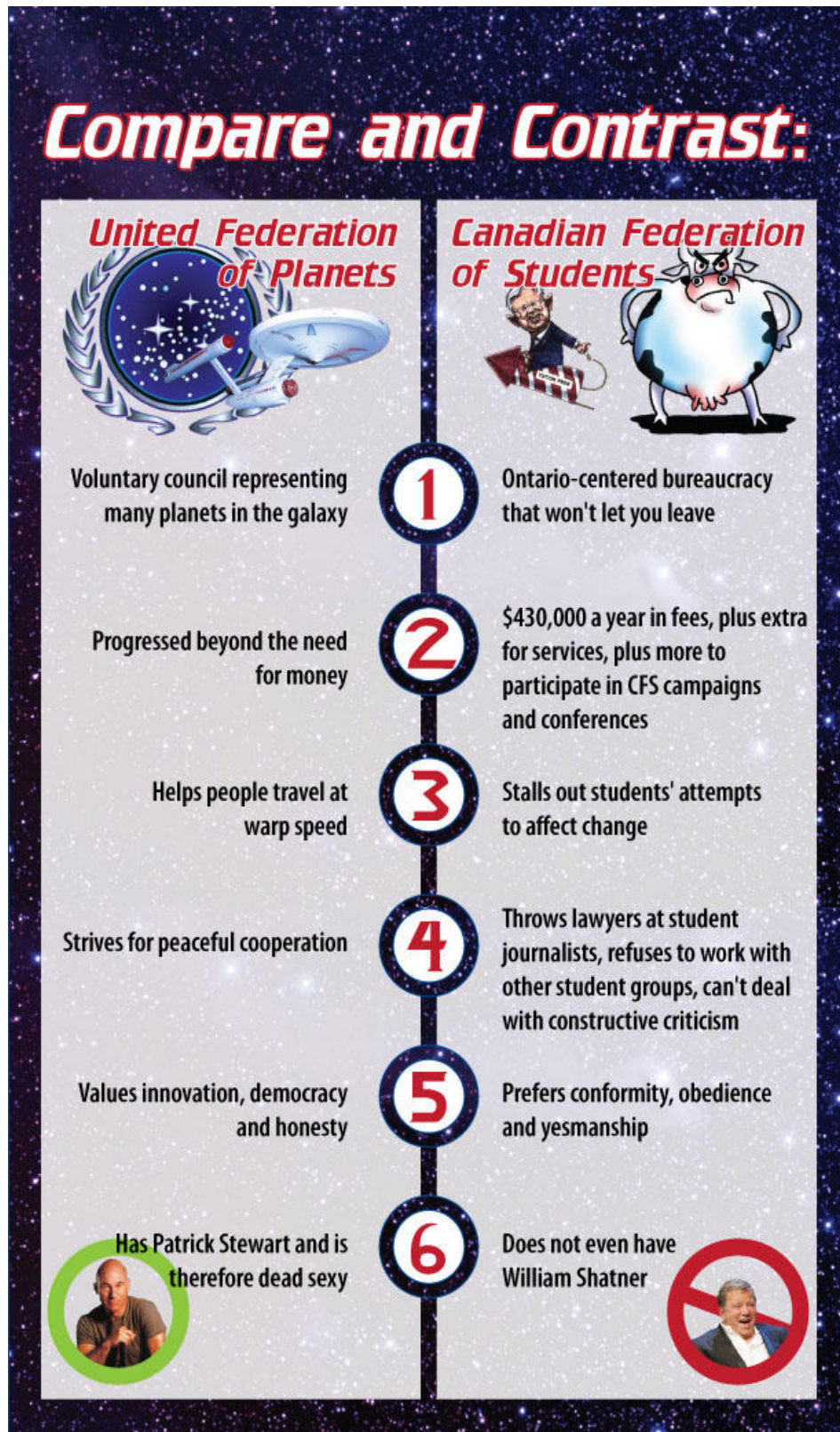


Figure 2 — SFSS “Compare and Contrast” poster

In response to a draft of this paper, CFS legal counsel claims:

You have repeated defamatory statements such as the CFS: “won’t let you leave,” “stalls out students’ attempts at change” and prefers “conformity, obedience and yesmanship.” Contrary to your statement at page [66], these allegations are not true, and you have provided no information to substantiate them. To the contrary, CFS members have enacted in the CFS’ bylaws a clear process to allow students’ unions to terminate their students’ membership in the CFS, should they wish to do so. The process is transparent and the bylaw is easy to understand. Setting clear rules for terminating CFS membership is important because it ensures that the same rules apply to all CFS members, regardless of where they are studying. These rules also ensure that the CFS, which cannot afford to have representatives on each member campus on a daily basis, is able to provide students with the information they require to make an informed choice regarding membership.⁷⁰

For a refutation of this argument, refer to chapter 3 and appendices A, B, and F of this paper.

Ultimately, however, Watson’s argument against the posters was not simply that they were false, but rather that they were illegitimate because they were not approved by the Referendum Oversight Committee, of which she was a member.⁷¹ The CFS-SFSS ROC was not functioning properly, arguably due to the CFS’s insistence on postponing the referendum, in violation of their bylaws (see section A.11); had the ROC been properly functioning, however, it is undoubtedly likely that Watson and her colleague on the Committee would have voted against these posters, along with the great majority of the other campaign materials submitted by the SFSS.⁷² Furthermore, the CFS took the position that *all* SFSS campaign activity prior to the official campaign period violated CFS Bylaws and “made it impossible to have a fair referendum.”⁷³ Impugned “pre-campaigning” included a page on the SFSS website, a Facebook group (which costs no money to establish), campaign posters, handbills, and newspaper ads.⁷⁴

The CFS insisted that it was simply enforcing its own Bylaws, which required the Referendum Oversight Committee to “approv[e] all campaign materials” prior to their distribution. Bylaw 1, s. 4(e)(v) provides that for an affiliation referendum, “Campaign materials shall not be misleading, potentially libelous or false.” As of May 2008, Bylaw 1, s. 6(f)(v) provides that for a disaffiliation referendum, “Campaign materials shall not be misleading, defamatory or false.” CFS Bylaws also provide that “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.” In all cases, the Referendum

⁷⁰ Wendy J. Wagner, Personal communication, February 2010.

⁷¹ Lucy Watson, “Affidavit #1,” May 26, 2008, 14 (para. 61), *Simon Fraser Student Society v. Canadian Federation of Students*.

⁷² *Ibid.*, 9-13 & 16-19.

⁷³ Martin L. Palleson, letter to Derrick Harder, February 27, 2008, 3, attached as Exhibit “X” to Lucy Watson, “Affidavit #1,” May 26, 2008, in *Simon Fraser Student Society v. Canadian Federation of Students*, <http://www.studentunion.ca/cases/sfu/watson1.pdf>.

⁷⁴ Lucy Watson, “Affidavit #1,” May 26, 2008, 9-13.

Oversight Committee, two or more of whose members are always CFS political operatives, is charged with the interpretation and enforcement of these clauses.

Suffice it to say, these Bylaws (both as written, and as interpreted and enforced by CFS agents) constitute a gross violation of freedom of speech. In fact, the CFS's commitment to muzzling opposing voices is *substantial more invasive* than similar laws that have been held by the courts to be an unconstitutional violation of freedom of speech:

- The provisions requiring the ROC to disapprove and take down “misleading, potentially libelous, or false” campaign materials turn the ROC into an arbiter of truth. A much more modest law (relatively speaking), the *Alberta Accurate News and Information Act*,⁷⁵ enacted in 1937 in response to relentless criticism of the Social Credit government by the news media, ‘merely’ would have required newspapers to disclose the names of their sources to the provincial government and print ‘clarifications’ issued by the government intended to correct allegedly inaccurate stories. This law was held by the Supreme Court of Canada to be unconstitutional in a landmark case⁷⁶ which proposed the existence of an ‘implied bill of rights’ in the Canadian Constitution which contained “an implied right of free expression on political matters.”⁷⁷
- The provisions banning all campaigning before the official campaign period (except CFS self-promotion) is far more severe than provisions in the *BC Election Act, 1995*⁷⁸ and the *BC Election Amendment Act, 2008*,⁷⁹ which simply imposed a campaign spending limit for third party organizations during a limited pre-campaign period. The CFS opposed the 2008 law, noting that its passage would infringe on the ability of its member students’ unions to run issue advertisements for a five-month period preceding an election.⁸⁰ Both of these laws were struck down by the Supreme Court of British Columbia on the grounds that they contravened the freedom of expression clause of the *Canadian Charter of Rights and Freedoms*.⁸¹ In contrast, the CFS Bylaws ban *all* pre-campaigning (except CFS self-promotion) by both individuals and organizations, regardless of cost.

⁷⁵ Bill 9, *An Act to Ensure the Publication of Accurate News and Information*, 8th Parliament, 3rd Session, Alberta, 1937, <http://www.ourfutureourpast.ca/law/page.aspx?id=2968655>.

⁷⁶ *Reference Re Alberta Statutes - The Bank Taxation Act; The Credit of Alberta Regulation Act; and the Accurate News and Information Act*, [1938] S.C.R. 100 (CanLII), March 4, 1938, <http://www.canlii.org/en/ca/scc/doc/1938/1938canlii1/1938canlii1.html>.

⁷⁷ *Grant v. Torstar Corp.*, 2009 SCC 61 (LexUM), December 22, 2009, <http://scc.lexum.umontreal.ca/en/2009/2009scc61/2009scc61.html>.

⁷⁸ Bill 28, *Election Act*, 35th Parliament, 4th Session, BC, 1995, http://www.leg.bc.ca/35th4th/3rd_read/gov28-3.htm.

⁷⁹ Bill 42, *Election Amendment Act, 2008*, 38th Parliament, 4th Session, BC, 2008, http://www.leg.bc.ca/38th4th/3rd_read/gov42-3.htm.

⁸⁰ CFS, NGM Minutes, May 2008, Closing Plenary, 31 (Motion 2008/05:139).

⁸¹ *Pacific Press v. AGBC*, 2000 BCSC 248 (CanLII), February 9, 2000, <http://www.canlii.org/en/bc/bcsc/doc/2000/2000bcsc248/2000bcsc248.html>; *British Columbia Teachers' Federation v. British Columbia (Attorney General)*, 2009 BCSC 436 (CanLII), March 30, 2009, <http://www.canlii.org/en/bc/bcsc/doc/2009/2009bcsc436/2009bcsc436.html>.

In response to a draft of this paper, CFS legal counsel claims:

We understand you to claim that the CFS bylaw that grants the ROC the power to approve or reject campaign materials is somehow unconstitutional. This claim is nonsensical given that the CFS is a private organization to which the constitution does not apply. More importantly, to the extent this allegation is meant to convey and does convey that the bylaw in question prevents those opposed to CFS membership from expressing their views, such an allegation is erroneous. Allowing false and defamatory information to be spread in the context of a referendum does a disservice to the CFS' member students, who have a right to receive true information from both sides. It is common practice for students' unions to disallow the publication of defamatory materials during election campaigns. In the context of campus elections, the role of reviewing campaign materials is held by the Chief Electoral Officer, Chief Returning Officer or Elections Committee. During a CFS referendum, the Referendum Oversight Committee plays this role.⁸²

In fact, I never claimed that the Canadian Constitution applies to the CFS. I cited these examples to prove a point: the CFS bylaw violates students' freedom of speech. The CFS argues that its members "have a right to receive true information from both sides." I agree. But who is to be the judge of what is true and what is false? Under Canadian law, only judges have the right to make such a determination. The CFS compares its rules to the "common practice" of students' unions, but this is irrelevant since I never claimed (and I do not believe) that students' unions' election practices are particularly democratic (see pages 115-116). Furthermore, most students' unions at least provide for an impartial electoral management body that operates at arms-length from the students' union executive. The Referendum Oversight Committee does not meet these criteria, and, as indicated above, ROCs have actually censored (or attempted to censor) opposition campaign materials that are not false.

CFS censorship of opposition campaigning threatens the very democratic nature of the referendum. The back and forth of differing opinions and differing accounts of the facts is essential to a healthy democracy. As the Danish theorist Hal Koch has observed:

Therefore, democracy is rather an attitude towards other people, which is based on a mutual respect for the views of others; an attitude which is based on a willingness to test the strength of our ideological and political convictions in a free debate. The precondition of democracy is ultimately a willingness to engage in discussion, because we acknowledge that our own views offer only a part of a solution.⁸³

⁸² Wendy J. Wagner, Personal communication, February 2010.

⁸³ Hal Koch, *Hvad Er Demokrati?* (Copenhagen: Gyldendal, 1992), 22, quoted in Matt Qvortrup, *A comparative study of referendums*, 10.

3.9 Case Study: Dawson Student Union Referendum, February 12 - 14, 2008

The Dawson Student Union represents the roughly 7,000 full-time students attending Dawson College, located in the Montréal suburb of Westmount.⁸⁴ On March 7, 2007, the Board of Directors of the Dawson Student Union voted to seek prospective membership in the CFS.⁸⁵ A four-person Referendum Oversight Committee was formed, consisting of:

- Melanee Thomas, CFS Québec National Executive Representative, representing the CFS;
- Christine Bourque, CFS-Ontario Northern Organiser, representing the CFS;
- Charles Branchley, Dawson Student Union President, representing the Dawson Student Union; and,
- Sheina Lew-Levy, representing the Dawson Student Union.

This committee could hardly be described as a model of non-partisanship. The CFS's SFSS Referendum Campaign Plan identified Thomas, Branchley and Bourque as potential CFS campaigners; Bourque and Thomas were each rated "A" on their campaigning ability, while Branchley was unrated.⁸⁶ As President of the Dawson Student Union, Charles Branchley was the 'face' of the Yes Committee. The Yes Committee published a full-page ad in *The Plant* (the student newspaper at Dawson College) featuring a "Letter to the Members" from Branchley, exhorting students to vote "Yes" in the referendum.⁸⁷

However, not all Dawson College students agreed with Mr. Branchley. Melanie Hotchkiss Chacón was the President of the Dawson Student Union in 2005, where she headed the students' union's efforts to become accredited under Québec law and thus free itself from the oppressive grip of the College administration;⁸⁸ she had absolutely no desire to subject her students' union to the suzerainty of the CFS. She and her compatriots attempted to organize a No campaign, but were met with adamant opposition from the Referendum Oversight Committee. None of the No Committee's posters were approved, and when the No Committee put up unapproved posters, they were promptly removed. According to a *Macleans.ca* news story, Branchley, speaking on behalf of the Dawson ROC, claimed that "the NO posters were not approved because they used 'out-of-date' citations from student newspapers. 'The quotations are six months out-of-date and do not reflect the current reality of the Federation.'" Furthermore, Branchley claimed that posters which asked the question "Why pay for an ineffective student lobbying organization?" were disapproved because they were "misleading the student body."⁸⁹

⁸⁴ Dawson Student Union, "The Executives," <http://mydsu.ca/section/5>.

⁸⁵ CFS, "National Executive Report," May 2007, 58, <http://www.studentunion.ca/cfs/2007/2007-05-excreport.pdf>.

⁸⁶ CFS, "Referendum Campaign Plan and Tasklist."

⁸⁷ Charles Branchley, "Letter to the Members," *The Plant*, February 7, 2008, <http://www.studentunion.ca/docs/branchley-letter-dawson.pdf>.

⁸⁸ Jesse Rosenfeld, "CEGEP union fights for independence," *The McGill Daily*, September 18, 2005, <http://web.archive.org/web/20060506192756/http://www.mcgilldaily.com/view.php?aid=4120>.

⁸⁹ *Macleans.ca*, "CFS looks to spread into CEGEPs: CFS referendum voting underway at Dawson College," February 12, 2009, <http://oncampus.macleans.ca/education/2008/02/12/cfs-looks-to-spread-into-cegeps/>.

Chapter 3. Analysis of the Referendum Rules of the Canadian Federation of Students

In a letter written to Nicola White, the President of the No Committee, the Dawson ROC stated that although they “actively encourage deliberative democracy and democratic debate” and had as their “primary concern” the administration of the referendum “in a fair and transparent manner,” the No Committee’s campaign materials could not be approved as they contained information that was “factually incorrect, if not defamatory.” These inaccuracies would have to be eliminated in order to ensure that “Dawson students have the benefit of receiving accurate and balanced information” concerning the CFS.⁹⁰ When the No Committee refused to comply with the ROC’s dictates, it was “disqualified.”⁹¹

I asked the Dawson ROC to explain this disqualification, and received the following reply from Christine Bourque:

The original “No” committee was disqualified with just over an hour left in the referendum campaign. However, immediately after the “No” committee was disqualified Dawson students registered a new “No” committee. The new “No” committee was able to campaign for the last hour of the referendum and two members of the new “No” committee were present for the ballot counting, along with two members of the “Yes” committee. Upon completion of the ballot counting, both the “No” and “Yes” committees signed off and acknowledged the results of the referendum. It should be noted that the decision to disqualify the “No” committee was not taken lightly, as you will see in my response below to your second question [‘Why was the No Committee disqualified?’].

One of the rules established by the Referendum Oversight Committee was that all material used in the referendum must be approved in advance by the Committee. This is similar to the requirement of many Students' Unions to have the electoral committee (or similar body) approve election and local referendum materials. Despite this requirement, the “No” Committee began distributing campaign materials without prior approval of the Referendum Oversight Committee. Once the Referendum Oversight Committee received a copy of the unauthorized material, it sought to meet with members of the “No” committee. There was some difficulty in locating and obtaining a meeting with the Chair of the “No” Committee. The Referendum Oversight Committee asked for clarification and revision of certain statements in the material. The Chairperson of the “No” committee was informed that once the changes were made to the material, approval would be granted and distribution could resume. However, the “No” committee chose to ignore the ruling of the Referendum Oversight Committee and continued to distribute the unauthorized material. The Referendum Oversight Committee sought a follow-up meeting, but the Chairperson of the “No” refused to meet with the Referendum Oversight Committee. Based on the bad faith shown by the “No” committee in refusing to meet with the Referendum Oversight Committee and instead continuing to distribute the unauthorized material, the Referendum Oversight Committee was left with no alternative but to disqualify the original “No” Committee. It should be noted that, even with the

⁹⁰ Charles Brenchley, Sheina Lew-Levy, Christine Bourque, and Melanee Thomas, email to Nicola White, February 12, 2008, http://www.studentunion.ca/docs/Dawson_ROC_email_2_no_ctte.pdf.

⁹¹ Cory Shallow, “The Controversy Continues,” *Public Dawson/Private Forces*, February 25, 2008, <http://tugger-dawson.blogspot.com/2008/02/controversy-continues.html>.

unauthorized materials being circulated and the "No" committee refusing to play by the rules, Dawson students voted 77% in favour of joining the Federation.⁹²

In reply, Hotchkiss Chacón claimed:

Yes the referendum oversight committee disqualified the no committee. From my recollection the no committee was disqualified on the basis that our promotion material was "factually incorrect and defamatory" and therefore in violation of referendum regulations. Yes, the disqualification occurred an hour before the vote ended, but the damage was already done. We were going to campaign despite the disqualification, and a couple of our friends registered a new no-committee so that there would be no representatives there for the counting of the vote. Nicola White was sent a letter on February 12th from Charlie Brenchley requesting a meeting with him and which states the Oversight Committee's position that the No Committee were violating the rules. Nicola White met with the committee. The oversight committee wanted the materials to be changed because they were not factual, however the material was simply quoting articles of student newspapers. The material was not defamatory (you've seen the material). This letter that was sent to Nicola overstated that the no committee was unwilling to meet with the oversight committee. I truly do not understand how they could expect Dawson students to trust their neutrality in the entire process. Members of the committee were seen campaigning for the Yes side during the vote. Why should the Yes committee members have the right to disqualify the no committee because they don't agree with the materials?⁹³

With respect to campaign materials, I asked Bourque regarding the Dawson ROC's disapproval of a simple leaflet produced by the No Committee entitled "Say NO 2 CFS" (Figure 3). There is absolutely nothing in this leaflet that is factually inaccurate. Why then did the Referendum Oversight Committee disapprove this campaign material?

⁹² Christine Bourque, Personal communication, February 2010.

⁹³ Melanie Hotchkiss Chacón, Personal communication, February 2010.

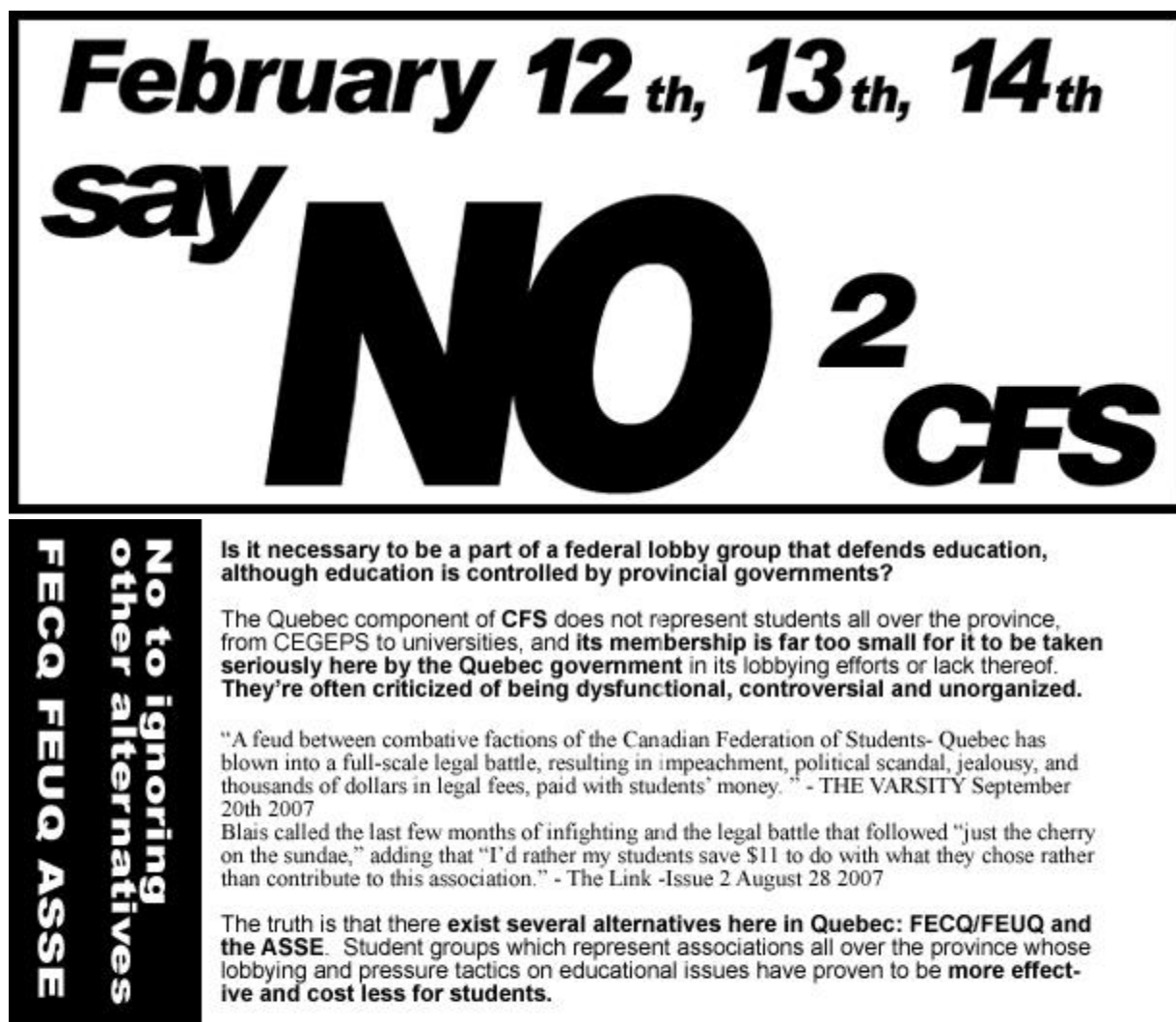


Figure 3. "Say NO 2 CFS" leaflet produced by the No Committee at Dawson College

Bourque sent me the following email in reply:

Having had an opportunity to review your paper, it is clear that it has been prepared without any concern for academic or journalistic integrity. Rather, it appears that you commenced your research with the goal of unearthing only that information which supports your pre-formed thesis. I am unsure why you hold such malice for the Canadian Federation of Students and its various directors and employees but I am not prepared to assist you with your fanatical drive to tarnish the reputations of my employer and various of my colleagues. Please note that this email is publication prohibited. Any re-publication by you is a violation of the Copyright Act and I will pursue damages against you should you republish it. I trust that this will end your enquiries to me.⁹⁴

⁹⁴ Christine Bourque, Personal communication, March 2010.

Subsequent to the referendum, the Dawson Student Union moved to cement its relationship with the CFS. The CFS National General Meeting accepted the Dawson Students' Union as "Local 108."⁹⁵ The CFS and the Dawson Student Union signed off on a "Membership Fee Collection Agreement" on August 24, 2009 to govern the collection of CFS membership dues. However, as Marley Sniatowsky from *The Plant* reports, the circumstances under which this document was signed illustrate in all too vivid detail the power discrepancy that exists between the CFS and its newest member students' union from Québec:

"If I were a lawyer and I wanted to sue the [DSU] the doors would be wide open, but [the document] is a joke, no professional would sign off on this document. It reads like it was written by a bunch of kids trying to play lawyer by cutting and pasting clauses" said Denis Belanger Chartered Financial Planner and Private Financial Investigator after being consulted by The Plant.

"I don't sign things without consulting lawyers [...] we've got a lawyer, we've got two lawyers actually," said [Dawson Student Union Executive Secretary Christopher] Monette "we're going to get a rein-check [*sic*] on this, I know I'm being really defensive," he said cutting the interview short when questioned about the document on Oct. 19.

Upon further reflection Monette contends that there was no reason to consult a lawyer.

"This contract is a formalization. It's a standard form contract formalizing past practices, and we saw no reason to consult a lawyer."

When questioned about clause 13 regarding the governance of the document by Ontario laws in the courts of Ontario, Monette responded "I don't think it is reasonable to assume that any individual is aware of the laws in their own country [...] we could foresee no possible legal battle erupting between [the DSU and the CFS] and I don't think it's unreasonable to have it governed by the laws of Ontario. Nobody really understands the laws, that's why we hire lawyers." However, to reiterate no lawyer was consulted.⁹⁶

Whether Monette's forecast of everlasting sunny skies in the CFS-Dawson Student Union relationship proves to be accurate remains to be seen. However, a closer inspection of the Membership Fee Collection Agreement suggests that perhaps Monette should have consulted with his lawyer, after all. The Agreement (which was published in *The Plant*⁹⁷) provides that the Dawson Student Union must remit CFS-Québec fees directly to the national office of the CFS, which conflicts with the Bylaws of CFS-Québec.⁹⁸ The Agreement provides that any CFS membership fees collected by the students' union but not remitted to the national office within fourteen days would bear interest at a rate of 5% per year, which contradicts the CFS's own

⁹⁵ CFS, NGM Minutes, May 2008, 9 (Motion 2008/05:007).

⁹⁶ Marley Sniatowsky, "CFS Issues Clarified, At Long Last: Issues concerning cost, payment, agreements, and membership with the CFS explained," *The Plant*, October 29, 2009, http://theplantstudentpress.blogspot.com/2009/10/issue-7_6692.html.

⁹⁷ CFS and Dawson Student Union, "Membership Fee Collection Agreement," August 24, 2009, re-published in *The Plant*, October 22, 2009, 6, http://theplantstudentpress.blogspot.com/2009/10/issue-6_29.html.

⁹⁸ CFS-Québec, "Bylaws (2009-1): Canadian Federation of Students, Québec Component Inc.," 2009, 3, <http://www.studentunion.ca/docs/cfs-quebec-bylaws-2009.pdf>.

“Financial Policy Relating to the Collection of Membership Fees.”⁹⁹ Perhaps most troubling, clause 9 of the Agreement provides that “In all matters the Union agrees to be bound by the bylaws of the Federations as duly amended from time to time.” There is no definition of the term “all matters,” other than the literal interpretation – which would most assuredly be an extreme encroachment on the Dawson Student Union’s right to self-governance. While the legality of this Agreement has not been tested, the inclusion of a clause of this nature in the Agreement is in itself deeply troubling.

3.10 Analysis

Referendum scholar Matt Qvortrup’s review of international legal norms surrounding referenda concluded as follows:

There is no legal international consensus on what constitutes a free and fair referendum; there is not even consensus on whether regulation is needed at all. A number of Commonwealth countries and Ireland have introduced regulations, while others remain unregulated. However, based on the international experience, we find that referendums are most likely to be free and fair when the following conditions are met:

- An Electoral Commission is established (either permanent or ad hoc):
 - 1) The Commission oversees the information campaign (e.g. the production and distribution of a voter pamphlet – in consultation with both sides),
 - 2) Its members are representatives of neutral bodies (e.g. members of the judiciary, the Office of the Ombudsman, and/or similar figures whose neutrality is beyond dispute).
- Public and Commercial Broadcasters strike a 50:50 balance between sides (not political parties);
- No public funds (i.e. taxpayers’ money) are spent to endorse or promote one side;
- Equal sized grants are provided for both sides in the referendum;
- Umbrella organisations are established for each side, and both receive equal grants from the government;
- All expenditures must be reported, approved and published by the Electoral Commission;

⁹⁹ CFS, “Policy Manual: Operational Policy,” November 2009, http://www.cfs-fcee.ca/downloads/Operations_Policy.pdf.

- There is a campaign period sufficient in length to assure open and robust debate. In particular that this campaign period be long enough so that false information can be countered and proven wrong.¹⁰⁰

It is abundantly clear that all seven of these conditions are violated on a regular basis when referenda are held under CFS Bylaws. The electoral management body is politicized and is not independent from the CFS or the students' union; no attempt is made to regulate students' union-owned media; students' dues are normally overwhelmingly spent on behalf of the CFS's side; no grants (of any meaningful size) are given to both sides; campaign spending is not regulated or publicized (although considerable efforts are taken to regulate the *content* of campaign advertising); and the campaign period is so extraordinarily short – normally just two weeks in duration – that it is effectively impossible to engage in an “open and robust debate” on *anything*.

It can not possibly be argued that this regulatory regime is necessary for the survival of a national student organization. The bylaws of the CFS are significantly stricter than the bylaws of any other national or provincial student organization for which I have records (Appendix B). In fact, the constitution of the National Union of Students of the United Kingdom (NUS UK) simply require that a departing students' union provide written notice by no later than July 1 of the year in which the students' union intends to withdraw.¹⁰¹ Even though no requirement for a referendum is spelled out in the NUS UK constitution, students' unions seeking to affiliate or disaffiliate from the national organization inevitably do so by referendum. From 1990 to 2006, 63 referenda votes were held to join or leave the NUS UK, and 58 of these were in favour of affiliation to NUS UK, even though the referendum process was conducted under the authority of the bylaws of the local students' union.¹⁰² As of 2006, 95% of British students' unions are members of NUS UK.¹⁰³

3.11 Prospects For Reform

The prospects for reforming the Bylaws of the CFS through the regular National General Meeting process seem remote. A two-thirds vote of students' unions present at a meeting is necessary to amend the Bylaws; it is unlikely that any proposal to seriously rectify the problems described earlier in this chapter would achieve even a simple majority of votes. However, I believe that a lawsuit challenging the Bylaws, based on the oppression remedy, stands a very good chance of success.

¹⁰⁰ Matt Qvortrup, “Fair Voting? The Regulations of Referendums in Cyprus in Comparative Perspective,” *The Cyprus Review: A Journal of Social, Economic and Political Issues* 17, no. 2 (Fall 2005), 22-23.

¹⁰¹ National Union of Students of the United Kingdom, “Articles of Governance & Rules,” June 1, 2009, 8-9, http://resource.nusonline.co.uk/media/resource/10_09_NUS%20Constitution.pdf.

¹⁰² NUS (UK), “Irreplaceable: The Case for NUS Affiliation,” 2006, 52-56, <http://resource.nusonline.co.uk/media/resource/irreplaceable.pdf>.

¹⁰³ *Ibid.*, 3.

The *Canada Not-for-profit Corporations Act*¹⁰⁴ is a new law governing federal not-for-profit corporations that was adopted on June 23, 2009. It was intended to replace the old *Canada Corporations Act*.¹⁰⁵ According to Industry Minister Diane Ablonczy, the new law “would promote accountability, transparency and good corporate governance for the not for profit sector and is the first significant modernization of Canada's not-for-profit legislation since 1917.”¹⁰⁶ The new law is not currently in force, but this is expected to occur in early 2011.¹⁰⁷ Once the *Canada Not-for-profit Corporations Act* is brought into force, corporations registered under the *Canada Corporations Act* (such as the CFS) will be required to apply for a “certificate of continuance” within three years’ time; once this occurs, such corporations will be subject to the provisions of the new law.¹⁰⁸

Section 253 of the *Canada Not-for-profit Corporations Act* provides as follows:

253. (1) On the application of a complainant, a court may make an order if it is satisfied that, in respect of a corporation or any of its affiliates, any of the following is oppressive or unfairly prejudicial to or unfairly disregards the interests of any shareholder, creditor, director, officer or member, or causes such a result:

- (a) any act or omission of the corporation or any of its affiliates;
- (b) the conduct of the activities or affairs of the corporation or any of its affiliates;
or
- (c) the exercise of the powers of the directors or officers of the corporation or any of its affiliates.

....

(3) The court may make any interim or final order that it thinks fit, including an order

- (a) restraining the conduct complained of;

....

- (c) with respect to a corporation’s affairs, requiring the amendment of the articles or by-laws or the creation or amendment of a unanimous member agreement;

....

¹⁰⁴ Canada, *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23, <http://laws-lois.justice.gc.ca/en/C-7.75/FullText.html>.

¹⁰⁵ Canada, *Canada Corporations Act*, R.S.C. 1970, c. C-32, <http://laws-lois.justice.gc.ca/en/C-1.8/FullText.html>.

¹⁰⁶ Canada, Industry Canada, “Government of Canada Tables New Regime for Not-For-Profit Corporations,” December 3, 2008, <http://www.ic.gc.ca/eic/site/ic1.nsf/eng/04134.html>.

¹⁰⁷ Wayne Gray and Lydia Wakulowsky, “federal not-for-profit corporations face radical change,” November 2009, http://www.mcmillan.ca/Upload/Publication/Federal_not-for-profit_Corps_face_Radical_Change_1109.pdf; Jane Burke-Robertson, “Countdown to the *Canada Not-for-profit Corporations Act* Practice Tip #1: To Be or Not To Be a Soliciting Corporations,” January 28, 2010, Carters Charity Law Bulletin No. 191, <http://www.carters.ca/pub/bulletin/charity/2010/chylb191.htm>.

¹⁰⁸ Canada, Industry Canada, “Government of Canada Tables New Regime for Not-For-Profit Corporations.”

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(g) directing a corporation, subject to subsection (5), or any other person, to pay a member all or part of the amount that the member paid for their membership;

(h) varying, setting aside or annulling a transaction or contract to which a corporation is a party and compensating the corporation or any other party to the transaction or contract;

....

(j) compensating an aggrieved person;

(k) directing rectification of the registers or other records of a corporation under section 255;

....

(4) If an order directs amendment of the articles or by-laws of a corporation,

(a) the directors shall immediately comply with subsection 215(4); and

(b) no other amendment to the articles or by-laws shall be made without the consent of the court, until a court otherwise orders.

....¹⁰⁹

This section is known as the *oppression remedy*. The oppression remedy has applied to business corporations in Canada for many decades, and its most common application is to protect the financial interests of minority shareholders from being oppressed by the majority. The courts have consistently interpreted the meaning of the words “oppressive,” “unfair,” and “prejudicial” broadly;¹¹⁰ in one case, the court simply applied the dictionary definition of the words to the matter at hand.¹¹¹ Acting through the oppression remedy, the courts have on a number of occasions amended the bylaws of a business corporation in order to protect minority shareholders from oppressive or unfairly prejudicial actions of the majority.¹¹²

According to one leading text on the oppression remedy, “One of the primary objectives of the oppression remedy provisions in the federal and provincial corporations statutes is to protect reasonable and legitimate shareholder expectations.”¹¹³ An argument could be made that CFS members have a number of reasonable and legitimate expectations of the CFS:

¹⁰⁹ Canada, *Canada Not-for-profit Corporations Act*, s. 253.

¹¹⁰ Dennis H. Peterson and Matthew J. Cumming, *Shareholder Remedies in Canada*, 2nd ed. (Markham, Ontario: LexisNexis Canada, 2009), 17-30.

¹¹¹ David S. Morritt, Sonia L. Bjorkquist, and Allan D. Coleman, *The Oppression Remedy* (Aurora, Ontario: Canada Law Book, September 2007), 5-6.

¹¹² Dennis H. Peterson and Matthew J. Cumming, *Shareholder Remedies in Canada*, 17-111 – 17-113.

¹¹³ David S. Morritt, Sonia L. Bjorkquist, and Allan D. Coleman, *The Oppression Remedy*, 3-1; see also Dennis H. Peterson and Matthew J. Cumming, *Shareholder Remedies in Canada*, 17-24 – 17-29.

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- the expectation that the CFS would “organize students on a democratic and cooperative basis,” as the CFS committed itself to doing in its Letters Patent;
- the expectation that the CFS would adopt, interpret, and act upon its bylaws in a manner that is fair and democratic;
- the expectation that the CFS would not seek to overturn students’ unions’ procedures for the democratic administration of affiliation/disaffiliation referenda;
- the expectation that the CFS would not impose a partisan Referendum Oversight Committee for the administration of affiliation/disaffiliation referenda;
- the expectation that the CFS would not impinge on members’ freedom of speech.

The CFS violates all of these expectations.

Therefore, a lawsuit filed by a small group of individual students¹¹⁴ could potentially force an amendment to CFS bylaws, as well as the terms of any written membership contract entered into between the students’ union and the CFS. Such a lawsuit could not be filed for a number of years, as the *Canada Not-for-profit Corporations Act* has not yet been brought into force. Once the new law has been brought into force, it may be advisable for students’ unions to propose a resolution at the National General Meeting level, ordering CFS-National and CFS-Services to apply for a certificate of continuance under the new law.

(I am not a lawyer, and this section is not legal advice; any persons considering filing such a lawsuit should first consult carefully with experienced legal counsel.)

¹¹⁴ It is absolutely imperative that the plaintiffs in such a lawsuit be individual students. Students’ unions make for extremely poor plaintiffs in any potentially long-term litigation, since they are governed by a politicized and constantly changing group of student leaders.

Chapter 4

Democratic Centralism

4.1 Introduction

Given how the present Bylaws of the CFS differ so dramatically from the Bylaws as originally drafted, I decided to consult with Brian Iler, the CFS's original lawyer, who helped draft the original Bylaws. Iler was involved in student politics in the 1960s, serving as President of the students' union of Waterloo University,¹ and has since served as counsel for a number of trade unions, co-operatives, and not-for-profit organizations.² I assumed that Iler would be disturbed at the many mis-features present in the current Bylaws. However, I was wrong. Not only did Iler support the amended Bylaws, but in fact he would have gone much further:

As I indicated, fundamentally, our national student organization is weakened by the regular need to fight referendum battles, severely diminishing its ability to act as an effective national voice for students. The steady imposition of constraints on the use of referenda is a political response to that downside.

I recognize that imposing the requirement for a referendum was a political compromise at the time, designed to make it difficult, but not too difficult, to leave CFS membership. Derived from the infamous 1968 CUS conference, where radical politics adopted there spooked a number of campuses into fleeing CUS. I was there.

If we wish a strong voice for students, then a degree of political maturity is required that accepts that the national organization is a democratic institution, like a government, with which we don't necessarily agree with all the time, but accept decisions it makes as legitimate, because they are democratically made. The ability to leave if you don't like a decision severely undermines the strength of that national voice.

Accordingly, I support the constraints on the use of referenda, and encourage all members to take a deep breath and commit to being permanent members of CFS, and engaging in its decision-making sufficiently to ensure that CFS' voice is one that speaks powerfully and effectively on issues that matter to the majority of students on their campuses.³

Iler's support for "permanent" membership in the CFS parallels a resolution that was proposed, but not considered, at the final National Congress of the Canadian Union of Students, which would have CUS "endorse the concept of compulsory student unionism not only at the local but also at the provincial and national level."⁴ By this point, CUS was in chaos due to the

¹ *The Ubyyssey*, "[CUS loses 3: on the Prairies] and at Waterloo," February 7, 1969, 3, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1969_02_07.pdf.

² Brian Iler, "Brian Iler," <http://www.ilercampbell.com/>.

³ Brian Iler, Personal communication, December 2009.

⁴ CUS, "Policy Proposals: Canadian Union of Students: 1969 Congress," September 1969, 31, <http://studentunion.ca/cfs/1969/1969-09-cus-resolutions.pdf>.

ongoing conflict between the ‘radicals’ and the ‘moderates;’ its committed membership had dropped from 34 to 11 over the preceding year.⁵

Iler’s beliefs also appear to be shared by at least some individuals within the CFS senior bureaucracy. Speakers at a workshop on the “History of the Student Movement” that is presented annually at the CFS-BC Skills Development Weekend have on several occasions noted (falsely⁶) that all students’ unions in the United Kingdom are required to be members of their national student organization, the National Union of Students of the United Kingdom.⁷ At the 2008 Skills Development Weekend, Ian Boyko (CFS Government Relations Coordinator) went on to postulate that this supposed arrangement “is, arguably, the logical conclusion of the Rand Formula.”⁸ Boyko is seriously mistaken in his analysis: the Rand Formula, which requires all workers in a workplace to pay union dues regardless of their personal opinion of the union, has always assumed that the workers in a workplace have the democratic right to collectively join, or leave, the union through a democratic vote.⁹

4.2 The CFS’s Corporate Self-Understanding

These statements all point to an ideology that appears to be deeply ingrained within the senior staff of the CFS and that appears to form a core part of the CFS’s corporate self-understanding: democratic centralism. Democratic centralism is “the organizational method applied by the Bolsheviks in making the Russian Revolution: ‘democracy in decision – centralism in action.’”¹⁰ The CFS is certainly not organized as a political party, and its political policies could hardly be described as Marxist (rather, they are essentially social democratic). Nonetheless, the CFS appears to be organized according to the following principles, which are fundamentally democratic centralist in their character:

- Students ought to be organized into a political movement, which finds its expression in one single organization in each nation. In Canada, this is the Canadian Federation of Students. Thus, the CFS has trade-marked the phrases “Canada’s National Student Movement”¹¹ and “I Am Part of the Student Movement.”¹²

⁵ Robert Clift, “The Fullest Development of Human Potential,” 75.

⁶ NUS (UK), “Irreplaceable: The Case for NUS Affiliation.”

⁷ Alysia MacGrotty, Personal communication, December 2009.

⁸ Ian Boyko, “History of the Student Movement,” June 20, 2008, presentation before the 24th Annual Skills Development Weekend of the Canadian Federation of Students-British Columbia.

⁹ Ivan Rand, “Ford Motor Company of Canada and The International Union United Automobile, Aircraft, and Agricultural Implement Workers of America (U.A.W. C.I.O.): Arbitration award of Mr. Justice Rand, Ottawa, January 29, 1946,” in CCH Canadian Limited, *Canadian Labour Law Cases: Canada Wartime Labour Relations Board, 1944-1948* (Don Mills, Ontario: CCH Canadian, 1966), 159-168; see also federal and provincial labour relations codes.

¹⁰ Marxists Internet Archive, “Democratic Centralism,” *The Encyclopedia of Marxism*, ed. Andy Blunden, 2008, <http://www.marxists.org/glossary/terms/d/e.htm#democratic-centralism>.

¹¹ Canada, Canadian Intellectual Property Office, Trade-mark database entry for application #1205459, <http://www.ic.gc.ca/app/opic-cipo/trdmrks/srch/tmSrch.do?lang=eng>.

¹² Canada, Canadian Intellectual Property Office, Trade-mark database entry for application #1206000, <http://www.ic.gc.ca/app/opic-cipo/trdmrks/srch/tmSrch.do?lang=eng>.

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- The national student organization is not envisioned simply a loose alliance of student associations, but is in fact one single, structured organization. As perennial student politician Rick Telfer noted in March 2000, “CFS is a carefully structured, federated organization – it has national, provincial and local components.”¹³ Member students’ unions are thus “encouraged” to refer to themselves as “locals” of the CFS, not as independent organizations.¹⁴ Provincial components are required to include the national Preamble and Statement of Purpose as part of their constitutions,¹⁵ and, at least in British Columbia, member students’ unions are “encouraged” to do so as well.¹⁶
- Decision-making within the national student organization is democratic, but is distributed according to the subject matter. Decision-making regarding policies, campaigns, and services of a national character takes place at the National General Meeting; decision-making regarding policies,¹⁷ campaigns, and services of a provincial character takes place at the provincial General Meeting; and decision-making regarding policies, campaigns, and services of a local character takes place at the local level.
- However, for reasons of efficiency, the *implementation* of national campaigns and services takes place primarily at the provincial and local level, by provincial and local elected officials and staff. Provincial representatives on the National Executive are not only expected to “communicate the views and perspectives of their respective provincial components at National Executive meetings,”¹⁸ but also to implement national CFS campaigns and services in their province.¹⁹ Similarly, local representatives on the provincial Executive Committee are not simply representatives of their students’ union to the Federation, but are also responsible for implementing CFS campaigns and services on their home campus.²⁰ These local and provincial representatives are not seen as being put in a conflict of commitment by having to serve two different organizations, since it is simply assumed that the “national, provincial, and local components” of the CFS are simply different sections of one single, united organization. Should a local students’ union or provincial component choose to elect a representative who is perceived as being “disloyal” to the national CFS, however, this election can simply be ignored, leaving the

¹³ Richard S. Telfer, “It’s easy to get lost in the alphabet soup,” *The Gazette*, March 21, 2000, <http://www.gazette.uwo.ca/2000/March/21/Opinions.htm>.

¹⁴ CFS, NGM Minutes, May 1996, Closing Plenary, 61 (Motion 96/05/12:54).

¹⁵ CFS, Bylaw VII, s. 7.

¹⁶ Pamela Frache, “Federation Report: Pacific Region Executive Committee: Activities to date: August 1988 to January 1989,” CFS-British Columbia, January 1989, 2 (Motion 8/88:55), <http://www.studentunion.ca/docs/1989-cfs-bc-chairperson-report.pdf>.

¹⁷ CFS, “Constitution and Bylaws,” November 2008, Bylaw VII, s. 4 (c); see also CFS-Ontario, “Bylaws: Canadian Federation of Students – Ontario: As amended at the 2008 Annual General Meeting,” 2008, Bylaw IV, s. 1 (b), <http://www.studentunion.ca/docs/cfs-ontario-bylaws.pdf>.

¹⁸ CFS, “Constitution and Bylaws,” November 2008, Bylaw V, s. 6 (b).

¹⁹ CFS-Ontario, “Bylaws,” 2008, Bylaw XIV, s. 3; CFS, “Standing Resolutions: Canadian Federation of Students: As amended at the November 2008 national general meeting,” Standing Resolution 30 (“Alberta Component”), s. 3 (a), http://www.cfs-fcee.ca/downloads/Standing_Resolutions.pdf; CFS, Standing Resolution 31 (“Quebec Component”), s. 6 (b); CFS, Standing Resolution 32 (“Saskatchewan Component”), s. 4 (a).

²⁰ CFS-Ontario, “Bylaws,” 2008, Bylaw XII, s. 3 (a); CFS-British Columbia, “Bylaws,” January 17, 2010, filed with BC Registry Services, Society #S-18800, Bylaw XVI, s. 2, 7, 9, 10, <http://www.studentunion.ca/docs/cfs-bc-bylaws-2010.pdf>; CFS, Standing Resolution 30 (“Alberta Component”), s. 3 (c); CFS, Standing Resolution 31 (“Quebec Component”), s. 6 (d); CFS, Standing Resolution 32 (“Saskatchewan Component”), s. 4 (c).

students' union or provincial component without any representation whatsoever.²¹ Students' unions are technically free to choose which services and campaigns they wish to participate in; however, the CFS strongly "encourages" all member students' unions to participate in all of its services and campaigns, and since many of the services are run at a loss,²² the failure of a students' union to participate in these services results in a *de facto* financial penalty.

In response to a draft of this paper, CFS legal counsel claims:

You imply that local representatives on the various provincial executive committees of the CFS are somehow in a conflict of interest by virtue of being appointed to the provincial executive from their member local student union. Such a comment is absurd. Numerous organizations have spots on their board of directors for representatives of other organizations. Indeed, some large corporations have spots on their board reserved for representatives of large institutional shareholders.²³

In fact, I never claimed that there existed a "conflict of interest," but rather a potential conflict of commitment. The CFS's comparison of its own structure to the interlocking directorships common in the corporate sector fails to take into account the difference between a "director" and an "officer." Members of CFS provincial executive committees are expected to serve as *officers* of both the CFS provincial component and their own students' union, just as provincial representatives on the CFS National Executive are expected to serve as *officers* of both the national and provincial components of the CFS.

- Dissent from national and provincial decision-making is viewed as fundamentally anti-democratic, since decisions made at the national and provincial level are made at General Meetings comprised of democratically-elected representatives of local students' unions. Dissent by students or local students' unions is viewed as harmful to the student movement as a whole, since it weakens the ability of the national student organization to effectively campaign on behalf of students' interests and provide services to meet students' needs. The most harmful form of dissent consists of withdrawing from the CFS and/or joining a 'competing' national or provincial student organization, since such an act draws resources away from the CFS and weakens its political credibility. Viewed in this light, the CFS's proposed question for the 2008 disaffiliation referendum at Kwantlen,

²¹ Sarah Jackson, "KSA takes CFS-BC feud to B.C. Supreme Court," *Kwantlen Chronicle*, October 18, 2009, <http://www.kwantlenchronicle.ca/2009/10/ksa-takes-cfs-bc-feud-to-bc-supreme-court/>; Denny Hollick, "CFS-BC loses court case against KSA," *The Runner*, January 22, 2010, <http://runnermag.ca/index.php/2010/01/cfs-bc-loses-court-case-against-ksa/>; Justin Giovannetti, "CFS-Quebec component files lawsuit against national organization over fee reimbursement," *The Gateway*, January 27, 2010, <http://thegatewayonline.ca/articles/news/2010/01/27/cfs-quebec-component-files-lawsuit-against-national-organization-over-fee-reimbursement>.

²² CFS, "Revised Budget – Second Draft: Canadian Federation of Students and Canadian Federation of Students-Services: July 1, 2009 to June 30, 2010," <http://www.studentunion.ca/cfs/2009/2009-11-cttreports.pdf>.

²³ Wendy J. Wagner, Personal communication, February 2010.

“Are you in favour of stopping the further fragmentation of Canada’s student movement through a democratic framework called the Canadian Federation of Students?,”²⁴ can be viewed not only as an attempt to obstruct the referendum, but also as a statement of the CFS bureaucracy’s general attitude to dissent.

- In the same light, the election of local students’ union representatives who may dissent from national or provincial decision-making is viewed as a national problem. An example of this attitude is the failure of the CFS to remove National Deputy Chairperson Noah Stewart-Ornstein from office, despite the existence of video evidence of his interference in the 2009 Concordia Students’ Union general election (while serving as Québec National Executive Representative) by surreptitiously removing election posters from an opposition slate.²⁵ According to *The Varsity*, National Treasurer Ben Lewis “said that Stewart-Ornstein was acting as an individual, and that his actions should not tarnish the reputation of organizations he is involved with.”²⁶ The persistent phenomenon of CFS-loyal students’ union executives campaigning for their allies on other campuses in the Greater Toronto area is another example of this attitude towards dissent.²⁷

Another example of this approach to local autonomy is the Simon Fraser Student Society. CFS-loyal staff persons working for the SFSS or other CFS-affiliated students’ unions have in recent years covertly campaigned for slates of candidates perceived as being supportive of the CFS; this fact has since been openly acknowledged by many candidates who received such support.²⁸ In 2001, Joel Warren was elected University Relations Officer on the “Students for You” slate, allegedly with covert support from CFS-BC. Interviewed by *The Peak* two years later, Warren said “I didn’t find out until after I’d already won that it was the CFS doing it all. They made our posters. They were sending up people from other campuses to help us leaflet.” In 2002, *The Peak* reported that Warren “asserts that the posters his slate [the “Access All-Stars”] campaigned with last year used the same template used by University of Victoria students.” Jan Gunn, who was elected Internal Relations Officer on the Access All-Stars slate, admitted to working on her slate’s posters in the CFS-BC office, but claimed that the office was actually open to all students seeking to produce election campaign materials (although this alleged service has never been advertised), and further insisted that “we didn’t get any help from the federation.”²⁹ Interviewed for this paper, however, Gunn tells a different story:

²⁴ CFS, “Proposed Referendum Questions,” February 27, 2008, attached to Ben West, “Affidavit #1,” as Exhibit “C.”

²⁵ Justin Giovannetti, “Canadian Federation of Students hopeful interferes in Concordia election”; Jacob Serebrin, “Former CSU politician Caught on tape.”

²⁶ Dylan Robertson, “CFS brass accused of interfering in student union elections,” *The Varsity*, March 26, 2009, <http://thevarsity.ca/articles/18794>.

²⁷ Dylan Robertson, “CFS brass accused of interfering in student union elections”; Robyn Doolittle, “Breaking Rank,” *The Eyeopener*, April 3, 2007, <http://www.theeyeopener.com/articles/3133-Breaking-Rank>.

²⁸ SFSS, Independent Electoral Commission, “CFS Debate,” March 2008, <http://www.lidc.sfu.ca/archive/sfss/cfs/>; Derrick Harder, “The Harder Line: Federation blues,” *The Peak*, November 6, 2006, <http://web.archive.org/web/20070212050656/http://www.peak.sfu.ca/the-peak/2006-3/issue10/op-harder.html>; Andrea Sandau, Personal communication, January 2010.

²⁹ Stephen Hui, “CFS ‘meddling’ angers student leaders,” *The Peak*, February 3, 2003, <http://web.archive.org/web/20070623085648/http://www.peak.sfu.ca/the-peak/2003-1/issue5/ne-sfss2.html>.

Chapter 4. Democratic Centralism

During the 2002 election at SFU I was a member of a slate running for student office. I spent a lot of time between February and March at the BC CFS office working with Lucy Watson and Summer McFadyen on my slate's campaign material. At that time I had no ability to use editing software, particularly Photoshop and InDesign. Summer McFadyen was also new to the programs and therefore I remember that Lucy Watson did the majority of the design work on our campaign posters. I was given almost unlimited access to free photocopying for my team's Senate and Board of Governor posters. It is generally understood that a slate running for University elections has a significant electoral advantage for the concurrently run student elections because student elections are subject to a spending cap and University elections are not. I was also lent use of the CFS BC office digital camera to take photographs of my teammates. I regularly reported on the activities of my slate to McFadyen and Watson. I also received advice from them on how to run a campaign and how to control the slate. They advised me about messaging, including talking points and speeches. They provided us with a template for tabling and classroom speaking schedules.

I believe that I was given access to the CFS BC office material and staff resources because at the time I was a strong CFS supporter. Watson and McFadyen expressly stated that I was not to let other members of my slate know about the CFS BC assistance.

While I was at the CFS BC office I saw campaign posters and documents from other student unions, including the University of Victoria Student Society and the Alma Mater Society at UBC, stored on the CFS BC office internal server dating back a number of years.³⁰

In response to a draft of this paper, CFS legal counsel claims:

You cite articles by Jan Gunn and Derrick Harder regarding assistance purportedly provided by the CFS to these individuals' election campaigns. These allegations are untrue, and were provided to you by sources with an axe to grind. Ms. Gunn was a primary source for the allegations in the Peak articles found by Justice Blair to be false and defamatory of Mr. Hansen.³¹ Information from Ms. Gunn is simply not credible. Mr. Harder, at the time Copy Editor of the Peak, was a party to the successful litigation brought by Mr. Hansen. Both Ms. Gunn and Mr. Harder were initially supportive of CFS but, as you know, later changed their stories when they became a part of a faction within the CFS whose members consistently lost elections for various elected positions within the CFS. In addition, Ms. Gunn applied for a permanent staff position with a

³⁰ Jan Gunn, Personal communication, January 2010.

³¹ *Hansen v. Tilley*, 2009 BCSC 360, <http://www.courts.gov.bc.ca/jdb-txt/SC/09/03/2009BCSC0360.htm>. Joey Hansen was a former member of the CFS National Executive. The defendants have appealed this decision to the British Columbia Court of Appeal.

CFS local, and appears to blame Mr. Hansen, and by extension the leadership of the CFS, for the local's decision to hire a different candidate.³²

Gunn and Harder deny ever being part of any such faction. Gunn denies blaming Hansen or the CFS for her failure to be hired for a permanent staff position in a CFS member students' union; she further claims that she was soon hired by CUPE 3338, in a better position, and so has no reason to hold a grudge against anyone.³³ Gunn and Harder are committed social democrats; they have no ideological motivation to oppose the CFS. Furthermore, Gunn's claims regarding CFS-BC involvement in her slate's 2002 election campaign are corroborated by a second witness.³⁴

The interaction between the CFS and the various 'competing' provincial and national student organizations provides perhaps the greatest insight into the CFS's corporate self-understanding. There are many student organizations operating outside of the CFS, the most prominent being CASA and its provincial affiliates, and a number of organizations present in Québec (FEUQ, FECQ, ASSÉ, and Quebec Student Roundtable). However, there have been many other similar organizations, some of which lasted for many years, and others which, for various reasons, never actually got off the ground.

4.3 Council of Alberta University Students and Alberta College and Technical Institute Student Executive Council

As the most conservative province in Canada, it is hardly surprising that the CFS has the weakest presence in the province of Alberta. However, this does not mean that the student movement, in a broader sense of the term, does not exist within that province, simply that it takes a different form. Many of Alberta's students' unions are, in fact, very strong, and the Council of Alberta University Students (CAUS) and the Alberta College and Technical Institute Student Executive Council (ACTISEC) have developed to represent these students' unions before the provincial government. In 1992, the University of Calgary Students' Union moved a motion urging the CFS to officially recognize these organizations:

WHEREAS point 1 of the preamble in the Constitution of the Canadian Federation of Students states that a basic aim of the Federation is "To organize students on a democratic, cooperative basis";

WHEREAS point 3 of the statement of purpose in the Constitution [of] the Canadian Federation of Students states that a function of the Federation is "to promote and support the interests and activities of democratic student organizations in all provinces and at all educational institutions";

³² Wendy J. Wagner, Personal communication, February 2010.

³³ Jan Gunn, Personal communication, February 2010; Derrick Harder, Personal communication, February 2010.

³⁴ This second witness currently works in a sensitive position, and so at the present time their identity will not be revealed.

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WHEREAS two provincial student organizations, the Council of Alberta University Students (CAUS) and the Alberta Colleges and Technical Institutes Student Executive Council (ACTISEC), exist in Alberta;

WHEREAS CAUS and ACTISEC are organized on a democratic, cooperative basis;

WHEREAS all autonomous students' associations in Alberta are members of either CAUS or ACTISEC;

WHEREAS the development of a single student organization in Alberta is unlikely at the present time or in the near future, and;

WHEREAS, in the short term, an unified student movement in Alberta will only occur through cooperation between CAUS and ACTISEC, and, not through the imposition of a new organization;

BE IT RESOLVED THAT the Federation adopt the following policy: "The Federation recognizes the existence of two provincial organizations in Alberta: the Council of Alberta University Students (CAUS) and the Alberta Colleges and Technical Institutes Student Executive Council (ACTISEC). The Federation also recognizes the fact that CAUS and ACTISEC officially represent, in a democratic manner, all students at all public colleges, universities, and technical institutes in Alberta."³⁵

The motion failed, and to this day the CFS continues to refuse to recognize CAUS or ACTISEC as legitimate organizations.³⁶ During the period 1996 to 2001, the CFS actually took the position that *no provincial student movement existed whatsoever* in Alberta, simply by virtue of the fact that no Alberta students' unions were members of the CFS during those years.³⁷ A renewed CFS-Alberta representing all the students' unions that are currently members of CAUS and ACTISEC would, at least theoretically, adopt approximately the same political stances and strategies that CAUS and ACTISEC adopt at present, so the CFS's refusal to recognize CAUS and ACTISEC can not be explained by political divergences. The only rational explanation is that the CFS regards itself as the only *legitimate* manifestation of the student movement in Canada.

4.4 Canadian Alliance of Student Associations

The Canadian Alliance of Student Associations (CASA) was formed in 1995 by five students' unions: the UBC Alma Mater Society, the University of Alberta Students' Union (UASU), the University of Saskatchewan Students' Union (USSU), and the Student Society of

³⁵ CFS, NGM Minutes, November 1992, Closing Plenary, 30 (Motion 90.10.45).

³⁶ In the minutes of the April 7-8, 1984 meeting of the CFS-BC Executive Committee, CFS BC National Executive Representative Tami Roberts is recorded as stating that ACTISEC, working with the Association of Canadian Community Colleges, had "broken the Federation of Alberta Students," one of the founding organizations of the CFS. However, no details were provided as to how this was accomplished. CFS-British Columbia, Executive Committee Meeting Minutes, April 7-8, 1984, <http://www.studentunion.ca/cfs/1984/1984-05-pacific-info.pdf>.

³⁷ CFS, "National Executive Report," May 2001, 30.

McGill University.³⁸ The USSU had been a member of the CFS until 1993,³⁹ and the UASU had been a member of the CFS in the 1980s, but the other three students' unions had never been full members. For this reason, the characterization of CASA as an organization that "split" from the CFS is not entirely correct.⁴⁰ CASA is certainly more conservative than the CFS. It does not lobby for reduced tuition fees;⁴¹ its first National Director, Alex Usher, has heavily criticized "universal benefits" for students such as limited tuition fees;⁴² James Kusie, who served as National Director from 2003 to 2005, now works as a political staffer for the Conservative federal government;⁴³ Zach Churchill, the most recent National Director of CASA, is currently seeking the Liberal nomination for the Nova Scotia provincial riding of Yarmouth.⁴⁴ Nevertheless, CASA and CFS have worked together on occasion; the two organizations jointly signed sector-wide open letters to the federal government urging increased funding for post-secondary education in 1999⁴⁵ and 2003.⁴⁶

This relationship was strained somewhat in 2005 when I discovered that the CFS had registered the domain name www.casa-acae.ca, the bilingual form of CASA's name. CFS-Services Executive Director Philip Link explained that the CFS simply registered the domain name on behalf of the BC Central American Student Alliance, which he claimed was a defunct CFS subsidiary.⁴⁷ However, according to directors Kirsten Daub and Steve Stewart, the BC Central American Student Alliance (BC CASA) is in fact a fully-functioning independent organization with no links whatsoever to the CFS. In an interview, Stewart said that BC CASA "grew out of the Canadian Federation of Students in the early 1990s," and even shared its office with CFS-BC for a period of time; however, the relationship between the two organizations was purely an "informal alliance," and BC CASA "no longer had a direct relationship with the CFS since 1999." Furthermore, Stewart said that the proper translation of BC CASA's name into Spanish is "Alianza Estudiantil de Centroamérica" (AEC), so the domain name www.casa-acae.ca does not make much sense.⁴⁸

Control over the www.casa-acae.ca domain name quietly passed from the CFS in 2007 to Pablo Vivanco, ostensibly so that Vivanco could establish an Ontario Central American Student Alliance. Link also changed his story concerning the domain name, insisting that the domain name had originally been registered on behalf of a pre-existing *Ontario* organization, which

³⁸ CASA, "History of CASA."

³⁹ CFS, NGM Minutes, May 1993, 2 (Motion 93.05.06).

⁴⁰ See CFS, NGM Minutes, November 2004, 30-33 (Motion 2004/11:082).

⁴¹ Jeremy Nelson and Ed Janzen, "Just who is Hoops Harrison? Meet the man who will represent you all year long," *The Manitoban*, September 3, 1997, <http://www.archives.themanitoban.com/1997-1998/0903/news.html#news3>.

⁴² Sean Junor and Alex Usher, "Student Aid Time Bomb: The Coming Crisis in Canada's Financial Aid System," Educational Policy Institute, 2006, <http://www.educationalpolicy.org/pdf/timebomb.pdf>.

⁴³ Canada, Government Employee Directory Services, Database entry for James Kusie, <http://tinyurl.com/ygxc4gd>.

⁴⁴ *The Chronicle Herald*, "Yarmouth man to seek Grit nomination," March 25, 2010, <http://thechronicleherald.ca/NovaScotia/1173870.html>.

⁴⁵ CFS, "National Executive Report," November 1999, 7, <http://www.studentunion.ca/cfs/1999/1999-11-excreport.pdf>.

⁴⁶ Association of Universities and Colleges of Canada, "New transfer needed for post-secondary education, says letter to PM," January 11, 2004, http://www.aucc.ca/publications/media/2004/01_14_e.html.

⁴⁷ *The Manitoban*, "CASA fracas," September 28, 2005, <http://www.archives.themanitoban.com/2005-2006/0928/705.in.brief.php>.

⁴⁸ Kirsten Daub, Personal communication, January 2010; Steve Stewart, Personal communication, January 2010.

appears to be fictitious.⁴⁹ Vivanco served on the CFS-Ontario Executive Committee from 2002 to 2004, and later served as Executive Director of the Atkinson Students' Association.⁵⁰ In any event, Vivanco's alleged new organization does not appear to have actually taken shape; just in case, however, he renewed his registration of the domain name www.casa-acae.org on January 12, 2010.⁵¹ And Vivanco continues to be of service to the student movement, having served as Chief Returning Officer for the 2010 general election of the Ryerson Students' Union.⁵²

In response to a draft of this paper, Philip Link's legal counsel alleged that my paper "contains a litany of false, malicious and libelous allegations concerning Mr. Link,"⁵³ though he did not provide any detail. The information in this section is drawn from interviews, domain registry searches, and articles in student newspapers; I did not directly witness any of the events described in this section, and I cannot directly testify to the truth of any of the factual claims contained in this section. I have relied entirely on secondary sources which I have referenced, which I have no reason to believe are inaccurate.

4.5 CFS-Québec

In 2009, CFS-Québec experienced a fundamental change of leadership. The previous leadership of CFS-Québec had been highly loyal to the national CFS. However, the new CFS-Québec leadership supported the "Reform Package" put forward by the PGSS at the November 2009 Annual General Meeting of the national CFS. CFS-Québec also voted to "aid member locals and/or their individual members in evaluating their continued membership in the [CFS]."⁵⁴

In response, the national CFS purported to declare CFS-Québec no longer a provincial component of the CFS, demanded that CFS-Québec no longer use the name "Canadian Federation of Students," and demanded that all of its member students' unions in Québec pay "provincial fees" directly to the National Office – even though these students' unions would have no ability to direct how these funds would be spent.⁵⁵ In so doing, the national CFS in essence

⁴⁹ Mike Ghenu, "Rival lobby groups tussle over website: Why had the CFS registered CASA's bilingual domain name?," *The Varsity*, January 11, 2007, <http://www.thevarsity.ca/articles/16853>.

⁵⁰ York University Graduate Students' Association, "Minutes for Council, September 17, 2009," September 2009, http://www.yugsa.ca/index.php?section_id=88.

⁵¹ Better-whois.com, WHOIS database entry for [casa-acae.org](http://www.casa-acae.org), <http://www.betterwhois.com/bwhois.cgi?verification=1942&domain=casa-acae.org&submitbtn=Continue>. The registration of the domain <http://www.casa-acae.ca> was also renewed on January 12, 2010, although due to the new privacy policy of the Canadian Internet Registration Authority, we do not know whether it was Vivanco or another person who now owns this domain name.

⁵² Andrew Sitter and Nicole Miller, "Students United sweeps RSU election," *The Ryersonian*, February 10, 2010, <http://www.ryersonian.ca/article/4356/>.

⁵³ R. Alan McConchie, Personal communication, February 2010.

⁵⁴ Justin Giovannetti, "CFS split by reform proposal: Quebec branch receives legal threats after hints of reform," *The Link*, October 13, 2009, <http://www.thelinknewspaper.ca/articles/1638>.

⁵⁵ Justin Giovannetti, "CFS split by reform proposal"; Todd J. Burke, letter to CFS-Québec, September 30, 2009, <http://www.studentunion.ca/docs/cfs-letter-derecognition-cfsq.pdf>; see also Patrice Blais, letter to Todd Burke,

purported to strip the elected leadership of CFS-Québec of their right to represent the Federation's members in Québec. According to CFS-Québec leaders, "the Canadian Federation of Students is itself seeking to destroy the student movement as it stands in Quebec in order to consolidate its own grip on the province."⁵⁶ CFS-Québec has also filed a lawsuit against the CFS, alleging that provincial membership dues totaling over \$400,000 that were collected by the national organization in 2007-2009 have not been returned to the provincial component.⁵⁷

As of the publication of this paper, the matter has not yet been resolved by the courts.

4.6 British Columbia and Yukon Students' Association

In 1996, a new student representative organization took shape in British Columbia: the British Columbia and Yukon Students' Association (BCYSA). The BCYSA was formed by five small students' unions: the Yukon College Student Union, the Cariboo College Students' Society, the Northern Undergraduate Student Society, the Kwantlen Student Association, and the University College of the Fraser Valley Student Union Society,⁵⁸ on a mandate to focus on education issues and steer clear of "moral issues" such as abortion, war, and boycotts of corporations.⁵⁹ CFS-BC was very critical of the new organization; spokesperson Michael Gardiner said that "it's a concern when student associations form a separate organization, but I don't think this is an association that's going to seriously impact students in a positive way in this province – it's going to be uninfluential and essentially ineffective."⁶⁰ However, BCYSA spokesperson (and KSA President) Kathryn Fleetwood struck a more conciliatory chord, saying that "we don't want to be seen as anti CFS."⁶¹

It appears, however, that Fleetwood's olive branch to the CFS was not reciprocated. On August 13, 1997, Philip Link (CFS-BC Executive Officer, though he acted as an individual) requested, and received, permission from the governments of British Columbia and Yukon to use the name "British Columbia and Yukon Students' Association" for a to-be-incorporated organization.⁶² On that same day, Link signed a form naming the first five directors of a new

October 14, 2009, <http://www.studentunion.ca/docs/cfsq-letter-derecognition.pdf> for CFS-Québec's response to this demand.

⁵⁶ Gregory Johannson and Andrew Haig, "Quebec student movement under attack: CFS against independent union," *The Link*, October 13, 2009, <http://www.thelinknewspaper.ca/articles/1668>;

⁵⁷ Justin Giovannetti, "Quebec student unions owed \$413,302.74: lawsuit: Provincial lobby group claims fees were not returned over three-year period," *The Link*, January 26, 2010, <http://thelinknewspaper.com/articles/2128>.

⁵⁸ Scott Newman, "The (CFS)-Files," *The Peak*, February 23, 1998, <http://web.archive.org/web/19981205100550/www.peak.sfu.ca/the-peak/98-1/issue7/cfs.html>.

⁵⁹ Dave Sturgeon, "B.C. Campuses seek representation," *The Peak*, October 21, 1996, <http://web.archive.org/web/19981205111003/www.peak.sfu.ca/the-peak/96-3/issue8/bcsa.html>.

⁶⁰ Chris Nuttall-Smith, "BC colleges strike new organisation," *The Ubysey*, January 10, 1997, 2, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1997_01_10.pdf.

⁶¹ Dave Sturgeon, "B.C. Campuses seek representation."

⁶² Dagmar Belman, "Approval to Use Initials 'B.C.' or Words 'British Columbia' in a Name," memorandum to Philip Link, August 13, 1997, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-permission-bc.pdf>; M. Richard Roberts, letter to Philip Link, August 13, 1997, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-permission-yukon.pdf>.

Society, the British Columbia and Yukon Students' Association. These five directors were himself (as President), Julian Albanese, Mihran Keurdian, Theresa Sabourin, and Linda Szasz.⁶³ The new Society, which was incorporated on June 9, 1998,⁶⁴ had its headquarters in Link's apartment.⁶⁵ The signatures of the five incorporators were witnessed by Zahra Habib (CFS-BC Internal Assistant, though she acted as an individual).⁶⁶

Albanese, Keurdian, Sabourin and Szasz were all active in the CFS. Albanese attended several National General Meetings as a representative of the Capilano Students' Union,⁶⁷ and in 1997 served on the CFS-BC Executive Committee.⁶⁸ Keurdian served as CFS-BC Treasurer in 1993-1994, during which time he was a spokesperson for CFS-BC in its unsuccessful campaign to prevent the disaffiliation of the Langara Students' Union from the CFS (see pages 305-306); in 1997-1999, he represented the Students' Union of Vancouver Community College's predecessor organizations at several CFS National General Meetings.⁶⁹ Linda Szasz represented the Emily Carr Students' Union and the University of Victoria Students' Society at several National General Meetings;⁷⁰ corporate registry records indicate that she served as the Resource Coordinator of the University of Victoria Students' Society in 1998.⁷¹ Theresa Sabourin represented the University of Victoria Students' Society and the Malaspina Students' Union at several National General Meetings from 1995 to 1999;⁷² she sat on the CFS-BC Executive Committee from 1996 to 1997;⁷³ and she would go on to serve as CFS Maritimes Organiser from 2001 to 2004.⁷⁴ (Szasz and Habib were listed on the CFS's SFSS Referendum Campaign Plan in 2008.⁷⁵)

⁶³ Philip Link, "List of First Directors of British Columbia and Yukon Students' Association," August 13, 1997, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-first-directors.pdf>.

⁶⁴ John S. Powell, Certificate of Incorporation of the British Columbia and Yukon Students' Association, June 9, 1998, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-certificate-of-incorporation.pdf>.

⁶⁵ Philip Link, "Notice of Address of Society," June 5, 1998, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-address.pdf>.

⁶⁶ British Columbia and Yukon Students' Association (incorporated entity), "Bylaws," June 5, 1998, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-constitution-bylaws.pdf>.

⁶⁷ CFS, NGM Minutes, May 1997, Appendix B; CFS, NGM Minutes, November 1997, Appendix B; CFS, NGM Minutes, May 1998, Attendance Roster.

⁶⁸ CFS-British Columbia, "Annual Report," 1997, filed with BC Registry Services, Society #S-18800, <http://www.studentunion.ca/docs/cfs-bc-annual-report-1997.pdf>.

⁶⁹ CFS, NGM Minutes, November 1997, Appendix B; CFS, NGM Minutes, November 1998, Attendance Roster; CFS, NGM Minutes, May 1999, Attendance Roster.

⁷⁰ CFS, NGM Minutes, May 1997, Appendix B; CFS, NGM Minutes, May 1998, Attendance Roster; CFS, NGM Minutes, May 1999, Attendance Roster.

⁷¹ University of Victoria Students' Society, "Annual Report," 1998, filed with BC Registry Services, Society #S-6839, <http://www.studentunion.ca/docs/uvss-1998-annual-report.pdf>.

⁷² CFS, "Organizational Development Committee Report," November 1995; CFS, "Budget Committee Report," May 1996, <http://www.studentunion.ca/cfs/1996/1996-05-cteagendas.pdf>; CFS, NGM Minutes, November 1998, Attendance Roster; CFS, NGM Minutes, May 1999, Attendance Roster; CFS, NGM Minutes, November 1999, Attendance Roster;

⁷³ CFS-British Columbia, "Annual Report," 1996, filed with BC Registry Services, Society #S-18800, <http://www.studentunion.ca/docs/cfs-bc-annual-report-1996.pdf>; CFS-British Columbia, "Annual Report," 1997.

⁷⁴ CFS, "National Executive Report," November 2001, 46; CFS, "National Executive Report," November 2004, 51, <http://www.studentunion.ca/cfs/2004/2004-11-execreport.pdf>.

⁷⁵ CFS, "Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society."

The Constitution and Bylaws of this new Society were most peculiar. The “Purposes of the Association,” as stated in the Constitution, were extremely similar to the Preamble of the CFS.⁷⁶ The Bylaws provided that only individuals (students or otherwise) could become members of the BCYSA, not student associations; that members would be required to pay a fee of not less than \$25 per year; and that new members would have to be admitted by a vote of the Board of Directors.⁷⁷ This meant that the incorporated BCYSA had a structure radically different than the unincorporated BCYSA, which was intended to be an alliance of students’ unions. In fact, the Bylaws of the incorporated BCYSA made it *impossible* for such an organization to function as an alliance of students’ unions.

Most importantly, the formation of the incorporated BCYSA was done without the consent or knowledge of the students’ unions that were actually involved in the governance of the unincorporated BCYSA. When the KSA (which continued to play a leadership role in the unincorporated BCYSA) attempted to file a Notice of Address setting out the BCYSA’s address as identical to that of the KSA, its application was rejected on the grounds that it was not a member of the BCYSA.⁷⁸ At a contentious meeting of the *unincorporated* BCYSA held on July 15 – 17, 1999, the KSA set out its concerns, which are recorded in the minutes of the meeting as follows:

- (1) In 1997, the idea of the BCYSA emerged but was never legally incorporated.
- (2) At the June 1998 conference, seven new schools, making the majority of BC institutions members of the BCYSA. The BCYSA laid dormant until April 1999.
- (3) In April 1999, it came to a member’s attention that the BCYSA was incorporated but not by the executive elected at the June conference. Documents received by the Registrar of Societies plainly made clear that the BCYSA was registered by BC CFS staff who had never previously attended a meeting.
- (4) Particular individuals (D. Barron, A. Barlett, B. Bleackley, R. Marshall, S. Martin) from various institutions who were interested in a provincial student organization began discussions on creating a new society. The rationale for the secrecy (“perceived underhandedness”) in creating the BCASA was to ensure that this new organization would not encounter similar difficulties from years previous. Dawn apologized to the CFS member schools who were unaware of this situation, however, she felt that they had acted accordingly.⁷⁹

Rather than fight Link for the rights to the name “British Columbia and Yukon Students’ Association,” it was proposed that the unincorporated BCYSA simply incorporate under a

⁷⁶ BCYSA (incorporated entity), “Constitution,” June 5, 1998, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-constitution-bylaws.pdf>.

⁷⁷ BCYSA (incorporated entity), “Bylaws.”

⁷⁸ Dawn Barron, “Notice of Address of Society,” 1999, filed with BC Registry Services, Society #S-38449, <http://www.studentunion.ca/docs/bcysa-ksa-attempt-set-address.pdf>; British Columbia, BC Registry Services, “Notice, Societies,” June 10, 1999, <http://www.studentunion.ca/docs/bcysa-ksa-refund-not-a-member.pdf>.

⁷⁹ BCYSA (unincorporated entity), “Minutes: British Columbia and Yukon Student Association (Un-incorporated): Summer Conference: July 15 – 17, 1999,” July 1999, 2-3, <http://www.studentunion.ca/docs/BCYSA-minutes-1999-07.pdf> (document on file with the Kwantlen Student Association).

slightly different name: “British Columbia Alliance of Student Associations.” This proposal was controversial; University of Victoria Students’ Society delegate Morgan Stewart insisted “that BCYSA was indeed an organization because the members can meet and have a voice. He then stated that UVic could not be part of the new organization.”⁸⁰ In the end, however, the assembled delegates decided to change their name to “Association of British Columbia Student Councils” (ABCSC), and to incorporate the organization under this name.⁸¹ This Association was indeed incorporated, and held its inaugural conference on November 5-7, 1999.⁸² The inaugural five-person Board of Directors of the ABCSC notably included CFS-BC political operative Summer McFadyen.⁸³ Shortly after incorporation, however, ABCSC became defunct.

CFS legal counsel denies that McFadyen ever acted on instructions from CFS-BC in her capacity as an ABCSC board member, denies that McFadyen was in any way responsible for the collapse of ABCSC, and claims that ABCSC became defunct “because of the existence of separate factions among its membership which held irreconcilable visions for post-secondary education in BC.”⁸⁴

In response to a draft of this paper, Philip Link’s legal counsel alleged that my paper “contains a litany of false, malicious and libelous allegations concerning Mr. Link,”⁸⁵ though he did not provide any detail. The information in this section is drawn from meeting minutes, corporate records, and articles in student newspapers; I did not directly witness any of the events described in this section, and I cannot directly testify to the truth of any of the factual claims contained in this section. I have relied entirely on secondary sources which I have referenced, which I have no reason to believe are inaccurate.

4.7 Canadian Congress of Student Associations

Originally founded in 2001, the Canadian Congress of Student Associations (CCSA) was organized as a “convergence of conferences” that had previously been held on an annual basis for the staff and elected officials of students’ unions.⁸⁶ These conferences were:

⁸⁰ *Ibid.*, 3.

⁸¹ *Ibid.*, 13 (Motion 99/07/17–06).

⁸² Association of British Columbia Student Councils, “Minutes: Association of British Columbia Student Councils: Fall Conference: November 5 – 7, 1999,” November 1999, <http://www.studentunion.ca/docs/ABCSC-minutes-1999-11.pdf> (document on file with the Kwantlen Student Association).

⁸³ Association of British Columbia Student Councils, “Constitution of the British Columbia Association of Student Councils (ABCSC),” October 2, 1999, 15, <http://www.studentunion.ca/docs/ABCSC-constitution-bylaws.pdf> (document on file with the Kwantlen Student Association).

⁸⁴ Wendy J. Wagner, Personal communication, February 2010.

⁸⁵ R. Alan McConchie, Personal communication, February 2010.

⁸⁶ CCSA (unincorporated entity), “FAQ,” 2001, <http://web.archive.org/web/20041221221312/www.samrc.com/ccsa/faq.htm>; Wendy Maloff, “Student politicians converge on Calgary,” *The Gauntlet*, June 7, 2001, <http://thegauntlet.ca/story/2208>.

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- The annual conference of the Association of Managers in Canadian College, University, and Student Centres (AMICCUS-C), a professional association for managers of students' unions and student centres.
- The annual conference of the Canadian Organization of Campus Activities (COCA), a professional association for events and programming staff at students' unions and student centres.
- SuperCon, "an annual student leader orientation aimed to take place at the beginning of the elected student terms in office," covering "personal leadership development, revenue generation opportunities, the National and Provincial political environment, matters of common academic concern as well as the organizational aspects of running a Students' representative organization."⁸⁷
- MoneyCon, a conference of students' union elected officials responsible for finances.⁸⁸
- Canadian Academic Round Table (CART), a conference of students' union elected officials responsible for academic affairs.⁸⁹

SuperCon, MoneyCon, and CART were all unincorporated organizations, existing solely for the purpose of holding an annual conference for students' union leaders, while COCA and AMICCUS-C were established, incorporated organizations (which still exist today). CCSA was hosted by the University of Calgary Students' Union and the Students' Association of Mount Royal College in 2001, by the York University Student Centre in 2002, by the Saint Mary's University Students' Association and the Dalhousie Student Union in 2003, by the University of Manitoba Students' Union and the Red River College Students' Association in 2004,⁹⁰ and by the Students' Union of Vancouver Community College in 2005.⁹¹ The conference was designated "a-political."⁹²

However, by its very existence, CCSA created an alternative mechanism for students' union leaders to network, exchange information, and receive training relevant to their positions, making the organization a competitor to a similar service offered by many CFS provincial components: the Skills Development Weekend/Symposium. Since one of the purposes of the CFS is to provide an opportunity for students' unions to work together, CCSA actually slightly

⁸⁷ CCSA (unincorporated entity), "Delegates," 2001, <http://web.archive.org/web/20041221221433/www.samrc.com/ccsa/delegates.htm>.

⁸⁸ Tyler Botten, "Congress of Canadian Student Associations," June 3, 2003, attached to University of Alberta Students' Union, "Students' Council Late Additions," Students' Council meeting for June 3, 2003, http://www.su.ualberta.ca/student_government/students_council/archive/2003-2004A/03-04-A2.

⁸⁹ Janet Lo, "Report on the Canadian Congress of Students' Associations (CCSA), 21 MAY to 25 MAY," June 3, 2003, attached to University of Alberta Students' Union, "Students' Council Late Additions," Students' Council meeting for June 3, 2003, http://www.su.ualberta.ca/student_government/students_council/archive/2003-2004A/03-04-A2.

⁹⁰ Data from <http://web.archive.org/web/20041206143434/www.ccsaonline.org>.

⁹¹ Graham Lettner, "President's Report to Council," May 29, 2005, attached to University of Alberta Students' Union, "Students' Council Late Additions," Students' Council meeting for May 31, 2005, http://www.su.ualberta.ca/student_government/students_council/archive/2005-2006A/05-03-L.

⁹² CCSA (unincorporated entity), "FAQ."

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undermined the attraction of the CFS to non-members, and made disaffiliation from the national organization that more attractive and conceivable to dissatisfied members. In addition, SuperCon could hardly be described as “a-political”; in 2001, it organized two education sessions entitled “Politics/political criticism/lobbying from a left perspective” and “Politics/political criticism/lobbying from a right perspective.”⁹³ By suggesting that students’ unions could reasonably adopt either left-wing or right-wing politics, SuperCon implicitly rejected the Marxian view that students constituted a class with objective (left-wing) political interests, and increased the likelihood that some students’ union leaders might question CFS political policy.

In 2004 and 2005, the CCSA, SuperCon, MoneyCon, and CART were all surreptitiously incorporated and directed by individuals whose only commonality was their close affiliation to the CFS. These individuals were:

DIRECTORS OF THE CANADIAN CONGRESS OF STUDENT ASSOCIATIONS (INCORPORATED) AND ITS AFFILIATED CONFERENCES		
Name	Position(s) held at time of incorporation / appointment	Subsequent positions
Canadian Congress of Student Associations⁹⁴ (incorporated August 8, 2005)		
Sarah Amyot	University of Winnipeg Students’ Association General Coordinator ⁹⁵ and CFS National Women’s Representative ⁹⁶	University of Victoria graduate student ⁹⁷
Amanda Aziz	CFS Manitoba National Executive Representative ⁹⁸	CFS National Chairperson; ⁹⁹ briefly CFS-BC Organiser ¹⁰⁰
Jeremy Salter	President of the Continuing Education Students’ Association at Ryerson ¹⁰¹	Executive Director, York Federation of Students ¹⁰²
SuperConference¹⁰³ (incorporated August 8, 2005)		
Sarah Amyot	See above	See above

⁹³ CCSA (unincorporated entity), “Education Sessions,” 2001, http://web.archive.org/web/20041221221206/www.samrc.com/ccsa/ed_sessions.htm.

⁹⁴ CCSA (incorporated entity), “Letters Patent,” August 8, 2005, filed with Corporations Canada, Corporation #4315081, <http://www.studentunion.ca/docs/ccsa-bylaws.pdf>.

⁹⁵ Vivian Belik, “Honorary Degree Creates Firestorm of Controversy Between University Administration and Students’ Association: Opposing Camps Cast Madeleine Albright as both Sinner and Saint,” *The Uniter*, October 20, 2005, <http://archive.uniter.ca/view.php?aid=38255>.

⁹⁶ CFS, NGM Minutes, November 2005, Attendance Roster.

⁹⁷ University of Victoria, “University of Victoria Senate: July 1, 2009 – June 30, 2010,” <http://www.uvic.ca/universitysecretary/senate/membership/>.

⁹⁸ CFS, NGM Minutes, November 2005, Attendance Roster.

⁹⁹ CFS, NGM Minutes, November 2006, Attendance Roster.

¹⁰⁰ Shamus Reid, Personal communication, October 2008.

¹⁰¹ Sonja Puzic, “A juggling act,” *The Eyeopener*, September 20, 2005, <http://www.theeyeopener.com/articles/1904-A-juggling-act>.

¹⁰² York Federation of Students, “Staff,” <http://yfs.ca/section/259>.

¹⁰³ SuperConference (incorporated entity), “Letters Patent,” August 8, 2005, filed with Corporations Canada, Corporation #4315090, <http://www.studentunion.ca/docs/supercon-bylaws.pdf>.

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Amanda Aziz	See above	See above
Jeremy Salter	See above	See above
MoneyCon¹⁰⁴ (incorporated December 12, 2004)		
Amanda Aziz	President, University of Manitoba Students' Union ¹⁰⁵	See above
George Soule	CFS National Chairperson ¹⁰⁶	CFS-Québec Organiser; ¹⁰⁷ NDP Regional Media Officer and Caucus Press Secretary ¹⁰⁸
Jesse Greener	Chairperson, CFS-Ontario ¹⁰⁹	CFS-Ontario Campaigns and Government Relations Coordinator; ¹¹⁰ President, University of Toronto Postdoctoral Association ¹¹¹
Pat Barbosa (appointed to the MoneyCon Board post-incorporation)	Malaspina Students' Union executive ¹¹²	Okanagan College Students' Union Organizer; CFS-BC Treasurer; Vancouver Island University Students' Union Resource Coordinator – Organising and Development ¹¹³
Shamus Reid (appointed to the MoneyCon Board post-incorporation)	Member of the Board of Directors of the University of Victoria Students' Society and representative to the CFS-BC Executive Committee ¹¹⁴	CFS BC National Executive Representative; ¹¹⁵ CFS-BC Chairperson ¹¹⁶

¹⁰⁴ MoneyCon (incorporated entity), "Letters Patent," October 12, 2004, filed with Corporations Canada, Corporation #4264215, <http://www.studentunion.ca/docs/moneycon-bylaws.pdf>; Canada, Corporations Canada, database entry for MoneyCon, Corporation #4264215, http://strategis.ic.gc.ca/cgi-bin/sc_mrksv/corpdire/dataOnline/corpnselect?company_select=4264215.

¹⁰⁵ Robert Kotyk, "Manitoba tops list in annual education report," *The Peak*, September 13, 2004, <http://www.peak.sfu.ca/the-peak/2004-3/issue2/ne-ranks.html>.

¹⁰⁶ CFS, NGM Minutes, November 2004, Attendance Roster.

¹⁰⁷ Rita Cant and Guiseppe Valiante, "Quebec student lobby group stuck in court: Members battle over who's in charge, others threaten to pull out altogether," *The Link*, August 28, 2007, <http://thelink.concordia.ca/view.php?aid=39761>.

¹⁰⁸ Canada, Government Electronic Directory Services, Database entry for George Soule, <http://tinyurl.com/yfg9lzb>.

¹⁰⁹ CFS, NGM Minutes, November 2004, Attendance Roster.

¹¹⁰ CFS-Ontario, "Students Hopeful Infrastructure Announcement Will Meet Their Demands: Call on Government to Release Remaining Federal Funding," January 29, 2008, http://www.cfs-fcee.ca/html/english/media/mediapage.php?release_id=889.

¹¹¹ University of Toronto Postdoctoral Association, "Executive Officers," <http://sites.google.com/site/torontopostdoc/contactus>.

¹¹² CFS, NGM Minutes, May 2005, Attendance Roster.

¹¹³ Vancouver Island University Students' Union, Staff listing, <http://viusu.ca/section/26>.

¹¹⁴ University of Victoria Students' Society, Board of Directors Meeting Minutes, July 19, 2005, 3, <http://www.uvss.uvic.ca/upload/docs/meetings,%20agendas,%20minutes/minutes%202005-07-19.pdf>.

¹¹⁵ CFS, NGM Minutes, May 2007, Attendance Roster.

¹¹⁶ CFS-British Columbia, "Current British Columbia Executive Committee," <http://www.cfs.bc.ca/contact.php>.

Chapter 4. Democratic Centralism

Canadian Academic Roundtable ¹¹⁷ (incorporated August 30, 2004)		
Jeremy Salter	See above	See above
Kelly Holloway	Chairperson of the CFS National Graduate Caucus ¹¹⁸	President, York University Graduate Students' Association ¹¹⁹ ; CFS-Ontario Task Force on Campus Racism Coordinator ¹²⁰
Caitlin Brown	University of Winnipeg Students' Association staff person	Unknown
James Bouen (appointed to the CART Board post-incorporation)	Unknown	Unknown

(Eight out of ten of these individuals were identified on the CFS's SFSS Referendum Campaign Plan as possible campaigners.¹²¹)

As with the BCYSA, the Bylaws of the incorporated CCSA, SuperCon, MoneyCon, and CART bore no relation whatsoever to the governance structures of the unincorporated organizations that existed previously. The Bylaws of SuperCon, MoneyCon, and CART all provided for a self-perpetuating membership of no more than nine individuals, who would elect a three-person Board of Directors. The Bylaws of the CCSA provided for a membership consisting solely of individuals (not students' unions), chosen by the CCSA Board of Directors, which consisted of the Chairpersons of SuperCon, MoneyCon, and CART. The entire structure was therefore completely immune to any form of democratic control by the students' unions that had previously governed the CCSA pre-incorporation, and in fact was designed in a manner that ensured that no students' unions could ever exercise any form of control over the organizations. The individuals listed in the above table had essentially arrogated to themselves absolute power over the future direction of the Canadian Congress of Student Associations and its affiliates.¹²²

All of these Bylaws were adopted in secret, without any consultation whatsoever with the students' unions who were actually interested in the operations of the CCSA. None of these corporations actually *did* anything; their only purpose was to occupy space in the database of

¹¹⁷ Canadian Academic Roundtable (incorporated entity), "Letters Patent," August 30, 2004, filed with Corporations Canada, Corporation #4255208, <http://www.studentunion.ca/docs/cart-bylaws.pdf>; Canada, Corporations Canada, database entry for Canadian Academic Roundtable, Corporation #4255208, http://strategis.ic.gc.ca/cgi-bin/sc_mrksv/corpcdir/dataOnline/corpn_re?company_select=4255208.

¹¹⁸ CFS, NGM Minutes, November 2004, Attendance Roster.

¹¹⁹ York University Graduate Students' Association, "2007-2008 Elections Report" and "2008-2009 Elections Report," http://www.yugsa.ca/index.php?section_id=50.

¹²⁰ CFS-Ontario, "Canadian Federation of Students-Ontario to launch Task Force on Campus Racism," February 16, 2009, http://www.noracism.ca/index.php?section_id=24.

¹²¹ CFS, "Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society."

¹²² CCSA (incorporated entity), "Canadian Congress of Student Associations (CCSA) Bylaws," October 16, 2005, filed with Corporations Canada, Corporation #4315081, <http://www.studentunion.ca/docs/ccsa-bylaws.pdf>; CART (incorporated entity), "Canadian Academic Round Table Bylaws," August 4, 2004, filed with Corporations Canada, Corporation #4255208, <http://www.studentunion.ca/docs/cart-bylaws.pdf>; SuperConference (incorporated entity), "SuperConference (SuperCon) Bylaws," October 16, 2005, filed with Corporations Canada, Corporation #4315090, <http://www.studentunion.ca/docs/supercon-bylaws.pdf>; MoneyCon (incorporated entity), "Moneycon Bylaws," August 4, 2004, filed with Corporations Canada, Corporation #4264215, <http://www.studentunion.ca/docs/moneycon-bylaws.pdf>.

Corporations Canada, preventing any other individuals from exercising any leadership over the CCSA. Under the leadership of Aziz, Salter, and Amyot (the Board of Directors of the CCSA, and presumably the ‘chairpersons’ of SuperCon, MoneyCon, and CART), the CCSA became defunct, ending a long history of conferences of students’ union leaders — and leaving the CFS as the only stable organization available to provide such training opportunities.

In response to a draft of this paper, CFS legal counsel claims:

You describe a series of conferences collectively referred to as CCSA, and describe the individuals who created legal entities for these conferences as having as their only commonality a “... close affiliation to the CFS.” This is untrue. All of these individuals were duly elected to the steering committees of the conferences they sought to incorporate by the student unions attending the conferences. A decision was made to incorporate in order to limit the exposure of the conference hosts to liability for any accident or other incident that may have occurred at the conferences. This followed a precedent created by the two other organizations/conferences (AMICCUS-C and COCA) that comprised CCSA. Once incorporated, these organizations took responsibility for organizing the speakers/events at the conferences from which they derived their name. Your assertion that these entities did nothing other than “...occupy space in the database of Corporations Canada...” is false and defamatory.¹²³

The CFS’s claim that its various political operatives were “elected to the steering committees of the conferences they sought to incorporate” may be true, but is irrelevant to the point that I am making, since the individuals who were “elected” completely ignored the constituents who elected them. The CFS’s claim that the CCSA was incorporated “in order to limit the exposure of the conference hosts to liability” ignores the blatantly undemocratic nature of the bylaws, the absolute secrecy surrounding the incorporation, and the simple fact that subsequent to the CCSA’s incorporation, no conferences were ever held for which hosts might potentially be exposed to liability. The comparison with AMICCUS-C and COCA ignores the fact that AMICCUS-C and COCA *actually continue to function*. Contrary to the CFS’s claim, CCSA Incorporated never “took responsibility for organizing the speakers/events” at even a single actual conference.

4.8 Analysis

These acts of corporate sabotage on the part of the Canadian Federation of Students and its most senior political bureaucrats should not simply be seen as merely the Machiavellian maneuverings of an organization bent on maintaining monopoly control over its members. These acts are reflective of a political ideology which sees the CFS as the *only legitimate voice* for students in Canada, and which believes that the CFS and its senior operatives are entitled to do anything – ethical or otherwise – to maintain this legitimacy. This ideology, a form of the philosophy of democratic centralism that lies at the center of Communist organising practices, appears to be deeply ingrained in the corporate culture of the CFS, at least at the senior levels.

¹²³ Wendy J. Wagner, Personal communication, February 2010.

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Ian Boyko's suggestion that laws should be adopted requiring all students' unions to be members of the CFS is completely consistent with this philosophy. For Boyko, students' unions and the CFS do not acquire their legitimacy through democratic referenda; rather, their legitimacy is inherent in their simple existence. It is true that CFS Bylaws require a referendum to join the organization, and purport to allow a students' union to withdraw from the organization by a referendum as well. However, the CFS's practices suggest that the organization does not actually believe that democracy is a necessary or desirable feature in the student movement.

Therefore, it should hardly be surprising that the CFS has adopted a set of rules and practices in relation to affiliation/disaffiliation referenda that suppress freedom of speech and violate democratic standards of fairness, transparency, and equality of treatment. For the CFS's most senior political operatives, the only 'democratic' vote in a referendum on CFS membership is 'Yes.'

Chapter 5

The Rise of the *Nomenklatura*

5.1 Frampton's "Strength in Numbers?"

In October 2007, SFU graduate student Caelie Frampton began a debate within the Canadian radical left concerning the state of the Canadian student movement, through an article published in *Upping The Anti* entitled "Strength in Numbers? Why Radical Students Need a New Organizing Model."¹ Frampton reviewed numerous incidents of questionable financial transactions, hiring practices, and interference in students' union elections on the part of the CFS and its affiliates. She also reviewed the CFS's services arm, which she characterized as "the corporate section of the organization,"² and argued that these services did not help the student movement but rather made students dependent on the corporations that the CFS partnered with. Frampton argued that "the CFS needs to control student union locals in order to ensure the overall stability of its bureaucratic structure and moneymaking 'services.' Leaders must attempt to maintain not only the organization's structure, but also their paid positions."³ Furthermore, Frampton argued that the CFS is inherently bureaucratic:

Because of its structure, the CFS is inevitably bureaucratic. At the local level, student unions develop their own bureaucratic structures and institutional inertia. But when these student unions buttress another well-funded level of bureaucracy at the national level – where it is unaccountable to students at large – the problem is intensified. The CFS staff is largely made up of former student politicians who have worked with the organization for dozens of years. Staffed at the national office by bureaucrats receiving comfortable salaries, the CFS is out of touch with the precarious experiences of the students who make up their membership. The transitory nature of student life means that the established bureaucracy, with its institutional memory and permanent staff, has a built-in advantage over rank-and-file student activists seeking to change the CFS.⁴

Frampton argued that "because of its bureaucratic structure, the CFS has become incapable of responding productively to student initiatives or mobilizations from below."⁵ She suggested the formation of an independent radical-left organization similar to the Direct Action Solidarity Network (the publisher of *The Student Activist* in the late 1990s) that could operate independently of the CFS bureaucracy, and push the student movement in a more left-wing direction.

¹ Caelie Frampton, "Strength in Numbers?"

² *Ibid.*, 102.

³ *Ibid.*, 106.

⁴ *Ibid.*, 107-108.

⁵ *Ibid.*, 102.

In response to a draft of this paper, CFS legal counsel claims:

You quote an October 27 article by SFU Graduate Student Cailie [*sic*] Frampton where she characterized the services provided by the Federation as making "...students dependant on the corporations that the CFS partnered with." You then state that "[l]eaders must attempt to maintain not only the organization's structure, but also their paid positions," which statement is clearly intended to convey, and does convey, that the CFS takes improper measures to maintain the current power structure within the CFS, including for material gain.

Your allegation that the services provided by the CFS serve only to make student unions dependant on the corporate services provider is patently false. For example, the extended health and dental plans provided through CFS' National Student Health Network may be terminated on 30 days notice, while the CFS' competitors require multi-year deals with no provision for early termination. You are well aware of this given that both your current employer (McGill PGSS) and former employer (the Kwantlen Students' Association) have plans with providers other than the CFS.

Your implication that the directors of the CFS are motivated by material gain is internally self-contradicted by your admission at page [125] that the pay for this full-time position is "extremely low" for the amount of hours required of the individual. You have no basis for your implied allegation that the CFS directors are motivated by material gain, and in fact, contradict your own allegation by admitted [*sic*] that this is a poorly paid position.⁶

I actually agree with the CFS that due to the early-termination provisions of the CFS's National Student Health Network, students' unions who use this plan are less "dependent" on their health insurance provider than students' unions who partner with other competing organizations. (I have not examined more generally the relative merits of the various health plans that are available in Canada, and such an examination is far beyond the scope of this paper.)

However, I do not agree with the CFS's insistence that its directors are not "motivated by material gain." Material gain is a motivating factor for virtually all human beings, and I do not believe that the simple desire to make a living is inherently a bad thing. The famous organizational sociologist Scott Adams has written a great deal about how bureaucracies tend to "maintain the current power structure."⁷ With respect to the CFS's at-large executive officers, it should be noted that the great majority of recent at-large executive officers have been hired to much more lucrative permanent staff positions within the CFS or one of its provincial components or local students' unions shortly after the end of their elected term of office.

⁶ Wendy J. Wagner, Personal communication, February 2010.

⁷ Scott Adams, *Dilbert* (series), <http://www.dilbert.com/>.

5.2 Newstadt's "Accounting for the Student Movement in Canada"

Eric Newstadt, former Deputy Chairperson⁸ and Chairperson⁹ of the CFS National Graduate Caucus (and current Ryerson Student Centre general manager¹⁰), responded to Frampton in the following issue of *Upping The Anti* through an article entitled "Accounting for the Student Movement in Canada."¹¹ Newstadt noted Frampton's claims

that the CFS bureaucracy, in an effort to preserve and reproduce its 'structure,' interferes with student elections; prevents member locals from developing 'autonomous hiring practices'; doesn't adequately address the concerns of aboriginal students; mongers fear of right-wing and far-left student movements to maintain control; organizes national and provincial meetings to prevent and control dissent; hires only former student politicians; and threatens student newspapers to prevent critique.¹²

However, he insisted that these claims were all "uncorroborated," the product of her reliance on "doubtful sources: right-wing student journalists who purport to be 'objective,' the drivel put out by right-wing bloggers, and a smattering of interviews."¹³ Newstadt criticized Frampton for not examining the CFS's publicly available documents, such as its meeting minutes and budget. In contrast, Newstadt said, "mainstream (typically liberal and Weberian) analyses of bureaucratic structures" generally involve a careful, systematic examination of how power is distributed within the various components of an organization: the leadership, the membership, and the staff.¹⁴

With specific reference to Frampton's claims about CFS loyalists inappropriately involving themselves in students' union elections, Newstadt said that there was nothing wrong with "networks of activists work[ing] cooperatively to preserve a well-resourced organizational apparatus." He said that "local student union staffers, as well as former and current student leaders might, during their off-hours, get involved in supporting their friends and allies running as candidates in student union elections," but argued that this was no different than government workers supporting their favoured political party during their off-hours.¹⁵ (Senior permanent government employees are forbidden from partisan political activity in Canada;¹⁶ all employees of CUPE are forbidden from partisan political activity in all CUPE internal elections.¹⁷) In

⁸ CFS, National Graduate Caucus Minutes, February 2005, 12, http://www.studentunion.ca/cfs/2005/2005-05_ctteagendas_researchdigest.pdf.

⁹ CFS, NGM Minutes, May 2007, Attendance.

¹⁰ Carys Mills, "RSU execs, staff on the hook for \$70K," *The Eyeopener*, January 12, 2010, <http://www.theeyeopener.com/articles/4387-RSU-execs-staff-on-the-hook-for-70K>.

¹¹ Eric Newstadt, "Accounting for the Student Movement in Canada: A response to Caelie Frampton," *Upping The Anti: A Journal of Theory and Action*, no. 6, May 2008, 95-107, http://tao.ca/~tom/journal/journal6/UTA_6_LAYOUT_APRIL_8.pdf.

¹² *Ibid.* 96.

¹³ *Ibid.*, 98. For the record, several of the journalists whom Newstadt immediately dismisses solely due to their supposed political viewpoints could hardly be described as "right-wing." Stephen Hui was a co-founder of the left-wing magazine *Seven Oaks*; Derrick Harder is a constituency assistant for BC NDP MLA Adrian Dix.

¹⁴ *Ibid.*, 97.

¹⁵ *Ibid.*, 100.

¹⁶ Canada, Public Service Commission of Canada, "Public Service Impartiality: Taking Stock," July 2008, 29-32, <http://www.psc-cfp.gc.ca/plcy-pltq/rprt/impart/impart-eng.pdf>.

¹⁷ Canadian Union of Public Employees, "Constitution 2007," 2007, 43, <http://cupe.ca/updir/Constitution07.pdf>.

contrast, Newstadt identified the involvement of the Conservative and Liberal Parties (the parties of the “ruling class”) in campus elections as being of much greater concern.¹⁸

Newstadt does offer some suggestions for improving the CFS: increasing its research work on commercialization within the post-secondary education sector, strengthening its relationships with its coalition partners (particularly with organized labour), and openly criticizing “capitalism” by name. He recognizes that the CFS is not radical but argues that it could become a “catalyst for radical politics” if only radicals such as Frampton were to cease their criticisms of the organization.¹⁹ Newstadt insists that “the Canadian Federation of Students (CFS) does not need organizational reform,”²⁰ and that left-wing radicals “will not up any anti by being, even temporarily, anti-CFS.”²¹

There is much to criticize in Newstadt’s article, and Frampton effectively responds to many of Newstadt’s arguments in her reply.²² Nonetheless, Newstadt is correct to point out two weaknesses in Frampton’s article: her reliance on secondary sources, and her non-systematic approach to analyzing the relationships of power that exist between the CFS’s membership, leadership, and bureaucracy. In the remainder of this chapter, I hope to conduct such an analysis (to the best of my ability), drawing on the insights of Max Weber and two of his followers on how mandatory-membership democratic organizations tend to function in practice. And I will rely heavily on internal CFS documents in my analysis – both the general meeting minutes that Newstadt is so fond of, as well as a number of other relevant internal documents.

5.3 Weber’s *Theory of Social and Economic Organization*

Max Weber was a German lawyer, economist, and sociologist active in the 19th and early 20th centuries. Weber was a pioneer in the field of sociology, and much of his work on bureaucracies remains relevant to modern-day sociologists. Weber’s *The Theory of Social and Economic Organization*, originally published in 1920, provides a comprehensive picture of his theories on both economic and sociological questions. Central to Weber’s sociological theories was his belief that “social collectivities, such as states, associations, business corporations, [and] foundations” could not be treated “as if they were individual persons,” but rather must be understood “as *solely* the resultants and modes of organization of the particular acts of individual persons.”²³

Weber’s theory of the sociology of organizations is based on the concept of the “corporate group,” which he defines as “a social relationship which is either closed or limits the admission of outsiders by rules... [and in which] its order is enforced by the action of specific

¹⁸ Eric Newstadt, “Accounting for the Student Movement in Canada,” 100, 101 & 107.

¹⁹ *Ibid.*, 104-106.

²⁰ *Ibid.*, 96.

²¹ *Ibid.*, 106.

²² Caelie Frampton, “‘Hire an Expert’ Just Doesn’t Cut It: A Reply to Eric Newstadt,” *Upping The Anti: A Journal of Theory and Action*, no. 6, May 2008, 109-112, http://tao.ca/~tom/journal/journal6/UTA_6_LAYOUT_APRIL_8.pdf.

²³ Max Weber, *The Theory of Social and Economic Organization*, 1920, trans. A. M. Henderson and Talcott Parsons, ed. Talcott Parsons (New York: Free Press, 1947), 101.

individuals whose regular function this is, of a chief or 'head' and usually also an administrative staff."²⁴ These corporate groups (which need not necessarily be "corporations" in the legal sense of the term) can be nation-states, municipalities, religious denominations, businesses, trade unions, sports clubs, or even departments of other corporate groups, since a corporate group does not need to be self-governing. The chief (or leadership group) of the corporate group, whether she acquired her position by election, appointment, inheritance, or revolution, exercises power ("imperative control") in the name of the corporate group, either directly or through an administrative staff.

Weber identified three different sources of authority for the corporate group: traditional authority (based on an appeal to the divine), charismatic (based on the authority of an influential leader), and rational-legal (based on "a belief on the 'legality' of patterns of normative rules and the right of those elevated to authority under such rules to issue commands").²⁵ According to Weber, a corporate group purely structured on rational-legal lines would have an administrative staff organized into a "bureaucracy," which would be organized according to the following criteria:

1. [Bureaucrats] are personally free and subject to authority only with respect to their impersonal official obligations.
2. They are organized in a clearly defined hierarchy of offices.
3. Each office has a clearly defined sphere of competence in the legal sense.
4. The office is filled by a free contractual relationship. Thus, in principle, there is free selection.
5. Candidates are selected on the basis of technical qualifications....
6. They are remunerated by fixed salaries in money, for the most part with a right to pensions....
7. The office is treated as the sole, or at least the primary, occupation of the incumbent.
8. It constitutes a career. There is a system of 'promotion' according to seniority or to achievement, or both. Promotion is dependent on the judgment of superiors.
9. The official works entirely separated from ownership of the means of administration and without appropriation of his position.
10. He is subject to strict and systematic discipline and control in the conduct of the office.²⁶

Weber argued that the bureaucracy was the most "rational" form of administrative organization, and as such its continued existence was indispensable in the modern world.

²⁴ *Ibid.*, 145-146.

²⁵ *Ibid.*, 328.

²⁶ *Ibid.*, 333-334.

Modern, complex organizations need to accumulate and efficiently make use of knowledge, and according to Weber:

Bureaucratic administration means fundamentally the exercise of control on the basis of knowledge. This is the feature of it which makes it specifically rational. This consists on the one hand of technical knowledge which, by itself, is sufficient to ensure it a position of extraordinary power. But in addition to this, bureaucratic organizations, or the holders of power who make use of them, have the tendency to increase their power still further by the knowledge growing out of experience in the service. For they acquire through the conduct of office a special knowledge of facts and have available a store of documentary material peculiar to themselves.... [T]he concept of 'official secrets' is certainly typical of them.... It is a product of the striving for power.²⁷

Although Weber recognized the importance of a bureaucracy, he identified certain perils that could arise. Because permanent bureaucrats acquire a large amount of knowledge, and thus power, within an organization, "the trained permanent official is more likely to get his way in the long run than his nominal superior, the Cabinet minister, who is not a specialist."²⁸ Furthermore, whenever the bureaucracy is paid, "an overwhelmingly strong set of economic interests become bound up with the continuation of the organization, even though its primary ideological basis may in the meantime have ceased to exist.... It is an everyday occurrence that organizations of all kinds which, even in the eyes of the participants have become 'meaningless,' continue to exist because an executive secretary or some other official makes his 'living' out of it and without it would have no means of support."²⁹

Weber defined two fundamental classes of corporate groups: the "voluntary association," which claims authority over its members only with their explicit consent, and the "compulsory association," whose authority is legally imposed over an entire class of individuals in a specific sphere of activity. Weber defined a "state" as a permanently established compulsory association that exercises power over a defined territory, and claims a "*monopoly* of the *legitimate* use of physical force" within this area. However, non-state compulsory associations can also exist, such as an established church.³⁰ By logical extension, then, we can classify trade unions, students' unions, and certain professional associations regulated by law as "compulsory associations" as well.

5.4 Michels' *Political Parties*

Robert Michels was also a German sociologist, who was a student of Weber. Michels was a democratic socialist, and was fiercely critical of the militaristic, elitist and anti-democratic nature of the German Empire. A groundswell of opposition to the *status quo* was developing in Germany, through two major institutions: the Social Democratic Party of Germany (SPD) and the trade unions. These institutions were not only fighting for democracy, but were themselves

²⁷ *Idem.*, 339.

²⁸ *Idem.*, 338.

²⁹ *Idem.*, 318.

³⁰ *Idem.*, 151-154.

set up as democratic grass-roots organizations. Over time, however, Michels became disenchanted with the SPD and the trade unions, and became convinced that true democracy was impossible to achieve. He set out his conclusions in his book *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, published in 1915. His theory, known as the “iron law of oligarchy,” states that all complex organization, regardless of how democratic they are originally constituted, will eventually develop into oligarchies. This was summed up in the phrase: “Who says organization, says oligarchy.”³¹

Michels observed that any sufficiently large and complex organization could not possibly function as a direct democracy; the powers of the organization would have to be delegated to a group of elected representatives. In practice, the SPD was governed by an annual congress, composed of representatives of the various branches of the party; this congress would then elect an executive committee that would govern the party on a day-to-day basis. In theory these representatives were equal in status to the rank-and-file party members, as they were merely “servant[s] of the mass.”³² Over time, however, as the party became larger and more complex, these leaders formed “a class of professional politicians, of approved and registered experts in political life.”³³ This leadership class functioned as spokespersons, political strategists, organizers, propagandists, lawyers, and administrators. In practice, this class was largely drawn from the educated middle class, even though the great majority of SPD members were working class. As the party grew in strength, these leaders received a stipend, becoming full-time party workers.

In contrast, rank-and-file party members were marked by indifference and apathy, only rarely participating in the party’s decision-making processes. Michels observed that “the regular attendants at public meetings and committees are by no means always proletarians,” as when the proletarian’s “work is finished, [he] can think only of rest, and of getting to bed in good time. His place at meetings is taken by petty bourgeois, by those who come to sell newspapers and picture-postcards, by clerks, by young intellectuals who have not yet got a position in their own circle, people who are all glad to hear themselves spoken of as authentic proletarians and to be glorified as the class of the future.”³⁴ Decisions are therefore made by those who show up.

In theory, the leadership class of the party is accountable to the rank-and-file through the party’s annual congress. However, this congress is prone to control by the leadership class. Michels argued that a large crowd can be easily dominated by a small group of influential orators who are “exceptionally bold, energetic, and adroit.... The adhesion of the crowd is tumultuous, summary, and unconditional. Once the suggestions have taken effect, the crowd does not readily tolerate contradiction from a small minority, and still less from isolated individuals.... Great party congresses, in which are present the *elite* of the membership, usually act in this way.”³⁵ In particular, socialist leaders who were elected to the German Parliament ended up acquiring skills

³¹ Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, 1915, trans. Eden and Cedar Paul (Kitchener, Ontario: Batoche Books, 2001), 241, <http://socserv2.socsci.mcmaster.ca/~econ/ugcm/3ll3/michels/polipart.pdf>.

³² *Ibid.*, 22.

³³ *Ibid.*, 23-24.

³⁴ *Ibid.*, 37-38.

³⁵ *Ibid.*, 21.

of parliamentary manoeuvring which they then applied to the organs of the Social Democratic Party itself:

The parliamentarians are past masters in the art of controlling meetings, of applying and interpreting rules, of proposing motions at opportune moments; in a word, they are skilled in the use of artifices of all kinds in order to avoid the discussion of controversial points, in order to extract from a hostile majority a vote favorable to themselves, or at least, if the worst comes to the worst, to reduce the hostile majority to silence. There is no lack of means, varying from an ingenious and often ambiguous manner of putting the question when the vote is to be taken, to the exercise on the crowd of a suggestive influence by insinuations which, while they have no real bearing on the question at issue, none the less produce a strong impression.³⁶

Furthermore, Michels observed that the party congress frequently abdicated its responsibility to govern. He noted “that it becomes more and more general to refer all important questions to committees which debate *in camera*.”³⁷ In other cases, decisions were made by the party bureaucracy, and the “rank and file must content themselves with summary reports.”³⁸ The party’s leadership class insisted that this was the only way in which a militant party could make decisions without having them reported to Emperor Wilhelm II, or distorted by the right-wing media. As one party official put it, “A limited body of officials and confidential advisers, in closed session, where they are removed from the influence of colored press reports, and where every one can speak without fearing that his words will be bruited in the enemy’s camp, is especially likely to attain to an objective judgment.”³⁹

Michels further noted that the SPD’s leaders had organized themselves to prevent their removal from office. Although the party’s leaders might disagree amongst themselves on a number of issues, in public “they manifest vis-a-vis the masses a vigorous solidarity. ‘They perceive quickly enough the necessity for agreeing among themselves so that the party cannot escape them by becoming divided.’”⁴⁰ Elections to party offices are frequently pre-determined before the party congress in secret caucuses open to only a few select officials. The party’s youth wing was subtly placed under the control of the executive committee, thus preventing an independent group of leaders from emerging. Individuals who challenge the party’s leadership are neutralized by being appointed to paid offices in the party bureaucracy, or alternatively are relentlessly denounced as “spouters, corrupters of the party, demagogues, and humbugs.”⁴¹

According to Michels, the oligarchical control of the Social Democratic Party was not an abstract theoretical problem, but an actual threat to the realization of the party’s stated aims. The SPD’s 1904 congress soundly rejected the concept of a general strike as a political tool; the 1905 congress enthusiastically accepted the general strike as “an official weapon of the party”; and the 1906 congress again rejected the idea. In each case, the party leadership was able to get their

³⁶ *Ibid.*, 55.

³⁷ *Ibid.*, 26.

³⁸ *Ibid.*, 27.

³⁹ *Ibid.*, 96.

⁴⁰ *Ibid.*, 99.

⁴¹ *Ibid.*, 107.

way.⁴² The SPD leadership endorsed the German Empire's participation in World War I, contradicting the fundamental socialist principles of anti-militarism and international solidarity, without facing a backlash from the party membership.⁴³ Michels theorized that the SPD's oligarchical leadership was inherently conservative, due to their middle-class status, economic interest in preserving the party's stability, and electoralist ambitions. "Thus the social revolution would not effect any real modification of the internal structure of the mass. The socialists might conquer, but not socialism, which would perish in the moment of its adherents' triumph."⁴⁴

Despite his pessimism, Michels concluded that "democracy," however imperfect it actually was in practice, was far superior to the alternatives: aristocracy (which he hated), or anarchism (which he thought to be impracticable).⁴⁵ Michels believed that it was always worthwhile to strive for democracy, even though pure democracy may be unachievable:

The writer does not wish to deny that every revolutionary working-class movement, and every movement sincerely inspired by the democratic spirit, may have a certain value as contributing to the enfeeblement of oligarchic tendencies. The peasant in the fable, when on his death-bed, tells his sons that a treasure is buried in the field. After the old man's death the sons dig everywhere in order to discover the treasure. They do not find it. But their indefatigable labor improves the soil and secures for them a comparative well-being. The treasure in the fable may well symbolize democracy. Democracy is a treasure which no one will ever discover by deliberate search. But in continuing our search, in laboring indefatigably to discover the undiscoverable, we shall perform a work which will have fertile results in the democratic sense.⁴⁶

5.5 Lipset's *Union Democracy*

Forty years after the publication of *Political Parties*, American sociologist Seymour Martin Lipset examined the general state of the American labour movement and found that the "iron law of oligarchy" was operating in full force in a large number of trade unions. However, a number of trade unions tended to resist this trend. In particular, Lipset discovered that the International Typographical Union (ITU) was extremely democratic, exhibiting almost none of the oligarchic traits described by Michels. Lipset, together with two of his associates, conducted extensive research on the ITU, to determine what factors distinguished the ITU from the other trade unions in existence at that time. Their findings were published in *Union Democracy: The Internal Politics of the International Typographical Union*, published in 1956.

Lipset observed that although American trade unions were notionally democratic organizations, in practice "almost all such organizations are characterized internally by the rule of a one-party oligarchy. That is, one group, which controls the administration, usually retains power indefinitely, rarely faces organized opposition, and when faced with such opposition often

⁴² *Ibid.*, 91.

⁴³ *Ibid.*, 235-240.

⁴⁴ *Ibid.*, 234.

⁴⁵ *Ibid.*, 245.

⁴⁶ *Ibid.*, 243.

resorts to undemocratic procedures to eliminate it. This is especially true for national organizations.”⁴⁷ Lipset’s examination of the American labour movement determined that there were a number of reasons for this state of affairs:

- Trade unions tended to be very bureaucratic organizations, organized on hierarchical lines; frequently the executive board had the power to suspend local officers who dissented from the policies of the national organization.
- The incumbent administration had a monopoly on all formal means of internal communication (the union newsletter and the statements of union fieldworkers), making it difficult for dissenters to organize themselves, particularly at the national level.
- The incumbent administration also had a monopoly on political skills; grassroots members were simply not capable of mounting an effective challenge to the incumbent leadership.
- Union offices were very well paid in comparison to the blue-collar jobs of the general membership. Hence, union officials had an economic incentive to maintain their continued tenure in office by any means necessary.
- Most trade unionists were not interested in participating in the internal decision-making processes of their unions.
- The incumbent administration would argue that internal dissent would weaken the ability of the trade union to fight the external enemy: the employer. Furthermore, the incumbent administration would argue that all members of the trade union had essentially the same political interests, since they all belonged to the same socio-economic class.⁴⁸
- Most trade unionists seemed unconcerned with the oligarchic nature of their trade union, *per se*, except when it led to consequences that they disagreed with (such as corruption, or departure from socialist ideology). Furthermore, few union dissenters were sincerely committed to democratic reform. “In those cases where an entrenched oligarchy was finally dislodged, the new leaders soon reverted to the same tactics as they had denounced in the old in order to guarantee their own permanent tenure in office and reduce or eliminate opposition.”⁴⁹

In contrast, Lipset observed that the ITU operated in a very different manner:

- Unlike every other trade union in America, two continuously-organized political parties, the Independent Party and the Progressive Party, operated within the ITU. These political parties contested union elections, took positions on important questions facing the union, and produced partisan newsletters advertising their activities. These political parties were

⁴⁷ Seymour Martin Lipset, Martin Trow, and James Coleman, *Union Democracy: The Internal Politics of the International Typographical Union* (New York: Macmillan, 1977), 3 (ch. 1), <http://www.planethan.com/drupal/union>.

⁴⁸ *Ibid.*, 9-13 (ch. 1).

⁴⁹ *Ibid.*, 7-8 (ch. 1).

not simply different factions seeking power; they took different positions on a number of issues: whether to insist that employers hire ITU members strictly on the basis of seniority; whether to approve increases to the salaries of ITU officers; whether to agree to mandatory arbitration as a substitute for the right to strike; how to respond to the feud between the American Federation of Labour (to which the ITU was affiliated) and the Congress of Industrial Organizations; whether to comply with the provisions of the *Taft-Hartley Act*.⁵⁰

It should be noted that two-party democracy did not exist throughout the entire duration of the ITU. For a number of years, the ITU was completely dominated by a secret society known as the “Brotherhood of the Union”; the Progressive Party was organized to oppose the Brotherhood’s domination of union affairs, eventually forcing the Brotherhood to transform itself into an open organization, the Independent Party.⁵¹

- Furthermore, the Independents and the Progressives recognized the *legitimacy of the opposition*. Lipset and his associates “found among the leaders of the ITU parties a uniform and deep conviction that the party to which they were opposed was ‘wrong’ in its policies and that their own party ‘could do a better job.’ But we also found, when we asked the question, Do you think the union would be better off if the other party lost most of its strength? that twenty-four of the thirty-four party leaders we interviewed gave unqualified answers in the negative.”⁵² ITU party leaders did not believe that their opponents were traitors who posed a dangerous threat to the integrity of the union. ITU internal politics was not a bitter no-holds-barred struggle between warring factions. Lipset argued that recognition of the legitimacy of the opposition was essential to democracy: “Democratic politics requires that the opposition be strong enough to successfully resist being crushed by any arbitrary action of those in power; in addition, it requires a social atmosphere in which opposition is considered legitimate and not properly the target for repressive administrative action.”⁵³
- The wages of typographers were relatively high in comparison with most blue-collar workers (as they were skilled labourers); at the same time, ITU officers’ salaries were relatively modest (partly because proposals to increase the officers’ salaries had to be approved by referendum). As a result, ITU officers knew that their political defeat would not negatively affect their material well-being; they could return to their regular employment, and in fact could continue to participate in ITU politics. As a result, there was no financial motivation for ITU officers to employ repressive or undemocratic measures so as to ensure their re-election.⁵⁴
- Typographers formed a very strong *occupational community*. Many typographers were close friends with other typographers. Many nominally apolitical social and recreational organizations existed on the local level. At the international level, there was a baseball club, a golf club, and a bowling club. These social clubs encouraged greater membership

⁵⁰ *Ibid.*, 43-60 (ch. 3).

⁵¹ *Ibid.*, 34-48 (ch. 3).

⁵² *Ibid.*, 246 (ch. 12).

⁵³ *Ibid.*, 201 (ch. 10).

⁵⁴ *Ibid.*, 209-218 (ch. 10).

involvement in the union, created avenues for intra-union communication independent of the union's official channels, and developed leadership skills that could be used in union politics.⁵⁵

- Many publications existed to discuss ITU internal politics. These included the ITU's house organ, the *Typographical Journal*; partisan newsletters of the Independent Party and the Progressive Party; and independently-produced non-partisan newspapers. Furthermore, the *Typographical Journal*, which was distributed to all members on a monthly basis, always printed a column from each of the ITU's officers in every issue. Since control of the union's offices was generally split between the two political parties, members were able to hear both sides of the story.⁵⁶
- Communists were never able to acquire any significant influence within the ITU. This was important, for as Lipset argued:

The rejection of the democratic game by even a few leaders is a threat to democracy out of proportion to the number of leaders holding such views, even when such men are not able to implement their sentiments through repressive action against the opposition. It is not the direct attacks which such men may make on the political system that are most dangerous to it, but rather the fact that by openly repudiating the legitimacy of the opposition they invite the rejection of their own political legitimacy (and that of their party) on the part of their opponents. This observation provides a clue to the corrosive effect that Communists have on trade-union democracy.... Communist ideology does not tolerate the existence of an organized opposition, so that any rise to power by Communists also means an attempt to destroy the opposition.⁵⁷

At the same time, however, the ITU defied the *Taft-Hartley Act*'s requirement that Communists be purged from the union. ITU officers all swore non-Communist affidavits, but they refused to file these affidavits with the National Labor Relations Board.⁵⁸

5.6 Democracy and Bureaucracy in Students' Unions

The oligarchical tendencies of trade unions can be observed even today. The Service Employees International Union has been heavily criticized for operating as the personal fiefdom of its President, Andrew Stern.⁵⁹ Similarly, Canadian labour scholar and activist Sam Gindin has written about how the Canadian Auto Workers (CAW) union is completely controlled by an

⁵⁵ *Ibid.*, 69-82 (ch. 4).

⁵⁶ *Ibid.*, 48 (ch. 3), 70 (ch. 4).

⁵⁷ *Ibid.*, 248 (ch. 12).

⁵⁸ *Ibid.*, 303-304 (ch. 14).

⁵⁹ Mark Brenner, "Puerto Rican Teachers Challenge the Purple Lockdown," *Labor Notes*, May 31, 2008, <http://www.labornotes.org/node/1696>; Juan Gonzalez, "SEIU President Andy Stern is a threat to labor soul," *Daily News*, December 31, 2008, http://www.nydailynews.com/news/2008/12/30/2008-12-30_seiu_president_andy_stern_is_a_threat_to.html; Steve Early, "Checking Out of Stern's Hotel California," *CounterPunch*, February 2, 2009, <http://www.counterpunch.org/early02022009.html>.

‘administration caucus,’ composed of the union’s leadership and staff, which meets before each union convention to decide which candidates will be elected and which resolutions will be supported.⁶⁰

Within students’ unions, however, the situation is different. Many of the democratizing features of the International Typographical Union are present within the students’ union milieu:

- Although no permanent “political parties” exist within students’ unions, factions of the right and left regularly contest students’ union elections. Partisans of different political tendencies find themselves working together on the students’ union council, or even on the executive committee. Students’ union general elections often feature many candidates, sometimes organized into slates, and sometimes acting independently.

Furthermore, a real possibility exists in many students’ unions for a fundamental change in political direction. At the turn of the century, the University of Manitoba Students’ Union was an essentially conservative organization; under the leadership of President Steven Fletcher (1999-2001) (now a Conservative MP), the students’ union actually planned a protest against the provincial NDP government’s tuition freeze policy, arguing that the freeze negatively affected students’ quality of education.⁶¹ Under the leadership of President Amanda Aziz (2004-2006), however, the students’ union underwent a fundamental political shift, joining the CFS and protesting for *reduced* tuition fees.

Similarly, the Concordia Students’ Union has experienced two fundamental shifts in factional control in recent years. In 2001, the students’ union produced a dayplanner with the provocative title “this is not an agenda called uprising. **it is an agenda for uprising**”⁶²; an article included in the dayplanner encouraged students to participate in an observance called “Steal Something Day” by “tak[ing] a yuppie’s BMW for a joyride and crash[ing] into a parked Mercedes just for the hell of it,” stealing corporate newspapers, shoplifting at corporate retail stores, and “pilfer[ing] purses and wallets from easily identified yuppies and business persons”⁶³ – all in the name of the revolution, of course. Two years later, however, a much more centrist executive was elected, promising “Evolution, Not Revolution.”⁶⁴ More recently, the Concordia Students’ Union has experienced a second factional shift, ending the domination of the successive iterations of the “Evolution” faction.

- At many post-secondary educational institutions, the student newspaper is operated autonomously from the control of the students’ union and the institutional administration.

⁶⁰ Sam Gindin, “Democracy: Too Important to Leave to the Members?,” *The Bullet*, Socialist Project, July 14, 2008, <http://www.socialistproject.ca/bullet/bullet124.html>.

⁶¹ Rhia Perkins, “U of M SU wants tuition hike: However, protest against planned tuition freeze postponed,” *The Gauntlet*, September 21, 2000, <http://thegauntlet.ca/story/1958>.

⁶² Concordia Students’ Union, *this is not an agenda called uprising. it is an agenda for uprising* (Montreal: Concordia Students’ Union, 2001), <http://web.archive.org/web/20011119220331/csu.tao.ca/handbook/graphics.html>.

⁶³ Iombre noire, “Steal Something Day,” *this is not an agenda called uprising. it is an agenda for uprising* (Montreal: Concordia Students’ Union, 2001), <http://web.archive.org/web/20011004080808/www.csu.tao.ca/handbook/more.html>.

⁶⁴ Colin Bateman, “Backlash, strong campaign help Evolution slate win CSU elections,” *Concordia University Magazine*, June 2003, <http://magazine.concordia.ca/2003/june/news/>.

Student newspapers have always strived to maintain their independence from the students' union and the institutional administration, and have not been afraid to criticize either body.⁶⁵ In addition, other opportunities exist for intra-union communication. At the University of British Columbia, a radical newspaper called *The Knoll* sometimes comments on Alma Mater Society affairs; other shades of opinion are found in a number of weblogs, the largest being *UBC Insiders*. The students' union therefore does not maintain monopoly control over intra-union communication.

Furthermore, many students' unions hold council meetings on a regular basis, which are open to the campus media and the general student public. Many students' unions post minutes of these meetings on their websites, along with copies of their constitutions, bylaws, and other governing documents.

- Just as the typographers of the ITU formed a close-knit “occupational community,” students form a “student community.” Students often socialize together at the campus pub, and participate in a broad array of organizations: recreational clubs, ethnic groups, religious groups, political activist groups, national and provincial political parties, public interest research groups, residence associations, fraternities and sororities, etc. By participating in these organizations, students can make connections and develop leadership and political skills that they can use in their election campaigns for students' union office. Thus, there is frequently no shortage of candidates seeking to run in the students' union's general elections.

That said, there are oligarchical tendencies within students' unions as well:

- Some institutions are “commuter campuses,” hampering the formation of an engaged student community. In some cases, this means that the students' union ends up being governed by a small self-perpetuating clique of students; in other cases, the students' union is effectively controlled by its staff, or by the institution. Appendix G provides an example of an extreme case of this kind of domination.
- At some post-secondary institutions, the student newspaper is wholly controlled by the students' union or the institution, or is non-existent.
- Students' union rules and procedures tend to be very complicated, making the students' union inaccessible and opaque to all but the most involved students. Bylaws and meeting minutes may not always be freely available; some students' unions have actually *removed* these documents from their websites in order to further consolidate control of the union in the hands of a few.
- Students' union elections often operate under tyrannical rules and regulations. Campaign propaganda frequently may be subject to the personal approval of the Chief Electoral Officer; severe restrictions may be placed on web-based campaigning; “pre-campaigning” may be banned (thus granting an inherent advantage to the better-known incumbents); candidates may be punished for campaign violations that they themselves

⁶⁵ Käthe Lemon, “Agent of social change,” 19, 74, & 98-100; Hugh Johnston, *Radical Campus*, 147-149.

did not commit, or were even aware of. Chief Electoral Officers may be biased, sometimes themselves students' union staff persons or former politicians. Appeals from the decision of the Chief Electoral Officer may be adjudicated by an Elections Committee consisting of incumbent students' union politicians and/or staff. At some students' unions, the entire election process turns into a game in which the goal is to disqualify one's opponent for alleged violations of the election code, no matter how minor or technical.

- By far the largest factor impeding democracy within students' unions is the transient nature of the student population. Every year, between one quarter and one half of the membership turns over. New students are not only generally unfamiliar with how to participate within a democratic political organization; they are in many cases completely unfamiliar with the general *concept* of a students' union. The institutional memory of the students' union may be largely non-existent, or resident entirely within the students' union's staff, making students' union officers dependent on their staff.

Therefore, it appears that students' unions today exhibit both oligarchical and democratic tendencies. A students' union with an engaged student community, independent student media, a strong tradition of freedom of information, and an unbiased elections authority is more likely to resist the "iron law of oligarchy."

5.7 CFS National General Meeting Structures

The fundamental feature of the Canadian Federation of Students' Bylaws is its dual concept of '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.⁶⁶

Under the Bylaws, the only "right" that individual members possess is the right to collectively decide, by referendum, whether or not to join or leave the organization. As we have noted in Chapter 3, however, this right is severely encumbered by the other provisions of Bylaw I, which prescribe structures that violate international norms for the fair and democratic administration of referenda. Individual members do not have the right to vote at CFS National General Meetings, nor do they even have the right to attend such meetings as observers (which is arguably illegal⁶⁷). The assumption is made that since students' unions are themselves democratically governed, the delegates whom the students' union appoints to attend each National General Meeting will democratically represent the opinions of the students from their particular campus.

⁶⁶ CFS, "Constitution and Bylaws," November 2008, Bylaw I, s. 1.

⁶⁷ See *Canada Corporations Act*, ss. 102 (1), 157 (1) (c), & 157 (3), <http://laws.justice.gc.ca/en/C-1.8/FullText.html>.

In practice, however, this is not always true. By custom or by policy, many students' unions appoint a staff person to accompany their delegation to the National General Meeting. I myself was appointed by the Kwantlen Student Association as such a staff delegate to three General Meetings in 2007 (two National General Meetings and one BC General Meeting). These staff delegates have the full power to participate in the National General Meeting structures, including the right to be appointed as voting members of National General Meeting committees. In some cases, these staff delegates hold the voting card of their students' union during plenary sessions. Although the role of the staff delegate is theoretically to provide support to the elected representatives, in practice staff delegates can exercise significant influence over their delegation, due to their greater amount of experience and familiarity with the personalities involved in CFS decision-making processes. A students' union executive officer elected to two consecutive terms in a given position has the opportunity to attend, at most, four National General Meetings, whereas a staff delegate may attend dozens of National General Meetings. (For example, Michel Turcotte, the Director of Operations of the Camosun College Student Society since 1998, has attended National General Meetings as a staff delegate in all but one of the past twelve years.)

The decision to appoint a staff delegate may not necessarily lie with the students' union's Board of Directors. The Collective Agreement between the Douglas Students' Union and its staff union provides that two staff persons (the Finance and Services Coordinator and the Research and Communication Coordinator) shall be sent as delegates to CFS national and provincial general meetings.⁶⁸ The Collective Agreement between the Students' Union of Vancouver Community College and its staff union grants this right to the Organiser.⁶⁹ The Collective Agreement between the Camosun College Student Society and its staff union provides that the staff union has the right to automatically select one of its members to be sent as a delegate to all CFS national and provincial general meetings; the students' union's Board of Directors is allowed to select additional staff delegates itself, but "this approval will not be unreasonably withheld."⁷⁰ Although the Langara Students' Union withdrew from the CFS in 1994, its Collective Agreement still provides that "Staff members will elect from amongst themselves a delegate to all meetings of the Canadian Federation of Students where LSU is participating."⁷¹ A motion to require that all delegates sent to CFS National General Meetings be students was rejected in 1990, in part due to concerns that doing so would violate these various Collective Agreements.⁷²

⁶⁸ Douglas Students' Union and CUPE 2396, "Collective Agreement Between Canadian Union of Public Employees, Local 2396 and Douglas Students' Union: August 1, 2003 – July 31, 2008," April 30, 2003, 8, 68, & 73, <http://www.studentunion.ca/docs/DSU-CUPE-2396-Collective-Agreement.pdf>.

⁶⁹ Students' Union of Vancouver Community College and CUPE 15, "Collective Agreement between the Students' Unions of Vancouver Community College and the Canadian Union of Public Employees, Local 15 (VMECW): July 1, 2008 to June 30, 2011," 2008, 30, <http://www.cupe15.org/resources/college/documents/SUVCC2008to2011.pdf>.

⁷⁰ Camosun College Student Society and CUPE 2081, "Collective Agreement between Camosun College Student Society and Canadian Union of Public Employees, Local No. 2081: January 1, 2006 – December 31, 2008," September 14, 2007, 11-12, <http://files.cfsadmin.org/file/camosunstud/be783bde801b058b674b9fd719c42ee8f40ac56b.pdf>.

⁷¹ Langara Students' Union and CUPE 15, "Collective Agreement between Langara Students' Union (LSU) and Canadian Union of Public Employees, Local 15 – VMECW (CUPE 15): December 1, 2007 – November 30, 2012," October 14, 2008, 37, <http://www.cupe15.org/resources/college/documents/CollectiveAgreement2007to2012.pdf>.

⁷² CFS, NGM Minutes, May 1990, 69 & 93-94 (Motion 90GM071).

In response to a draft of this paper, CFS legal counsel claims:

Collective agreements that require certain local student unions to send staff members to attend CFS general meetings are not undemocratic. Local staff generally have an interest in attending meetings because it is local staff who will be implementing the policies and services developed at the meeting. In terms of decision-making, the CFS does not interfere in any way with the manner in which local delegations choose to exercise their single vote. For example, local delegations may send several individuals to the general meeting, and then employ an internal “majority rules” system in order to determine how the local will vote on matters in plenary. The manner in which staff participate in the local delegation’s decision making structure varies from delegation to delegation, and is not determined by the CFS.⁷³

I disagree. According to political theorist John Stuart Mill, “The meaning of representative government is, that the whole people... exercise through deputies periodically elected by themselves the ultimate controlling power, which, in every constitution, must reside somewhere. This ultimate power they must possess in all its completeness. They must be masters, whenever they please, of all the operations of government.”⁷⁴ This mastery is impaired if the terms of a Collective Agreement require a students’ union to send a particular staff person as a delegate to a general meeting. Trade unions representing students’ union staff have a legitimate interest in ensuring that their members are fairly compensated and equitably treated, but this legitimate interest simply does not extend to direct representation at CFS general meetings.

Furthermore, the staff are organized. In response to Eric Newstadt’s article in *Upping the Anti*, Corrie Sakaluk, formerly the President of the York Federation of Students, disclosed the following:

The CFS cultivates its loyalists by teaching them to respond to criticisms like Frampton’s with a stock line: “The direction of the Federation is decided upon solely by the members at bi-annual provincial and national meetings through a democratic process. There is no leadership of the CFS, we are all part of the CFS and we all get to decide!” I’ve used the line myself. The democratic process, however, is manipulated in the CFS, just as it is at every level of politics in large scale decision-making bodies. Student union organizers with similar principles and values from various campuses gather privately before each CFS meeting (national and provincial) to discuss how to kill motions they oppose and pass motions they support. These secret caucus meetings persist in both reactionary and progressive CFS currents. This is how the game is played: with smoke-and-mirrors and party lines.⁷⁵

⁷³ Wendy J. Wagner, Personal communication, February 2010.

⁷⁴ John Stuart Mill, *Considerations on Representative Government*, 1862, ch. 5, <http://www.gutenberg.org/dirs/etext04/conrg10h.htm>.

⁷⁵ Corrie Sakaluk, “How Radicals can Relate to the CFS,” *Upping the Anti: A Journal of Theory and Action*, no. 7 (October 2008), 27-28, <http://uppingtheanti.org/journal/article/07-how-radicals-can-relate-to-the-cfs/>.

There is some evidence that the appointment of students' union staff is coordinated by the national and provincial staff of the CFS. On January 28, 2008, CFS-BC Organiser Summer McFadyen accidentally leaked a document that she had intended to send to CFS Director of Organising Lucy Watson – the organization's Referendum Campaign Plan for the March 2008 disaffiliation referendum of the Simon Fraser Student Society (see Appendix H). In addition to specifying in meticulous detail the CFS's strategies for the referendum, and the dozens of campaigners they proposed to fly to Vancouver to campaign in said referendum, the Referendum Campaign Plan also contained a box called "Hiring" (Figure 3). This box appears to contain CFS hiring plans for a number of staff positions at the national, provincial, and local offices of the Federation. In particular, the box suggested that the CFS was arranging to have Cathy Dowd hired at the University of Manitoba Students' Union; to have Tiffany Kalanj hired at the Douglas Students' Union; and to have unspecified persons hired at the Students' Union of Vancouver Community College and at the Brandon University Students' Union. In fact, although Kalanj was not transferred to the Douglas Students' Union, Dowd was, indeed, appointed Executive Director of the University of Manitoba Students' Union a few months after the document became public.⁷⁶

Hiring	
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 Marciniec
ON-Finance	Jen Stacey
SK/AB Organiser	
BC Staff (3)	Amanda Aziz
	Andrea Armborst
	Paul Bretscher
	Noah Stewart

Figure 3 — Apparent CFS hiring plans at national, provincial, and local offices, January 2008. Local numbers are as follows:

- **18: Douglas Students' Union**
- **73/76: Students' Union of Vancouver Community College**
- **103: University of Manitoba Students' Union**
- **37: Brandon University Students' Union**

In response to a draft of this paper, CFS legal counsel claims:

You portray a document prepared by then-BC Organiser Summer McFadyen as indicative of widespread interference by the CFS in the CFS-BC [*sic*]. This document was an individual initiative of Ms. McFadyen and was not requested of her by the CFS or CFS-BC. Moreover, it is apparent from the document that Ms. McFadyen was simply brainstorming ideas on who could work on various tasks during a busy time

⁷⁶ Chelsee McKee, "New UMSU executive director's name was listed on leaked CFS-BC document," *The Manitoban*, April 9, 2008, <http://kusa.ca/files/pdf/1095.pdf>.

period, versus plotting to have the CFS interfere in hiring by local students' unions. Cathy Dowd was in fact hired to her position with the Manitoba students' union, versus "appointed" (presumably, after submitting a resume, she was short listed, interviewed and hired by a hiring committee composed of elected representatives and possibly her predecessor, which is the normal practice). National and provincial staff of the CFS play no role in hiring processes. In many cases, procedures for hiring are set out in the student union policies and/or collective agreements.⁷⁷

The claim that the Referendum Campaign Plan was written by McFadyen in her individual capacity, parallel to yet separate from the CFS's own referendum campaign planning, simply defies all credulity. The document references the names of over 270 individuals, of whom over 120 were not from British Columbia. The Referendum Campaign Plan describes in meticulous detail many elements of the campaign that was actually carried out at Simon Fraser University in March 2008. The brief and casual nature of McFadyen's email (which was clearly intended for Lucy Watson, CFS Director of Organising) (see page 312) does not lend itself to the CFS's latest theory that McFadyen was acting independently.

Furthermore, the CFS has contradicted itself in its claims as to the authorship of the Referendum Campaign Plan. Shortly after the Referendum Campaign Plan was made public, CFS National Chairperson Amanda Aziz released an internal statement to the CFS membership, in which she claimed that the Plan was "a draft communications and outreach planning document authored by the CFS-British Columbia."⁷⁸

One should not draw from this evidence the conclusion that all students' union staff (or even all CFS loyalist staff) are appointed through this process of "coordination." Nonetheless, the large number of CFS loyalists who have been appointed to various positions within students' union bureaucracies across the country, and the participation of these individuals in National General Meetings, suggests that the organized influence of loyalist staff on the direction of the Canadian Federation of Students may be considerable.

Several weeks prior to each National General Meeting, a package containing a list of motions that have been served for consideration is mailed to each students' union, allowing the students' union to review these motions prior to the meeting. However, many of the key National General Meeting documents are only distributed at the meeting itself: the detailed budget, the proposed Campaigns and Government Relations Strategy, the National Executive Report, the minutes from the previous meeting, and the financial statements. None of the National General Meetings documents are distributed in electronic format.

Due to the large number of motions available for consideration at each meeting, the National General Meeting refers all of these motions to one of four committees for detailed study: the Budget Committee, the National Education and Student Rights Committee, the Organizational and Services Development Committee, and the Campaigns and Government

⁷⁷ Wendy J. Wagner, Personal communication, February 2010.

⁷⁸ Amanda Aziz, email to the CFS general membership mailing list, February 5, 2008, <http://www.studentunion.ca/docs/cfs-response-to-erroneous-news-release-2008-02-05.pdf>.

Relations Forum. Representation on the latter body is in the form of one vote per students' union. However, votes on the first three committees are distributed as follows:

- one vote per provincial component;
- one vote per recognized constituency group (the Student Artists, Students of Colour, Students with Disabilities, Francophone Students, International Students, Part-Time and Mature Students, Queer Students, and Women's Constituency Groups);
- one vote per recognized caucus (National Aboriginal Caucus, Caucus of College and Institute Associations, Caucus of Large Institute Associations, Caucus of Small University Associations, and National Graduate Caucus).⁷⁹

Due to the large number of delegates attending CFS National General Meetings, these votes are often 'split' between two, three, or four individuals. The delegates who share this vote must determine amongst themselves how they will vote on each matter arising before the committee, unless they are mandated to vote a certain way by the provincial component, constituency group, or caucus that appointed them.

This Byzantine arrangement is justified on the grounds that it ensures that all students' unions can indirectly participate in the work of all four committees (even if the students' union sends less than four delegates to the National General Meeting), and also on the grounds that it ensures that each committee can hear from the perspectives of the various minority groups present within the Federation's membership. However, the effect of this structure is to create an additional layer of bureaucracy between the CFS's general membership and its decision-making structures. Although the deliberations of the committees are not normally confidential, minutes are not taken from their meetings, and the media is banned from being present.⁸⁰ Recommendations from these committees can, in theory, be overturned during the closing plenary session; in practice, however, this rarely occurs.

CFS Standing Resolution 36 provides that "The National Executive shall have the authority to extend invitations to the media to attend workshops and/or plenary sessions at national general meetings."⁸¹ A motion to allow representatives of the student press to attend National General Meetings without receiving the stamp of approval of the National Executive was rejected in May 2007.⁸² The National Executive's power to control media access to National General Meetings is not simply hypothetical. When a number of student journalists attended the November 2009 National General Meeting and reported on the closing plenary session from their newspapers' Twitter accounts, a CFS employee approached Emma Godmere (Canadian University Press [CUP] Ottawa Bureau Chief and the only 'officially recognized' media

⁷⁹ CFS, "Constitution and Bylaws," November 2008, Bylaw VII, s. 4(a), Bylaw VIII, ss. 3 & 4(b), and Bylaw IX, ss. 3 and 4(a).

⁸⁰ Emma Godmere, Personal communication, December 2009.

⁸¹ CFS, Standing Resolution 36.

⁸² CFS, NGM Minutes, May 2007, 11 (Motion 2007/05:045).

representative allowed at the meeting), and warned her “that if the other two papers kept tweeting, the official media credentials for CUP could be retracted in the near future.”⁸³

In response to a draft of this paper, CFS legal counsel claim:

You describe an encounter between the Canadian University Press’ Ottawa bureau chief and a representative of the CFS. Your portrayal of this encounter is inaccurate. Delegates to the general meeting are encouraged to report on the meeting after it has concluded, in their capacity as delegates. However, delegates are not to act in the role of “reporter” while the meeting is ongoing for several legitimate reasons. Primary among these is that delegates who are also acting as reporters tend to either not participate in the discussions at the meeting, or to report on them based on whether the motions/candidates they have supported have been adopted/elected. Second, there is a concern that live blogging will not produce a fair and accurate report of committee discussion regarding motions, in that an accurate picture of such discussions cannot be given until they have concluded. In this particular situation, several campus reporters were registered as delegates from certain member local student unions. These individuals were posting live updates of the meeting on their Twitter accounts. They were informed prior to the meeting that they needed to choose whether they were reporters or delegates to the meeting, and that if they wished to act in a capacity as a reporter, they would need to apply for media credentials.⁸⁴

It is not apparent to me how the facts alleged in this paragraph contradict the facts contained in my description of “an encounter between the Canadian University Press’ Ottawa bureau chief and a representative of the CFS.”

Delegates at National General Meetings have proved willing to hide behind a cloak of anonymity in order to shield their votes from their constituents. At the November 2004 National General Meeting, a request was made to hold a roll-call vote on Motion 2004/11:078, which would have forbidden members of the Referendum Oversight Committee from campaigning in an affiliation or disaffiliation referendum. The plenary speaker, Sylvia Sioufi, ruled that “Robert’s Rules stipulated that the meeting should determine whether or not it wished to vote by roll call”; the meeting then decided against holding such a roll call vote, and then rejected the original motion.⁸⁵ Sioufi’s ruling was correct. However, *Robert’s Rules of Order* advises that in a democratic, representative body, special rules of order ought to be adopted to allow a roll-call vote to be held on the request of the minority:

[The roll call vote] is usually confined to representative bodies, where the proceedings are published, since it enables constituents to know how their representatives voted on certain measures.... In a representative body, if there is no legal or constitutional provision specifying the size of the minority that can order a roll-call vote, the body

⁸³ Joe Howell and Alex Ross, “A little bird told me.”

⁸⁴ Wendy J. Wagner, Personal communication, February 2010.

⁸⁵ CFS, NGM Minutes, November 2004, 26-27.

should adopt a rule fixing the size of such a minority – for example, *one fifth of those present*, as in Congress, or some other portion of those present that is less than a majority.... [The] purpose [of the roll call vote] is to force the majority to go on record.⁸⁶

Furthermore, the CFS has proved to be extremely reluctant to enter the 21st century with respect to posting its internal documents on the Internet. This is practiced by the federal government, all ten provincial governments, and the great majority of municipalities and students' unions. However, as this chronology reveals, the CFS has been extremely skittish in this regard:

- At the May 2004 National General Meeting, the Kwantlen Student Association (KSA) proposed five motions which would direct the CFS to post its governing documents, budget, general meeting minutes, and National Executive Reports to its website. All five motions were defeated; no arguments were offered on the plenary floor as to why.⁸⁷
- At the November 2004 National General Meeting, the KSA proposed three motions to direct the CFS to post its governing documents and National Executive reports to its website. All of these motions failed, except for one motion relating to National Executive Reports, which was postponed to the subsequent National General Meeting. The KSA noted that I had already posted the CFS's governing documents to my own personal website; in response, National Chairperson George Soule "said that he had not been aware that the policies had been posted on-line in contravention of the will of the membership at the previous meeting."⁸⁸ At the same meeting, a motion proposed by the Malaspina Students' Union to investigate the feasibility of establishing a "Members Only" section of the CFS's website, to which internal CFS documents could potentially be posted, was carried.⁸⁹ However, it does not appear that this directive was ever implemented.
- At the May 2005 National General Meeting, the KSA's motion directing the CFS to post its National Executive Reports to its website (which had been postponed from the previous meeting) was hotly debated. Speaking in favour of the motion, it was argued "that in order for the Federation to be transparent and accountable to its members the National Executive Report should be available on the Federation's website"; "that it was ironic that the members of the Federation argued in favour of public, postsecondary institutions being more transparent and subject to freedom of information requests when the member locals of the Federation were unwilling to provide similar information to their members"; and "that almost 300 delegates were present at the meeting and anything contained in the report had already been made public." Speaking in opposition to the motion, it was argued "that the Federation was not a public institution and had no obligation to provide information to the general public in the way that public, post-secondary institutions did"; "that the National Executive Report contained strategies that

⁸⁶ Henry M. Robert, *Robert's Rules of Order*, 405.

⁸⁷ CFS, NGM Minutes, May 2004, Closing Plenary, 17-20 (Motions 2004/05:094, 2004/05:096, 2004/05:098, 2004/05:100, and 2004/05:102).

⁸⁸ CFS, NGM Minutes, November 2004, Closing Plenary, 34-35 (Motions 2004/11:088, 2004/11:090, and 2004/11:092).

⁸⁹ *Ibid.*, Closing Plenary, 34 (Motion 2004/11:086).

should not be provided to those about whom the Federation was attempting to strategise”; “that the Federation was membership driven and it was the responsibility of member Local associations to disseminate the information to the membership”; “that any individual members that wished to receive a copy of the report of the National Executive could request a copy from their member local associations, the provincial organisation or the national organisation”; “that the report was an internal document about the detailed operations of the organisation including financial information, membership development and campaigns strategies”; and “that making the Federation's internal documents available to the general public would ultimately jeopardise and undermine the goals of the Federation.” In the end, the motion failed.⁹⁰

- At the May 2007 National General Meeting, the Students’ Society of McGill University, which was a prospective member of the CFS, proposed a motion directing the CFS to post “all existing policies, bylaws and general meeting minutes” to its website. This was amended by striking “general meeting minutes” and adding “standing resolutions.” The motion, as amended, carried.⁹¹
- At the November 2007 National General Meeting, the KSA noted that the CFS had failed to post its Standing Resolutions to its website.⁹² Furthermore, the KSA noted that the CFS’s Bylaws and Policies could not be accessed by the ordinary member, since the webpage containing links to the organization’s Bylaws and Policies was not connected to the rest of the website and only ‘insiders’ were aware of its existence. The KSA proposed a motion to correct both of these problems; the motion failed.⁹³
- At the November 2009 National General Meeting, the Graduate Students’ Association of the University of Calgary proposed two motions directing the CFS to post its general meeting minutes and Campaign Strategy to its website; these motions failed.⁹⁴ The Post-Graduate Students’ Society of McGill University proposed a motion directing the CFS to post its audited financial statements to its website, and to ensure that all of the CFS’s fundamental documents could be accessed “in an obvious and easily located section” of the organization’s website. This motion was amended to read: “Be it resolved that the Bylaws be posted on the Federation’s website in a members’-only section.” The motion, as amended, passed.⁹⁵
- At present, the CFS’s Constitution and Bylaws, Standing Resolutions, Operating Policies, and Post-Secondary Education Policies are all available on the organization’s website, in a section cryptically referred to as “Constating Documents.”⁹⁶ However, the CFS’s

⁹⁰ CFS, NGM Minutes, May 2005, Closing Plenary, 9-11 (Motion 2004/11:088).

⁹¹ CFS, NGM Minutes, May 2007, Closing Plenary, 10 (Motion 2007/05:041).

⁹² CFS, “About: Documents,” 2007, <http://web.archive.org/web/20070928223625/http://www.cfs-fcee.ca/html/english/about/documents.php>.

⁹³ CFS, NGM Minutes, November 2007, Closing Plenary, 12 (Motion 2007/11:047).

⁹⁴ CFS, “Organizational and Services Development Committee Report,” November 2009, 10 (Motions 2009/11:088 and 2009/11:090); Emma Godmere, Personal communication, January 2010.

⁹⁵ CFS, “Organizational and Services Development Committee Report,” November 2009, 13-14 (Motion 2009/11:112); Emma Godmere, Personal interview, January 2010.

⁹⁶ CFS, “Research & Policy: Constating Documents,” http://www.cfs-fcee.ca/html/english/research/constating_documents.php.

“Issues Policies on Related Student Issues,” which cover more esoteric issues such as “Peace,” “Policing and Military Actions,” and “State Sanctioned Murder,” has not been posted.

5.8 CFS Executive – Staff Relations

Although the National General Meeting is the highest decision-making structure within the Canadian Federation of Students, significant authority is wielded by the organization’s Board of Directors (known as the National Executive) and bureaucracy. This section analyzes these structures, and the relationship between them, in closer detail.

The National Executive consists of eighteen members: the National Chairperson, the National Deputy Chairperson, the National Treasurer, ten provincial representatives, the Graduate Student Representative, the Aboriginal Student Representative, the Francophone Students Representative, the Students of Colour Representative, and the Women’s Representative. The National Chairperson, National Deputy Chairperson, and the National Treasurer are all full-time salaried officers, elected on an at-large basis at the organization’s Annual General Meeting. They earn \$3,377 per month, which is extremely low considering the fact that they apparently work 60-80 hours per week.⁹⁷ The other representatives are elected at a meeting of the relevant provincial component, caucus, or constituency group; none are remunerated by the national CFS, though many of the provincial executive representatives are remunerated by their provincial components. All representatives serve one-year terms, and are eligible for re-election.⁹⁸

According to the Bylaws of the CFS, the National Executive is “responsible for the execution and implementation of all Federation decisions,” and as part of that responsibility, “will co-ordinate work of Federation members and of the staff of the Federation.” According to the *2009-2010 Students’ Union Directory*, the following are the staff who are accountable to the National Executive:

Budget Director.....	Dave Hare
Communications Coordinator.....	Ben Lewis
Director of Organising.....	Lucy Watson
Director of Services.....	Philip Link
Government Relations Coordinator (on leave).....	Ian Boyko
National Coordinator, National Student Health Network.....	Tom Rowles
Ontario Organiser, National Student Health Network.....	Michelle Steele
Director, Student Work Abroad Program.....	David Smith
Deputy Director, Student Work Abroad Program.....	Libby Law
Organiser, CFS-Manitoba.....	Elizabeth Carlyle
Organiser, CFS-Nova Scotia.....	Rebecca Rose

⁹⁷ CFS, NGM Minutes, May 1999, Closing Plenary, 12 (Motion 99/05:019); Ontario Public Services Employees Union, “CONSUMER PRICE INDEX (All Items) – ONTARIO CITIES,” <http://www.opseu.org/research/cpitable3a.htm>.

⁹⁸ CFS, “Constitution and Bylaws,” Bylaw V, ss. 1-5.

Solidarity For Their Own Good

Organiser, CFS-Newfoundland and LabradorKeith Dunne⁹⁹

At the provincial level, each provincial component is generally managed by an “Executive Committee,” which normally consists of a Chairperson, a National Executive Representative, a Treasurer, one representative from each local students’ union, and one or more representatives of a provincial caucus (e.g. Women’s Liaison).¹⁰⁰ In the case of CFS-BC and CFS-Ontario, both the Chairperson and the National Executive Representative are full-time salaried officers of the provincial component.¹⁰¹ According to the *2009-2010 Students’ Union Directory*, the following are the staff who are accountable to these provincial components:

CFS-British Columbia:

Executive Director (on leave)Philip Link
Organiser (on leave).....Lucy Watson
Research and Communications CoordinatorIan Boyko

CFS-Ontario:

Communications Coordinator.....Nora Loreto
Eastern Ontario Fieldworker.....Federico Carvajal
Financial CoordinatorJennifer Stacey
Internal Coordinator.....Ashkon Hashemi
Northern Ontario FieldworkerChristine Bourque
Organiser.....Joel Duff
Researcher.....James Beaton
Services Coordinator.....Hildah Otieno
TranslatorChristine Famula¹⁰²

CFS internal documents provide an insight into how these staff are managed on a day-to-day basis. CFS Standing Resolution 20, section A2 states:

2. Staff Relations

The at-large National Executive members shall:

- a. within the parameters established by convention, the collective agreement with the Federation’s employees and the decisions of the Labour-Management Committee, manage the staff of the Federation on a day-to-day basis;
- b. select, from amongst themselves, one member to act as Staff Relations Officer for the Federation, subject to the ratification of the National Executive; and

⁹⁹ CFS, *2009-2010 Canadian Students’ Union Directory* (Ottawa: Canadian Federation of Students, 2009), 51, 167, 179, & 184.

¹⁰⁰ CFS, *2009-2010 Canadian Students’ Union Directory*, 5, 51, 59-60, 167, & 179.

¹⁰¹ CFS-Ontario, “Bylaws,” Bylaw IX, s. 5; CFS-British Columbia, “Bylaws,” Bylaw V, s. 5.

¹⁰² CFS, *2009-2010 Canadian Students’ Union Directory*, 5 & 60.

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- c. ensure that the work priorities of staff reflect priorities set by national general meetings and by the National Executive.¹⁰³

The three at-large National Executive members are *collectively* responsible for managing the staff of the national CFS. This is substantially different from an ideal Weberian bureaucracy, in which the administrative staff are accountable to one single chief. An individual manager has the power to manage the staff of an organization throughout the work week; within the CFS, however, an “act of management” can only take place if the at-large officers hold a meeting to discuss giving an instruction to a staff member. At CFS-British Columbia, the Bylaws do not contain any provision for the management or supervision of staff.¹⁰⁴ At CFS-Ontario, the Chairperson is designated as “the immediate supervisor of the Ontario staff of the Federation” and is charged with “coordinat[ing] on a day-to-day basis the work of the Ontario staff to the Federation”; however, the *management* of the staff is vested in the Executive Committee as a whole.¹⁰⁵

In the 1960s, the staff complement of the Canadian Union of Students was divided between the permanent “support staff,” who were unionized, and the “program staff,” who were appointed on a one-year basis by each CUS President.¹⁰⁶ However, within the CFS, every single staff position within the organization is unionized. CFS national staff and CFS-Ontario staff are represented by CUPE 1281; CFS-BC staff are represented by CUPE 2396. The relationship between the employer and the staff is regulated through Collective Agreements negotiated with these organizations. An analysis of the relationship between CFS elected officials and CFS staff is not complete without conducting a careful examination of these documents.¹⁰⁷

According to the CFS-CUPE 1281 Collective Agreement, “The Employer and the Union agree that the guiding principle in day to day operations and in the drawing up of job descriptions is that the employees shall be structured in a non-hierarchical manner – one employee shall not be accountable to another employee, and all employees shall be equal in staff

¹⁰³ CFS, Standing Resolution 20, A2.

¹⁰⁴ CFS-British Columbia, “Bylaws.”

¹⁰⁵ CFS-Ontario, “Bylaws,” Bylaw XII, s. 2 (f); Bylaw XIII, s. 12.

¹⁰⁶ Canadian Union of Students, “Inside the National Office,” *CUS Across Canada*, August 25, 1967, 8, Student Protest Collection / Canadian Union of Students, UBC Chapter fonds, Box 4, Folder 3, University of British Columbia Archives, <http://www.studentunion.ca/cfs/1967/1967-08-25-cus-across-canada.pdf>.

¹⁰⁷ CFS and CUPE 1281, “1998-2000 Collective Agreement,” <http://web.archive.org/web/20050224032135/cupe1281.org/CAS/CFS-National.pdf>; CFS-Ontario and CUPE 1281, “Collective Agreement between The Ontario Board of Directors of the Canadian Federation of Students and The Canadian Union of Public Employees, Local 1281: Effective March 1, 2001,” <http://web.archive.org/web/20050224035440/cupe1281.org/CAS/CFS-O.pdf>; CFS-British Columbia and CUPE 2396, “Memorandum of Agreement Between the Canadian Federation of Students (BC Component) (Hereinafter called the Employer) Of the First Party [and] Canadian Union of Public Employees, Local 2396 (Hereinafter called the Union) Of the Second Part,” filed in CFS-British Columbia, “Executive Committee Resource Binder, 2007-2008,” September 2007 Executive Committee Meeting, <http://www.studentunion.ca/docs/CFS-BC-CUPE-2396-Memorandum-of-Agreement.pdf>. Caution should be exercised in interpreting these documents. The CFS and CFS-Ontario Collective Agreements were retrieved from the CUPE 1281 website; however, CUPE 1281 has recently password-protected the section of its website containing collective agreements, so these documents are not the current versions. The CFS-BC document is a “Memorandum of Agreement,” which is normally produced by employer and union negotiators prior to the ratification by the employer’s Board of Directors and the union’s membership. Unfortunately, I was not able to obtain current copies of these Collective Agreements.

decision making.”¹⁰⁸ A similar provision exists in the CFS-Ontario–CUPE 1281 Collective Agreement.¹⁰⁹ The concept of “non-hierarchical decision-making” is hardly limited to the CFS; Canadian University Press also experimented with this form of (non-)management in the 1970s.¹¹⁰ However, this form of bureaucratic organization again sharply differs from the concept of the ideal Weberian bureaucracy.

CFS Standing Resolution 20, section A1 states:

1. National Office Collective Responsibilities

The at-large National Executive members shall:

- a. maintain regular office hours, notwithstanding that they will be absent frequently from the National Office on Federation business;
- b. participate in meetings of the National Office collective; and
- c. assume a proportionate share of the collective work of the National Office.¹¹¹

The phrase “Office Collective” does not appear in the CFS-CUPE 1281 Collective Agreement although the Agreement does provide that “the Employer and the office employees shall determine the office procedures to be used,”¹¹² language which also appears in the CFS-Ontario–CUPE 1281 Collective Agreement.¹¹³ The CFS-BC–CUPE 2396 Collective Agreement provides that “the employees, the BC Chairperson and the National Executive Representative shall collectively determine the distribution of all work performed by the Canadian Federation of Students BC Component office(s).”¹¹⁴

The appointment of staff is also handled in a “non-hierarchical” fashion. All three Collective Agreements provide that all staff are to be hired upon the advice of a four-person Hiring Committee, consisting of two representatives of the Employer and two representatives of the Union.¹¹⁵ This effectively gives the Union a veto on the appointment of new staff. These extraordinary powers should be considered in the light of the fact that the great majority of CFS, CFS-BC, and CFS-Ontario full-time executive officers in recent years have been appointed to staff positions within the national and provincial offices of the CFS or one of its member students’ unions shortly after finishing their term of office (see Appendix I).

In addition, closer consideration should be given to the “Hiring” box in the CFS’s SFSS Referendum Campaign Plan (Figure 3). The CFS’s apparent hiring plans included appointments

¹⁰⁸ CFS and CUPE 1281, “1998-2000 Collective Agreement,” art. 10.01.

¹⁰⁹ CFS-Ontario and CUPE 1281, “Collective Agreement,” art. 22.02.

¹¹⁰ Käthe Lemon, “Agent of social change,” 66.

¹¹¹ CFS, Standing Resolution 20, section A1.

¹¹² CFS and CUPE 1281, “1998-2000 Collective Agreement,” art. 8.

¹¹³ CFS-Ontario and CUPE 1281, “Collective Agreement,” art. 7.01.

¹¹⁴ CFS-BC and CUPE 2396, “Memorandum of Agreement,” art. 3.8.

¹¹⁵ CFS and CUPE 1281, “Collective Agreement,” art. 26.03; CFS-Ontario and CUPE 1281, “Collective Agreement,” art. 15.04; CFS-BC and CUPE 2396, “Memorandum of Agreement,” art. 23.

of two of the three incumbent at-large national executive officers, Amanda Aziz and Ben Lewis, to staff positions within the CFS. Aziz and Lewis were nominally responsible for supervising the work of Lucy Watson (Lewis holding the portfolio of Staff Relations Officer¹¹⁶), but at the same time it appears that Watson was engaged in the process of planning the future employment prospects of Aziz and Lewis. This only makes sense in light of the aforementioned provisions of the CFS Collective Agreement.

In response to a draft of this paper, CFS legal counsel claims:

You portray the CFS staff as completely unsupervised and rely on the absence of bylaw provisions regarding the supervision of employees as support for this allegation. You are well aware of the collective agreements between member local student unions and the unions that represent their employees. Your allegation ignores the provisions of these agreements which govern the management of employees. There are numerous CFS memoranda that direct staff, as well as memoranda of understanding between CUPE and the CFS that demonstrate that the National Executive or its designate provides direction to CFS staff.

The implication of your statements is furthermore that the CFS directors deliberately abdicate their responsibilities to manage the CFS's staff, in exchange for CFS directors later receiving high paying employment at the CFS or one of its locals. This is patently false and is highly defamatory in its suggestion that CFS staff essentially bribe CFS directors with promises of lucrative future employment, and that CFS directors are sufficiently corrupt to accept these bribes. These statements portray the CFS as a corrupt organization that lacks integrity at every level, whether paid staff or directors.

The CFS has grossly exaggerated my position. I never claimed that CFS staff are "completely unsupervised;" I simply note that, due to the unique provisions of Standing Resolution 20(A)(2)(a), this supervision can only take place when the three at-large Executive Officers decide *jointly* to give direction to staff. I never suggested that "CFS staff essentially bribe CFS directors with promises of lucrative future employment." To the contrary, I found no evidence whatsoever of any *quid pro quo* arrangements, explicit or implicit, between CFS directors and staff. My point is simply that the CFS's management processes create a situation such that CFS staff have considerable influence over the future employment prospects of CFS executive officers, somewhat inverting the usual accountability relationship between directors and staff.

5.9 Case Study: the CFS-Ontario Office Collective

In between meetings of the CFS-Ontario Executive Committee, decision-making within CFS-Ontario appears to be in the hands of the CFS-Ontario Office Collective, a body consisting of the CFS-Ontario Chairperson, CFS Ontario National Executive Representative, and the Ontario staff. Intra-office communication is essential for the efficient administration of any

¹¹⁶ CFS, NGM Minutes, November 2007, Opening Plenary, 8.

modern organization, and in recent years email has gained in importance as a means of such communication. CFS-Ontario is no different. The Office Collective of this organization makes extensive use of a mailing list, hq@cfsontario.ca, and until recently emails sent to this mailing list were faithfully uploaded to <http://lists.cfsontario.ca/pipermail/> by the listserv manager (GNU Mailman). These emails notably include the minutes of the Office Collective's weekly meetings. CFS-Ontario immediately removed this archive from their website in October 2009 when they received an irate email message from the Vice-President University Affairs of the University of Windsor Students' Alliance complaining about the Office Collective's plans to "hit windsor hard next week" with "Drop Fees" propaganda without first consulting with the students' union's leadership.¹¹⁷ Before this happened, however, I was able to download a complete archive of this email archive for the period September 2008 to September 2009 through an automatic website copier called WinHTTrack; they are currently available on my website at <http://www.studentunion.ca/pipermail/hq/>. This archive provides an excellent window through which we can observe the internal dynamics of CFS-Ontario.

In response to a draft of this paper, CFS legal counsel claims that the "various allegations based on minutes and other documents from CFS-Ontario office collective minutes" in this section contain "inaccuracies," but she did not describe in any detailed form the nature of these alleged inaccuracies.¹¹⁸

Through this archive we can observe how the Office Collective coordinates the organization's semi-annual Ontario General Meetings, held in January and August of each year. The Office Collective spends a significant amount of time handling the logistics of each Ontario General Meeting: booking speakers, liaising with hotel management, organizing workshops, arranging for transportation to and from the meeting, administering the delegate registration process, collating motions submitted by member students' unions for inclusion in the Ontario General Meeting agenda, and producing informational materials for the meeting. However, emails sent to hq@cfsontario.ca reveal that the Office Collective is also covertly involved in *writing* many of the motions that are placed on the Ontario General Meeting agenda, even though these motions are nominally proposed by individual local students' unions.

We first read about the Office Collective's ghost-writing efforts in the minutes of its October 14, 2008 meeting, in which CFS-Ontario Organiser Joel Duff is recorded as saying "that we need to brainstorm around motions tomorrow morning."¹¹⁹ Much of the Collective's time over the following several weeks was spent campaigning in the affiliation referendum of the Student Federation of the University of Ottawa (November 18-20, 2008) and participating in the CFS's Annual National General Meeting (November 26-29, 2008). On December 10, 2008, CFS-Ontario Internal Coordinator Ashkon Hashemi reported that he received two motions from the University of Toronto Graduate Students' Union: "a campaign on students' union autonomy

¹¹⁷ Robert Woodrich, email to the CFS-Ontario Executive Committee, October 8, 2009, <http://www.studentunion.ca/docs/windsor-not-appreciated.pdf>.

¹¹⁸ Wendy J. Wagner, Personal communication, February 2010.

¹¹⁹ CFS-Ontario, Office Collective Meeting Minutes, October 14, 2008, 7, attached to Joel Duff, email to CFS-Ontario Office Collective, October 20, 2008, <http://www.studentunion.ca/pipermail/hq/2008-October/000112.html>.

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and a campaign to eliminate differential fees for international students.”¹²⁰ Two days later, Hashemi informed the Office Collective:

All motions, with one exception, have now received a final edit. Most have been sent to translation. The following work remains:

All edited motions need to be sent for translation - Hildah.

The policy motion on workplace violence submitted by Local 24 [Ryerson Students' Union] needs an edit before it can be sent for translation.

The following motions appear in the common drive without movers. Can the persons assigned to each motion pls. clarify:

CGR motion on Bill 100

CGR motion on Contract Faculty

CGR motion on Stats Can data for college students

OSD motion on peer to peer translation

PRD motion on Collaborative Programmes

PRD motion on Grad Students' Unions rights¹²¹

Exactly what Hashemi meant when he was referring to motions “without movers” is made clear in this excerpt from the minutes of the December 15, 2008 meeting of the Office Collective:

¹²⁰ Ashkon Hashemi, email to CFS-Ontario Office Collective, December 10, 2008, <http://www.studentunion.ca/pipermail/hq/2008-December/000223.html>.

¹²¹ Ashkon Hashemi, email to CFS-Ontario Office Collective, December 12, 2008, <http://www.studentunion.ca/pipermail/hq/2008-December/000233.html>.

a. Ontario Annual General Meeting: Thursday, January 22 to Sunday, January 25

i. Motions

Outstanding Motions for Assignment:

Contract Faculty campaigns motion: James to talk to 84 [York University Graduate Students' Association]

Bill 100 campaigns motion: James to talk to 94 [University of Ottawa Graduate Students' Association]

Stats Canada campaigns motion: Joel to talk to 68 [York Federation of Students]

Stolen Sisters campaigns motion: Ashkon to edit and send to Hildah for translation.

Peer-to-peer Translation operations motion: Shelley to talk to local 1 [Carleton University Student Association]

Collaborative Programmes policy motion: Joel to talk to 24 [Ryerson Students' Union]

Right to Advocate policy motion: James to talk to 94 [University of Ottawa Graduate Students' Association]

Workplace Violence policy motion: Ashkon to edit and send to Hildah for translation.¹²²

Fortunately for the Office Collective, it appears that all of these students' unions agreed to the Collective's wishes. The Office Collective's assessment of the January 2009 Ontario General Meeting made no mention whatsoever of problems associated with the actual motions considered at the meeting, focussing instead on such matters as the quality of the food, the popularity of the socials, and the productivity of the workshops.¹²³

The Office Collective's preparations for the August 2009 Ontario General Meeting reveal in even greater detail the degree of influence that the Collective wields on the organization's decision-making process. These preparations began on June 17, 2009, when a subgroup of the Office Collective held a brainstorming session to discuss the proposed themes, workshops, and motions that would be considered at the upcoming Ontario General Meeting. The notes from this exercise, which were emailed to the Office Collective listserv, include the following table:¹²⁴

¹²² CFS-Ontario, Office Collective Meeting Minutes, December 15, 2008, 2, attached to Joel Duff, email to CFS-Ontario Office Collective, December 15, 2008, <http://www.studentunion.ca/pipermail/hq/2008-December/000236.html>.

¹²³ CFS-Ontario, Office Collective Meeting Minutes, February 3, 2009, 2-3, attached to Joel Duff, email to CFS-Ontario Office Collective, February 3, 2009, <http://www.studentunion.ca/pipermail/hq/2009-February/000354.html>.

¹²⁴ Caitlin Smith, "Ontario General Meeting Discussion," June 17, 2009, attached to Caitlin Smith, email to CFS-Ontario Office Collective, June 17, 2009, <http://www.studentunion.ca/pipermail/hq/2009-June/000904.html>.

Motions: (C/P) = Campaign/Policy

Motion	Writing	Serving
NOII	Hamid	68
Childcare	Nora	105
Student Union Autonomy (C/P)	Ashkon	68
Day of Action	Shelley	Ontario Exec
Francophone Caucus	Federico	41/94
Right to Organise (C/P)	Nora	24
Independence of Research	James	19
Skills – bill for full amount	Ashkon	105
Flat/Split Fees (C/P)	Lauren	98/24
Credit Transfer	Nora	24/68
Debt Forgiveness/Interest Free	Shelley	1
Women/Equality Referred	James	
Gag Order	Shelley	78
FOI Request/Govt Interference	Nora	68
Online Voting	Ashkon	98
Stand Alone Mtg of OGC	Federico	94
OHIP	Shelley	78
EI	Dave	47/110
Racialised Students	Hildah	24
Queer Students	Alaister/Lauren	24

Figure 4 — CFS-Ontario Office Collective’s plans for motions to be introduced at the August 2009 Ontario General Meeting

As the table indicates, the Office Collective’s proposed motion for a “Day of Action” was to be moved by the CFS-Ontario Executive Committee, while all the other motions would be moved by a local students’ union. In reality, however, *all* of the motions in this table would, according to the Office Collective’s plan, be written by a member of the Office Collective, and then quietly ‘passed off’ to the appropriate students’ union. In this way, the casual observer of the Ontario General Meeting would perceive CFS-Ontario to be driven by its member students’ unions, rather than by its central bureaucracy.

By the June 22 meeting of the Office Collective, various members of the Collective reported on their progress in writing motions and in contacting the various students’ unions that would be assigned the task of moving these motions.¹²⁵ Continued progress was reported at the June 30 meeting of the Office Collective.¹²⁶ CFS-Ontario Executive Assistant-Services Caitlin Smith, who was the assigned “whip” for the motions-writing process, advised the Office Collective that all motions would be sent to Duff for general editing, and then to Communications Coordinator Nora Loreto for grammatical and structural editing.¹²⁷

¹²⁵ CFS-Ontario, Office Collective Meeting Minutes, June 22, 2009, 3, attached to Joel Duff, email to CFS-Ontario Office Collective, June 22, 2009, <http://www.studentunion.ca/pipermail/hq/2009-June/000937.html>.

¹²⁶ CFS-Ontario, Office Collective Meeting Minutes, June 30, 2009, 3-4, attached to Joel Duff, email to CFS-Ontario Office Collective, June 30, 2009, <http://www.studentunion.ca/pipermail/hq/2009-June/000992.html>.

¹²⁷ Caitlin Smith, email to CFS-Ontario Office Collective, June 30, 2009, <http://www.studentunion.ca/pipermail/hq/2009-June/000994.html>.

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On July 4, Duff praised the Office Collective for their hard work, exclaiming “We have made amazing progress on motions. We are ahead of the game and the meeting is going to be impressive.”¹²⁸ He attached to this email a General Meeting Task List, which contained a table listing the status of all the motions:

MOTIONS

Canadian Federation of Students 2009 Ontario Annual General Meeting

CAMPAIGNS								
Motion	Mover	Draft	Sent to Local	Received	Edited	Sent to Trans	Done	Responsibility
Apprenticeships	24			X	X	X		
Childcare	105			X	X	X		Nora
Employment Insurance	24			X	X	X		
Filipino Solidarity	78			X	X	X		
Flat Fees	98	X	X	X	X	X		Lauren
Free Education	105			X	X	X		
G8 Summit	24			X	X	X		
Gag Orders	1	X	X	X	X	X		Shelley
Media Outreach	24			X	X	X		
Membership Lists	24			X	X	X		
OHIP Campaign	78	X	X	X	X	X		Shelley
OSAP Reform	1	X	X	X	X	X		Shelley
Poverty Campaign	24			X	X	X		
Stop the Raids	68	X	X	X	X	X		Hamid
Students' Union Autonomy	68	X	X	X				Ashkon
FIPPA		X						Nora
Graduate Research Data		X						James
Online Voting		X						Ashkon
Ontario Ombudsman		X						Nora
Day of Action								Shelley
Climat Change	54			X				
ORGANISATION & SERVICES DEVELOPMENT								
Motion	Mover	Draft	Sent to Local	Received	Edited	Sent to Trans	Done	Responsibility
Caucus Voting	24	X	X	X	X	X		Joel
Fancophone Caucus	41	X	X	X	X	X	X	Federico
OGC Meetings	94	X	X	X	X	X		Federico
Queer Constituency	24	X	X	X	X	X		Alasdair/Lauren
Students of Colour Constituency	24	X	X	X	X	X		Hildah

¹²⁸ Joel Duff, email to CFS-Ontario Office Collective, July 4, 2009, <http://www.studentunion.ca/pipermail/hq/2009-July/001018.html>.

POLICY REVIEW AND DEVELOPMENT								
Motion	Mover	Draft	Sent to Local	Received	Edited	Sent to Trans	Done	Responsibility
Bilingualism	94			X	X	X		Joel
Flat Fees	98	X	X	X	X	X		Lauren
Francophone Issues	94			X	X	X		Joel
Undocumented Workers	98	X	X	X	X	X		
Credit Transfer	24	X	X	X				Nora
Gag Order	1	X	X	X				Shelley
Students' Union Autonomy	68	X	X	X				Ashkon
Employment		X						James
Funding		X						James
Independent Research	19	X	X	X				James

Updated: July 2, 2009

Figure 5 — CFS-Ontario motions tracking worksheet for the August 2009 Ontario General Meeting

According to this table, a few motions were “Received” by the Ontario Office without first having been “Drafted,” and “Sent to [the] Local,” indicating that those motions were actually written by the local students’ union in question. In addition, as Duff noted in his email, several of the motions listed in the table had been drafted but not yet “assigned & approved by a local.”¹²⁹ This was potentially problematic, because the deadline for sending out the motions package to the membership was July 8.¹³⁰ By July 5, however, this process had been completed,¹³¹ and the motions were all sent off to be translated. On July 10, Duff sent copies of the motions package and campaigns strategy to the Office Collective as attachments to the following email:

Hey Everyone,

I don't know how we did it but we got the second notice out!!!

There are 41 motions and 8 campaigns in the guide.

I have attached the English motions package and campaigns guide (along with two fonts) so you can review them if you want.

These files SHOULD NOT be sent out to ANYONE. We only send such documents in hard copy format so that they cannot be cut and pasted on the internet.

NO EXCEPTIONS outside of requests from other Federation offices.

Peace,

¹²⁹ *Ibid.*

¹³⁰ CFS-Ontario, Office Collective Meeting Minutes, June 30, 2009, 2.

¹³¹ Joel Duff, email to CFS-Ontario Office Collective, July 5, 2009, <http://www.studentunion.ca/pipermail/hq/2009-July/001020.html>.

Joel¹³²

The stage was therefore set for a relatively uneventful Ontario General Meeting, which took place on August 13-16, 2009 in Markham, Ontario.¹³³ At the Office Collective meeting held immediately after the Ontario General Meeting, CFS-Ontario Chairperson Shelly Melanson noted “that overall delegates at the meeting...lacked energy and enthusiasm,” and that in particular “there was a lack of leadership from new delegates,” though she did not venture to guess as to why this might be the case. Loreto, however, maintained that “the meeting was successful and well organised,” and Duff “said that the meeting was very smooth and well handled.”¹³⁴ And it is not hard to see why they were so pleased. After all, no one at the Ontario General Meeting challenged the institutional *status quo*; the members of the Office Collective now had a variety of political projects to work on that they themselves had selected; and the illusion of grassroots, membership-driven decision-making had been maintained. The “well-resourced organizational apparatus” of CFS-Ontario was preserved, to the benefit of the Office Collective’s ideological convictions and economic interests alike.

5.10 Analysis

The executive branch of the British government, according to the satirical television sitcom *Yes Minister*, is the scene of a never-ending battle between elected Cabinet Ministers and their notionally subordinate Permanent Secretaries. In every episode of *Yes Minister*, Jim Hacker, the Minister of Administrative Affairs, seeks to implement various government reforms on behalf of the British people while simultaneously maximizing the chances of his own re-election. Opposing him at every turn is Sir Humphrey Appleby, the Permanent Secretary, whose primary desires are to maintain the bureaucratic *status quo*, maximize his own power within the Civil Service, and prevent partisan politics from interfering in the regular operation of government. The values and interests of the political class and the bureaucratic class are thus portrayed as being inevitably at odds with each other.

Within the CFS, however, this struggle does not appear. Elected leaders and bureaucratic officials share power, making decisions together at Office Collective meetings where little distinction is made between officers and staff. The national, provincial, and local staff of the CFS are deeply involved in every aspect of the organization’s political processes: they draft motions, hold strategy sessions on how to enact these motions, and cast votes at General Meetings. Meanwhile, elected officials function in many ways as bureaucrats, sharing in the regular workload of their colleagues and ensuring that the organization continues to function as a well-oiled machine. This is hardly surprising, since so many of these elected officials are appointed to a staff position shortly after their elected terms ends; in essence, they serve their elected terms of office as bureaucrats-in-training.

¹³² Joel Duff, email to CFS-Ontario Office Collective, July 10, 2009, <http://www.studentunion.ca/pipermail/hq/2009-July/001072.html>.

¹³³ CFS-Ontario, “Opening Plenary Agenda,” August 2009 General Meeting, <http://www.studentunion.ca/docs/OGM-agenda-2009-August.pdf>.

¹³⁴ CFS-Ontario, Office Collective Meeting Minutes, August 18, 2009, 1, attached to Joel Duff, email to CFS-Ontario Office Collective, August 19, 2009, <http://www.studentunion.ca/pipermail/hq/2009-August/001260.html>.

In response to a draft of this paper, CFS legal counsel claims:

You claim that directors of the CFS serve their elected terms as “...bureaucrats-in-training”, once again implying that CFS directors are unwilling to, and incapable of, managing CFS staff. This allegation is false and highly defamatory in that it implies that the CFS’s directors and staff are corrupt and willing to abdicate their responsibilities in order to maintain their positions, including for material gain.¹³⁵

This is a gross exaggeration of my position; I was merely pointing out the fact that most CFS elected officials are appointed to a staff position after their elected term ends, and that this practice likely affects the corporate culture of the organization by somewhat inverting the accountability relationship between directors and staff and by breaking down the usual distinctions that exist between elected officials and the permanent bureaucracy. Again, I never alleged that there existed any *quid pro quo* deals between CFS directors and staff, explicit or implicit.

The CFS is therefore governed by a leadership class consisting of *political bureaucrats*. Unlike the German Social Democratic Party of the early 20th century or the average American trade union in the 1950s, this leadership class does not consist of elected politicians who use the bureaucracy to further their own power. Bylaws, collective agreements, and the ultra-transient nature of student leadership ensure that it is the CFS’s Office Collectives, and their loyalist allies in various students’ unions, that effectively govern the organization. And this leadership class subscribes to an ideology that Weber and Michels argue is characteristic of bureaucrats: an abiding faith in the CFS as an institution, a staunch desire to maintain its continued existence and to increase its membership and its wealth, and a desire to preserve the institution’s stability. This explains how democracy has been progressively eroded in affiliation/disaffiliation referenda through successive amendments to Bylaw I; this also explains many other disturbing aspects of the CFS’s corporate culture.

The Canadian Federation of Students is not the only organization in which a political bureaucracy exercises significant influence. The Marxist dissenter Milovan Djilas has theorized that the Soviet bloc countries, despite having nominally elected legislatures, were in practice governed by a “new class” consisting of “political bureaucrats,” known in the Soviet Union as the *nomenklatura*.¹³⁶ There are vast differences between the CFS and the Soviet Union (the Soviet Union killed millions, while the CFS has not hurt even a single person). However, one will find a number of similarities between the attitude of the Soviet *nomenklatura* towards its citizens and the attitude of the CFS *nomenklatura* towards its members.

¹³⁵ Wendy J. Wagner, Personal communication, February 2010.

¹³⁶ Milovan Djilas, *The New Class: An Analysis of the Communist System* (New York: Frederick A. Praeger, 1957).

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“Solidarity” — this concept lies at the heart of the Canadian Federation of Students. The CFS was formed “to organize students on a democratic, cooperative basis in advancing our own interests, and in advancing the interests of our community.”¹ The CFS is a collectivist institution, similar to a trade union or a government, and its basis for unity is the principle that students have common interests and common hopes. Furthermore, the CFS is committed to advancing egalitarian and social democratic politics within Canadian society; as stated at its founding conference, it desires “to create a better Canada.”²

However, the CFS has engaged in extraordinary abuses of power in its attempt to achieve this goal. Freedom of speech, freedom of the press, transparency, non-partisan civil service, and respect for provincial and local self-determination are all sacrificed in the name of building the institutional power and wealth of the CFS. As a result, the student movement is divided; and rather than promoting reconciliation, the CFS has simply sought to destroy its political opponents. Institution-building has become an end in and of itself, and any and all tactics which advance this end are justified, ethical or otherwise.

No doubt the shadows of the 1969 dissolution of the Canadian Union of Students (CUS) loom large in the minds of the CFS’s senior leadership. Dozens of students’ unions pulled out of CUS, bringing the national student organization to an end and leaving students without national representation for three years. However, it seems as though the CFS has learned exactly the wrong lessons from the collapse of CUS! CUS collapsed because its leaders saw themselves as the vanguard of a national political movement, who had no need to listen to the grievances of their members. This led to a backlash, but the original fault lay with CUS’s leadership. As the National Union of Students (Canada) noted in 1975: “CUS had made too many mistakes to survive.”³ Had CUS had the money necessary to file lawsuits against all of its departing members it is possible that the organization might have survived for a short while longer, but in the end these tactics would have only served to create even more bitterness within the Canadian student movement.

The success of the 2005 student strike in Québec, which defeated the Liberal government’s plans to reduce the student grant program by \$103 million, provides a concrete example of how student unity can lead to concrete political results. However, the CFS’s supporters’ characterization of this strike as “operat[ing] on the basis of a lot of centralized organizing”⁴ is only partially true. In fact, the Québec student strike was only successful because of cooperation between CFS-Québec, la Fédération Étudiante Universitaire du Québec (FEUQ), la Fédération Étudiante Collégiale du Québec, l’Association Pour Une Solidarité Syndicale Étudiante (ASSÉ), and independent students’ unions.⁵ Would this cooperation have occurred if

¹ CFS, “Constitution and Bylaws,” November 2008, Preamble.

² CFS, Founding Conference Minutes, October 1981, 58.

³ D. O’Connor, B. Buckingham, and H. Creswick, “NUS/UNE Orientation Paper,” 1.

⁴ Eric Newstadt, “Accounting for the Student Movement in Canada,” 103.

⁵ Aidan Conway, “‘The Strike of the General Assembly’: An Interview with Nicolas Phebus,” *Upping The Anti: A Journal of Theory and Action*, no. 2 (January 2006), 48-57, http://auto_sol.tao.ca/node/1752; Stefan Christoff,

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students' unions were fighting lawsuits over the validity of various affiliations and disaffiliations? Indeed, would the 2005 Québec student strike have even gotten off the ground if senior FEUQ political operatives had sabotaged the formation of ASSÉ five years earlier and thus prevented the emergence of a "competing" student organization?

In the final analysis, solidarity can not be forced on people through bylaws or litigation. It can only arise naturally through goodwill and cooperation on matters of mutual interest. The student movement is more than just one single organization, and attempts to pound students' unions into one single organization by force will only serve to increase the "fragmentation" that characterizes the Canadian student movement today.

The CFS's tactics are not only destructive of true student solidarity, but over the long term, I believe that they threaten the CFS's actual political goals. At the present time, Republican Party leaders are trying to derail healthcare reform in the United States by criticizing the very idea that "government" can solve people's problems. Louisiana governor Bobby Jindal even suggested that the failure of the US government to respond effectively to Hurricane Katrina is proof that "government bureaucrats" cannot effectively meet people's needs.⁶ Jindal was mistaken; the US government's failed response to Hurricane Katrina was not rooted in government bureaucracy, but in *bad* government bureaucracy, specifically through the incompetent administrator that President Bush had appointed to lead the Federal Emergency Management Agency.⁷

Similarly, the problems of the CFS do not lie with "bureaucracy" in general (some form of bureaucracy is inevitable in any student organization) but with *this particular* bureaucracy, operating within *this particular* corporate culture. Nonetheless, the effects of this particular bureaucracy could very well extend far beyond the CFS. By convincing students that collectivist, democratic structures do not work, the CFS's authoritarian organizing tactics could potentially lead to the deligitimization of the general concept of democratic collectivist organization. This could lead to increased public support for legislation that would make individual membership in students' unions voluntary ("Voluntary Student Unionism," which is currently in effect in Australia). This could also lead to increased public support for "open shop" labour legislation, and could even lead to an erosion of public support for public healthcare, education, and other social programs. This would undermine the CFS's stated ultimate goal: "a system of post-secondary education which is accessible to all, which is of high quality, which is nationally planned, which recognizes the legitimacy of student representation, and validity of student rights, and whose role in society is clearly recognized and appreciated."⁸

"Contemporary Currents of Quebec's Student Movement: An interview with Sophie Schoen of L'Association pour une Solidarité Syndicale Étudiante (ASSÉ)," *The Dominion*, May 31, 2008, <http://www.dominionpaper.ca/articles/1838>.

⁶ Cable News Network, "Transcript of Gov. Jindal's GOP response to Obama speech," February 24, 2009, <http://www.cnn.com/2009/POLITICS/02/24/sotn.jindal.transcript/>.

⁷ Jon Elliston, "FEMA: Confederacy of Dunces," *The Nation*, September 8, 2005, <http://www.thenation.com/doc/20050926/elliston>.

⁸ CFS, "Constitution and Bylaws," November 2008, Preamble.

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Appendix A

Summary of Legal Disputes Surrounding CFS Affiliation/Disaffiliation Referenda

Note 1: documents relating to these cases can be found on this website:

<http://www.studentunion.ca/cases/>.

Note 2: I am currently in the process of retrieving additional documents relating to the case *Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa*. They will be posted online once they are available.

Note 3: As of the publication of this paper, the Guelph Central Student Association and the Post-Graduate Students' Society of McGill University are in legal disputes with the Canadian Federation of Students regarding upcoming disaffiliation referenda. The leadership of these students' unions have declined to provide me with court documents relating to these cases at the present time, but once these documents have been obtained, they will be posted online.

A.1 Canadian Federation of Students v. Kwantlen University College Student Association (1991 referendum)

The Kwantlen Student Association (KSA) held a referendum to disaffiliate from the Canadian Federation of Students on September 18, 1991.¹ The CFS refused to recognize the validity of the referendum, and sued the KSA in 1997, six years later. In the lawsuit, the CFS insisted that the KSA owed the CFS membership dues for the period 1991-1997² - a huge sum of money, which the KSA was unable to afford. By this time, the KSA had lost a significant amount of its records, and was unable to prove whether the notice of referendum delivered to the CFS was sent by registered mail, as required by CFS bylaws at the time, instead of by regular mail. In any event, the parties settled out of court in 1999, agreeing that a membership referendum would be held according to CFS bylaws. The KSA and its Executives were explicitly forbidden from campaigning in the referendum³; the CFS, however, was not, and proceeded to flood the campus with staff and executives, leading to a 97.4% 'victory' for the CFS⁴. (The KSA was forbidden from disclosing the "Minutes of Settlement," which contained the onerous referendum terms, to

¹ CFS *et al.*, "Statement of Claim," October 28, 1997, 3, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. C974704, <http://www.studentunion.ca/cases/kwantlen91/writ-and-statement-of-claim.pdf>.

² *Ibid.*

³ CFS and KSA, "Minutes of Settlement," January 27, 1999, 2, attached to Lucy Watson, "Affidavit #3," March 13, 2008, as Exhibit "A," in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/watson3.pdf>.

⁴ CFS, "National Executive Report," November 1999, 43, <http://www.studentunion.ca/cfs/1999/1999-11-excreport.pdf>.

any other person⁵, and so this document did not become public until 2008 when the CFS made the document public voluntarily.)

A.2 Douglas Students' Union referendum, January 1992

The Douglas Students' Union held a disaffiliation referendum in January 1992, in which a majority voted to withdraw from the organization. According to the May 1998 CFS National Executive Report, this referendum "was not recognized by Federation members because of a number of serious procedural violations and irregularities: the vote was scheduled for the registration period so there was no prior opportunity to campaign; Society representatives conspired with the administration to bar Federation representatives from campus; an unannounced and unscheduled day of polling was held prior to the scheduled start of polling; anti-Federation materials were placed at polling stations and a sworn affidavit from a member witnessing ballot stuffing."⁶ The CFS refused to recognize the validity of this referendum, and for the following five years the membership status of the Douglas Students' Union was in dispute. However, "in the Spring of 1997, the Society elected executive members who supported membership in the Federation. Negotiations were held to resolve the matter of outstanding membership fees and agreed that a new referendum would be held on the issue of renewed membership. The referendum was held between February 23 and 27, 1998, of the 1657 students who voted, 1401 or 85 per cent voted in favour of renewed membership while 247 opposed with only 9 spoiled ballot, a significant difference from the hundreds that had been spoiled in the previous invalid referendum."⁷

This second referendum had the additional benefit of participation from the Simon Fraser Student Society. The SFSS actually changed the dates of its general elections forward by one week "since some of the dates conflicted with Douglas Colleges' CFS referendum dates."⁸

A.3 Canadian Federation of Students v. Cariboo College Student Society⁹ (1994 referendum)

The Cariboo College Student Society (CCSS) held a referendum to disaffiliate from the Canadian Federation of Students in Oct. 17-20, 1994¹⁰. The Canadian Federation of Students recognized the validity of the referendum, but claimed that according to the CFS bylaws (which

⁵ CFS and KSA, "Minutes of Settlement," 3.

⁶ CFS, "National Executive Report," May 1998, 20, attached as Exhibit J to Titus Gregory, "Affidavit #1," March 10, 2008, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/gregory1-c.pdf>.

⁷ *Ibid.*

⁸ SFSS, Forum Minutes, January 14, 1998, 6, <http://www.studentunion.ca/docs/SFSS-forum-1998-01-14.pdf>.

⁹ Now known as the Thompson Rivers University Students' Union.

¹⁰ CFS *et al.*, "Statement of Claim," April 1, 1997, 3, in *Canadian Federation of Students v. Cariboo College Student Society*, Supreme Court of British Columbia, Vancouver Registry, No. C972032, <http://www.studentunion.ca/cases/cariboo94/writ-statement-of-claim.pdf>.

the CCSS agreed to follow in a Fee Agreement that they signed in 1987), the CCSS remained a legal member of the CFS until the end of its fiscal year (June 30, 1995 in the case of CFS/CFS-Services, and August 31, 1995 in the case of CFS-BC), and owed membership fees to the CFS for that period of time.¹¹ The parties settled out of court in May 1998, with a sum of \$86,696.68 being paid to the CFS by the CCSS.¹²

A.4 Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa (1995 referendum)

In this case, there was a dispute concerning the rules that would apply for a disaffiliation referendum that the Student Federation of the University of Ottawa (SFUO) was conducting. The Court held that the SFUO had violated CFS-Ontario bylaws pertaining to the referendum, and ordered that the referendum be held on March 20, 1995. CFS-Ontario bylaws provided:

The member association, in addition to the by-laws and regulations of their own constitutions, shall give six months notice, in writing and by registered mail, to the chairperson of the Federation, of the date of any referendum concerning membership in the Federation.

Said notice shall include the specific wording of the referendum question and the rules governing the referendum, including all applicable appeal processes in accordance with by-law 3.1.10.

The name of the chief electoral officer (C.E.O.) shall be forwarded to the chairperson of the Federation three months prior to the date of the referendum.

Once the local student association has become a full member, it may only withdraw its membership subsequent to the approval by the members of a local student association, in a referendum to withdraw from the Federation.

During the referendum concerning membership in the Federation representatives of the Federation or its designates must have the freedom to provide information to members of the Federation at the member campus holding said referendum.

Freedom to provide information includes, but is not limited to campaigning and public student spaces, distribution of literature, and equal participation in public forums and debates.¹³

The SFUO did not object to the presence of the CFS on its campus, but they argued that SFUO's campaign finance limit of \$200 effectively prohibited the CFS from employing paid employees. However, the Court ruled that this campaign finance limit conflicted with CFS-Ontario bylaws. The Court ruled that CFS bylaws would apply to the disaffiliation referendum, not SFUO bylaws, and that an unlimited number of people would be allowed to campaign

¹¹ *Ibid.*

¹² CFS, *et al.*, "Consent Order," May 20, 1998, 1, in *Canadian Federation of Students v. Cariboo College Student Society*, Supreme Court of British Columbia, Vancouver Registry, No. C972032, <http://www.studentunion.ca/cases/cariboo94/consent-order.pdf>.

¹³ *Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa*.

(including from off-campus). There would be no salary limit and no campaign finance limit.¹⁴ Despite this ruling (which greatly favoured the CFS' staff-intensive, astroturf campaign *modus operandi*), students voted to disaffiliate from the CFS in the subsequent referendum.¹⁵

A.5 Canadian Federation of Students v. Acadia Students' Union (1996 referendum)

The Acadia Students' Union (ASU) first became a member of the CFS in 1990.¹⁶ In February 1995, the ASU held a disaffiliation referendum, but students voted 65% to 35% to remain members of the CFS.¹⁷ One year later, however, the ASU held a second referendum, and students voted 1077 to 319 in favour of leaving the national organization.¹⁸ According to the CFS National Executive Report:

In blatant violation of Bylaw I, 6-g, the Union held another referendum on continued membership on February 1, 1996. The referendum was invalid due to its contravention of the Federation's by-laws, which do not allow more than one membership referenda within a two year period. Union representatives verbally confirmed with Federation representatives that intentionally led the National Executive and other Federation members to believe that the referendum had been cancelled, the latter only learning that it was proceeding a few days before the proposed voting dates. The National Executive does not recognise this referendum.¹⁹

On December 21, 2001, the CFS filed a lawsuit in the Supreme Court of Nova Scotia, alleging that the ASU "has been a member of the CFS and CFS-S since 1990," but had failed to pay its membership fees since the 1995-1996 fiscal year, in violation of its contractual obligations to the CFS. The lawsuit demanded that the ASU remit to the CFS membership fees for the six preceding years.²⁰

In reply, the ASU simply claimed that its members democratically voted to leave the CFS via referendum, but the CFS "refused to accept the democratic decision of the students of Acadia University and has instead engaged in a protracted campaign of harassment and intimidation directed at the SFU." The ASU denied that any contract existed between the CFS and itself, and further claimed that such a contract violated *An Act to Incorporate Acadia Students' Union*, the law which established the ASU. The ASU further claimed that the CFS's position violated the

¹⁴ *Ibid.*, 4-5.

¹⁵ CFS, "Report of the National Executive," May 1995, 3, <http://www.studentunion.ca/cfs/1995/1995-05-excreport.pdf>.

¹⁶ CFS, NGM Minutes, May 1990, 2.

¹⁷ CFS, "Report of the National Executive," May 1996, 29, <http://www.studentunion.ca/cfs/1996/1996-05-excreport.pdf>.

¹⁸ ASU, "Defence and Counterclaim," September 24, 2002, 2, in *Canadian Federation of Students v. Acadia Students' Union*, Supreme Court of Nova Scotia, Kentville Registry, S.K. No. 10,711, <http://www.studentunion.ca/cases/acadia/defense-counterclaim.pdf>.

¹⁹ CFS, "Report of the National Executive," May 1996, 29.

²⁰ CFS, "Statement of Claim," December 21, 2001, 1, in *Canadian Federation of Students v. Acadia Students' Union*, <http://www.studentunion.ca/cases/acadia/statement-of-claim.pdf>.

constitutional rights of its members to freedom of conscience, of belief, and of association.²¹ (The ASU later withdrew its claim of a constitutional violation.²²)

The CFS claimed that the ASU had violated Bylaw I(6)(g), which prohibited a students' union from holding two disaffiliation referenda within two years of each other. The ASU claimed that Bylaw I(6)(g) was invalidly adopted, for three reasons: (a) that provision of the CFS's bylaws was adopted without proper notice; (b) a quorum was not present during that portion of the May 1995 NGM when the bylaw was adopted; and (c) the CFS did not receive the approval of the Minister of Consumer and Corporate Affairs.²³ In reply, the CFS claimed that (a) it was not necessary to provide notice of Bylaw I(6)(g), since that sub-section was simply added as a modification of the main motion to establish Bylaw I(6); (b) a careful reading of the minutes of the May 1995 NGM indicate that a quorum actually was present; and (c) the CFS did indeed promptly receive the approval of the Minister of Consumer and Corporate Affairs.²⁴

The parties settled out of court in late November 2007, on undisclosed terms.²⁵ Subsequent to the settlement, the CFS quietly removed the Acadia Students' Union from its list of members. No mention was made of the settlement in the May 2008 National Executive Report. However, at the May 2008 NGM, the CFS adopted a resolution "that the bylaws be repealed and replaced in their entirety,"²⁶ thus ensuring that no other students' union could rely on any defect in the proceedings of the May 1995 NGM in the future.

A.6 Canadian Federation of Students v. University of Prince Edward Island Student Union (1996 referendum, 2005 vote of Council)

The University of Prince Edward Island Student Union (UPEISU) was a founding member of the CFS. In 1996, however, a referendum was held and UPEISU members voted to disaffiliate from the national organization. However, the CFS did not recognize the validity of this referendum and the UPEISU continued to collect and remit membership fees and participate in the organization.²⁷

In 2004, the UPEISU ceased collecting and remitting fees to the CFS, and in 2005 the UPEISU Council voted to cut all ties from the CFS.²⁸ On November 14, 2008, the CFS

²¹ ASU, "Defence and Counterclaim," 2-3.

²² Tom MacEwan, letter to The Honourable Justice Gregory M. Warner, August 27, 2007, 2, in *Canadian Federation of Students v. Acadia Students' Union*, <http://www.studentunion.ca/cases/acadia/acadia-ltr2judge.pdf>.

²³ Lynn M. Connors, "Settlement Brief of the Plaintiffs, The Canadian Federation of Students and Canadian Federation of Students – Services," October 22, 2007, 4, in *Canadian Federation of Students v. Acadia Students' Union*, <http://www.studentunion.ca/cases/acadia/cfs-settlement-brief.pdf>.

²⁴ *Ibid.*, 6-10. See section 2.5 of this paper for an extended discussion of the May 1995 NGM.

²⁵ Tom MacEwan, letter to Lisa Taylor, November 7, 2007, in *Canadian Federation of Students v. Acadia Students' Union*, <http://www.studentunion.ca/cases/acadia/settlement-fax.pdf>.

²⁶ CFS, NGM Minutes, May 2008, 28 (Motion 2008/05:062).

²⁷ UPEISU, "Statement of Defence and Counterclaim," December 11, 2008, 3, in *Canadian Federation of Students/Fédération Canadienne des Étudiant(e)s v. University of Prince Edward Island Student Union*, Supreme Court of Prince Edward Island (Trial Division), No. S1-GS-22959, <http://www.studentunion.ca/cases/pei/statement-of-defense-counterclaim.pdf>.

²⁸ *Ibid.*, 4.

commenced a lawsuit against UPEISU, demanding membership fees owing for the 2004-2005 and 2005-2006 years.²⁹ In response, UPEISU claims:

- That the 1984 affiliation referendum contravened UPEISU's own bylaws (because the results were not endorsed by a two-thirds vote of UPEISU Council) and was therefore null and void;
- That the 1996 disaffiliation referendum complied with UPEISU's own bylaws, and was therefore valid;
- That the CFS breached a commitment that it made in 2002 to remit 45% of UPEISU's membership dues back to the students' union, in recognition of the fact that the CFS operated very few services on Prince Edward Island;
- That the CFS, in fact, owes the UPEISU \$10,180.80 because it failed to remit 45% of UPEISU's membership dues back to the students' union during fiscal year 2003/2004.³⁰

The CFS, in response, says that the UPEISU is “estopped” (legally prevented) from asserting any flaw in the 1984 referendum, or any validity in the 1996 referendum, because by its own actions the UPEISU “has conducted itself as though it were a member of the [CFS] and has received, on its own behalf and on behalf of its members, benefits of membership in the [CFS].” The CFS also denied the validity of the 1996 referendum and the decision by Council, nine years later, to recognize this referendum.³¹

As of 2010, the matter has yet to be brought to trial.

A.7 Mowat v. University of Saskatchewan Students' Union and Canadian Federation of Students v. Mowat (2005 referendum)

On November 4, 2004, Gavin Gardiner, the President of the University of Saskatchewan Students' Union (USSU), moved a motion at a meeting of the USSU University Students' Council (USC) to seek prospective membership in the CFS. Gardiner argued that prospective membership was necessary so that the USSU would “have full access to fully and fairly evaluate” the CFS and so that the USSU could attend the CFS Conference and thus make an “unbiased decision.” He also falsely claimed that the CFS Constitution and Bylaws were confidential, but that should the USSU seek prospective membership, “the constitution would be made available to Council and the decision [on whether or not to support the CFS] can then be made.” Some councillors spoke against this course of action, claiming that the USSU should first

²⁹ CFS, “Statement of Claim,” November 14, 2008, in *Canadian Federation of Students/Fédération Canadienne des Étudiant(e)s v. University of Prince Edward Island Student Union*, <http://www.studentunion.ca/cases/pei/statement-of-claim.pdf>.

³⁰ UPEISU, “Statement of Defence and Counterclaim,” 1-6.

³¹ CFS, “Reply and Defence to Counterclaim,” 1-2, in *Canadian Federation of Students/Fédération Canadienne des Étudiant(e)s v. University of Prince Edward Island Student Union*, <http://www.studentunion.ca/cases/pei/reply-defense-to-counterclaim.pdf>.

evaluate the CFS before deciding to hold a referendum on joining said organization, while others questioned the transparency of an organization that was (supposedly) unwilling to give out copies of its Constitution to outsiders. Nonetheless, Council voted in favour of seeking out prospective membership.³²

Council was blissfully unaware of the fact that the supposedly secret bylaws of the national organization were, in fact, rather prescriptive concerning the mechanics of the referendum that it had committed the USSU to undertaking. At the immediately proceeding meeting of Council, held on December 2, 2004, several councillors, having now looked at CFS Bylaw I, suggested that Council's decision to seek prospective membership in the CFS should be rescinded, on the grounds that the CFS Referendum Oversight Committee (ROC) contravened the USSU's own Constitution and Bylaws, and that the ROC would be biased. However, President Gardiner argued that the USSU's application for prospective membership had already been submitted to the CFS, and that as a result, "the USSU has entered into a contract" from which it could not simply back out.^{33,34}

At its January 27, 2005 meeting, in response to concerns expressed by the USSU Elections Board, Council voted to direct "the Elections Board [to] seek a legal opinion on the referendum oversight committee as soon as possible and not act on it until that legal opinion is sought."³⁵ The USSU lawyer replied, stating in part:

"There is no question that there is a conflict between the Constitution and Bylaws of the Canadian Federation of Students and the Constitution of the University of Saskatchewan Students' Union.... A Referendum Oversight Committee as established in a. 4(b) of the Constitution and Bylaw of the CFS oversees the referendum and essentially, despite the fact that two members are appointed by the USSU, usurps the function of the Elections Board.... It is possible to have the referendum comply with both the Constitution of the USSU and the Constitution and Bylaws of the CFS. I see no difficulty with having the Referendum Oversight Committee and the Elections Board co-operate in a partnership to conduct an identical referendum provided that it complies with both of the Constitutions."³⁶

³² USSU, University Students' Council Minutes, November 4, 2004, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>.

³³ USSU, University Students' Council Minutes, December 2, 2004, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>.

³⁴ Of course, Council had not been aware of the terms of this 'contract' at the time that it sought prospective membership in the CFS, in part due to Gardiner's false statement at the previous Council meeting that the CFS Constitution was a confidential document. In addition, councillors would not have been able to turn to the CFS website to access the organization's bylaws, since the CFS had defeated a motion (proposed by the Kwantlen Student Association) to post its bylaws online at the May 2004 National General Meeting. CFS, NGM Minutes, May 2004, Closing Plenary, 17-18 (Motion 2004/05:094) (see also pages 18-20).

³⁵ USSU, University Students' Council Minutes, January 27, 2005, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>.

³⁶ Gregory Walen, letter to the USSU, February 8, 2005, attached as Exhibit "B" to Victoria Coffin, "Affidavit of Victoria Coffin," May 9, 2006, in *Robin Mowat v. University of Saskatchewan Students' Union*, Saskatchewan Court of Queen's Bench, Judicial Centre of Saskatoon, No. 655 of 2006, <http://www.studentunion.ca/cases/saskatchewan/coffin1.pdf>.

However, the USSU was not in a position to implement this complicated scheme in time for a March referendum; in fact, an ROC had not even been established. Upon receiving this advice, and after considerable debate, Council voted to postpone the referendum to the fall.³⁷

The purpose of postponing the referendum was to give the USSU and the CFS time to mesh their respective bylaws together in advance of the referendum; however, this was not done. Council endorsed a 'YES' vote in September 2005, and was informed that Dorina Stahl and Martin Olszynski had been appointed as Chief Returning Officer and Assistant Chief Returning Officer, respectively, for the referendum.³⁸ However, upon assuming office, Stahl and Olszynski immediately realized that there remained a conflict between the USSU and CFS bylaws, and concluded that the "referendum could not be held as scheduled, as it would violate several provisions of the USSU Elections and Referenda policy."³⁹ In response, USSU Council voted to amend the Elections and Referenda Policy to provide: "In Referenda to federate in the CFS the Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee and that the Elections Board must ratify the results of this referendum."⁴⁰ The debate on this motion was heated, and five councillors who voted 'No' had their votes recorded in the minutes for the record.

The resultant referendum, held on October 4-6, 2005, was extremely heated. 'Yes' campaigners Lucy Watson (CFS Director of Organising and ROC member)⁴¹ and Joel Duff (CFS-Ontario Organiser and Health Plan Organiser)⁴², as well as 'No' campaigner Robin Mowat (former USSU President)⁴³ all allegedly engaged in harassment against their ideological opponents during the struggle. In the end, University of Saskatchewan students voted to join the Federation, 1,968 to 1,584 (55% to 45%).⁴⁴

Subsequent to the referendum, the ROC released its official report declaring itself "satisfied that the referendum results are an accurate reflection of the will of the members of the University of Saskatchewan Students' Union."⁴⁵ The ROC report considered a number of complaints (including unapproved campaign materials, campaigners spreading false information,

³⁷ USSU, University Students' Council Minutes, February 10, 2005, 2-4 * 6-9, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>.

³⁸ USSU, University Students' Council Minutes, September 15, 2005, 2-5, <http://www.ussu.ca/pdfs/usc/archives/2005-06-usc.pdf>; Jeremy Warren, "CFS membership endorsed by Council," *The Sheaf*, September 22, 2005, A2 & A4, http://www.thesheaf.com/pdf97/Sheaf20050922web_A.pdf.

³⁹ CFS and USSU, Election Oversight Committee Minutes, September 11, 2005, attached as Exhibit "B" to Trent Evanisky, "Affidavit of Trent Evanisky," May 10, 2006, in *Robin Mowat v. University of Saskatchewan Students' Union*, <http://www.studentunion.ca/cases/saskatchewan/evanisky1.pdf>.

⁴⁰ USSU, University Students' Council Minutes, September 22, 2005, 3-9, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>; USSU, University Students' Council Minutes, September 29, 2005, 8-15, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>.

⁴¹ Jeremy Ring, "Affidavit of Jeremy Ring," May 8, 2006, 2, in *Robin Mowat v. University of Saskatchewan Students' Union*, <http://www.studentunion.ca/cases/saskatchewan/ring1.pdf>.

⁴² Evan Cole, "Affidavit of Evan Cole," May 9, 2006, 4, in *Robin Mowat v. University of Saskatchewan Students' Union*, <http://www.studentunion.ca/cases/saskatchewan/cole1.pdf>.

⁴³ Lucy Watson, "Affidavit of Lucy Watson," July 5, 2006, 16, in *Robin Mowat v. University of Saskatchewan Students' Union*.

⁴⁴ Lucy Watson, "Affidavit of Lucy Watson," 15.

⁴⁵ CFS and USSU, Election Oversight Committee, "Referendum Oversight Committee. Report," November 2005, 4, attached as Exhibit "Z" to Lucy Watson, "Affidavit of Lucy Watson."

campaigning within 30 feet of the polling area, ‘pre-campaigning’ by the CFS, campaigning by CASA, the failure of the referendum question to mention the CFS fee), but ultimately concluded that none of the complaints had merit or would have affected the ultimate result of the referendum. The ROC sought, and obtained, an opinion from the USSU lawyer concerning a complaint that was filed by Mowat, and the lawyer stated that although the referendum was not “held in complete compliance with the CFS Bylaws,” he was nonetheless not convinced that these violations were of sufficient magnitude to warrant overturning the results.⁴⁶

However, the USSU Elections Board, tasked with reviewing the decision of the ROC, came to a different conclusion. Applying the principles of natural justice, the Elections Board evaluated the referendum process against the pillars of “clarity, transparency, equality and accessibility,” and concluded that all four pillars were not adhered to. The Elections Board took particular exception to the presence of partisan CFS representatives on the Committee, noting that this gave the ‘Yes’ side inside information earlier than the ‘No’ side and could have biased the decisions of the Committee. The Elections Board noted that appeals from the ROC were to be directed to an Appeals Committee (consisting of one representative each of the CFS and the USSU), but no Appeals Committee was ever set up. The Elections Board concluded “that it could not ratify the result, given what it sees as a seriously flawed referendum process.”⁴⁷

In response, lawyers for the CFS wrote a letter to the USSU, stating:

As you are aware, and as established by the Ontario Superior Court of Justice in *Canadian Federation of Students (Ontario) v. Students Federation of the University of Ottawa* the by-laws of the CFS are contractual in nature and are binding upon its prospective and full members. Failure to adhere to those by-laws constitutes a breach of contract and may result in the initiation of legal action. In addition to outlining the obligations of membership, the by-laws delineate the circumstances under which any referendum is to be administered including the striking of a Referendum Oversight Committee. That Committee is responsible for the proper administration of the referendum. The CFS and CFS-S do not recognize the authority of any other entity which might be struck to oversee the administration of a referendum on a campus seeking to become a full member of the CFS/CFS-S. This would include the Elections Board which has been struck at the University of Saskatchewan.⁴⁸

As far as the CFS was concerned, all documents and structures of the USSU that purported to govern the referendum were null and void – the Bylaws, the Elections and Referenda Policy, and the Elections Board.

At the subsequent USSU Council meeting, President Gardiner (who was at that time an officer and director of CFS-National, CFS-Services, and CFS-Saskatchewan⁴⁹) urged Council to

⁴⁶ *Ibid.*

⁴⁷ USSU, Elections Board, “Summary of Concerns regarding the USSU-CFS Membership Referendum 2005,” attached as Exhibit “G” to Victoria Coffin, “Affidavit of Victoria Coffin.”

⁴⁸ Todd J. Burke, letter to Gregory Walen, March 24, 2006, 1, attached as Exhibit “DD” to Lucy Watson, “Affidavit of Lucy Watson.”

⁴⁹ USSU, University Students’ Council Minutes, March 30, 2006, 10, <http://www.ussu.ca/pdfs/usc/archives/2004-05-usc.pdf>; CFS, Standing Resolution 32 – Saskatchewan Component, s. 3 (a).

overturn the decision of the Elections Board, overturning the special policy that Council had previously enacted which vested the Board with the responsibility of ratifying the results of the referendum. Gardiner insisted that this recommendation “has nothing to do with [his] thoughts on CFS itself,” but rather was based on an attempt to prevent the USSU from being placed in a “legally difficult position.” Gardiner “asked if it is better to challenge CFS, which has a financial stake in this referendum, or to challenge the no side.”⁵⁰ Following a long and vigorous debate, Council voted to “ratify the results of the Referendum,” thus overturning the decision of the Elections Board.⁵¹

Subsequent to this decision, Robin Mowat filed a lawsuit before the Court of Queen’s Bench, seeking to overturn the results of the referendum. He relied upon a provision in the Saskatchewan *Non-Profit Corporations Act* which empowers the Court to rectify any action of a corporation that “is oppressive or unfairly prejudicial to any member, security holder, creditor, director or officer.” Mowat argued that the USSU acted oppressively by “ignor[ing] the rules of natural justice,” by “fail[ing] to remain impartial throughout the process” and by failing to act in “good faith.”⁵² Specifically, Mowat claimed that the USSU:

- failed to provide proper notice of the referendum;
- failed to adopt and properly circulate the rules of the referendum;
- failed to provide two weeks’ notice of the referendum question;
- failed to strike an Appeals Committee to hear appeals from the decisions of the ROC;
- provided the ‘Yes’ side with insider information on the decisions of the ROC, inasmuch as CFS representatives on the ROC were partisan campaigners, whereas the USSU representatives were neutral;
- applied for full membership in the CFS before the USSU Elections Board had completed its report; and,
- disregarded the report of the Elections Board, violating its own Elections and Referenda Policy.⁵³

In response, the CFS argued that the USSU Bylaws (and consequently, the Elections Board) were completely irrelevant, and so any decision of the Elections Board (or of Council) was of no legal force or effect.⁵⁴ The CFS also argued a series of procedural issues: whether

⁵⁰ USSU, University Students’ Council Minutes, 3, March 30, 2006; see also Patrick Thompson, “Regnier reflects on CFS vote,” *The Sheaf*, April 6, 2006, A9, http://www.thesheaf.com/pdf97/Sheaf20060406web_A.pdf.

⁵¹ *Ibid.*, 3-10; see also Charles Hamilton, “Final Council ignores recommendations,” *The Sheaf*, April 6, 2006, A2 & A10, http://www.thesheaf.com/pdf97/Sheaf20060406web_A.pdf.

⁵² Jennifer D. Pereira, “Brief of Law on Behalf of the Applicant, Robin Mowat,” August 18, 2006, 14-15, in *Robin Mowat v. University of Saskatchewan Students’ Union*, <http://www.studentunion.ca/cases/saskatchewan/brief-of-law-mowat.pdf>.

⁵³ *Ibid.*, 14-25.

⁵⁴ CFS, “Brief of Law of the Moving Parties,” July 5, 2006, 29-34, in *Robin Mowat v. University of Saskatchewan Students’ Union*, <http://www.studentunion.ca/cases/saskatchewan/brief-of-law-cfs.pdf>.

Robin Mowat had standing (as he had already graduated from University at the time that he filed the lawsuit); whether the affidavits that had been submitted by Mowat and his allies should be struck on the grounds that they were argumentative, scandalous, or contained hearsay; whether Mowat was entitled under the *Non-Profit Corporations Act* to seek an oppression remedy in the case of a referendum; and whether the USSU Council was bound by its own Elections and Referenda Policy.⁵⁵ Lastly, the CFS argued that the USSU had not engaged in oppression, since Mowat had the opportunity to campaign and vote against the CFS, and in the end, students voted in favour of joining the CFS.⁵⁶

The Court agreed with Mowat that the conduct of the USSU must be evaluated against three criteria: “(i) Has the non-profit organization acted in good faith? (ii) Has the non-profit organization acted illegally? (iii) Has the non-profit organization acted within the rules of natural justice?”⁵⁷ The Court noted USSU Council’s decision to disregard the Elections Board that it had previously established:

62) In this case, it is instructive to reflect upon the USC’s reaction to the report of the Elections Board and the inconvenient truths noted therein. The USC’s response to the report was to ignore the very process it created to ensure there was a fair referendum. Does that have the badges of good faith, fair play or the general notions of natural justice?

63) In my view, no reasonable observer could conclude that the USC approached the post-vote process in good faith or in a fashion that is in harmony with the broad rules of natural justice. When faced with a result (rendered by a procedure which it had specifically established for the referendum) which was not consistent with its wishes, [Council] simply ignored its own rules and imposed its own preordained outcome.

64) Accordingly, I conclude that the USC breached its obligation to act in good faith and conducted itself in a fashion inconsistent with natural justice. The applicant is entitled to a portion of the relief he seeks. The portion I am willing to grant is limited to the effect of the referendum. I order that the referendum held by the USSU on the issue of whether it should join the CFS is of absolutely no force or effect.⁵⁸

Both the CFS and the USSU appealed this decision to the Court of Appeal, but the Court of Appeal upheld the decision of the Court of Queen’s Bench.⁵⁹ In spite of these defeats, the CFS continues to consider the USSU to be a ‘full member’ of the CFS, and continues to count University of Saskatchewan undergraduate students in computing the size of its membership.⁶⁰

⁵⁵ *Ibid.*, 1-2, 16-17, 20-25, 28-29, 37-38.

⁵⁶ *Ibid.*, 37-40.

⁵⁷ *Mowat v. University of Saskatchewan Students’ Union*, 2006 SKQB 462 (CanLII), para. 50., <http://www.canlii.org/en/sk/skqb/doc/2006/2006skqb462/2006skqb462.html>.

⁵⁸ *Ibid.*, paras. 62-64.

⁵⁹ *Canadian Federation of Students v. Mowat*, 2007 SKCA 90 (CanLII), <http://www.canlii.org/en/sk/skca/doc/2007/2007skca90/2007skca90.html>.

⁶⁰ CFS, “Membership List: November 2009 National General Meeting.”

The USSU resolved to hold a second referendum in 2008⁶¹, but this never occurred. On September 24, 2009, USSU Council voted to rescind its application for prospective membership in the CFS, setting the organization on course for yet another legal battle with the Federation.⁶²

A.8 Byers v. The Cariboo College Student Society (2006 referendum)

The Cariboo College Student Society (CCSS), then known informally as the Thompson Rivers University Students' Union (TRUSU), held a referendum to affiliate to the Canadian Federation of Students on February 7-9, 2006. On February 6, 2006, two students, Nicholas Byers and Brent Foster, filed a lawsuit alleging that "the Cariboo College Student Society By-laws are not being followed to run the referendum" and requesting the court to "see[] the referendum of the Cariboo College Student Society deemed invalid." Nicholas and Byers were not represented by legal counsel; their Petition to the Court was hand-written.⁶³ They sought an injunction halting the referendum before the votes were counted, but on February 8, 2006, the Court refused to grant this request.⁶⁴

According to documents filed in court, Byers and Foster alleged that several provisions of the CCSS bylaws were not being adhered to regarding referenda: the electoral committee was not solely comprised of Thompson Rivers University students; the chairperson of this committee was not selected by the CCSS Council; one month's notice, listing the exact text of the referendum question, was not provided; the CCSS Council endorsed the "Yes" side; a petition signed by 200 Thompson Rivers University students was not collected. In addition, Byers and Foster made a number of additional allegations regarding the conduct of the referendum: that the Referendum Rules were not publicized in an adequate fashion; that all four members of the Referendum Oversight Committee were partisan CFS supporters; that a provision in the CFS bylaws requiring a petition to initiate an affiliation referendum vote was not followed; that "No" side campaign material was being removed from poster boards due to students not being aware of the fact that campaign materials had to be approved by the Referendum Oversight Committee; that "the voting process was geared to intimidate voters into voting Yes by having a Federation member present at all voting stations"; and that the vote was not secret. As a result, they claimed that "it is impossible for a fair and democratic referendum to occur."⁶⁵

⁶¹ Wendy Gillis, "First Peek at What's Coming Up for the USSU," *The Sheaf*, September 4, 2008, A5, http://www.thesheaf.com/pdf100/Sheaf2008-09-04web_A.pdf.

⁶² USSU, University Students' Council Minutes, September 24, 2009, 2-3, http://www.ussu.ca/pdfs/usc/20090924_usc.pdf; USSU, University Students' Council Minutes, September 17, 2009, 2-10, http://www.ussu.ca/pdfs/usc/20090917_usc.pdf; Ashleigh Mattern, "Students' council may abandon CFS," *The Sheaf*, September 17, 2009, A2, http://thesheaf.com/pdf101/Sheaf2009-09-17web_A.pdf.

⁶³ Nicholas Byers and Brent Foster, "Petition to the Court," February 6, 2006, in *Byers et al v Cariboo College Student Society*, Supreme Court of British Columbia, Kamloops Registry, No. 38229, <http://www.studentunion.ca/cases/cariboo06/petition.pdf>.

⁶⁴ *Byers et al v Cariboo College Student Society*, 2006 BCSC 461 (CanLII), February 9, 2006, <http://www.canlii.org/en/bc/bcsc/doc/2006/2006bcsc461/2006bcsc461.html>.

⁶⁵ Nicholas Byers, "Affidavit #2," February 8, 2006, in *Byers et al v Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/byers-affidavit-2.pdf>; Brent Foster, "Outline," March 30, 2006, in *Byers et al v Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/byers-outline.pdf>; see also Cariboo Student Society, "By-laws of the Cariboo Student Society," in *Byers et al v Cariboo College Student*

The CCSS denied that any improprieties in the conduct of the referendum. According to documents filed in court, the CCSS said that the referendum was governed by a Referendum Oversight Committee initially consisting of two CFS staffers, Lucy Watson and Summer McFadyen, and two CCSS staffers, Ernie Ware and Nathan Lane. Shortly before the referendum itself, Watson was replaced by Michael Gardiner and Ware was replaced by Terry Monteleone.⁶⁶ According to Lane, “the meetings to discuss and set out the Referendum Rules were cordial and collegial and it was evident that all of the members of the Committee, regardless of any personal beliefs they held, were motivated to hold a fair, dignified, well publicized, and transparent referendum.”⁶⁷ CCSS affidavits claimed: that one month’s notice was clearly provided in advance of the referendum; that the referendum was covered in the campus newspaper (*The Omega*); that the CCSS offered to provide funding for the “No” side; that polling stations included one representative each from the CFS and the CCSS (as required by CFS bylaws), but these representatives were prohibited from campaigning in the referendum; that the balloting process was conducted in an extremely secure manner (Lane apparently slept in the CCSS office each night of the referendum campaign in order to ensure that no one would tamper with the ballots); and that the vote counting process was observed by both “Yes” and “No” scrutineers. The result: 1290 Yes votes (79%), 345 No votes (21%), and 1 spoiled ballot, representing a turnout of 3,602 students, or 26% of the entire student population.⁶⁸

Furthermore, CCSS affidavits claimed that the Nicholas Byers had voted twice in the referendum, and had attempted to vote a third time but was prevented from doing so by the polling clerks when it was discovered that he had already voted twice.⁶⁹ Byers and Foster did not rebut this claim in any documents that were filed in court. It is not clear whether Byers was attempting to expose perceived weaknesses in the voting system, or whether he was simply committing electoral fraud for nefarious purposes. However, Elections Canada has strongly condemned individuals who have attempted to expose alleged weaknesses in the federal voting system by trying to vote multiple times, arguing that the appropriate course of action in such cases is to point out the alleged weaknesses to the polling clerks who are on duty.⁷⁰

In advancing their claim that the referendum needed to adhere to CCSS bylaws, Byers and Foster claimed that “the by-laws of a Society are a contract between the society and it’s [*sic*] members” and that “the council does not have the authority to electively disregard the by-laws, and doing so violated the rights of the members.”⁷¹ However, CCSS legal counsel Don Crane argued that the CCSS bylaws were “inapplicable” to a referendum on joining the CFS, and that the CCSS Council had applied for prospective membership in the CFS fully aware of the fact that in so doing they would subject their members to a referendum governed by CFS bylaws. And Crane had the case law on his side: the 1995 decision of the Ontario Court of Justice in *CFS*

Society, <http://www.studentunion.ca/cases/cariboo06/ccss-bylaws.pdf>. Note: it appears that the CCSS may have changed its name multiple times. Currently, it is known as the Thompson Rivers University Students’ Union.

⁶⁶ Terry Monteleone, “Affidavit #1,” February 9, 2006, 3-4, in *Byers et al v. Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/monteleone-affidavit.pdf>.

⁶⁷ Nathan Lane, “Affidavit #1,” April 9, 2006, 2, in *Byers et al v. Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/lane-affidavit.pdf>.

⁶⁸ Nathan Lane, “Affidavit #1”; Terry Monteleone, “Affidavit #1.”

⁶⁹ *Ibid.*

⁷⁰ Canada, Commissioner of Canada Elections, “Compliance Agreement,” February 8, 2005, <http://www.elections.ca/content.asp?section=loi&document=feb0805&dir=agr&lang=e&textonly=false>.

⁷¹ Brent Foster, “Outline.”

(Ontario) v. Students Federation of the University of Ottawa, which ruled that CFS-Ontario bylaws applied to a disaffiliation referendum.⁷²

The Supreme Court of British Columbia ruled that it was the bylaws of the CFS that governed, not those of the CCSS, as “it is typically the organization in which membership is sought which sets the rules upon which it is prepared to grant membership.” The Court also referenced *CFS (Ontario) v. Students Federation of the University of Ottawa*. With respect to the allegations of irregularities, the Court did not find any evidence of irregularities. The Court noted that the referendum “process [...] functioned well enough to determine that Mr. Byers had voted twice in the referendum and had been refused the opportunity to vote a third time,” conduct that the Court found “reprehensible.”⁷³

It should be noted that the referendum process was almost entirely controlled by CFS partisans. Lucy Watson is the CFS Director of Organizing; Summer McFadyen and Michael Gardiner were CFS-BC Organizers. Nathan Lane, the Executive Director of the CCSS, served as an elected Vice-President of the University of Regina Students’ Union in 2003,⁷⁴ and was appointed Organizer of the newly-Federated Okanagan University College Student Association-Kelowna in 2004, shortly after his elected term ended.⁷⁵ Terry Monteleone was the President of the CCSS, and his smiling face and endorsement appeared on “Vote Yes” CFS campaign propaganda;⁷⁶ subsequent to the referendum, Monteleone was quoted in *The Omega* as saying: “I’m obviously extremely happy, I’m just more confident in my position and the direction the student union wants to take. This decisive victory confirms my belief in what we’re doing is right.”⁷⁷ During the referendum vote, therefore, all four Referendum Oversight Committee members were CFS partisans, and at least one member was a key leader of the “Yes” campaign.

In addition, the “Referendum Voting Incident Reports”⁷⁸ that documented Byers’ electoral fraud reveal that most of the poll clerks were CFS partisans, as well. CFS polling clerk Katie Riecken had worked as a coordinator for CFS-BC’s Rock the Vote, a get-out-the-vote project (which Elections BC refused to endorse due to partisanship — all of the Rock the Vote staff were New Democratic Party operatives);⁷⁹ CFS polling clerk Steve Beasley is the long-time Executive Director of the Malaspina Students’ Union (now known as the Vancouver Island University Students’ Union); CFS polling clerk Lisa MacLeod was the Chairperson of CFS-BC;

⁷² Don Crane, “Respondent’s Outline,” 1-4, in *Byers et al v Cariboo College Student Society*, <http://www.studentunion.ca/cases/cfs-outline.pdf>.

⁷³ *Byers et al v. Cariboo College Student Society*, 2006 BCSC 603 (CanLII), April 18, 2006, <http://www.canlii.org/en/bc/bcsc/doc/2006/2006bcsc603/2006bcsc603.html>.

⁷⁴ Holly McKenzie, “Student Union Executive settles in,” *The Carillon*, May 22, 2003, <http://www.carillon.uregina.ca/05.22.03/story3.htm>.

⁷⁵ OUCSA-K, “Staff,” 2004, <http://web.archive.org/web/20040601063022/www.oucsak.bc.ca/page124.htm>.

⁷⁶ CFS, “YES! Canadian Federation of Students,” 2006, in *Byers et al v Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/cfs-propaganda.pdf>.

⁷⁷ Joe Fries, “Federation referendum passes,” *The Omega*, February 2006, <http://web.archive.org/web/20061017213141/http://www.tru.ca/omega/news.htm>.

⁷⁸ Terry Monteleone, “Affidavit #1,” exhibits B, C, and D.

⁷⁹ Paul Franken, “Rock the Vote misleading: Connections expose the campaign’s partisan roots,” *The Martlet*, March 24, 2005, <http://www.martlet.ca/old/archives/050324/oped1.html>; Megan Stewart, “Political, not partisan, says Rock the Vote,” *The Martlet*, April 7, 2005, <http://www.martlet.ca/old/archives/050407/news4.html>; Kerry McGrath, “NDPers Rock the Vote,” *The Georgia Straight*, March 31, 2005, <http://www.straight.com/article/ndpers-rock-the-vote>.

and CCSS polling clerk Yeshwant Selvaratnam was an elected CCSS Councillor, who seconded a motion to “formally endorse the ‘YES’ side of the Canadian Federation of Students referendum” and to direct “Council members [to] encourage members to vote ‘Yes’” (though presumably Selvaratnam did not adhere to this motion themselves, as doing so would contravene the Referendum Rules).⁸⁰ In 2008, the CFS Referendum Campaign Plan for the SFSS referendum listed Watson, McFadyen, Lane, Riecken, Beasley, and MacLeod as campaign strategists or potential CFS campaigners.⁸¹

Despite this partisanship, there is essentially no evidence whatsoever that the referendum itself was conducted in an improper manner. If Byers and Foster had the tens of thousands of dollars necessary to retain legal counsel, and if Byers had not foolishly committed electoral fraud, it is possible that they might have persuaded the Court to order that the referendum be governed by an unbiased electoral management body, as mandated by CCSS bylaws⁸² and prescribed by generally-accepted norms for the administration of referenda. However, given the depth of support for the CFS at Thompson Rivers University, as evidenced by the 79% “Yes” vote, it seems highly unlikely that such efforts would have affected the end result of the referendum.

A.9 Canadian Federation of Students v. Kwantlen University College Student Association (2008 referendum)⁸³

The Kwantlen Student Association (KSA) delivered a valid disaffiliation petition to the Canadian Federation of Students in September 2007, and gave notice for a referendum to take place on March 18-20, 2008⁸⁴. A Referendum Oversight Committee (ROC) was struck, and began its work in January 2008⁸⁵. However, the ROC failed to reach agreement on a number of issues, including the text of the referendum question. On January 29, 2008, the CFS proposed a two-page referendum question consisting of the text “Are you in favour of maintaining formal relations with the students who are members of the following students’ unions:”, followed by a list of the 84 students’ unions whom the CFS claimed as members.⁸⁶ The CFS steadfastly maintained that this ‘referendum question’ was the only suitable question for the following 29 days, at which point it submitted alternative referendum questions, one of which was worded as follows: “Are you in favour of stopping the further fragmentation of Canada’s student movement

⁸⁰ Cariboo Student Society, Council Meeting Minutes, December 16, 2005, 1, in *Byers et al v Cariboo College Student Society*, <http://www.studentunion.ca/cases/cariboo06/ccss-minutes.pdf>.

⁸¹ CFS, “Referendum Campaign Plan and Tasklist.”

⁸² Cariboo Student Society, “By-laws of the Cariboo Student Society,” 25.

⁸³ For the purposes of full disclosure, I should note that I was working for the KSA at this time, although I had significant differences of opinion with the KSA leadership on a number of questions relating to legal strategy.

⁸⁴ Laura Anderson, “Affidavit #1,” March 9, 2008, 6, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/anderson1.pdf>.

⁸⁵ Ben West, “Affidavit #1,” March 10, 2008, 5, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/west1.pdf>.

⁸⁶ CFS, “Proposed Referendum Question,” January 29, 2008, attached to Ben West, “Affidavit #1,” as Exhibit “B.”

through a democratic framework called the Canadian Federation of Students?”⁸⁷ Nine days later – only eleven days before the planned start of polling – the CFS representatives on the ROC claimed that the referendum could not proceed as planned, regardless of the referendum question, due to “pre-campaigning” on the part of the KSA.⁸⁸

Given the fact that the deadlock was threatening to delay the referendum, the KSA decided to ask its independent Chief Returning Officer to conduct the referendum.⁸⁹ The CFS then filed an interlocutory injunction against the KSA, claiming: (1) the ROC was responsible for determining the dates of the referendum; (2) as the ROC had been unable to agree on a number of issues, including the text of the referendum question, the referendum had to be delayed; and (3) as the KSA had engaged in allegedly inaccurate “pre-campaigning,” the referendum would have to be delayed until the fall semester, so as to cleanse the malleable minds of the KSA membership from such “inaccurate” information. The CFS asked for an injunction blocking the referendum, and delaying it until the fall of 2008.⁹⁰

In response, the KSA claimed: (1) the CFS Bylaws provided that the dates of the referendum would be set out in the petition, not determined by the ROC; (2) as, the CFS was seeking an “interlocutory injunction” (i.e. a ruling before the referendum, rather than after it), it would have to demonstrate “irreparable harm” to itself should the referendum proceed, which it was unable to do; (3) the CFS lacked standing; and (4) “pre-campaigning” did not violate the CFS Bylaws, and was in any event accurate.⁹¹

The Court agreed with the KSA that “pre-campaigning” did not violate the CFS Bylaws (and that a ban on “pre-campaigning” would be undemocratic).⁹² The Court also agreed that the CFS Bylaws provided that the dates of the referendum were supposed to be set out in the petition, not agreed to by the ROC.⁹³ The Court also criticized the performance of the CFS representatives on the ROC, stating that they “have displayed no great alacrity in trying to bring this matter in on time.”⁹⁴ However, the Court also ruled that the CFS had standing in the case, that the CFS would suffer “irreparable harm” if the referendum were to proceed. The Court ruled that the KSA “put

⁸⁷ CFS, “Proposed Referendum Questions,” February 27, 2008, attached to Ben West, “Affidavit #1,” as Exhibit “C.” In fairness to the CFS, I should note that one of the other proposed questions was the much more reasonable “Are you in favour of continued membership in the Canadian Federation of Students?” Given the sheer insanity of the CFS’s other proposed questions, however, and the long delay in supplying this proposed question, it seems reasonable to conjecture that the CFS was engaging in an elaborate game of brinksmanship, capitalizing on the veto power that it held on the ROC.

⁸⁸ Ben West, “Affidavit #1,” 15. The CFS representatives had noted the existence of KSA “pre-campaigning” as early as January 22, 2008, but failed to reference any concerns as to its compliance with CFS bylaws until 31 days later, or reference any concerns as to its factuality until 41 days later.

⁸⁹ Laura Anderson, “Affidavit #1,” 18.

⁹⁰ CFS, “Petition to the Court,” March 3, 2008, in *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, <http://www.studentunion.ca/cases/kwantlen08/petition.pdf>.

⁹¹ *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, Transcript of Proceedings, March 14, 2008, <http://www.studentunion.ca/cases/kwantlen08/transcript-2008-03-14.pdf>.

⁹² *Ibid.*, 8.

⁹³ *Ibid.*, 76.

⁹⁴ *Ibid.*, 101.

itself offside of the bylaws”⁹⁵ by deciding to use its Chief Returning Officer. In the end, the Court rescheduled the referendum to take place three weeks later than originally scheduled⁹⁶, and asked the KSA's Chief Returning Officer to conduct the referendum⁹⁷. This allowed the CFS mobile army to fight the SFSS and the KSA consecutively, rather than simultaneously, as had been originally planned. The CFS won the rescheduled referendum with 56% of the vote.⁹⁸

A.10 Cape Breton University Students' Union referendum, 2008

In the fall of 2007, the leadership of the Cape Breton University Students' Union (CBUSU) decided to hold a referendum on leaving the CFS. However, disputes arose over whether the notice required by CFS bylaws had been properly delivered to the CFS National Office. According to Amanda Aziz, CFS National Chairperson, the CFS had received a “petition and request to hold a referendum” in November 2007, but that this would require a referendum to be held in the fall of 2008.⁹⁹ However, according to opposition campaigner Stephen Moore:

At first, the national chairperson of the CFS, Amanda Aziz, said that even though someone named Amanda signed to acknowledge the receipt of the petition, it never showed up at their national office. Then the CFS admitted that it was sent to the right building but to the wrong office and another person named Amanda signed for the package. Finally, in 2008, several months later, the CFS admitted that they received the petition, but they said they received the petition too late and, therefore, refused to acknowledge the referendum. The CFS said that they would give CBU permission to hold a referendum in the fall of 2008. However, there is no reason that the union should have waited until the fall of 2008 because there is no way to tell if the CFS would have cooperated then either.

To say that a petition was late would imply that there was a clear deadline in CFS by-laws, however, that is not the case. The only deadline mentioned in the by-laws of the CFS is the deadline for the notice of the referendum. The notice is defined as the dates and times of polling and the notice must be delivered at least six months prior to the polls opening; there is no deadline stated for the receipt of the petition.¹⁰⁰

Due to the CFS's non-recognition of the notice of referendum delivered by CBUSU, the CFS refused to appoint representatives to a Referendum Oversight Committee. The CBUSU nonetheless administered a referendum itself, in which 92% of students who voted favour withdrawal from the CFS.¹⁰¹ However, the CFS refused to recognize this decision. According to

⁹⁵ *Ibid.*, 102.

⁹⁶ *Ibid.*, 102.

⁹⁷ *Canadian Federation of Students v. Kwantlen University College Student Association*, Supreme Court of British Columbia, Vancouver Registry, No. S081553, Transcript of Proceedings, March 20, 2008, 23, <http://www.studentunion.ca/cases/kwantlen08/transcript-2008-03-20.pdf>.

⁹⁸ J. J. McCullough, “CFS scores crucial victory as Kwantlen students vote to stay in.”

⁹⁹ Jon Dykeman, “Cape Breton to leave CFS,” *The Peak*, March 31, 2008, <http://www.the-peak.ca/article/3029-national-cape-breton-to>.

¹⁰⁰ Stephen Moore, “92% Vote Yes.”

¹⁰¹ Stephen Moore, “92% Vote Yes”; Jon Dykeman, “Cape Breton to leave CFS.”

Aziz, “Whatever vote that may have taken place at Cape Breton University would not relieve Cape Breton University Students’ Union of its contractual obligations to the other student unions which comprise the Federation.”¹⁰²

In its May 2008 National Executive Report, the CFS simply indicated: “Since the previous national general meeting, the National Executive has received notice from Local 95 (Cape Breton University Students’ Union) initiating a referendum on the question of continued membership in our Federation. The referendum will be conducted after September 15, 2008, as per Bylaw I.6-b-i.”¹⁰³

A.11 Simon Fraser Student Society v. Canadian Federation of Students (2008 referendum)

In March 2007, the Simon Fraser Student Society (SFSS) held a plebiscite on disaffiliation from the Canadian Federation of Students (CFS), and 80% of students voted in favour of disaffiliation. The SFSS Board of Directors interpreted this plebiscite as a mandate to formally separate from the organization.¹⁰⁴

The SFSS delivered a valid disaffiliation notice and petition to the CFS and CFS-BC on August 24, 2007. The notice, in accordance with CFS Bylaw I(6)(b)(ii)-(iii), consisted of a one-page document which read:

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.¹⁰⁵

The notice was accompanied by a Petition, in accordance with CFS Bylaw I(6)(a), bearing the signatures of 2738 SFU students, being 10.57% of all registered SFU students. The text of the Petition read:

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?

¹⁰² Erin Millar, “Simon Fraser, Victoria and Cape Breton vote to leave CFS,” *Macleans.ca*, March 24, 2008, <http://oncampus.macleans.ca/education/2008/03/24/simon-fraser-victoria-and-cape-breton-vote-to-leave-cfs/>.

¹⁰³ CFS, “National Executive Report,” May 2008, 49.

¹⁰⁴ Jason Sunder, “Free at last?,” *The Peak*, September 4, 2007, <http://www.the-peak.ca/article/110>; Derrick Harder, “Affidavit #2,” September 14, 2008, in *Simon Fraser Student Society v. Canadian Federation of Students*, Supreme Court of British Columbia, Vancouver Registry, No. S082674, <http://www.studentunion.ca/cases/sfu/harder2.pdf>.

¹⁰⁵ SFSS, “Notice: SFSS Defederation Referendum,” August 21, 2007, attached as Exhibit “C” to Derrick Harder, “Affidavit #2.”

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.¹⁰⁶

On November 5, 2007, SFSS President Derrick Harder wrote a letter to CFS National Chairperson Amanda Aziz, notifying her that the referendum was scheduled for March 18-20, 2008, “at the same time as the SFSS elections.” Harder also enclosed a six-page proposed procedure for administering the referendum. The proposed procedure was based on the assumption that both CFS and SFSS bylaws applied to the administration of the referendum. According to the proposed procedure, the Referendum Oversight Committee (ROC) (as provided for in CFS bylaws) and the SFSS Independent Electoral Commission (IEC) (as provided for in SFSS bylaws) would work together “to ensure that the Defederation Referendum and campaign are conducted in a manner that is transparent, fair and efficient.” Any dispute between the ROC and the IEC would be resolved by an independent Arbitrator, to be named jointly by both parties.¹⁰⁷

In response, Aziz wrote back on December 3, 2007, stating that the CFS had appointed Director of Organising Lucy Watson and National Treasurer Ben Lewis as its representatives on the SFU ROC. Although Aziz did not explicitly refute the assumptions inherent in Harder’s letter, she did state that “sole authority for the referendum rests with [the] Referendum Oversight Committee.”¹⁰⁸ On January 10, 2008, Harder wrote to Aziz, stating that the SFSS had appointed SFU graduate students Michael Letourneau and Kyall Glennie to the ROC. Harder also expressed his concern “that discrepancies in procedure that are not resolved now could become problematic in the future; this would obviously not be in anyone’s interests.”¹⁰⁹

On February 3, 2008, the ROC met for the first time. The ROC made a number of non-controversial procedural decisions: to designate committee co-chairs, a committee secretary, a procedure for approving meeting minutes, and a common committee email address that would be publicly available.¹¹⁰ However, the ROC failed to reach agreement on a number of important issues:

- Dates: the SFSS representatives argued that the referendum dates were March 18-20, 2008, in accordance with the notice that the SFSS had delivered to the CFS in August 2007. However, CFS representative Lucy Watson argued that “there were no dates that were submitted in the petition from Simon Fraser members to the National Executive.... At this point, there has been no agreement in terms of dates.” This

¹⁰⁶ SFSS, “Petition,” attached as Exhibit “C” to Derrick Harder, “Affidavit #2.”

¹⁰⁷ Derrick Harder, letter to Amanda Aziz, November 5, 2007, attached as Exhibit “E” to Derrick Harder, “Affidavit #2.”

¹⁰⁸ Amanda Aziz, letter to Derrick Harder, December 3, 2007, attached as Exhibit “F” to Derrick Harder, “Affidavit #2.”

¹⁰⁹ Derrick Harder, letter to Amanda Aziz, January 10, 2008, attached as Exhibit “G” to Derrick Harder, “Affidavit #2.”

¹¹⁰ CFS and SFSS, Referendum Oversight Committee, Minutes, February 3, 2008, attached as Exhibit “M” to Lucy Watson, “Affidavit #1,” in *Simon Fraser Student Society v. Canadian Federation of Students*.

position was contrary to CFS bylaws, which clearly provided that the dates of a referendum were to be set out in the “notice,” not in the “petition” or in any “agreement” as the CFS inferred.¹¹¹

- Appeals: the SFSS representatives argued in favour of the SFSS’s proposal for an independent arbitrator to deal with appeals from decisions of the ROC. However, Watson “suggest[ed]” that appeals be heard by a two-person Appeals Committee, consisting of one representative each of the CFS and the SFSS. This was presented as “remaining true to the idea that this is a process that both the Canadian Federation of Students as a whole and the individual students union are engaged in and have ownership over.”¹¹²
- Pre-campaigning: Watson “expressed serious concern about the pre-campaigning in which the Simon Fraser Student Society had been engaged since the early fall.”¹¹³ It was agreed to postpone discussion of this matter to a future date.

The ROC met again on February 11, 2008, and made a number of substantive decisions. The committee agreed upon the quorum for the referendum (5%), the majority requirement (a simple majority), on a requirement that “individuals and campaign teams must register with the Oversight Committee,” and on a number of regulations regarding campaign materials. In particular, the ROC decided that “the Committee shall approve all campaign-specific materials prior to distribution,” and that “the Committee will not approve materials which are defamatory, libellous, or factually incorrect.”¹¹⁴ However, the ROC remained at an impasse on a number of key issues:

- Referendum dates: the CFS representatives proposed March 25-27, while the SFSS representatives maintained March 18-20, consistent with the notice.¹¹⁵ Watson insisted that the March 18-20 dates were “absolutely unacceptable” due to the fact that they coincided with the SFSS elections.¹¹⁶
- Pre-campaigning: Watson claimed that “the process... has been tainted at this point” due to the SFSS’s “pre-campaigning,” which threatened to “compromise the integrity of the referendum outcome.” The SFSS representatives claimed that the CFS-BC’s “I AM CFS” advertising blitz was a form of pre-campaigning itself, but Watson

¹¹¹ CFS, “23-Oversight Committee-02-04-08 Meeting,” 8-9, attached as Exhibit “B” to Lucy Watson, “Affidavit #2,” in *Simon Fraser Student Society v. Canadian Federation of Students*. (Note that the title of this transcript reads “23 – Oversight Committee – 02-04-08 Meeting,” which may be an error.)

¹¹² CFS, “23-Oversight Committee-02-04-08 Meeting,” 13.

¹¹³ CFS and SFSS, Referendum Oversight Committee, Minutes, February 3, 2008; see also CFS, “23-Oversight Committee-02-04-08 Meeting,” 18-19.

¹¹⁴ CFS and SFSS, Referendum Oversight Committee, Minutes, February 11, 2008, attached as Exhibit “M” to Lucy Watson, “Affidavit #1.”

¹¹⁵ CFS, “23 – Roc – 2008/02/11 Meeting,” 1-5, attached as Exhibit “C” to Lucy Watson, “Affidavit #2,” in *Simon Fraser Student Society v. Canadian Federation of Students*.

¹¹⁶ *Ibid.*, 8.

disagreed, noting that this campaign did not “make reference anywhere to a vote or a referendum.”¹¹⁷

- Referendum question: the SFSS representatives proposed the referendum question that was stated on the petition: “Do you wish to remain a member of the Canadian Federation of Students?” The CFS representatives proposed a two-page question consisting of the words “Are you in favour of maintaining formal relations with the students who are members of the following students’ unions,” followed by a list of the CFS’s 84 member students’ unions. The name “Canadian Federation of Students” did not appear in this proposed question.¹¹⁸ The SFSS representatives noted that this question was “lengthy,” and strikingly different from the question that the CFS-Graduate Students’ Society of the University of Victoria ROC had agreed to (“Are you in favour of maintaining membership in the Canadian Federation of Students?”). Watson defended her unusual choice for the referendum question as follows:

Because it’s our position that in the context of what’s being happening on campus over the last six, seven months in terms of membership in the Canadian Federation of Students that we need to present people with an accurate description of membership in this entity actually is. What they are actually voting on. The same sort of confusion doesn’t exist by any means at the University of Victoria amongst graduate students from what we’ve been able to ascertain. So, this is basically putting to the individual members a question that gets at the very essence of this referendum and this vote....

We think that there’s been enough misinformation circulated over the last number of months that people have lost sight of what it is they will actually be voting on....

In terms of when one gets right down to it what membership in the Canadian Federation of Students is about... a relationship with students who are members of other students’ unions. Anything that flows from that isn’t necessarily... isn’t static, but it changes and it fluctuates from year to year, the goals, the campaigns, the services. But what’s at the very heart of being a member of an organization is sustaining and retaining a formal relationship with other members. That is the very essence of membership.¹¹⁹

The ROC’s third meeting occurred on February 19, 2008. The committee reached agreement on a number of issues relating to campaign regulations. Significantly, the committee also reached agreement on a referendum question: “Are you in favour of maintaining

¹¹⁷ *Ibid.*, 6.

¹¹⁸ CFS, “Proposed Referendum Question,” February 11, 2008, attached as Exhibit “H” to Derrick Harder, “Affidavit #2,” in *Simon Fraser Student Society v. Canadian Federation of Students*.

¹¹⁹ CFS, “23 – Roc – 2008/02/11 Meeting,” 8-12.

membership in the Canadian Federation of Students?”¹²⁰ However, the ROC was still deadlocked on the question of dates.

On February 20, 2008, Harder wrote a letter to Aziz expressing “several concerns that [he had] with the process that has developed, especially given the short amount of time remaining before the referendum.” These concerns were fourfold:

- The CFS representatives on the ROC were refusing to accept the referendum dates for which the SFSS had given notice; this, Harder claimed, “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.”
- The CFS’s leaked “Referendum Campaign Plan” indicated that Lucy Watson, a member of the ROC, was “deeply involved in the planning and execution” of the CFS’s campaign.
- CFS-BC was not represented on the ROC, creating communications problems; Harder suggested that Watson be replaced by a CFS-BC representative.
- The ROC “has no dispute resolution mechanism, which is obviously problematic where there is an even number of members and no ‘tie-breaker’ vote.”¹²¹

On February 25, 2008, the SFSS Board of Directors adopted the following resolution: “Be it resolved that the following question be put to referendum: ‘Are you in favour of maintaining membership in the Canadian Federation of Students?’”¹²² This was consistent with the SFSS’s position that both SFSS and CFS bylaws applied to the disaffiliation referendum, but was in conflict with the CFS’s position that SFSS bylaws did not apply. At the same time, however, Harder contacted the society’s Chief Commissioner of the IEC, J.J. McCullough, and asked him to be prepared to administer the referendum unilaterally, if required.¹²³

Also on February 25, 2008, the ROC held another meeting. The CFS representatives on the ROC complained that an article in *The Peak* entitled “Oversight committee disagrees on question”¹²⁴ had reported on the positions that the CFS and SFSS representatives had taken on the referendum question. The CFS claimed that ROC meetings were supposed to be confidential, and in fact that the ROC had previously agreed as to the confidential nature of its deliberations. According to Watson, “It’s pretty clear that those individuals who are advocating termination of membership in the Canadian Federation of Students are going to be using anything and everything as fodder on their political campaign. That’s certainly... certainly not the role of this committee is to be providing that kind of information to either side of the debate.” Watson

¹²⁰ CFS and SFSS, Referendum Oversight Committee, Minutes, February 19, 2008, attached as Exhibit “M” to Lucy Watson, “Affidavit #1.”

¹²¹ Derrick Harder, letter to Amanda Aziz, February 20, 2008, attached as Exhibit “I” to Derrick Harder, “Affidavit #2.”

¹²² SFSS, Board of Directors Minutes, February 25, 2008, 2, attached as Exhibit “L” to Derrick Harder, “Affidavit #2.”

¹²³ Derrick Harder, “Affidavit #2,” 10.

¹²⁴ Shara Lee, “Oversight committee disagrees on question,” *The Peak*, February 18, 2008, <http://www.the-peak.ca/article/2058>.

argued that the SFSS's failure to maintain the confidentiality of the ROC's deliberations "undermines the entire process and it puts [the SFSS representatives] in a position where [they] are seen to be bargaining in bad faith."¹²⁵ The SFSS representatives agreed with Watson's concerns, and denied knowing how the substance of their internal deliberations were leaked to the press. The ROC also discussed referendum dates, but were unable to reach any consensus.

Aziz replied to Harder on February 27, 2008, claiming that "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." She insisted that the suggestion that Watson was involved in the CFS's campaign was "not supported by any evidence." She did not address Harder's concerns regarding the CFS representatives' failure to respect the referendum dates as stated in the notice.¹²⁶

Also on February 27, 2008, CFS legal counsel wrote to Harder, insisting that "the Society's general elections and the referendum can not take place on the same dates." The letter asserted that the SFSS Board of Directors resolution of February 25, 2008 constituted a "parallel procedure" that was "outside of the mandate of the Oversight Committee." The letter complained that the deliberations of the ROC were not being kept confidential. Lastly, the letter complained about the SFSS's "pre-campaigning," which CFS legal counsel claimed "has made it impossible to have a fair referendum on March 18 – 20, 2008." Nonetheless, the letter insisted that "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."¹²⁷

On February 28, 2008, the ROC held another meeting. The ROC was able to reach agreement on a number of issues concerning campaign materials. The Referendum Oversight Committee's decisions were extremely harsh; it purported to prohibit any person from campaigning without first "registering" with the ROC. Campaign websites, Facebook groups, and weblogs would also have to be "registered" with the ROC, and the ROC purported to grant itself the power to order a website taken down if it contained content that had not previously been "approved" by the ROC. These tyrannical measures were assented to by both CFS and SFSS representatives. However, the fundamental issue, the question of referendum dates, remained unresolved.¹²⁸

On February 29, 2008, CFS legal counsel wrote another letter to Harder, stating that the SFSS Board of Directors resolution authorizing the disaffiliation referendum to take place on March 18-20, 2008 was "outside of the procedure set out in the Bylaws" of the CFS, and as a result, "the CFS wishes to make it clear that it will not recognize the validity of this proposed poll." Counsel insisted that "a fair referendum on March 18 – 20, 2008 is not possible and the

¹²⁵ CFS, "23-ROC-Meeting-2008-02-25," 4-5, attached as Exhibit "E" to Lucy Watson, "Affidavit #2," in *Simon Fraser Student Society v. Canadian Federation of Students*.

¹²⁶ Amanda Aziz, letter to Derrick Harder, February 27, 2008, attached as Exhibit "K" to Derrick Harder, "Affidavit #2."

¹²⁷ Martin L. Palleson, letter to Derrick Harder, February 27, 2008, attached as Exhibit "M" to Derrick Harder, "Affidavit #2."

¹²⁸ CFS and SFSS, Referendum Oversight Committee, Minutes, February 28, 2008, attached as Exhibit "M" to Lucy Watson, "Affidavit #1."

proposed poll will be fundamentally flawed.” Nonetheless, counsel said that “the CFS does intend to implement a campaign but will do so under protest and 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.”¹²⁹

On March 3, 2008, notwithstanding the fact that the SFSS and the CFS had reached a fundamental impasse on the question of referendum governance, the ROC held a meeting to discuss certain less contentious issues. The ROC decided that “All ballot boxes and ballots shall be secured in a location approved by the Committee” and that “The ballot boxes shall be sealed and not opened until counting.” However, no agreement was reached concerning who would secure or open these ballot boxes, nor did the committee actually decide on the location where the ballot boxes would be secured.¹³⁰

On March 10, 2008, CFS legal counsel wrote another letter to Harder, claiming that the campaign materials that the SFSS had been circulating were “inaccurate, offensive, and otherwise inappropriate in a number of respects.” These campaign materials, in the CFS’s view, were “contributing to the fundamentally flawed nature of the Society’s proposed March 18 – 20, 2008 poll.” The letter noted that this material had been approved by the SFSS Independent Electoral Commission, and reiterated the CFS’s position that the Independent Electoral Commission had no authority to approve campaign materials, and that the upcoming referendum remained invalid.¹³¹

On March 11, 2008, the ROC met again, and approved a number of other non-contentious matters.¹³² By this point, virtually the entire CFS bureaucracy, and large portions of the CFS’s most loyalist students’ union’s elected officials and staff, had been flown to Vancouver to campaign in the referendum – all without prejudice to the CFS’s position that said referendum was completely invalid.

On March 12, 2008, the Chief Commissioner of the SFSS Independent Electoral Commission, J. J. McCullough, wrote to CFS National Chairperson Amanda Aziz, encouraging the CFS to appoint scrutineers to monitor the polls for the referendum that he had been asked to administer.¹³³ On March 18, 2008 – the first day of polling – CFS legal counsel responded to McCullough stating that “neither you nor the Independent Electoral Commission have any jurisdiction or authority with respect to the Referendum,” and that as a result, “it is the CFS’s

¹²⁹ Martin L. Palleson, letter to Derrick Harder, February 29, 2008, attached as Exhibit “N” to Derrick Harder, “Affidavit #2.”

¹³⁰ CFS and SFSS, Referendum Oversight Committee, Minutes, March 3, 2008, attached as Exhibit “M” to Lucy Watson, “Affidavit #1.”

¹³¹ Martin L. Palleson, letter to Derrick Harder, March 10, 2008, attached as Exhibit “BB” to Lucy Watson, “Affidavit #1.”

¹³² CFS and SFSS, Referendum Oversight Committee, Minutes, March 11, 2008, attached as Exhibit “M” to Lucy Watson, “Affidavit #1.”

¹³³ J. J. McCullough, email to Amanda Aziz, March 12, 2008, attached as Exhibit “CC” to Lucy Watson, “Affidavit #1.”

position that any vote held on March 18 – 20, 2008 will not be binding on the CFS or legally effective to achieve defederation.”¹³⁴

Also on March 18, 2008, Derrick Harder sent a letter to CFS legal counsel, responding to his letter dated March 10, 2008. This letter claimed that “the difficulties the Referendum Oversight Committee (ROC) has experienced in approving campaign materials, and resolving other procedural issues, have been caused by the CFS appointees to the ROC.” Harder also alleged that the CFS appointees to the ROC refused to adhere to a procedure previously agreed upon by the ROC for the approval of campaign material, and that the CFS appointees to the ROC were preventing the ROC from holding regular meetings. Harder said: “From the start the CFS appointees to the ROC have largely refused to cooperate with the SFSS appointees, refused to agree to any procedural or other suggestions made by the SFSS appointees, and undermined the proper functioning of the ROC. Their refusal to cooperate with respect to campaign materials is just another example of such conduct.”¹³⁵

On March 31, 2008, CFS legal counsel responded to Harder, denying that its representatives had engaged in any misconduct with respect to the functioning of the ROC. Instead, he claimed, “the [CFS] ROC representatives made every effort to finalize referendum rules and submitted a number of proposals for consideration by the ROC. The CFS ROC representatives met with resistance from the SFSS representatives who stated that they had been given clear instructions to not seek compromises with respect to certain issues (for example, the date of the referendum and the role of the independent electoral commission).”¹³⁶

By this time, the SFSS disaffiliation referendum had already concluded, and students had voted by a two-to-one margin against continued membership in the CFS. According to the report of the SFSS Independent Electoral Commission, the specific results were: 1469 “yes” votes, 2976 “no” votes, 30 blank ballots, and 12 spoiled ballots.¹³⁷

However, the CFS did not accept these results. In a “Myth/Fact” sheet that the CFS was distributing at Kwantlen University College, the CFS portrayed the recently concluded SFSS referendum as follows:

MYTH: Simon Fraser University students just voted to leave the Canadian Federation of Students

FACT: False. The Executive of the Simon Fraser Student Society (SFSS) conducted an internal straw poll that broke the democratically set rules of the SFSS [*sic*]. Prior to the poll, the SFSS executive engaged in a six-month long campaign of lies and misinformation, almost identical to the campaign the KSA Executive conducted.

¹³⁴ Martin L. Palleson, letter to J. J. McCullough, March 18, 2008, attached as Exhibit “CC” to Lucy Watson, “Affidavit #1.”

¹³⁵ Derrick Harder, letter to Martin Palleson, March 12, 2008 (sent by fax March 18, 2008), attached as Exhibit “DD” to Lucy Watson, “Affidavit #1.”

¹³⁶ Martin L. Palleson, letter to Derrick Harder, March 31, 2008, attached as Exhibit “DD” to Lucy Watson, “Affidavit #1.”

¹³⁷ SFSS, Independent Electoral Commission, “Official Results of the 2008 Simon Fraser Student Society General Election,” 2008, attached as Exhibit “E” to Derrick Harder, “Affidavit #1.”

Appendix A. Summary of Legal Disputes Surrounding CFS Affiliation/Disaffiliation Referenda

The vote does not change Simon Fraser students' membership in the CFS. All it does is provide information to the Executive of the SFSS.¹³⁸

Given this position, the SFSS filed a lawsuit against the CFS on April 16, 2008, seeking an order declaring that the SFSS was no longer a member of the CFS.¹³⁹ Both sides have spent vast amounts of time and money producing affidavits and legal arguments and preparing for trial. The CFS's principal affiant, Director of Organizing Lucy Watson, has sworn two affidavits in this proceeding, totalling 763 pages (including attachments); the CFS's Written Argument runs to 124 pages in length. The SFSS's principal affiant, President Derrick Harder, has also sworn two affidavits in this proceeding, totalling 211 pages (including attachments); the SFSS's Written Argument runs to 150 pages in length.

The CFS disputed the claim that the SFSS had held a valid disaffiliation referendum, and relied on twenty-one specific arguments. This table summarizes the CFS's arguments, and the SFSS's counter-arguments, based on the written submissions that both sides put before the court:

#	CFS argument ¹⁴⁰	SFSS counter-argument ¹⁴¹
1	"Pursuant to section 6.f of Bylaw I of the [CFS] Bylaws, an Oversight Committee is to have full jurisdiction and authority over a defederation referendum. Despite recognizing and acknowledging the jurisdiction and authority of a validly constituted Oversight Committee, the SFSS nevertheless engaged the SFSS's independent electoral commission (the 'IEC') to run the Vote, usurping the jurisdiction of the Oversight Committee."	"The SFSS denies that the bylaws the CFS relies on in making that assertion were validly adopted, or if they were adopted, that they should be interpreted as the CFS alleges." "The SFSS says that even if the CFS bylaw that creates the ROC is a valid Bylaw, the failure of the ROC to fulfill its responsibility to organize the referendum does mean the referendum cannot be held. Rather, the SFSS says that upon receipt of a petition, a referendum must be held. If the ROC fails to do its duty, the referendum may be organized and conducted by another appropriate body, so long as it is fair. Under the SFSS Bylaws, all referenda are organized and held by an Independent Election Commission ("IEC"). In the present case, the IEC organized the polling stations and counted the vote. The SFSS says that the IEC and the ROC had joint

¹³⁸ CFS, "Myths & Facts," 2008, attached as Exhibit "F" to Derrick Harder, "Affidavit #1."

¹³⁹ SFSS, "Petition to the Court," April 15, 2008, filed in *Simon Fraser Student Society v. Canadian Federation of Students*, <http://www.studentunion.ca/cases/sfu/petition.pdf>.

¹⁴⁰ Martin L. Palleson, "Written Arguments of the Respondents, Canadian Federation of Students and Canadian Federation of Students – Services," January 28, 2009, filed in *Simon Fraser Student Society v. Canadian Federation of Students*, <http://www.studentunion.ca/cases/sfu/cfs-written-argument.pdf>.

¹⁴¹ Susan Coristine, "Written Argument of the Simon Fraser Student Society," filed in *Simon Fraser Student Society v. Canadian Federation of Students*, <http://www.studentunion.ca/cases/sfu/sfss-written-argument.pdf>.

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		<p>competence to organize the Defederation Referendum. The fact that the ROC was unable to do its duty did not prevent the IEC from doing its duty, nor did it justify the CFS refusing to proceed with the Defederation Referendum commenced by the 2007 Petition.”</p> <p>“The two-two composition of the ROC, which could cause problems at the best times, creates an opportunity for one party to derail the referendum process simply by refusing to participate in good faith. The SFSS says that, in this case, the CFS tried to frustrate the work of the ROC because it did not want the Defederation Referendum to proceed.”</p>
2	<p>“The SFSS commenced a campaign to withdraw from the Canadian Federation of Students and the Canadian Federation of Students – Services in August, 2007 without authority or approval of from the Oversight Committee and contrary to the [CFS] Bylaws. The early campaigning by the SFSS resulted in an unfair Vote.”</p>	<p>“There is no prohibition against pre-campaigning in the CFS Bylaws or under the common law.”</p> <p>“The CFS’ position is also inconsistent with its own actions. As early as May 2007, the CFS began running an extensive and expensive advertising campaign, with advertisements throughout the Translink transit system, with the theme, ‘I am CFS.’”</p> <p>“Imposing an indeterminate blackout period would be inconsistent with freedom of speech as well as unworkable.”</p>
3	<p>“The SFSS produced inaccurate and defamatory campaign materials and widely distributed such materials again without any authority or approval of the Oversight Committee and contrary to the [CFS] Bylaws. The use of inaccurate and defamatory campaign materials by the SFSS resulted in an unfair Vote.”</p>	<p>“The materials were not false or misleading. The majority of the posters and other materials expressed the opinions of SFSS members concerning membership in the CFS and the factors they considered in forming their opinions. The CFS may disagree with these individual opinions, but that does not render the material false or defamatory. The right to express political opinions is at the heart of democracy and it is both healthy and inevitable that disagreements arise as to its contents.”</p>

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4	<p>“The SFSS insisted that the Vote be held March 18 – 20, 2008, the same date as the SFSS’s general elections, again without the authority of the Oversight Committee and contrary to the [CFS] Bylaws. The holding of the Vote on the same date as the SFSS’s general elections resulted in an unfair Vote.”</p>	<p>“The ROC does not have jurisdiction to set the date. That power resides in the local association, in this case the SFSS. The Bylaws that the CFS relies on state that local society must give the CFS notice of a Defederation Referendum, including the ‘exact dates’....The SFSS submits that the CFS’ unreasonable and unsupportable position with respect to this simple issue is a strong indicator of the bad faith with which the CFS approached the Defederation Referendum generally.”</p>
5	<p>“In addition to a question being put to SFU students about Canadian Federation of Students membership, a second question was put to SFU students about what to do about the ‘former CFS semesterly membership fee.’ The addition of this second question was without approval or authority and, in fact, in breach of a decision reached by the Oversight Committee and was, again, contrary to the [CFS] Bylaws. The second question resulted in a biased and unfair Vote.”</p>	<p>“[The ROC] has no power to rule on financial referenda held by the SFSS.”</p> <p>“Presumably the CFS has some theory about how students might be influenced by the possibility that the fees that used to go the CFS in Ottawa would instead be used by the SFSS locally. However, such theories can be nothing more than speculation.”</p>
6	<p>“Contrary to an agreement and ruling by the Oversight Committee that discussions and deliberations of the Oversight Committee were to remain confidential, the SFSS representatives on the Oversight Committee did not maintain confidentiality and this breach of confidentiality resulted in an unfair Vote.”</p>	<p>“There is no confidentiality provision required under the CFS Bylaws or reflected in the Minutes of the ROC. There was no indication in the Minutes or otherwise that the meetings were in camera and no principle reason why they should be.”</p> <p>“Matters that may have been discussed casually during the meetings do not have any legal status, much less legal status that could bind the SFSS.”</p>
7	<p>“At the time of the Vote, the Chief Returning Officer of the IEC, Mr. J. J. McCullough, held an anti-CFS bias which resulted in a biased and unfair Vote or, in the alternative, gave the appearance of a biased and unfair Vote.”</p>	<p>“In law there is no requirement that a chief returning officer have the degree of impartiality expected of a judge.”</p> <p>“The CFS also appears to rely on a newspaper article in which Mr. McCullough expressed views critical of the CFS. However, Derrick Harder has attached an article from the Peak</p>

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		Newspaper dated 17 January 2007, in which Mr. McCullough was equally critical of the SFSS. Mr. Harder deposed that he thought Mr. McCullough was suitable to run the Defederation Referendum because he had experience and had remained independent from both organizations.”
8	“At the time of the Vote, there were approximately 4,200 graduate students at SFU. Despite the fact that a separate society for graduate students at SFU was incorporated July 26, 2007 and was up and running from that date, the graduate students participated in the Vote. This was contrary to the Bylaws and resulted in an unfair Vote.”	“The answer to this is clear and simple: all members of the SFSS were qualified to vote in the Defederation Referendum, and on voting day all students at SFU were members of the SFSS, whether graduate or undergraduate. The graduate students at SFU created their own association, the Graduate Students Society, in 2007. However, prior to 1 May 2008 they were still members of the SFSS.”
9	“Although SFU has a facility and students attending this facility in Kamloops, British Columbia, no polling station was set up in Kamloops, the Kamloops students at SFU were not made aware of the Vote, no steps were taken to enable such students to vote and no Kamloops students participated in the Vote. This resulted in an unfair Vote.”	“(a) Under established SFSS policy and practices, off-campus students vote by mail-in ballot, not at polls. “(b) The Kamloops students were off-campus students.”
10	“Poll clerks and others who ran the Vote took direction regarding process and procedure from the SFSS, one of the proponents.”	Affidavit evidence claiming the contrary.
11	“There was extensive campaigning against the Canadian Federation of Students within the ‘no-campaigning zone’ at polling stations as well as other efforts to influence voters at polling stations and poll clerks and others running the Vote did nothing to attempt to prevent or end such campaigning.”	Argument that the affidavit evidence supplied the CFS did not support its claims that there was “extensive campaigning.”
12	“SFSS scrutineers and poll clerks campaigned against the Canadian Federation of Students and attempted to influence voters at polling stations and the poll clerks or others running the Vote did	Argument that the affidavit evidence supplied by the CFS did not support its claims that poll clerks or scrutineers campaigned against the CFS and influence

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	nothing to attempt to prevent or end such campaigning.”	voters at the polling stations.
13	“IEC representatives campaigned against the Canadian Federation of Students and attempted to influence voters at polling stations and the poll clerks or others running the Vote did nothing to attempt to prevent or end such campaigning.”	Argument that the affidavit evidence supplied by the CFS did not support its claims that IEC members campaigned against the CFS and attempted to influence voters at the polling stations.
14	“Polling stations and areas had voters loitering in such areas and the poll clerks running the Vote did nothing to attempt to have such individuals leave the polling stations.”	“There is no rule of the CFS that prohibits ‘loitering’ in area of the polling stations, whatever that may be.... merely loitering in the area of a polling station is unobjectionable. Indeed, it appears that the CFS operatives were themselves loitering the area of the voting booths.”
15	“Copies of ballots were openly displayed at polling stations and, in several cases, taken outside of polling areas, completed outside of polling areas and then returned.”	<p>“There is no CFS bylaw, or general principle of elections, that prohibits the display of ballots.”</p> <p>“There is no evidence that any of the CFS operatives saw anyone take ballot material to photocopiers or other facilities that would enable them to create duplicate ballots. There is no evidence that anyone did duplicate ballot materials and vote with them.”</p>
16	“There was improper and unsupervised sealing, transportation, storage and disposal of ballots and ballot boxes.”	<p>“There is no evidence that anyone opened or had custody of a ballot box, other than those who were entitled to do so.”</p> <p>Argument that the affidavit evidence supplied by the CFS did not support its claims that there were improprieties with respect to the handling of ballots and ballot boxes.</p>
17	“There were many instances of failure to have the requisite two poll clerks at polling stations during voting hours. Further, polling stations closed or ran out of ballots during voting hours.”	<p>“There is no CFS bylaw or rule of elections generally that requires two poll clerks at polling stations at all times. There is no evidence of any occasion when there were no poll clerks.”</p> <p>“There is no evidence from any SFU</p>

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		<p>students saying that they were prevented from voting, or even that their right to vote was delayed, because a polling station was closed or did not have ballots.”</p> <p>Argument that poll clerks were taking bathroom breaks, etc.</p>
18	“SFU students were turned away although presenting valid student identification.”	CFS’s only evidence of this comes in the form of hearsay.
19	“There was not a privacy screen at all polling stations at all times so as to ensure secrecy of voting and, further, where there was a privacy screen, not all voters used the privacy screen. In addition, where voters were using a privacy screen on several instances poll clerks, scrutineers or other persons went behind the voting screen with the voters as they were voting. In other cases, more than one voter went behind a privacy screen at one time.”	“There is no evidence from even one voter who says he or she was compelled to vote without a privacy screen. It is evident from even the CFS operatives’ evidence that there was no systematic denial of privacy. Rather, even taking the CFS evidence at face value, it appears that privacy screens may have been absent or in short supply for brief periods.”
20	“Despite claims of the above matters by SFSS members the IEC did not act on the complaints and provided no investigation or explanation for the failure to act.”	The IEC did act on the one complaint that it received, by dismissing the complaint.
21	“Pursuant to section 7 of Bylaw I of the Bylaws, in order for a member local association to withdraw from the Canadian Federation of Students or the Canadian Federation of Students – Services the National Executive must receive a letter from the member local association with notice of withdrawal after a valid referendum has been held in accordance with the Bylaws in which a majority of students voting have voted for withdrawal from the Canadian Federation of Students. The National Executive must then examine the notification to determine whether it is in order and make a recommendation to the voting members of the Canadian Federation of Students. At the opening plenary of the next general meeting of the Canadian Federation of Students ratification of the	<p>“The CFS claims that even if a Defederation Referendum is conducted properly, and the CFS loses, its Bylaws empower the other members of the CFS to veto the referendum.</p> <p>“The SFSS says that the Bylaw the CFS relies on, Bylaw I(7), was not validly adopted; or, in the alternative, if it was validly adopted, the CFS interpretation of the Bylaws is wrong.”</p>

<p>withdrawal is to be put to a vote and the withdrawal will only take effect on June 30 following a ratification of the withdrawal. The foregoing has not occurred with respect to the purported SFSS withdrawal.”</p>	
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In addition to these disputes, the CFS and the SFSS did not agree on whether the court case should be heard through an “application,” a “summary trial,” or a “full trial.” The SFSS argued that the case should be heard through an “application,” or in the alternative a “summary trial,” while the CFS argued that the case was sufficiently complex to warrant a full trial, even though this could take several years to complete. This dispute was brought before the court in January 2009. On August 10, 2009, the Supreme Court of British Columbia agreed with the CFS that the case was very complex, and that it would be necessary for the case to be brought to a full trial.¹⁴²

As of 2010, the case is still outstanding, and a trial date has not been set.

A.12 Mount Saint Vincent University Students’ Union referendum, 2008

On September 24-25, 2008, the Mount Saint Vincent University Students’ Union (MSVUSU) held a referendum on disaffiliation from the CFS.¹⁴³ However, the CFS immediately challenged the results of this referendum, on the grounds that there was “a breach of CFS referendum bylaws.” According to UNews.ca, MSVUSU President Jeremy Neilson “has apologized for the way the student union’s side of [the] referendum was run and admitted the vote was not a legitimate decision on breaking ties with [the Canadian Federation of Students].”¹⁴⁴ The MSVUSU remains a member of the CFS to this day.

The exact nature of this alleged breach of CFS referendum bylaws was not made clear in the news article; however, the following extract from the CFS May 2008 National Executive Report may possibly be instructive:

In the late 1990’s, the Local 34-Mount Saint Vincent University Students’ Union fell behind on its remittance of Federation membership fees. From what the National Executive was able to determine at the time, the Union had diverted the fees it had collected in trust on behalf of the Federation to cover deficits in its health and dental plan.

¹⁴² *Simon Fraser Student Society v. Canadian Federation of Students*, 2009 BCSC 1081 (CanLII), August 10, 2009, <http://www.canlii.org/en/bc/bcsc/doc/2009/2009bcsc1081/2009bcsc1081.html>.

¹⁴³ Mount Saint Vincent University, Senate Meeting Minutes, September 29, 2008, 11, <http://www.msvu.ca/site/media/msvu/MinutesSep2909.pdf>.

¹⁴⁴ Meghan Harrison, “MSVU referendum on CFS ‘null and void’: Student union president apologizes for how ‘No’ campaign was run,” *UNews.ca*, January 23, 2009, <http://unews.ca/story/item/msvu-referendum-on-cfs-null-and-void/>.

In early 2001, the Federation entered into an agreement to forgive outstanding membership fees provided certain conditions were met by the Union. These conditions included agreement by the Union to commence timely remittance of Federation membership fees starting with the 2001-02 year and to pay a portion of the outstanding fees—\$21,000—on or before December 31, 2007. Under the terms of the agreement failure to do either would constitute a “fundamental breach” of the agreement.

The National Executive regrets to inform the voting members that the Local is in breach of both of the conditions cited. As a consequence, the Union is under the terms of the agreement, liable for the entire amount of membership fees that it previously diverted.¹⁴⁵

A.13 Concordia Students’ Union referendum, 2010

The Concordia Students’ Union (CSU) is the undergraduate students’ union at Concordia University, in Montréal, Québec. However, apparently due to the particular structures of the Québec law governing students’ unions (*An Act Respecting the Accreditation and Financing of Students’ Associations*¹⁴⁶), students in the faculties of Engineering and Computer Science and Business were separately represented through faculty-level students’ unions. As such, when the CSU held a referendum on joining the CFS in 1998, only students in the faculties of Fine Arts and Arts and Sciences actually participated in the vote. The CSU’s letter of application to the CFS, which was appended to the minutes of the May 1998 National General Meeting, read as follows:

September 30, 1998

Executive
Canadian Federation of Students
600-170 Metcalf Street
Ottawa, Ontario
K2P 1P3

To Whom It May Concern:

In a referendum held on March 24-26th 1998, the individual members of the Arts and Science and Fine Arts faculties within the Concordia Student Union voted in favour of membership in the Canadian Federation of Students. The specific results of this referendum were:

In favour of membership	595
Opposed to membership	492
Total votes	1987

¹⁴⁵ CFS, “National Executive Report,” May 2008, 54.

¹⁴⁶ Québec, *An Act Respecting the Accreditation and Financing of Students’ Associations*, R.S.Q., chapter A-3.01, <http://www.canlii.org/en/qc/laws/stat/rsq-c-a-3.01/latest/rsq-c-a-3.01.html>.

The Concordia Student Union agrees to serve as the representative of its members within the Federation and to act as an agent for the Federation with respect to the collection of Federation membership fees.

On behalf of the members of the Concordia Student Union, I request that this membership in the Canadian Federation of Students and the Canadian Federation of Students-Québec Component be accepted.

In solidarity,

David Smaller
President¹⁴⁷

This application was accepted by the CFS,¹⁴⁸ and the Board of Governors of Concordia University voted to commence collecting CFS membership fees from Fine Arts and Arts and Sciences undergraduate students on October 21, 1998.¹⁴⁹

The fact that undergraduate students from the faculties of Business and of Engineering and Computer Science were not members of the CFS due to their never having voted to become members of the national student organization was explicitly and implicitly recognized by the CFS for many years. In his April 2006 report to the National Executive, under the heading “Potential Members,” CFS Québec National Executive Representative Brent Farrington noted:

Concordia Student Union – Engineering and Commerce Students

While the Concordia Student Union (Local 91) has been a member of the Federation since 1999 due to Québec accreditation law, students in the accredited faculty associations of Engineering and Computer Science (ECA) and Commerce and Administration (CASA) have never been members of the Federation. Recently the President of the CASA has expressed interest in becoming members of the Federation. While they are only faculty associations their combined membership is 10,500 students, which would increase Local 91’s membership from 19,500 to 30,000 members (about 26,000 FTEs).¹⁵⁰

(I downloaded this document from the website of CFS-Québec a number of years ago; it is an attachment to an email sent by Farrington to the CFS-Québec Executive Committee listserv. Similar to the CFS-Ontario internal staff listserv, emails sent to this mailing list were automatically uploaded and archived on the provincial component’s website. At the time, this paragraph did not seem particularly remarkable to me.)

¹⁴⁷ David Smaller, letter to the Canadian Federation of Students, September 30, 1998, attached as Appendix 5 to CFS, NGM Minutes, May 1998, <http://www.studentunion.ca/cfs/1998/1998-05-minutes.pdf>.

¹⁴⁸ CFS, NGM Minutes, May 1998, Opening Plenary, 4 (Motion 98/05:007).

¹⁴⁹ Concordia University, Board of Governors Meeting Minutes, October 21, 1998, <http://archives3.concordia.ca/bgov/minutes/1998-10-21.html>.

¹⁵⁰ Brent Farrington, Report to the National Executive, April 2006, 2, attached to Brent Farrington, email to CFS-Québec Executive Committee, April 11, 2006, <http://www.studentunion.ca/docs/NE-2006-04-Rpt-QC-0001.doc>.

The CSU held a referendum in March 2007 (concurrently with their general election) to levy a uniform CFS fee of 41 cents per credit, but students voted “massively” against this fee.¹⁵¹ However, the same referendum question was posed in November 2007 (concurrently with a CSU by-election), and students voted 1032 to 603 in favour of levying a uniform CFS fee of 41 cents per student, across all faculties.¹⁵² The Board of Governors of Concordia University then approved a resolution approving this fee, which provided that the fee would be implemented “for the Winter term of 2008.”¹⁵³

In the March 2009 general election of the CSU, the “Vision” slate swept the elections, ending the dominance of a faction generally known as “Evolution” that had controlled the students’ union executive since 2003.¹⁵⁴ In September 2009, in a move so brazen that it would assuredly make even Pierre Elliott Trudeau blush, the CFS unilaterally refused to CFS-Québec as a provincial component of the organization, and insisted that CFS member students’ unions in Québec would be obligated to submit “provincial fees” directly to the National Office.¹⁵⁵ In October 2009, a group of Concordia students organized a petition of 5,357 students (16.9% of the Concordia undergraduate student population) to hold a referendum to disaffiliate from the CFS.¹⁵⁶ In November 2009, the CSU delegation to the CFS National General Meeting described their experience as “A week in hell,” describing an “Orwellian” experience in which Concordia delegates were allegedly followed around by CFS staff and pressured to sign an agreement stating that they would not criticize CFS staff. The “reform package,” which the CSU had supported, was rejected. Students’ union president Amine Dabchy said “It is clear that we can’t stay in the CFS anymore, students are not being represented. We thought that we could reform the organization from the inside, but seeing how our reform package was taken apart, that would be impossible.”¹⁵⁷

¹⁵¹ Rita Cant, “It’s all over but the crying: Unity wins CSU elections, council results official only after contestations,” *The Link*, April 3, 2007, <http://thelink.concordia.ca/view.php?aid=39630>; Misha Warbanski, “Concordia Student Union Update: CSU Council roundup,” *The Link*, February 27, 2007, <http://thelink.concordia.ca/view.php?aid=39421>; Concordia Students’ Union, “CSU Elections Voting!,” March 27, 2007, <http://www.csu.qc.ca/index.php?module=PostCalendar&func=view&Date=20070327&tplview=&viewtype=details&eid=289&print=>.

¹⁵² Matthew Fiorentino, “‘United for a Better Concordia’ sweeps by-election: Elections go ‘pretty smoothly,’ says CEO,” *The Link*, December 4, 2007, <http://thelink.concordia.ca/view.php?aid=40295>; Concordia Students’ Union, “CSU by-election results,” January 3, 2008, <http://hojo.csu.qc.ca/index.php?module=pagesetter&func=viewpub&tid=5&pid=247>.

¹⁵³ Concordia University, Board of Governors Meeting Minutes, December 14, 2007, <http://archives3.concordia.ca/bgov/minutes/2007-12-14.htm>.

¹⁵⁴ Terrine Friday, “Vision’s vision,” *The Link*, March 31, 2009, <http://www.thelinknewspaper.ca/articles/1197>.

¹⁵⁵ Justin Giovannetti, “CFS split by reform proposal”; Todd J. Burke, letter to CFS-Québec, September 30, 2009, <http://www.studentunion.ca/docs/cfs-letter-derecognition-cfsq.pdf>; see also Patrice Blais, letter to Todd Burke, October 14, 2009, <http://www.studentunion.ca/docs/cfsq-letter-derecognition.pdf> for CFS-Québec’s response to this demand.

¹⁵⁶ Justin Giovannetti, “5,357 choose to choose: Concordia’s completed CFS petition goes to Ottawa,” *The Link*, October 20, 2009, <http://www.thelinknewspaper.ca/articles/1679>; Amy Minsky, “Petition completed, students now wait for word from CFS,” *The Concordian*, October 20, 2009, <http://www.theconcordian.com/petition-completed-students-now-wait-for-word-from-cfs-1.793401>.

¹⁵⁷ Justin Giovannetti, “A week in hell.”; see also Beisan Zubi, “The Canadian Federation of Students’ AGM: A reformer’s perspective.”

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However, it soon became clear that the CFS was going to resist any attempt on the part of the CSU to hold a referendum. Under the terms of CFS Bylaw I (6)(b)(i), the National Executive was required to schedule a disaffiliation referendum within 90 days of receiving a petition. However, this deadline came and went, and Dabchy suggested that the CSU might be forced to take legal action to ensure that a referendum would proceed.¹⁵⁸ Then, on February 10, 2010, CFS legal counsel sent a letter to CSU legal counsel, setting out its reasons for not scheduling a referendum:

First, while our client does acknowledge that it has not answered the CSU's request within 90 days following the receipt of the petition dated October 19, 2009, it is to be noted that the letter from the Dean of students to validate the petition was only received by CFS on January 11, 2010. Moreover, as your client is well aware, CFS has received more than twelve (12) requests from associations across Canada for the holding of referenda regarding continued membership in CFS.

The volume of referenda requests, which were received concurrently, is unusual and at the least suspicious. The volume of requests for referenda and the time needed to review same is a factor that should be considered in assessing the date of response.

As your client knows, paragraph 6 b ii) of By-Law 1 of CFS Statutes provides that: *"There shall be no more than two (2) referendums on continued membership in any three-month period."* This provision was adopted to promote the orderly administration of referenda.

Given the above and the fact that referenda have already been fixed to decide the issue of the continued membership of the Post-Graduate Students' Society of McGill University (from March 31st to April 1st, 2010) and the Alberta College of Arts and Design Students' Association (from March 30th to April 1st, 2010), we are writing to inform your client that no referendum dates will be provided for the winter/spring semester of 2010.

However, CFS will provide dates to CSU for a referendum to be held in the months of September or October, 2010.

Finally, before holding a referendum on continuing membership, CSU will have to comply with paragraph 5 j) of CFS Statutes and remit all outstanding membership fees owed to CFS no less than six (6) weeks prior to the first day of voting.

As of today, CSU owes CFS a total of \$1,033,278.76, subject to adjustments for the year 2009-2010, in membership fees. To that effect, please find enclosed a copy of the Acknowledgement of Debt Agreement confirming that such fees are owed by CSU to CFS.

¹⁵⁸ Justin Giovannetti, "Student union mulls lawsuit to force referendum to leave the CFS: University registrar has certified 288-page petition, rejects 269 signatures," *The Link*, February 2, 2010, <http://www.thelinknewspaper.ca/articles/2194>.

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Your client should therefore be aware that CFS makes continued demand for these arrears and will require the payment of the total amount of membership fees due to CFS, at the latest six (6) weeks prior to the first date of the referendum to be fixed.

Please note that the above is without admission or renunciation to any position our client CFS might take in any future litigation between CFS and CGSA [*sic*].¹⁵⁹

This letter was marked “Without Prejudice,” which means that none of the statements contained in this letter can ever be used in a court of law.¹⁶⁰ However, the statements contained therein are completely consistent with the CFS’s conduct and public statements in relation to the CSU.

It should first be noted that the letter’s reference to “paragraph 6 b ii) of By-Law 1” refers to legislative text that was never properly approved by the CFS membership. This text was proposed at the November 2009 National General Meeting, but the amendment failed to acquire the affirmative support of two-thirds of the students’ unions present at that meeting (see page 49). Nonetheless, the CFS has updated its “Constitution and Bylaws” on its website as though this amendment actually did pass.¹⁶¹

The “Acknowledgement of Debt Agreement” that CFS legal counsel referenced was a two-page document that was signed solely by Keyana Kashfi, former President of the Concordia Students’ Union. The “Agreement” stated that “The [Concordia Students’] Union is indebted to the Federations in the amount of \$1,033,278.76 on account of uncollected and/or unremitted Membership Fees,” but no particulars were provided to justify this figure.¹⁶² The document was dated April 19, 2009, when Kashfi was a “lame duck” President, yet Kashfi apparently never consulted with the incoming executive before signing it. CSU Council minutes from that period do not show any indication of Council ever resolving to approve such an agreement, nor do they indicate that Kashfi ever informed Council that she had unilaterally committed the organization to repaying a “debt” equivalent to two-thirds of the students’ union’s yearly operating budget.¹⁶³

When this document was made public, the CSU executive was incensed. CSU President Amine Dabchy said: “When you look at that amount, you can’t believe it. Are you serious? A million dollars? It’s like a couple of them just sat together and chose what seemed like a good number. I think this is how they’re going to alienate more and more Concordia students. Because

¹⁵⁹ François Viau, letter to Philippe-André Tessier, February 10, 2010, <http://www.studentunion.ca/docs/cfs-million-dollar-claim.pdf>.

¹⁶⁰ Lloyd Duhaime, “Without Prejudice,” *Duhaime’s Law Dictionary*, <http://duhaime.org/LegalDictionary/W/WithoutPrejudice.aspx>.

¹⁶¹ CFS, “Constitution and Bylaws: Canadian Federation of Students: As amended at the November 2009 national general meeting,” <http://www.cfs-fcee.ca/downloads/Bylaws.pdf>.

¹⁶² Keyana Kashfi, “Acknowledgement,” April 19, 2009, <http://www.studentunion.ca/docs/kashfi-acknowledgement.pdf>.

¹⁶³ Concordia Students’ Union, Council Meeting Minutes, March 11, 2009; Concordia Students’ Union, Council Meeting Minutes, April 29, 2009; Concordia Students’ Union, Council Meeting Minutes, May 20, 2009. All documents retrieved from <http://www.csu.qc.ca>.

now, there's not only one reason to leave the CFS, there's 1,033,278 reasons." ¹⁶⁴ In response, CFS National Treasurer Dave Molenhuis said:

Undergraduate students of Concordia University have enjoyed the benefits of membership since joining the Canadian Federation of Students in 1998. One responsibility associated with membership in the [CFS] is the paying of annual membership dues to ensure that the collective work of Canada's national student movement can be advanced. The Concordia Student Union has failed to remit the entirety of these membership dues to the Federation for an extended period of time."¹⁶⁵

Interviewed by *The Link* (the Concordia University student-owned newspaper), CSU ex-President Kashfi provided her reasoning for unilaterally signing the "Acknowledgement of Debt Agreement":

According to former CSU president Keyana Kashfi, part of the missing amount was caused by the student union's failure to adjust the fees to the consumer price index—an indicator that calculates the costs of goods and services based on inflation.

"It was brought to my attention in late March of last year by a university official that the CSU had not been collecting the right amount of fees," said Kashfi. "The fees are supposed to be adjusted every year with the CPI. That's problem one because it never happened."

Kashfi said the other issue was that students enrolled under the John Molson School of Business and the Engineering and Computer Science Association had only started paying fees after a 2007 referendum, even though the agreement with the CFS states all undergraduate students are members.

"Since the CSU never adjusted the fees with the CPI every year, and the JMSB and ECA were not paying fees for so long, that amount had accumulated," Kashfi said. "It was closer to \$1.6 million, but we negotiated it down to [the current amount]."

Kashfi maintains that she would not have signed the document stating the CSU owes the CFS \$1,033,278.76 if it were not true.

"The reason why it's coming to light now is because the CSU, within their own right, has decided to defederate [from the CFS] and before you can defederate [...] you have to pay what you owe," concluded Kahfi. ¹⁶⁶

Legal counsel for the Concordia Students' Union disagreed with Kashfi's analysis, and sent her a letter charging her with "recklessness," "carelessness," and "negligence," and holding her

¹⁶⁴ Justin Giovannetti and Terrine Friday, "\$1,033,278.76 owed: Canadian Federation of Students: Concordia Student Union says claim is unfounded 'We don't know what it's for,' says student union president," *The Link*, February 16, 2010, <http://www.thelinknewspaper.ca/articles/2296>.

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

personally accountable for the \$1 million “Acknowledgement of Debt Agreement” that she had unilaterally signed.¹⁶⁷

On February 25, 2010, CSU President Amine Dabchy issued a presidential decree ordering that a referendum question on disaffiliation from the CFS be put to a ballot for the students’ union’s upcoming general elections, scheduled for March 23-25, 2010.¹⁶⁸ When a helpful students’ union researcher from Vancouver supplied the CSU executive with copies of the May 1998 National General Meeting minutes and Brent Farrington’s April 2006 National Executive Report, CSU President Dabchy concluded that “We have proof that we don’t owe them anything.” However, CFS National Treasurer Molenhuis stuck to the CFS’s usual talking points: “The matter is pretty simple as far as the federation is concerned: the Concordia Student Union has the responsibility to remit fees from all dues-paying members of the union. That’s all I can offer you for comment.” He insisted that any referendum that took place would be in contravention of the CFS’s bylaws, and would therefore be null and void.¹⁶⁹

Molenhuis’ words were echoed in a full-page advertisement that ran in the following issue of *The Link*. This advertisement featured the smiling face of Katherine Giroux-Bougard, CFS National Chairperson. However, Giroux-Bougard’s message was not quite so pleasant:

For the past twelve years you have been federated with students from across Canada as members of the Canadian Federation of Students. United with more than 500,000 students you have worked towards building an affordable and high quality system of post-secondary education. During this time you have achieved reinvestments of \$1.5 billion and \$800 million for post-secondary education in the 2005 and 2007 budgets and an investment of \$430 million in Canada’s first National Grants Program in the 2008 federal budget.

During these twelve years, by working with students from across the country, Concordia students have saved hundreds of thousands of dollars on air and train travel, cellphones and tax filing through the services provided through the Federation.

This year, the leadership of the Concordia Student Union has chosen to abandon its history of working with students from across the country and ignore its obligations to the national student movement. They have hidden the services and campaigns of your national federation from you, only to claim that they do not exist.

In late October 2009 a petition was delivered to our Federation asking for a referendum to be held among members of the CSU on continued membership in the Federation. Since then the Federation has moved forward with validating the signatures on the petition and attempted to organize a referendum pursuant to the Bylaws of our organization.

¹⁶⁷ Amy Minsky, “Unpaid membership fees add up to over \$1 million: CFS: Current exec. say they will fight the charges, prove fees were paid,” *The Concordian*, February 16, 2010, <http://www.theconcordian.com/unpaid-membership-fees-add-up-to-over-1-million-cfs-1.1160795>.

¹⁶⁸ Terrine Friday, “Student union puts question to quit CFS on ballot,” *The Link*, March 2, 2010, <http://www.thelinknewspaper.ca/articles/2352>.

¹⁶⁹ Justin Giovannetti, “‘We don’t owe them anything’: Student union finds proof against CFS’s \$1 million claim,” *The Link*, March 9, 2010, <http://www.thelinknewspaper.ca/articles/2412>.

These Bylaws set out that in order for a referendum to take place, all membership dues owed by the students' union to which the members voting belong must be paid in advance of a vote. In the case of the CSU, this amounts to quite a large sum of money. This accumulated because the CSU failed to remit the proper membership dues for many years. This debt is well documented, and despite the CSU executive's public attempts to rewrite history, has been known for years. While publicly the CSU has denied owing any money, it has not contacted our Federation to inform itself of the background of the issue. On top of outstanding fees from years past, the current CSU executive has refused to remit membership fees collected this year without offering any explanation.

Rather than adhere to the democratic structure that has been developed by students leaders from across the country over the past three decades, the CSU Executive has chosen to go it alone and hold a referendum outside of the laws governing our Federation. While they are telling you that this vote will decide your membership in the Federation, it will not.

Since joining in 1998, Concordia has been a leader within the Federation in developing campaigns and services. Your students' union has decided to ignore this history and its responsibilities to the national student movement by refusing to follow the rules that govern its relationship to the other 80 members of the Canadian Federation of Students. Students across the country benefit from working together and I sincerely hope that Concordia will return to working with the national student movement, not against it.¹⁷⁰

Giroux-Bougard's message was printed alongside another open letter from *The Link* Editor-in-Chief Terrine Friday, who described this message as a "mockery." She said: "To our readers, you may wonder why The Link accepted this ad in the first place. The Link has a boycott policy it adheres to designed with unethical businesses in mind, but we cannot simply refuse to run a campaign ad during campaign season. Editorial direction is separate from advertising."¹⁷¹

Since neither Molenhuis nor Giroux-Bougard provided any details as to why the CSU owes them \$1,033,278.76, we can only assume that the CFS is now taking the position that Concordia undergraduate students from the Faculties of Engineering and Computer Science and Business from 1998 to 2007 were actually members of the CFS, even though they never voted to join the national organization, and even though the CFS explicitly and implicitly recognized that they were not members as late as 2006. Perhaps the CFS is simply insisting on a strict reading of its bylaws – after all, Bylaw I (1)(b) clearly provides that "Individual members of the Federation will be **all students** in local student associations that are voting members" [emphasis added]. However, section 3(a)(i) of that same Bylaw also provides that "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." Since **all** individual members of the Concordia Students' Union did not have an opportunity to vote on their membership in 1998, a strict reading of the Bylaws might conclude that the CSU never actually joined the CFS until 2007, and that it is actually the CFS that owes the CSU money!

¹⁷⁰ Katherine Giroux-Bougard, "Dear Concordia Undergraduate Students," *The Link*, March 16, 2010, <http://www.studentunion.ca/docs/giroux-bougard-letter.pdf>.

¹⁷¹ Terrine Friday, "Dear Concordia undergraduate students," *The Link*, March 16, 2010, <http://www.thelinknewspaper.ca/articles/2470>.

This is silly, of course, but it makes about as much sense as the notion that current Concordia students should be deprived of the opportunity to vote on their membership in the CFS due to the fact that Engineering, Computer Science, and Business students only voted to join the national organization in 2007.

Aside from the legal conflict, there are questions of principle at stake. The CFS purports to be a democratic organization, but its actions seem to indicate that the organization believes that it has an inherent right to rule over all Canadian students, with or without their collective consent. Parliament has not enacted a law forcing all Canadian students to automatically be members of the CFS (as Ian Boyko appears to support [see page 83]), but in this instance the CFS appears to be trying to use lawyers to accomplish the exact same thing. The CFS's actions raise very serious questions about the organization's commitment to the principles of democracy and collective self-determination that it purports to hold so dear.

Oddly missing from this entire debate are the tens of thousands of Engineering, Computer Science, and Business students who studied at Concordia University from 1998 to 2007. Presumably most of these students have since graduated, are currently working as productive members of society, and may not be all that interested in the vagaries of student politics. They would likely be surprised to find out that they have been retroactively roped into membership in the Canadian Federation of Students, and that current Concordia undergraduates are being asked to pay the price for their 'crime' of not paying CFS fees back in the day. And they might be forgiven for concluding that the small group of individuals currently controlling the CFS National Office must have graduated from university without acquiring any practical skills, and so instead are making themselves useful by coming up with ever more inventive ways of extracting cash from Canadian students.

Appendix B

Tabular Comparison of Organizations' Referendum Procedures

Regulation	CFS (affiliation)	CFS (disaffiliation) (purported bylaws)	FEUQ ¹	FECQ ²	ASSÉ ³	NUS (Australia) ⁴
Petition	10% of individual members (I.3.a.ii)	20% of individual members (I.6.a)	Per local procedure	Per local procedure	Per local procedure	Per local procedure
Notice to parent organization	None, but CFS reps on ROC apprised of all decisions.	Irrelevant; CFS sets referendum dates.	30 days for affiliation (art. 27), 90 days for disaffiliation (art. 12)	30 days for disaffiliation (art. 26)	Must notify ASSÉ of date and procedures of the vote in advance (art. 6.1 & art. 8.1)	2 weeks for affiliation (R3.c); 3 months for disaffiliation (R7.c)
Notice to individual members	2 weeks (I.4.c & I.6.d)		Per local procedure	Per local procedure	Per local procedure	Per local procedure
Referendum Administrator(s)	Referendum Oversight Ctte. (ROC) - 2 reps appt. by CFS - 2 reps appt. by SU (I.4.b & I.6.c)		Per local procedure	Per local procedure	Per local procedure	Per local procedure
Non-partisanship of administrator(s)	No restrictions on partisan campaign activity. CFS reps always pro-CFS. Partisanship of SU reps varies.		Per local procedure	Per local procedure	Per local procedure	Per local procedure

¹ Fédération étudiante universitaire du Québec, «Règlements généraux », January 5, 2008, <http://www.greg.ouifeuq.org/sites/default/files/RG%20-%20V01052008%20-%20fr.pdf>.

² Fédération étudiante collégiale du Québec, «Règlements généraux », April 20, 2008, http://www.fecq.org/site/IMG/pdf_Reglements_generaux_-XIXe_AGApdf.pdf.

³ Association pour une Solidarité Syndicale Étudiante, « Statuts et règlements », April 26, 2009, <http://www.asse-solidarite.qc.ca/spip.php?article72&lang=fr>.

⁴ National Union of Students Incorporated (NUS [Australia]), “Constitution,” 2009, <http://www.unistudent.com.au/home/documents/National%20Union%20of%20Students%20Incorporated%202009.pdf>.

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Regulation	CFS (affiliation)	CFS (disaffiliation) (purported bylaws)	FEUQ ¹	FECQ ²	ASSÉ ³	NUS (Australia) ⁴
Scheduling of vote	By SU, in consultation with CFS (I.4.a),	By CFS, in consultation with SU. Not between Apr. 15 & Sept. 15 or Dec. 15 & Jan. 15. No more than two disaffiliation referenda Canada-wide in a three month period. Five years must lapse between disaffiliation votes (three years for colleges). (I.6.b, k, l)	Per local procedure	Per local procedure	Per local procedure	By SU; disaffiliation referendum must not be concurrent w/ other election or referendum (R7.b)
# of days of voting	Determined by SU. Min. 2 days. (I.4.f.ii)	Determined by CFS. 2-5 days. (I.6.b.i)	Per local procedure	Per local procedure	Per local procedure	At least 3 consecutive academic days (R7.d.ii)
Referendum question	“Are you in favour of membership in the Canadian Federation of Students?” (I.4.f.iii)	“Are you in favour of continued membership in the Canadian Federation of Students?” (I.6.g.iii)	“Acceptez-vous que votre association, [nom], devienne/demeure membre de la Fédération étudiante universitaire du Québec (FEUQ) et qu’elle perçoive/continue to percevoir, à cette fin, la cotisation de [montant de la cotisation] exigible par celle-ci à compter du [date]” (art. 29 & 38).	“Acceptez-vous que votre association (nom) devienne membre/se retire de la Fédération étudiante collégiale du Québec (FECQ) et qu’elle perçoive à cette fin/cesse de percevoir la cotisation exigible par celle-ci d’un montant de (montant) par étudiant par session, à compter du (date)?” (art. 19 & 28).	Per local procedure	“Do you agree that [insert name of organisation] should become/remain a member of the National Union of Students Incorporated?” (R3.a; R7.a)
Participation rights	SU members & reps, CFS reps, CFS member SU reps (I.4.d.ii)	SU members & reps, CFS reps, CFS member SU members & reps (I.6.e.ii)	SU members & FEUQ officers & staff (art. 11 & 39)	Per local procedure. FECQ reps may come on campus only with permission of SU (art. 23)	Per local procedure	Per local procedure

Appendix C. CFS Bylaw I, October 1981

Regulation	CFS (affiliation)	CFS (disaffiliation) (purported bylaws)	FEUQ ¹	FECQ ²	ASSÉ ³	NUS (Australia) ⁴
Length of campaign period	10+ days, ROC sets length (I.4.d.i)	7-21 days, CFS sets length (I.6.b.iii)	Per local procedure	Per local procedure	Per local procedure	Per local procedure
Pre-campaign period restrictions	No restrictions	Absolute ban on all campaigning, except for “Materials produced by the Federation that promote campaigns and services of the Federation” (I.6.e.i & I.6.f.ii)	Per local procedure	Per local procedure	Per local procedure	Per local procedure
Campaign period restrictions	All materials must be approved by ROC, except for “Materials produced by the Federation that promote campaigns and services of the Federation” (I.4.d.i, I.4.e.ii, I.6.e.i, & I.6.f.ii)		Per local procedure	Per local procedure	Per local procedure	Per local procedure
Poll clerks	At each station: - 1 clerk appointed by CFS - 1 clerk appointed by SU (I.4.f.v & I.6.g.iv)		Per local procedure	Per local procedure	Per local procedure	Per local procedure
Scrutineers	At the counting of ballots: - 1 scrutineer appointed by CFS - 1 scrutineer appointed by SU (I.4.f.vi & I.6.g.v) No provision for independent scrutineers		Per local procedure	Per local procedure	Per local procedure	Per local procedure
Quorum	5% or local SU procedure, whichever is higher (I.4.g & I.6.h)		No quorum for affiliation; 10% for disaffiliation (art. 37.b)	10% (art. 20 & 27)	Per local procedure	Per local procedure

See next page for notes relevant to this table.

Appendix B. Tabular Comparison of Organizations' Referendum Procedures

Notes

- For the sake of brevity, this table does not reference provisions for affiliation/disaffiliation votes taking place at General Meetings.
- The constitutions of the National Union of Students of the United Kingdom¹, the Union of Students in Ireland (USI)², the New Zealand Union of Students' Associations (NZUSA)³, the Canadian Alliance of Student Associations (CASA)⁴, the Council of Alberta University Students (CAUS),⁵ the Ontario Undergraduate Student Alliance⁶, and the Table de concertation des associations étudiantes (Quebec Student Roundtable)⁷ do not stipulate what kind of vote is required to affiliate or disaffiliate.
- CASA, NZUSA, and USI all require twelve months' notice to disaffiliate, thus allowing a future students' union council an opportunity to reverse such a decision.
- OUSA member students' unions whose bylaws require a referendum to disaffiliate must provide 90 days notice of such a referendum, and such notice must include "the exact motion or referendum question, a copy of any student petition to withdraw, a copy of the Member Association's current by-laws and all additional policies or guidelines governing the conduct of the Member Association's elections and referenda."⁸
- The College Student Alliance [of Ontario] prescribes a complex procedure for withdrawal, requiring a students' union's board of directors to approve withdrawal at two separate meetings, separated by at least fourteen days. At the second such meeting, the College Student Alliance must be granted an opportunity to speak to the board of directors for not less than thirty minutes.⁹
- The legality of Motion 2009/11:020, adopted at the November 2009 NGM of the CFS, has been questioned (see page 49).

¹ National Union of Students of the United Kingdom, "Articles of Governance & Rules," June 1, 2009, 8-9, http://resource.nusonline.co.uk/media/resource/10_09_NUS%20Constitution.pdf.

² Union of Students in Ireland, "USI Constitution," 2009, <http://www.usi.ie/index.php/about-usi/constitution-of-usi.html>.

³ New Zealand Union of Students' Associations, "Constitution of the New Zealand Union of Students' Associations," September 3, 2008, 5-6, <http://www.students.org.nz/files/campaign/NZUSA%20Constitution%202008.pdf>.

⁴ CASA, "The Constitution of the Canadian Alliance of Student Associations," April 2007, 2, <http://www.studentunion.ca/docs/CASA-Constitution-April-2007.pdf> (*De jure* bylaws); see also CASA, "The Constitution of the Canadian Alliance of Student Associations," 2008, 2,

<http://www.gsa.uwaterloo.ca/documents/council/committees/arac/2008-2009/CASA-Constitution.pdf> (*De facto* bylaws).

⁵ CAUS, "BYLAWS of the Council of Alberta University Students Executive as of April 5, 2006," April 2006, <http://www.studentunion.ca/docs/CAUS-Bylaws.pdf>.

⁶ OUSA, "By-Law One," October 2009, 7-9, <http://www.ousa.ca/wordpress/wp-content/uploads/2009/10/OUSA-Official-Bylaw-1-approved-October-2009.pdf>.

⁷ Table de concertation des associations étudiantes, «Règlements généraux », July 16, 2009, 6-7, http://www.cadeul.ulaval.ca/envoi/RG-TaCEQ_version_juillet.pdf.

⁸ OUSA, "By-Law One," 9.

⁹ College Student Alliance, "The College Student Alliance (CSA) / L'Alliance Collégiale des Étudiant(e)s BY-LAWS," February 2006, http://www.studentunion.ca/docs/CSA_CONSTITUTION_2007_2008.pdf.

Appendix C

CFS Bylaw I, October 1981

Note: The original Bylaws of the CFS also contain the following relevant provision under the heading 'Definitions':

5. For all purposes of these by-laws, a "referendum" will be taken to mean a general vote of the members of a local student association, whether conducted at balloting locations or at a formal General Meeting of the local student association.

BY-LAW I -- MEMBERSHIP

Section (1) -- Types of Members

General Description -- There are two types of members of C.F.S.: 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 apply for and receive the status of voting members in C.F.S. as provided for in By-Law I, Sections 2, 3 and 4.
- (b) Individual members of C.F.S. will be all students in local student associations that are voting members. Individual members shall not be entitled to vote.

Section (2) -- Types of Voting Membership Status

General Description -- There are three types of voting member status in C.F.S.: full membership, prospective membership, and associate membership.

(a) Full Membership

General Description -- Full membership is the standard form of voting membership in C.F.S. and entails full membership in all components of C.F.S.

- (i) A local association is eligible to apply for full membership in C.F.S. only if it has applied for full membership in all components of C.F.S. for which it is eligible, and if its students have approved C.F.S. membership by a majority of those voting in a referendum held within the six months prior to application. The referendum must have included approval of the total fees charged by all C.F.S. components joined.
- (ii) The fee charged by C.F.S. to full members will be three dollars (\$3.00) per full-time student per year, or an equivalent proportional amount for part-time students or shorter terms.

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- (iii) Once a local student association has become a full member, it may only withdraw its membership if its students approve withdrawal in a subsequent referendum.

(b) Prospective Membership

General Description -- Prospective membership is a membership of limited duration. After a trial period of prospective membership in C.F.S., a full membership referendum must be held.

- (i) A local student association is eligible to apply for prospective membership in C.F.S. if it has not been a full member or a prospective member of C.F.S. within the two years preceding application, and if it has passed a council motion to apply for prospective membership in all C.F.S. components for which it is eligible.
- (ii) Local student associations which apply for prospective membership in C.F.S. before December 31, 1981, must hold a C.F.S. full membership referendum within three years of becoming prospective members. Their prospective membership in C.F.S. lapses after that time or when a successful C.F.S. full membership referendum is held, whichever comes first.
- (iii) Local student associations which apply for prospective membership in C.F.S. after December 31, 1981, must hold a C.F.S. full membership referendum within two years of becoming prospective members. Their prospective membership in C.F.S. lapses after that time or when a successful C.F.S. full membership referendum is held, whichever comes first.
- (iv) The fee for prospective membership in C.F.S. is five per cent (5%) of the C.F.S. full membership fee, except as provided for in By-Law I, 2(b)(v) and I, 2(b)(vi).
- (v) For small-budgeted local student associations, the fee for prospective membership in C.F.S. is two per cent (2%) of the C.F.S. full membership fee. The criteria for small-budgeted status will be those set by the C.F.S. plenary in a standing resolution.
- (vi) If a local student association becomes a prospective member while it is still a member of a founding organization of C.F.S., C.F.S. may accept payment of the prospective membership fee by the founding organization on behalf of the local student association. In this case, the amount of the fee will be negotiated between C.F.S. and the founding organization. No part of the fee will be charged to the local student association for as long as the founding organization continues to pay fees.

(c) Associate Membership

General Description -- A local student association may in some cases apply for full membership rights and responsibilities in C.F.S. without applying for membership

- (iv) Each voting member of C.F.S. is entitled to have access to C.F.S. research, information, materials, staff and other resources, save that designated confidential.
- (v) Each voting member of C.F.S. is entitled to have access to all information and official documents concerning the activities of C.F.S. and of the Central Committee.
- (vi) Delegates sent by voting members to General Meetings of C.F.S. will have the right to stand for election to any vacant position on a committee of C.F.S. subject to such other conditions as may be specified at the time of formation of the committee.

(c) Responsibilities of Voting Members

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

- (i) Each voting member of C.F.S. is responsible for supporting the objectives of C.F.S. and will abide by all provisions of these By-Laws.
- (ii) Each voting member will ensure that C.F.S. fees are collected each year at its institution and forwarded to C.F.S. according to the contract of membership signed when the member joined.
- (iii) Each voting member will be responsible for representing the interests and concerns of its member students at General Meetings of C.F.S.
- (iv) Each voting member is responsible for contributing to the formulation of C.F.S. policy and where possible for supporting and implementing that policy locally.
- (v) Each voting member will be responsible for communicating information from C.F.S., C.F.S. Services, and the provincial C.F.S. component to its students.
- (vi) Each voting member will work cooperatively with C.F.S. staff and executive representatives in their work while at the member's institution, and will be responsible for contacting C.F.S. staff or executive members when circumstances require special attention.

Section (4) -- Procedure for Application for Membership

- (a) A written application for membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of membership.

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In all the other C.F.S. components for which it is eligible. This partial membership is called associate membership in C.F.S.

- (i) Associate membership is intended as a short-term measure by which a local student association can move toward joint membership in all possible components of C.F.S.
- (ii) A local student association is eligible to apply for associate membership in C.F.S. if, on December 31, 1980, it was a member of the national representative student body which existed at that time, the National Union of Students, and if in addition, it satisfied at least one of the following criteria:
 - it was not a member of the national student services group which existed at that time, the Association of Student Councils (Canada);
 - it was eligible to be a member of a provincial student organization which was a founding organization of C.F.S., but was not such a member.
- (iii) No applications for associate membership submitted after September 30, 1981, will be considered.
- (iv) The fee for associate membership in C.F.S. will be the same as the current fee charged to full members.
- (v) All associate memberships will lapse on December 31, 1983.

Section (3) -- Membership Rights and Responsibilities

(a) Rights of Individual Members

- (i) Individual members of C.F.S. (only) have the right to make final decisions through referendum on all questions of withdrawal from full membership in C.F.S. or of increases in full membership fees currently being paid by them.
- (ii) Individual members of C.F.S. have the right to have their interests represented collectively in C.F.S. through their local student associations, but will not have voting rights at C.F.S. General Meetings.
- (iii) C.F.S. will attempt to ensure that a C.F.S. membership card is issued to each individual member of C.F.S. who is a member of a full voting member of C.F.S.

(b) Rights of Voting Members

- (i) Each voting member of C.F.S. will have one (1) vote at General Meetings of C.F.S.
- (ii) Voting members of C.F.S. have the right to be represented collectively to the federal government and to other national organizations.
- (iii) Each voting member of C.F.S. is entitled to the protection and support of C.F.S. in accordance with the objectives of C.F.S.

- (iv) Each voting member of C.F.S. is entitled to have access to C.F.S. research, information, materials, staff and other resources, save that designated confidential.
- (v) Each voting member of C.F.S. is entitled to have access to all information and official documents concerning the activities of C.F.S. and of the Central Committee.
- (vi) Delegates sent by voting members to General Meetings of C.F.S. will have the right to stand for election to any vacant position on a committee of C.F.S. subject to such other conditions as may be specified at the time of formation of the committee.

(c) Responsibilities of Voting Members

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

- (i) Each voting member of C.F.S. is responsible for supporting the objectives of C.F.S. and will abide by all provisions of these By-Laws.
- (ii) Each voting member will ensure that C.F.S. fees are collected each year at its institution and forwarded to C.F.S. according to the contract of membership signed when the member joined.
- (iii) Each voting member will be responsible for representing the interests and concerns of its member students at General Meetings of C.F.S.
- (iv) Each voting member is responsible for contributing to the formulation of C.F.S. policy and where possible for supporting and implementing that policy locally.
- (v) Each voting member will be responsible for communicating information from C.F.S., C.F.S. Services, and the provincial C.F.S. component to its students.
- (vi) Each voting member will work cooperatively with C.F.S. staff and executive representatives in their work while at the member's institution, and will be responsible for contacting C.F.S. staff or executive members when circumstances require special attention.

Section (4) -- Procedure for Application for Membership

- (a) A written application for membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of membership.

- (b) Within 90 days of the receipt by the Executive Officer of a written application for membership, the Central Committee will examine the application to see whether it is in order, and will make a recommendation to the voting members of C.F.S. concerning the application.
- (c) At the next General Meeting of C.F.S., the ratification of the membership application must be put to a vote. A majority of at least two-thirds (2/3rds) of the votes cast is required to ratify the membership.
- (d) The ratification of a full or prospective membership will not take effect until the membership has also been ratified by all other C.F.S. components in which the local association is eligible for membership.

Section (5) -- Suspension and Expulsion of Members

- (a) In the case of a breach of membership responsibilities or of membership eligibility requirements, the Central Committee may recommend the suspension of any or all of a member's rights and responsibilities, or may recommend the expulsion of a member from C.F.S.
- (b) The recommendation of the Central Committee must be put to a vote at the next General Meeting of C.F.S. A majority of at least two-thirds (2/3rds) of the votes cast is required to approve the recommendation.
- (c) The expulsion of a member will not take effect until all C.F.S. components that include the member have passed similar motions.

Appendix D

List of Amendments Made to CFS Bylaw I

Note 1: Until 1990, CFS-National and CFS-Services Bylaws were structured quite differently. For the sake of convenience, I have ignored amendments made to CFS-Services Bylaw I.

Note 2: Minutes from the following NGMs are missing: 1985-May, 1985-Nov, 1987-Nov, 1988-May, 1993-Nov, 2000-May, 2000-Nov, 2001-May, and 2002-Nov. In certain cases, I was able to obtain a record of amendments to Bylaw I that were enacted at a particular meeting through records filed with Corporations Canada; however, there remain a number of gaps in this record.

Note 3: Motion 2009/11:020, purportedly adopted at the November 2009 NGM, did not actually receive the votes of two-thirds of the voting members present at the meeting, and therefore did not legally pass. However, the National General Meeting majority voted to disregard the CFS's bylaws, and the National Executive is currently operating as though this amendment had been properly approved. Therefore, this motion is included in Appendix D.

Amendments Adopted at the May 1983 NGM

Vancouver Vocational Institute Students Association / Okanagan College Students' Union

Amendment to Bylaw I, Section 2 (a) (iii) of CFS (add the following):

“only after having given two months notice of the exact time of the referendum in writing to the Chair of the Canadian Federation of Students.”¹

Amendments Adopted at the November 1983 NGM

Guelph Central Student Association / Trent Central Student Association

Amendment to Bylaw I, Section 2 (a) (ii):

to add, “... for part time students or students in shorter terms, where students are members of the local student association.”²

King's College Student's Union / Mount Saint Vincent University Students' Union

Amendment to Bylaw I, Section 2 (a) by adding new paragraph (iv):

- (iv) Local associations which withdraw from the Federation are required to pay their membership fees up to and including the end of the Federation's fiscal year in which they withdraw.³

Carleton University Students' Association / King's College Students' Union

Amendment to Bylaw I, Section 2: delete “and associate membership.” Delete Bylaw I, Section 2 (c) “Associate Membership.”⁴

King's College Students' Union / University of British Columbia Graduate Student Society

Amend Bylaw I, Section 5 to read as follows:

¹ CFS, NGM Minutes, May 1983, 70.

² CFS, NGM Minutes, November 1983, 74.

³ *Ibid.*, 74-75.

⁴ *Ibid.*, 77-78.

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Section 5 – Suspension and Expulsion of Members

- (a) If a member institution is perceived to have violated its responsibilities as outlined under By-Law I, Section (3), c. a recommendation(s) or resolution and their reasons on expulsion or suspension of rights shall be submitted to the C.C. signed by no less than three member institutions.
- (b) An accused member institution must be informed by the C.C. of any recommendation or resolution and their reasons within seven calendar days of that recommendation or resolution and a minimum of twenty-eight calendar days before a Special General or General Meeting when expulsion of *[sic]* suspension is involved. Notification shall be by registered mail and shall be considered as received upon receipt by the accused *[sic]* or concerned institution.
- (c) If the accused *[sic]* or concerned institution wishes to appeal the recommendation(s) or resolution an appeals committee will be struck at the following Special General Meeting to be ratified at the final plenary of that meeting.
- (d) The appeals committee shall be composed of five members determined as follows:
 - (i) the accused or concerned institution shall select two other member institutions, who then appoint one delegate each to the appeals committee
 - (ii) the three institutions who signed the recommendation(s) or resolution shall select two other member institutions who then appoint one delegate each to the appeals committee
 - (iii) the four selected candidates shall then agree by a majority vote on a neutral chair who shall be the fifth member of the committee
 - (iv) all five of the appeals committee must have attended at least one previous national conference
 - (v) the chair may only vote to break a tie
- (e) The appeals committee's deliberations are closed and voting remains confidential. The appeals committee shall receive presentations, written or oral from both the accused or concerned institution and the three signing institutions. The chair of the committee shall submit a final written report to the plenary of the next national conference informing the membership of the committee's decision and justification.
- (f) The appeals committee shall meet immediately before the next national conference of the Federation.⁵

Amendments Adopted at the November 1985 NGM

Bylaw I, section 2, (c):

Full or prospective membership in the Federation may commence at any General Meeting of the Federation. Lapse or withdrawal of membership may occur only at an Annual General Meeting of the Federation.⁶

Amendments Adopted at the May 1986 NGM

86GM127

University of Saskatchewan Students' Union / Simon Fraser Student Society

BY-LAW I, Section 2), b), ii) delete this section entirely and renumber all of the sub-sections that follow accordingly (iii, iv, v, vi)⁷

86GM128

University of Saskatchewan Students' Union / University of Regina Students' Union

⁵ *Ibid.*, 78-79.

⁶ Corporations Canada, letter to John Casola, May 6, 1986, filed with Corporations Canada, Corporation #1217003.

⁷ CFS, NGM Minutes, May 1986, 48.

Appendix D. List of Amendments Made to CFS Bylaw I

BY-LAW I, Section 2), b), iii), delete: “after December 31, 1981”⁸

Amendments Adopted at the November 1986 NGM

Bylaw I(2): first General Description deleted.

Bylaw I(2)(a)(i) Replace with:

- (i) A local association is eligible to apply for full membership in the Federation if its members have approved in a referendum, membership in the Federation, its applicable provincial component and the Canadian Federation of Students-Services.

Bylaw I(2)(a)(iii) Replace with:

- (iii) Once a member local association has become a full member, it may only withdraw from the Federation if its members approve withdrawal in a subsequent referendum for which four months written notice of the exact date of the referendum has been delivered, by registered mail, to the national office of the Federation.

Bylaw I(2)(a)(iv) Replace with:

- (iv) Full membership in the Federation may only be terminated on June 30th of the Federation’s fiscal year in which a member Association withdraws.

Bylaw I(2)(b) General Description. Replace with:

General Description: Prospective membership is a trial membership of limited duration. A full membership referendum must be held before the end of the trial period.

Bylaw I(2)(b)(ii) Replace with:

- (ii) Prospective membership lapses two years after the General Meeting in which it was granted, or when the association is ratified as a full member, whichever comes first.

Bylaw I(2)(b)(v) deleted.

Bylaw I(2)(c) deleted.

Bylaw I(5)(e)(i) deleted.⁹

Amendments Adopted at the May 1987 NGM

87GM067

University of Saskatchewan Students’ Union / University of Victoria Students’ Society
BIRT Bylaw I, Section 2, General Description be deleted¹⁰

87GM069

University of Saskatchewan Students’ Union / Memorial Students’ Union

⁸ *Ibid.*, 48.

⁹ Corporations Canada, letter to Todd G. Smith, November 3, 1987, filed with Corporations Canada, Corporation #1217003.

¹⁰ CFS, NGM Minutes, May 1987, 15.

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BIRT Bylaw I, Section 2, (b), General Description be amended to read: “Prospective membership is a trial membership of limited duration. A full membership referendum must be held before the end of the trial period.”¹¹

87GM070

University of Saskatchewan Students’ Union / Douglas Students’ Union

BIRT Bylaw I, Section 2, (b), (ii) be amended to delete the first sentence and amend second sentence to read: “Full membership in the Federation may only be terminated on June 30th of the academic year in which a member Association withdraws. Prospective membership lapses two years after the General Meeting in which it was granted, or when a successful full membership referendum is held, whichever comes first.”

A friendly amendment was made to treat the first sentence as an amendment to Bylaw I, Section 1, (a), (iv). The second sentence was left unchanged.¹²

87GM071

University of Saskatchewan Students’ Union / NSCAD Students’ Union

BIRT Bylaw I, Section 2, (b), (v) be deleted¹³

87GM072

Students Federation of the University of Ottawa / Laurentian University Students’ General Association

BIRT that ... Bylaw I, Section 2, (c): delete¹⁴

87GM095

Langara Students’ Union / University of Regina Students’ Union

BIRT Bylaw I, Section (2)(a) (i) be amended to read:

(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 in a referendum, membership in the Federation, its applicable provincial component and the Canadian Federation of Students-Services.¹⁵

87GM098

Langara Students’ Union / University of Victoria Students’ Society

BIRT that the following constitutional amendments be dealt with...

Bylaw I, Section (2)(a)(iii):

Once a member local association has become a full member, it may only withdraw from the Federation if its members approve withdrawal in a subsequent referendum for which four months written notice of the exact date of the referendum has been received, by registered mail or equivalent, to the national office of the Federation.¹⁶

Amendments Adopted at the November 1988 NGM

88GM083A

Langara Students’ Union / Capilano Students’ Union

BIRT Bylaw I – Section (2) (a) (ii) be amended to read:

The fee per semester for full member local associations shall be \$1.50 per semester for Canadian Federation of Students and \$0.50 per semester for Canadian Federation of Students-Services, or \$3.00 per

¹¹ *Ibid.*, 15.

¹² *Ibid.*, 15.

¹³ *Ibid.*, 15.

¹⁴ *Ibid.*, 15-16.

¹⁵ *Ibid.*, 20.

¹⁶ *Ibid.*, 21.

Appendix D. List of Amendments Made to CFS Bylaw I

academic year for Canadian Federation of Students and \$1.00 per academic year for Canadian Federation of Students-Services plus the applicable provincial component fee, for each local association full-time student member, prorated as per the policy of the member local association.¹⁷

88GM415

Langara Students' Union / Douglas Students' Union

WHEREAS the Federation has no definition for "small budgeted local student association" referred to in Bylaw 1, Section (2)(b)(iv);

WHEREAS smaller student associations generally have the same ability to pay as larger student associations since the fee is assessed on a per month basis;

WHEREAS it would be unlikely that five per cent (5%) membership fee would be a hardship to any local association, as indicated by the following chart:

NUMBER OF MEMBERS PROSPECTIVE FEES-2% PROSPECTIVE FEES-5%

100	\$8.00	\$20.00
200	\$16.00	\$40.00
300	\$24.00	\$60.00
400	\$32.00	\$80.00
500	\$40.00	\$100.00
600	\$48.00	\$120.00
700	\$56.00	\$140.00
800	\$64.00	\$160.00
900	\$72.00	\$180.00
1,000	\$80.00	\$200.00
1,100	\$88.00	\$220.00
1,200	\$96.00	\$240.00
1,300	\$104.00	\$260.00
1,400	\$112.00	\$280.00
1,500	\$120.00	\$300.00
1,600	\$128.00	\$320.00
1,700	\$136.00	\$340.00
1,800	\$144.00	\$360.00
1,900	\$152.00	\$380.00
2,000	\$160.00	\$400.00

WHEREAS all active provincial components of the Federation have just one prospective membership fee-a prospective membership fee that is five per cent (5%) of the full membership fee; Therefore

BIRT Bylaw 1, Section (2) (b) (iv) be deleted; and

BIRT Bylaw I, Section (2) (b) (iv) be amended to read:

The fee for prospective membership in the Federation is five per cent (5%) of full membership fees, unless the Student Association has an individual membership fee of less than \$10 per academic year, in which case the fee will be 2% of full membership fees.¹⁸

88GM422

University of Victoria Students' Society / Mount Allison University Students' Union

BIRT Bylaw I Section 2 (b) i. be amended to read as follows:

A local student association is eligible to apply for prospective membership in the Federation within the two years preceding application and it has passed a motion of its students council to apply for prospective membership in the Federation and its applicable provincial component.¹⁹

88GM424

University of Victoria Students' Society / Mount Saint Vincent University Students' Union

¹⁷ CFS, NGM Minutes, November 1988, 51.

¹⁸ *Ibid.*, 55-56.

¹⁹ *Ibid.*, 57.

Solidarity For Their Own Good

BIRT Bylaw I Section 3 (c) vi. be amended to read as follows:

Each member local association will communicate and work cooperatively with Federation staff and members of the National Executive Committee.²⁰

88GM425

University of Victoria Students' Society / Mount Saint Vincent University Students' Union

BIRT Bylaw I Section 5 be amended to replace all references to "member institution(s)" and "institution(s)" with "member local association(s)";

BIFRT the term "national conference" in Bylaw I Section 5 (d) iv. be replaced with "national general meeting"²¹

Amendments Adopted at the November 1989 NGM

88GM650

Kwantlen Student Association / University of Victoria Students' Society

BIRT Bylaw I, Section (2) "General Description" be amended to read:

"The Plenary may extend prospective membership based on the individual merit of the case irrespective of precedent by a two-thirds (2/3) majority vote of members present.";

BIFRT the following subsections be renumbered accordingly²²

Amendments Adopted at the May 1991 NGM

91.05.28

University of Victoria Students' Society / Nova Scotia College of Art and Design Students' Union

Be it resolved that By-Law I of the Canadian Federation of Students (-Services), Section 2 (A)(iii), "Membership" be amended to read:

A. Full Membership

- iii. Once a member local association has become a full member, it may only withdraw from the Federation if its members approve withdrawal, through referendum, for which at least six months notice of the exact date of the referendum has been delivered, by registered mail to the head office of the Federation. The notice will include the rules of the referendum, the dates of the referendum and the motion of the referendum.²³
-

Amendments Adopted at the May 1992 NGM

91.11.234

BE IT RESOLVED THAT the Canadian Federation of Students By-Law I - Membership, Section 2(B)(i) be amended to read:

A local student association is eligible to apply for prospective membership in the Federation if (1) it has not been a full member or a prospective member of the Federation within the two years preceding such application, and (2) it has passed a motion of its students' council to apply for prospective membership in the Federation and its applicable provincial component.²⁴

²⁰ *Ibid.*, 57.

²¹ *Ibid.*, 57.

²² CFS, NGM Minutes, November 1989, 46.

²³ CFS, NGM Minutes, May 1991, 73-74.

²⁴ CFS, NGM Minutes, May 1992, 10.

Appendix D. List of Amendments Made to CFS Bylaw I

91.11.236

Be it resolved that the Canadian Federation of Students By-Law I – Membership, Section 3(C)(vi) be amended to read:

Each member local association will communicate and work cooperatively with Federation staff and members of the National Executive ~~Committee~~.²⁵

91.11.238

Be it resolved that the Canadian Federation of Students By-Law I – Membership, Section 5(D)(iii) be amended to read:

the four selected committee members ~~candidates~~ shall then agree by a majority vote, on a ~~neutral~~ chair who shall be the fifth member of the committee;²⁶

(p. 10)

91.11.254

Be it resolved that the Canadian Federation of Students By-Law I – Membership, Section 4(D) be amended to read:

The ratification of a full or prospective membership will not take effect until such ~~the~~ membership application has also been ratified by the ~~all other~~ Federal Provincial Components in which the local student association is eligible for membership.²⁷

92.05.19

Association générale des étudiants de l'Université Sainte-Anne / University of Western Ontario Society of Graduate Students

Be it resolved that the Canadian Federation of Students By-Law I – Membership, Section 3(A)(i) be amended to read:

Only individual members of the Federation (~~only~~) have the right to make ~~final~~ decisions through referendum on all questions of withdrawal from full membership in the Federation, or of increase in full membership fees currently being paid by them.²⁸

92.05.177

Trent Central Student Association / Augustana Students' Union

Be it resolved that By-Law I, Section 2 B, be amended by replacing the present section with the following:

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 in the Federation if it has passed a motion in its student council to apply for prospective membership in the Federation and its applicable provincial component. A local association's application for prospective membership, once accepted by the Federation, shall constitute a binding contract for sections iii), v), and vii).
- ii) Notwithstanding Section B iv) of this By-Law, a prospective member may attend no more than one General Meeting of the Federation as a prospective member.
- iii) A full membership referendum must be held by the student association before the end of the term of office of the Executive that was in office when prospective membership was granted. In the event that the referendum fails, prospective membership would be terminated.
- iv) Prospective membership shall lapse at the end of the opening plenary of the General Meeting following the General Meeting at which prospective membership was granted.

²⁵ *Ibid.*, 10.

²⁶ *Ibid.*, 10.

²⁷ *Ibid.*, 12.

²⁸ *Ibid.*, 14.

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- v) The fee for prospective membership in the Federation shall be 5% of the regular Federation membership fee, unless the student association has an individual membership fee of less than \$10.00 per academic year, in which case the fee shall be 2% of the regular Federation membership fee.
- vi) Prospective membership allows the student association to have full voting rights at the general meeting in which they were granted prospective membership, but does not allow that prospective member to proxy their vote.
- vii) Prospective members must notify the Federation of the date of the full membership referendum no less than two months prior to the referendum.
- viii) After a student association has had their prospective membership ratified by plenary, they have full use of Federation resources and materials until their referendum on full membership (see section B, iii).
- ix) The Federation may extend prospective membership based on the individual merit of the associations case, irrespective of precedent, by a two-thirds majority vote of plenary.²⁹

92.05.47 (ii)

Langara Students' Union / Trent Central Student Association

Be it resolved that By-law I, Section 2 be amended to read as follows:

2. Full Membership

Full membership is the standard form of membership in the Federation.

- (a) A local association is eligible to apply for full membership in the Federation if its members have approved by referendum membership in the Federation, the Canadian Federation of Students-Services, and the applicable provincial component;
- (b) 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 the membership;
- (c) The fees for full member local associations shall be:
 - i) \$1.50 per semester, or \$3.00 per academic year, per local association individual member of the Canadian Federation of Students, pro-rated as per policy of the member local association;
 - ii) \$.50 per semester, or \$1.50 per academic year, per local association individual member of the Canadian Federation of Students-Services, pro-rated as per policy of the member local association;
 - iii) the applicable provincial component fee.
- (d) A full member local association may only withdraw from the Federation through a referendum subject to the following rules and procedures:
 - i) Notice of withdrawal referendum must be delivered by registered mail to head office of the Federation not less than six (6) months prior to the referendum;
 - ii) Notice of withdrawal referendum must include the exact dates of the referendum, rules of the referendum, and referendum questions to be used;
 - iii) Quorum for a withdrawal referendum shall be that of the member local association or five percent (5%) of the individual members of the member local association, whichever is higher;
- (e) Full membership in the Federation may only be terminated on June 30 of the Federation's fiscal year in which a member association withdraws.

Be it further resolved that all subsequent sections of the By-law be renumbered accordingly³⁰

92.05.115

²⁹ *Ibid.*, 67.

³⁰ *Ibid.*, 24, 25, 68.

Appendix D. List of Amendments Made to CFS Bylaw I

Langara Students' Union / Guelph Central Student Association

Whereas the membership fee for the Canadian Federation of Students (-Services) has remained unchanged since the Federation's inception in 1981, and

Whereas inflation has greatly mitigated the actual value of that fee over the past ten years, and

Whereas now more than ever, students need a strong voice nationally, and

Whereas sufficient funding will better enable students to achieve a more accessible post-secondary system of education in the long run,

Be it resolved that By-Law I, Section 2(A)(ii) be amended to read as follows:

- ii) The fee per semester for full member local associations shall be \$1.50 ~~\$3.00~~ \$2.25 per semester for Canadian Federation of Students and \$.50 ~~\$1.00~~ \$0.75 per semester for Canadian Federation of Students – Services, or \$3.00 ~~\$6.00~~ \$4.50 per academic year for the Canadian Federation of Students and \$1.00 ~~\$2.00~~ \$1.50 per academic year for the Canadian Federation of Students – Services, plus the applicable provincial component fee, for each local association full-time student member, pro-rated as per the policy of the member local association,

Be it further resolved that By-Law I, Section 2(A)(ii) be amended to include:

Member associations have until May 1994 to comply with this fee increase, following the local procedures regulating membership fee increases. If by May 1994 less than 80% of member associations have adopted the new membership fees, the issue of fee increases shall be reviewed at the May 1994 General Meeting.

Be it further resolved that By-Law I, Section 2(A)(ii) be amended to include:

Beginning in ~~1993~~ 1995, 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 twelve months.³¹

Amendments Adopted at the November 1992 NGM

92.05.114

Langara Students' Union / Guelph Central Student Association

Be it resolved that By-Law I, Section 2(A)(iii) be amended to read as follows:

- iii) A full member local association may only withdraw from the Federation through a referendum subject to the following rules and procedures:
 - Notice of a withdrawal referendum must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to any referendum voting including advance polls; and
 - Notice of a withdrawal referendum must include the exact date of the referendum, rules of the referendum, and referendum question to be used.
 - In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that ballots are mailed to the individual members.³²

92.11.122

Cariboo Student Society³³ / Acadia Students' Union

BE IT RESOLVED THAT By-law I - Membership, Section 3(B)(i) - Rights of Voting Members, be amended to read:

- i) Each voting member of the Federation will have one vote at and participate in General Meetings of the Federation provided all delegate fees for the meeting have been paid in full.³⁴

³¹ *Ibid.*, 83.

³² CFS, NGM Minutes, November 1992, Closing Plenary, 22.

³³ Now Thompson Rivers University Students' Union

³⁴ CFS, NGM Minutes, November 1992, Closing Plenary, 61-62.

Amendments Adopted at the May 1993 NGM

91.11.49(i)

Augustana Students' Union / Lethbridge Community College Students' Association

WHEREAS the Federation is a democratic body in which each member association has willingly joined through a direct democratic process, and it is hence understood that business of the membership is addressed within the parameters of the Federation's constitution; and

WHEREAS it is a responsibility of each voting member to collect and forward fees to the Federation in exchange for membership privileges and Federation efforts and services done on behalf of its members; and

WHEREAS this constitutional responsibility is being undermined; therefore

BE IT RESOLVED THAT By-law I - Membership, Section 5: Suspension and Expulsion of Members, Sub-section A, be amended by adding the following:

The Federation will suspend membership privileges to member associations that have not paid their membership fees, fees for meetings, and fines within 6 months following the respective deadlines. These privileges include travel and constituency discounts, voting privileges for meetings and the receipt of anything more than samples of campaign literature and research documents. This suspension may be waived with the consent of the National Executive upon written application for such a waiver. This section will not apply to member locals who withhold their fees in trust.³⁵

Amendments Adopted at the May 1995 NGM

93/05:421

University of Victoria Students' Society / North Island Student Association

Be it resolved that By-law I - Membership, Section 2 A(iii), be amended to read:

- iii) 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, prorated as per the policy of the member local association; and
 - the applicable provincial component fee;
 - Beginning in 1995, 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 twelve months.³⁶

93/05:238

Collège universitaire de Saint-Boniface Association des étudiantes et étudiants /

Be it resolved that By-law I, ~~Section 6~~, be amended to ~~read~~ include:

- ~~A. Upon a member local having passed a referendum to defederate from the Federation, the deratification vote shall take place at the opening plenary of the next Semi-Annual General Meeting and will take effect on June 30 of that year.~~

Section 6: Procedure for the Ratification of the Withdrawal Referendum

- A. Within 90 days of the receipt of a letter from a member local association notifying the Federation of its withdrawal from the Federation, 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 application.
- 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.³⁷

³⁵ CFS, NGM Minutes, May 1993, Closing Plenary, 73.

³⁶ CFS, NGM Minutes, May 1995, Closing Plenary, 85.

Appendix D. List of Amendments Made to CFS Bylaw I

95/05:266

University of Regina Students' Union / Wilfrid Laurier Graduate Student Association

Whereas the Federation is a partnership of students' associations; and

Whereas, it should be the rules of the partnership which govern how a students' association joins and leaves the partnership; and

Whereas, the existing rules of the partnership (The Federation's Bylaws) do not fully and adequately establish how a students' association leaves the partnership; therefore

Be it resolved that Bylaw I, Section 2 A(iv), be deleted; and

Be it further resolved that the following section be added to By-Law I Membership:

Section 6: Vote on De-Federating

The individual members of the Federation belonging to a member local association may vote on whether to de-federate, subject to the following rules and procedures:

- a. Notice
 - i. Notice of a vote on de-federating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
 - ii. Notice of the vote must include the exact dates and times of voting.
 - iii. In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that the ballots are mailed to the individual members;
 - iv. Failure to adhere to the notice provisions in article A i), ii) and iii) shall invalidate the results of the vote.
- b. Campaigning
 - i. There shall be no less than two (2) weeks of campaigning immediately preceding the voting during which time classes are in session.
 - ii. Only individual members of the member local association and representatives, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.
- c. Voting
 - i. Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association or a mailout 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. 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.
- d. Quorum

Quorum for the vote shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.
- e. Administering the Campaign and Voting

The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by the member local association. The committee shall be responsible for:

 - i. deciding the manner of voting, be that by referendum, general meeting or a mail-out ballot.
 - ii. deciding the number and location of polling stations;
 - iii. approving all materials to be distributed during the campaign;
 - iv. deciding the ballot question;
 - v. overseeing the voting;
 - vi. counting ballots;

³⁷ *Ibid.*, 95.

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- vii. adjudicating all appeals; and,
- viii. establishing all other rules and regulations for the vote.
- f. Advance Remittance of Outstanding Membership Fees
In addition to Articles A to E, in order for a de-federation referendum to proceed, a member local association must remit all outstanding Federation fees not less than six (6) weeks prior to the date of the referendum.
- g. Minimum Period Between De-Federating Votes
In addition to articles a) through f) in order for a de-federation referendum to take place the member local may not hold a de-federation referendum within the previous twenty-four (24) months.³⁸

Amendments Adopted at the November 1995 NGM

95/11:014

Trent Central Student Association / Laurentian University Students' General Association

Be it resolved that the final clause in Bylaw I, Section 2-A, subsection iii be amended to read as follows:

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.³⁹

95/11:098

Concordia Graduate Student Association / University of Regina Students' Union

Be it resolved that Bylaw I, Section 2 B(viii), be amended to read:

A student association, having been granted prospective membership shall have full use of Federation resources and materials, except the International Student Identity Card at no cost, for the duration of its prospective membership.⁴⁰

95/11:292

Concordia Graduate Student Association / Emily Carr Students' Union

Whereas, the Federation employs a delegate voting system rather than holding national

Referenda votes on Policy and By-law questions; and

Whereas, the delegate voting system is considered sufficient for deciding all other Policy and Bylaw questions; and

Whereas, it would be both contradictory and impractical to undertake a nation-wide referendum of all individual members in order to amend the membership fee; therefore

Be it resolved that Bylaw I, Section 3 A(i), be amended to read:

Only individual members of the Federation have the right to make decisions through referendum on all questions of withdrawal from full membership in the Federation. Increase in full membership fees currently being paid by them shall require ratification by two-thirds of the member locals through referendum or duly enacted motion of the student council.⁴¹

Amendments Adopted at the May 1996 NGM

96/05/13:01

Malaspina Students' Union / Simon Fraser Student Society

Whereas wording in parts of Article 2-b of Bylaw I, Membership, is very sloppy; therefore

³⁸ *Ibid.*, 111-113.

³⁹ CFS, NGM Minutes, November 1995, Closing Plenary, 3.

⁴⁰ *Ibid.*, 17.

⁴¹ *Ibid.*, 68.

Appendix D. List of Amendments Made to CFS Bylaw I

Be it resolved that Article 2-b-vi to ix of Bylaw I, Membership, be amended to read;

- vi. A prospective member local association shall have full voting rights in the national general meeting at which it is granted prospective membership, but shall not be permitted to designate a proxy to vote on its behalf.
- vii. A prospective member local association shall have the same access as a full member local association to Federation resources and materials, except the International Student Identity Card at no charge, for the duration of its prospective membership.
- viii. Unless waived by a majority vote of the National Executive, a prospective member local association must notify the Federation of the date of its referendum on full membership no less than two months prior to the referendum.
- ix. Prospective membership may be extended based on the individual merit of the association's case, irrespective of precedent, by a two-thirds majority vote of plenary,⁴²

96/05/12:72

Malaspina Students' Union / Concordia Graduate Students' Association

Whereas Article 2-b-v of Bylaw I, Membership, states that:

- v. The fee for prospective membership in the Federation shall be 5% of the regular Federation membership fee, unless the student association has an individual membership fee of less than \$10.00 per academic year, in which case the fee shall be 2% of the regular Federation membership fee.

Whereas the \$10.00 threshold is totally arbitrary given that there is no conceivable reason why a student association with an individual membership fee of \$10.50 per year should pay a prospective membership fee of \$.30 per individual member while a student association with an individual membership fee of \$9.50 per year should pay a prospective membership fee of only \$.12 per individual member; and

Whereas any student association with an annual membership fee of \$9.50, \$10.00 or even

\$10.50 per year would likely be incapable of fulfilling the obligations of membership in the Federation anyway; therefore

Be it resolved that Article 2-b-v of Bylaw I, Membership, be amended to read:

- v. The fee for prospective membership in the Federation shall be 5% of the regular Federation membership fee, notwithstanding that the fee may be waived by a majority vote of the plenary.⁴³

96/05/13:06

Simon Fraser Student Society / Guelph Central Student Association

Whereas the current structure and content of Article 5, Suspension and Expulsion of Members, of Bylaw I is, at the very least, confusing; therefore

Be it resolved that Article 5, Suspension and Expulsion of Members, of Bylaw I be amended to read:

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 process 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 local 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:

⁴² CFS, NGM Minutes, May 1996, Opening Plenary, 28.

⁴³ CFS, NGM Minutes, May 1996, Closing Plenary, 72.

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- i. place the matter on the agenda for the next regularly scheduled national general meeting for which no less than four (4) weeks notice can be given; and
 - 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 recommendations 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.⁴⁴

Amendments Adopted at the November 1996 NGM

96/05/13:04

Simon Fraser Student Society / Guelph Central Student Association

Be it resolved that the following be added to Article 3-c of Bylaw I, Membership:

- 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.

Be it further resolved that all subsequent sections of Article 3-c be renumbered accordingly.⁴⁵

Amendments Adopted at the May 1997 NGM

97/05:015

University of Victoria Students' Society / Emily Carr Students' Union

Be it resolved that Bylaw I, Section 6, sub-section g. be amended to include the following:

This clause may be waived, by a two-thirds majority vote of the National Executive, if the procedures of the de-federation referendum are questionable in the extreme.⁴⁶

97/05:104

University of Victoria Students' Society / Emily Carr Students' Union

Be it resolved that Bylaw I be amended to include the following:

5. Vote to Federate

The individual members of a students' association shall vote on becoming full members of the Federation, subject to the following rules and procedures:

⁴⁴ *Ibid.*, 77-79.

⁴⁵ CFS, NGM Minutes, November 1996, Closing Plenary, 17-18.

⁴⁶ CFS, NGM Minutes, May 1997, Opening Plenary, 11.

Appendix D. List of Amendments Made to CFS Bylaw I

a. Notice

Notice of a vote to become full members must be delivered by registered mail to the head office of the Federation not less than one (1) month prior to the start of the voting.

b. Campaigning

- i. There shall be no less than two (2) weeks of campaigning immediately preceding the voting during which classes are in session;
- ii. Only individual members and representatives of the students' association, representatives of the Federation and representatives of the Federation member local associations shall be permitted to participate in the campaign.

c. Voting

- i. Voting shall be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the students' 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. 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.

d. Administering the Campaign

The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by the students' association. The committee shall be responsible for:

- i. deciding the manner of voting, be that by referendum, general meeting or mail out ballot;
- ii. deciding the number and location of polling stations;
- iii. approving all materials to be distributed;
- iv. deciding the ballot question;
- v. overseeing the voting;
- vi. counting ballots;
- vii. adjudicating all appeals; and
- viii. establishing all other rules and regulations for the vote.

Be it further resolved that all subsections be re-numbered accordingly.⁴⁷

Amendments Adopted at the November 1997 NGM

97/11:357

Simon Fraser Student Society / University of Victoria Students' Society

Be it resolved that the following be added to Article 3-a of Bylaw I, Membership:

- x. In the event that a prospective member local association's referendum on full membership in the Federation fails to achieve the quorum requirements of the association and the Federation, prospective membership may, at the discretion of plenary, continue until a quorate referendum is held, notwithstanding that the association and the Federation can mutually agree to terminate the prospective membership.

Be it further resolved that all subsequent subsections be re-lettered accordingly.⁴⁸

97/11:359

Simon Fraser Student Society / University of Victoria Students' Society

Be it resolved that the following be added to Article 6-a of Bylaw I, Membership:

⁴⁷ CFS, NGM Minutes, May 1997, Closing Plenary, 16.

⁴⁸ CFS, NGM Minutes, November 1997, Closing Plenary, 33.

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- iii. No vote on de-federating may be held between:
 - April 15 and September 15; and
 - December 15 and January 15.

Be it further resolved that all subsequent sections of Article 6-a be renumbered accordingly.⁴⁹

Amendments Adopted at the May 1998 NGM

98/05:128

Simon Fraser Student Society / University of Victoria Students' Society

Be it resolved that Article 3-a-l of Bylaw I, Membership, be amended to read:

- 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.

Be it further resolved that the following be added to Article 3-a:

- 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.

Be it further resolved that the following be added to Article 3-a:

- iii. 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 de-federation referendum as described in Article 6 of this Bylaw.

Be it further resolved that all subsequent sections of Article 3-a be renumbered accordingly.⁵⁰

98/05:130

Simon Fraser Student Society / University of Victoria Students' Society

Be it resolved that Bylaw I, subsection 7 be amended to include the following:

- h. In addition to articles a-g., in order for a de-federation referendum to proceed, a member local association may not have held a referendum to join the Federation within the previous twenty-four (24) months. This clause may be waived, by a two-thirds majority vote of the National Executive.⁵¹

Amendments Adopted at the May 1999 NGM

99/05:017

Laurentian University Students' General Association / Douglas Students' Union

Be it resolved that Section 2.b.v of Bylaw I be amended to read:

- v. The fee for prospective membership in the Federation shall be 5% of the regular Federation membership fee, notwithstanding that the fee may be waived by a majority vote of the plenary or the National Executive.⁵²

⁴⁹ *Ibid.*, 34.

⁵⁰ CFS, NGM Minutes, May 1998, Closing Plenary, 27.

⁵¹ *Ibid.*, 27.

⁵² CFS, NGM Minutes, May 1999, Closing Plenary, 9-10.

Appendix D. List of Amendments Made to CFS Bylaw I

Amendments Adopted at the May 2003 NGM

2003/05:030

Carleton University Graduate Students' Association / College of the North Atlantic Students' Union

Whereas Section 2 of Bylaw I – Membership describes in part the Federation's membership application process; and

Whereas Section of 4 of Bylaw I also deals with the membership application process; and

Whereas it would be clearer and more straightforward if all language about the membership application process was consolidated in one section of the Bylaw; therefore

Be it resolved that Section 4 of Bylaw I - Membership be removed and that Sections 1 and 2 of Bylaw I - Membership be amended to read as follows:

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, 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, 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 full membership, the National Executive will examine the application to see 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 the 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.

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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, 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 see 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 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 association 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 five (5) 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.

Be it further resolved that all subsequent sections of Bylaw I be re-numbered accordingly.⁵³

⁵³ CFS, NGM Minutes, May 2003, Closing Plenary, 5-6.

Appendix D. List of Amendments Made to CFS Bylaw I

2003/05:032

Carleton University Graduate Students' Association / Emily Carr Students' Union

Whereas Section 5 of Bylaw I - Membership was adopted in 1998; and

Whereas over twenty membership referenda have now been conducted using the procedures established in Section 5 of Bylaw I; and

Whereas the experience from those referenda have served to identify areas in which the procedures need to be modified and improved; therefore

Be it resolved that Section 5 of Bylaw I – Membership be amended to read as follows:

5. 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 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 requirements for the referendum in accordance with Section 5-c of this Bylaw and ensuring that notice is posted.
- ii. establishing the campaign period in accordance with Section 5-d of this Bylaw.
- iii. approving all campaign materials in accordance with Section 5-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 5-f of this Bylaw;
- vi. overseeing all aspects of the voting;
- vii. counting the ballots following voting; and
- viii. establishing all other rules and regulations for the referendum.

c. Notice of the 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 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
- 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 the 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, potentially libelous or false.

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f. Voting and Tabulation

- i. Voting shall be conducted at voting stations or, subject to 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 appoint one poll clerk for each polling station.
- vi. The prospective member association and the Federation shall each be permitted to appoint one scrutineer to oversee the counting of ballots.

g. 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 Oversight Committee.⁵⁴

Amendments Adopted at the May 2005 NGM

2005/05:015

Malaspina Students' Union / York Federation of Students

Whereas prospective membership is described in Bylaw I as a "trial membership of limited duration"; and

Whereas prospective membership exists in order to provide an opportunity for a students' union to try membership before making a decision on full membership; and

Whereas in order to thoroughly and adequately try membership a students' union should fully participate in the campaigns, use the services and participate in the decision-making structures; and

Whereas currently Bylaw I.2.b.viii states that "a prospective members association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within five (5) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation"; and

Whereas five months provides insufficient time to adequately try membership, especially if trial membership is granted at a November national general meeting; therefore

Be it resolved that Bylaw I.2.b.viii be amended to read:

"A prospective members 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".⁵⁵

Amendments Adopted at the May 2006 NGM

2006/05:034

Post-Graduate Students' Society of McGill University / York Federation of Students

⁵⁴ *Ibid.*, 6-10.

⁵⁵ CFS, NGM Minutes, May 2005, Closing Plenary, 11.

Appendix D. List of Amendments Made to CFS Bylaw I

Be it resolved that Bylaw I.6 be amended to include:

a. Petition

As per Bylaw I.3.1.a.iii a petition calling for a referendum shall be signed by no less than ten percent (10%) of the individual members of the association and sent to the National Executive of the Federation.

Be it further resolved that the remaining clauses be renumbered accordingly; and

Be it further resolved that the first sentence of Bylaw I.6.f.i be amended to read as follows:

- i. Within three (3) months of the receipt of notice, a committee composed of two (2) members appointed by the Federation and two (2) members appointed by the member local shall be formed.⁵⁶

Amendments Adopted at the May 2008 NGM

2008/05:048

Carleton University Students' Association / Downtown Campus Students' Union⁵⁷

Be it resolved that Bylaw 1, Section 6, be amended to read as follows:

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, the National Executive will schedule a referendum to be conducted 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 (5) days of voting; and
- there shall be no less than seven (7) 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.

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

⁵⁶ CFS, NGM Minutes, May 2006, Closing Plenary, 4-6.

⁵⁷ Part of Vancouver Community College

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(2) representatives to serve on the Committee and request in writing from the member local association the appointment of two (2) representatives 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;
- 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 shall not 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 as campaign materials 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

Appendix D. List of Amendments Made to CFS Bylaw I

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.

i. Appeals

Any appeals of the referendum results of ruling 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.

l. 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.⁵⁸

2008/05:050

Carleton University Students’ Association / Downtown Campus Students’ Union

Be it resolved that Bylaw 1, Section 7 Procedure for Application for Withdrawal be repealed and replaced with the following:

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 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.⁵⁹

2008/05:052

Carleton University Students’ Association / Downtown Campus Students’ Union

Be it resolved that Bylaw 1, Section 3.a.iii be amended to read as follows:

- 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.⁶⁰

⁵⁸ CFS, NGM Minutes, May 2008, Closing Plenary, 17-20.

⁵⁹ *Ibid.*, 20.

⁶⁰ *Ibid.*, 20.

Amendments Adopted at the November 2008 NGM

2008/11:007

Ryerson Students' Union / University of Toronto at Mississauga Students' Union

Be it resolved that Bylaw I, section 4 be amended to include the following clause:

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 member local association, whichever is higher.

Be it further resolved that other clauses be renumbered accordingly.⁶¹

Amendment Purportedly Adopted at the November 2009 NGM

2009/11:020

Carleton University Graduate Students' Association / Student Federation of the University of Ottawa

Whereas the Federation was created to be a national association of individual students; and

Whereas the individual student members are represented in the Federation at national meetings by their respective local student unions known within the Federation as the voting members; and

Whereas the voting members have resolved to vest in the individual members all authority to decide questions of membership, including the initiation of any referendum on the question of continued membership; and

Whereas the bylaws currently provide for a referendum on the question of continued membership to be initiated by a petition signed by 10 percent of the individual members; and

Whereas this approach, aimed at greater grassroots democracy within our Federation, seems to be open to abuse; and

Whereas, based on the information reported in the student press concerning the campuses in question, as few as 12,000 signatures could result in 10 referendums; and

Whereas evidence indicates that this is a coordinated plan to destabilize our Federation by a small group of individuals, including some non-members; and

Whereas evidence indicates that as part of this coordinated effort to destabilize our Federation the organizers of the petitions intend to submit them all on the same day in an effort to force the various referendums to be held within the same, small window of time; and

Whereas the Bylaws contemplate the Federation and its members having the opportunity to present a case for continued membership in any referendum campaign; and

Whereas forcing all referenda to be held within the same, small window of time is fundamentally anti-democratic because the Federation and its members would have no reasonable opportunity to present a case for continued membership in the Federation; and

Whereas the enormous task of trying to present the case for continued membership in so many referendums within the same, small window of time would inevitably detract from the Federation's normal duty of providing representation and services; therefore

Be it resolved that the reference to "ten percent (10%)" in Bylaw 1, Article 6.a be amended to read "twenty percent (20%)";

Be it further resolved that Bylaw 1, Article 6.b be amended to read:

b. Schedule

- i. Within 90 days of receipt of the petition described in Bylaw 1, 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 5.b.iii, and subject to the following conditions:

⁶¹ CFS, NGM Minutes, November 2008, Closing Plenary, 7-8.

Appendix D. List of Amendments Made to CFS Bylaw I

- 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) 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. There shall be no more than two (2) referendums on continued membership in any three-month period.
- iv. No referendum on continuing membership shall take place without compliance with Sections 6.b.i, 6.b.ii and 6.b.iii.

Be it further resolved that Bylaw 1, Articles 6.k and 6.l., be amended to read:

k. Minimum Period Between Continued Membership Votes

In addition to required compliance with Sections 6.a. to 6.j and 6.l, in order for a referendum on continued membership to take place, no referendum on continued membership may have been held within the previous sixty (60) months for voting members comprised of university students and thirty-six (36) months for voting members comprised of college students, unless waived, by a two-thirds (2/3rds) majority vote of the National Executive.

l. Minimum Period Between Vote to Federate and Vote on Continued Membership

In addition to required compliance with Sections 6.a. to 6.k., in order for a referendum on continued membership to proceed, a referendum to join the Federation may not have been held within the previous sixty (60) months for voting members comprised of university students and thirty-six (36) months for voting members comprised of college students, unless waived, by a two-thirds (2/3rds) majority vote of the National Executive.⁶²

⁶² CFS, "Organizational and Services Development Committee Report," November 2009, 4; Tori Crawford, "PGSS executive disappointed with CFS Annual General Meeting," *The McGill Tribune*, December 1, 2009, <http://media.www.mcgilltribune.com/media/storage/paper234/news/2009/12/01/News/Pgss-Executives.Disappointed.With.Cfs.Annual.General.Meeting-3842198.shtml>.

Appendix E

List of Amendments Unsuccessfully Proposed for CFS Bylaw I

Note 1: This list includes amendments that were rejected by the National General Meeting, as well as amendments that were withdrawn or killed through other procedural mechanisms.

Note 2: Until 1990, CFS-National and CFS-Services Bylaws were structured quite differently. For the sake of convenience, I have ignored amendments proposed to CFS-Services Bylaw I.

Note 3: Minutes from the following NGMs are missing: 1985-May, 1985-Nov, 1987-Nov, 1988-May, 1993-Nov, 2000-May, 2000-Nov, 2001-May, and 2002-Nov. Accordingly, there are a number of gaps in this record.

Note 4: Motion 2009/11:020, purportedly adopted at the November 2009 NGM, did not actually receive the votes of two-thirds of the voting members present at the meeting, and therefore did not legally pass. However, the National General Meeting majority voted to disregard the CFS's bylaws, and the National Executive is currently operating as though this amendment had been properly approved. Therefore, this motion is included in Appendix D.

Amendments Rejected at the November 1983 NGM

University of British Columbia Graduate Student Society / Trent Central Student Association

Amendment to Bylaw I, section (a) by adding a new paragraph (v):

- (v) The official wording for Federation membership referenda held after Nov. 12, 1983 where the association constitution and by-laws allow will be: "Do you wish to join the Canadian Federation of Students at a fee of \$XX.00 per year (term)? Yes/No." The official wording for Federation withdrawal referenda held after Nov. 12, 1983 where the association constitution and by-laws allow will be "Do you wish to continue your membership in the Canadian Federation of Students (\$XX.00 per student, per year (term)) Yes/No. Only the aforementioned referendum ballot wordings will be recognized by the Federation."¹

(Defeated)

Amendments Rejected at the May 1987 NGM

87GM068

University of Saskatchewan Students' Union / Collège universitaire de Saint-Boniface Association des étudiantes et étudiants

BIRT Bylaw I, Section 2, (a), (iii) be amended to replace "two months" with "four months" for notice of a membership withdrawal²

(Defeated)

87GM096

Langara Students' Union / McMaster Students' Union

BIRT Bylaw I, Section (2)(a)(ii) be amended to read:

The fee per semester for full member local associations shall be \$1.50 for the Canadian Federation of Students, \$.50 for the Canadian Federation of Students-Services, plus the applicable provincial component fee, for each local association full-time student member, pro-rated for part-time student members as per the policy of the member local association.³

(Tabled)

¹ CFS, NGM Minutes, November 1983, 75.

² CFS, NGM Minutes, May 1987, 15.

³ *Ibid.*, 20-21.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

Amendments Rejected at the November 1988 NGM

88GM423

University of Victoria Students' Society / Mount Saint Vincent University Students' Union

BIRT Bylaw I Section 3 (b) ii. be amended to read as follows:

Each voting member of the Federation will have one vote at General Meetings of the Federation. This provision may be amended by unanimous consent of the voting members of the Federation.⁴

(Defeated)

Amendments Rejected at the May 1990 NGM

Notice 8

University of Saskatchewan Students' Union /

WHEREAS Bylaw I Section 2(a)III currently reads:

- (iii) Once a member local association has become a full member, it may only withdraw from the Federation if its members approve withdrawal from the Federation in a subsequent referendum for which four months written notice of the exact date of the referendum has been delivered, by registered mail, to the national office of the Federation;

BE IT RESOLVED THAT "four months" be replaced by "six months"⁵

(Ruled Redundant)

90GM110

Douglas Students' Union /

BE IT RESOLVED THAT Bylaw I Section 2 (iii) be amended to read:

- (iii) once a member local association has become a full member, it may only withdraw from the Federation if its members approve withdrawal in a subsequent referendum for which six months written notice has been delivered, by registered mail, to the national office of the Federation.⁶

(Defeated)

Amendments Rejected at the October 1990 NGM

90.10.29

University of Waterloo Federation of Students / University of New Brunswick – Fredericton Students' Union

Be it resolved that By-Law I Membership, section (3)(b)(i) Rights of Voting members be amended as follows:

Delete section (3)(b)(i) and replace with:

Each voting member in good standing shall be allowed to vote at a meeting of the Federation. The number of votes exercised by each member shall be determined by the following formula:

Voting Members with 5,000 constituents or less shall have one (1) vote.

Voting Members with 5,001 to 15,000 constituents shall have two (2) votes.

Voting Members with 15,001 to 25,000 constituents shall have three (3) votes.

Voting Members with 25,001 or more constituents shall have four (4) votes.

⁴ CFS, NGM Minutes, November 1988, 57.

⁵ CFS, NGM Minutes, May 1990, 16.

⁶ *Ibid.*, 93.

Solidarity For Their Own Good

The number of constituents shall be calculated as: the total fees paid to the Federation divided by Federation per student fee.⁷

(Defeated)

Amendments Rejected at the May 1991 NGM

91.05.147

University of New Brunswick – Fredericton Students' Union / Carleton University Students' Association

Whereas in the past there have been abuses of prospective membership by various schools; and

Whereas there is a need to have a system for involving new members in the Federation;

Be it resolved that By-Law I of the Canadian Federation of Students (-Services), Membership, B. Prospective Membership be deleted and replaced by:

- i) A local student association which is applying for prospective membership for the first time shall automatically receive it for one year.

The National Executive shall review the application of student associations which are applying for the second time and shall make a recommendation which will be voted on by a 2/3 majority by the Opening Plenary of the subsequent general meeting.

Any subsequent applications, including those by Student Associations which were once members of the Federation, will only be considered if the application is for full membership.⁸

(Referred to the National Executive)

91.05.148

Carleton University Students' Association / Saint Thomas University Students' Union

Be it resolved that By-Law I of the Canadian Federation of Students (-Services), Membership, B. Prospective Membership be amended by adding:

- v) Prospective Members must hold a membership referendum before the end of the term of the student association representatives who took out prospective membership.
- vi) Prospective Members shall submit referendum by-laws with their application.⁹

(Referred to the National Executive)

91.05.149

Carleton University Students' Association / Douglas Students' Union

Be it resolved that By-Law I of the Canadian Federation of Students (-Services), Membership, B. Prospective Membership, Section (iii) be deleted and replaced by:

The fee for prospective membership in the Federation is ten percent (10%) of the Federation membership fee unless the student association has an individual membership fee of less than ten dollars (\$10), in which case the fee will be two percent (2%) of the full membership fee.

Be it further resolved that By-law I, Membership, B. Prospective Membership, Section (iv) be deleted¹⁰

(Referred to the National Executive)

Amendments Rejected at the November 1991 NGM

91.11.49

Dalhousie Student Union / Lakehead University Students' Union

⁷ CFS, NGM Minutes, October 1990, 7.

⁸ CFS, NGM Minutes, May 1991, 75-76.

⁹ *Ibid.*, 76.

¹⁰ *Ibid.*, 76.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

Whereas the Federation is a democratic body in which each member association has willingly joined through a direct democratic process, and it is hence understood that business of the membership is addressed within the parameters of the Federation's constitution;

Whereas it is a responsibility of each voting member to collect and forward fees to the Federation in exchange for membership privileges and Federation efforts and services done on behalf of its members;

Whereas this constitutional responsibility is being undermined.

Be it resolved that By-law I Section 5(A) be amended by adding the following:

The Federation will suspend membership privileges to member associations that have not paid their membership fees, fees for meetings, and fines within 6 months following the respective deadlines. These privileges include travel and constituency discounts, voting privileges for meetings and the receipt of anything more than samples of campaign literature and research documents.

Be it further resolved that the Federation charge a 10% late penalty per annum to those member associations that deliberately fail to deliver their fees by spring equinox of each year.

Be it further resolved that the appropriate change be made under By-Law I, Section 5 to accommodate these amendments.¹¹

(Referred to Organizational Development Committee)

Amendments Rejected at the May 1992 NGM

91.11.105

University of Western Ontario Society of Graduate Students / Sir Wilfred Grenfell Students' Union

Be it resolved that the words "four months" be replaced with "six months" in By-law I, Section 2 A (iii) of the Canadian Federation of Students (-Services)¹²

(Ruled redundant)

90.10.168

Lakehead University Students' Union / Emily Carr Students' Union

Be it resolved that By-law I, section 2 (B)(i) of the Canadian Federation of Students (-Services) be amended to read:

A local student association is eligible to apply for prospective membership in the Federation if it has not been a full member or a prospective member of the Federation within the one year preceding application, and it has passed a motion of its students council to apply for prospective membership in the Federation and its applicable provincial component.¹³

(Ruled redundant)

92.05.45

CFS-BC /

Whereas By-Law I, Section 2 (b) iii) has never been applicable to even a single prospective member local association in the entire history of the Federation; therefore

Be it resolved that By-law I, Section 2 (b) iv) be deleted;

Be it further resolved that By-law I, Section 2 (b) iii) be amended to read:

iii) The fee per semester for prospective member associations shall be five percent of the full membership fee.¹⁴

(Ruled redundant)

92.05.47 (i)

¹¹ CFS, NGM Minutes, November 1991, 10-11.

¹² CFS, NGM Minutes, May 1992, 55.

¹³ *Ibid.*, 67.

¹⁴ *Ibid.*, 68.

Solidarity For Their Own Good

Langara Students' Union / Trent Central Student Association

Whereas a prospective member local association is currently not required to inform the Federation of the dates of its full membership referendum; and

Whereas last year a prospective member local association conducted a full referendum without informing the Federation, thereby denying the Federation the opportunity to undertake a campaign supporting membership; therefore

Be it resolved that By-law I, Section 1 be amended to read as follows:

By-Law I – Membership

1. General Description

There are two types of membership in the Federation, individual 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.¹⁵

(Ruled redundant)

92.05.47 (iii)

Langara Students' Union / Trent Central Student Association

Be it resolved that By-law I, Section 3 be amended to read as follows:

3. Prospective Membership

Prospective membership is a trial membership of limited duration.

- (a) A local association is eligible to apply for prospective membership in the Federation if:
 - i) its council has passed a motion to apply for prospective membership in the Federation, the Canadian Federation of Students-Services, and the applicable provincial component; and
 - ii) it has not been a full member or prospective member of the Federation within the two years preceding application.
- (b) A local association's application for prospective membership, once accepted by the Federation, shall constitute a binding contract to:
 - i) pay prospective membership fees for the duration of the prospective membership
 - ii) conduct a full membership referendum prior to the expiry of the prospective membership; and
 - iii) notify the Federation of the dates of the full membership referendum not less than four (4) weeks prior to the referendum on full membership.
- (c) The fees for prospective member local association shall be:
 - i) \$0.075 per semester, or \$0.15 per academic year, per local association individual member for the Canadian Federation of Students, pro-rated as per the policy of the member local association;
 - ii) \$0.025 per semester, or \$0.05 per academic year, per local association individual member for the Canadian Federation of Students-Services, pro-rated as per the policy of the member local association; and
 - iii) the applicable provincial component prospective membership fee.
- (d) Prospective membership lapses one year after the general meeting in which it is granted, or when the association is ratified as full members, whichever comes first, except as provided in Section 3 (e) of By-law III.
- (e) The Federation may extend prospective membership based on the individual merit of the case, irrespective of precedent, by a two-thirds (2/3) majority vote.¹⁶

(Ruled redundant)

92.05.49

¹⁵ *Ibid.*, 68.

¹⁶ *Ibid.*, 68-69.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

Lakehead University Students' Union / York Federation of Students

Be it resolved that By-Law I, Section 2 B, be amended by replacing the present section with the following:

B. Prospective Membership

General Description: Prospective membership is a trial, non-voting membership of limited duration. A full membership referendum must be held before the end of the trial period. The Plenary may grant prospective membership to an association by a two-thirds (2/3) majority vote.

- i) A local association is eligible to apply for prospective membership in the Federation if it has not, in the past five years, been a full or prospective member of the Federation, and it has passed a motion in its student council to apply for prospective membership in the Federation and its applicable provincial component.
- ii) Notwithstanding Section B. iii) of this By-Law, a prospective member may attend no more than one General Meeting of the Federation as a prospective member. A full membership referendum must be held by the student association before the end of the term of office of the Executive that was in office when the prospective membership was granted.
- iii) Prospective membership shall lapse at the end of the opening plenary at the General Meeting subsequent to the General Meeting at which that membership was granted.
- iv) The fee for prospective membership in the Federation shall be five per cent (5%) of the regular Federation membership fee, unless the student association in question has an individual membership fee of less than \$10 per academic year, in which case the fee shall be two per cent (2%) of the regular Federation membership fee.¹⁷

(Ruled redundant)

Amendments Rejected at the November 1992 NGM

92.05.55

University of Regina Students' Union / Guelph Central Student Association

BE IT RESOLVED THAT By-Law I Membership, Section 2 Types of Voting Membership Status, Sub-Section A. Sub-sub-section (iii) be deleted in its entirety, and replaced with:

A member may withdraw from the Federations, if and only if the individual members approve the withdrawal by referendum, for which at least three months notice of the exact date of the referendum has been delivered, by registered mail, to the head office of the Federation. The notice will also include the rules of the referendum, the dates of the referendum and the motion of the referendum.

BE IT FURTHER RESOLVED THAT By-Law I Membership, Section 2: Types of Voting Membership Status, Sub-Section A, Sub-sub-section (iv) be deleted in its entirety.¹⁸

(Defeated)

91.05.119

Langara Students' Union / Guelph Central Student Association

BE IT RESOLVED THAT By-Law I - Membership, Section 3(A)(i), and By-Law XVI - Amendment of Constitution and By-Laws, Section 4, be repealed.¹⁹

(Defeated)

91.11.83

Mover / Seconder Unknown

Be it resolved that the Federation By-Law I, Section 2(B) – Prospective membership be amended to read:

A. Prospective Membership

¹⁷ *Ibid.*, 69.

¹⁸ CFS, NGM Minutes, November 1992, Closing Plenary, 9-10.

¹⁹ *Ibid.*, 22.

Solidarity For Their Own Good

General Description: Prospective membership is a trial, non-voting membership of limited duration. A full membership referendum must be held before the end of the trial period. The National Executive may grant prospective membership to an association by a two-thirds (2/3) vote of members present.

- i. A local student association is eligible to apply for prospective membership in the Federation if it has not previously been a full or prospective member, in the past five years, of the Federation, and if it has passed a motion of its students council to apply for prospective membership in the Federation and its applicable components.
- ii. Notwithstanding Section B, (iv) of this By-law, a prospective member may attend no more than one general meeting of the Federation, as a prospective member. Full membership referendum must be held by the student association before the end of the term of office of the Executive which was in office when prospective membership was granted.
- iii. The fee for prospective membership in the Federation is fifteen percent (15%) of the Federation membership fee, unless the Student Association has an individual membership fee of less than \$10 per academic year, in which case the fee will be 2% of full membership fees.
- iv. Prospective membership shall lapse at the end of the opening plenary at the subsequent general meeting.²⁰

(Defeated)

91.05.34

Be it resolved that By-Law I of the Canadian Federation of Students (-Services), Membership, Section 2: Types of Voting Membership Status, B. Prospective Membership be deleted in whole²¹

(Defeated)

92.11.72

Guelph Graduate Students' Association / York Federation of Students

WHEREAS private post-secondary institutions are independent of financing from either the federal or the provincial governments; and

WHEREAS private post-secondary institutions charge exorbitant tuition fees and are thus not accessible to all members of society; and

WHEREAS the administrations of private post-secondary institutions generally do not allow local student associations autonomy, either politically or financially, which undermines the intent of Sections 1 and 7 of the Preamble and Sections 3 and 7 of the Statement of Purpose of the By-Laws of the Federation; and

WHEREAS the existence of private post-secondary institutions is against the principles of the Canadian Federation of Students (-Services) as expressed in the policies of the Federation (under the headings "Accessibility", "Federal New Democrat Task Force on Youth", "Funding Education", "Governance of Post-Secondary Institutions", and "Declaration of Student Rights"); and

WHEREAS the acknowledgement or acceptance of student associations from private post-secondary institutions as members of the Federation may be construed as an acceptance of the existence of private institutions;

BE IT RESOLVED THAT the Federation By-Law I, "Membership", be amended by the insertion of the following prior to Section 1, "Types of Membership":

Section 1: Eligibility for Membership

1. A student association of an individual post-secondary institution wishing to receive membership status must satisfy the criteria of autonomy as expressed in Section 3 of the Definition portion of the Federation By-laws.
2. That student association must be comprised of students attending a government-funded public post-secondary institution.

²⁰ *Ibid.*, 29.

²¹ *Ibid.*, 29.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

BE IT FURTHER RESOLVED THAT the subsequent sections, of By-Law I, Membership, be renumbered accordingly.²²

(Ruled redundant)

92.11.76

University of Waterloo Federation of Students /

WHEREAS the Federation is a democratic organization which represents 400,000 students; and

WHEREAS at this time member associations all pay the same fee per student but cannot represent them fairly, as larger institutions pay more fees to CFS/CFS-S but this is not reflected in political representation;

WHEREAS some member associations have their representative student councils based upon representation by population;

BE IT RESOLVED THAT By-law I, Section 3 (B), item i) of the Canadian Federation of Students -Services be amended to read:

- i) Each voting member of the Federation will have ~~one vote~~ a number of votes at general meetings of the Federation based upon the following formula:
 - a. less than or equal to 5,000 student members shall have one vote
 - b. greater than or equal to 5,001 but less than or equal to 10,000 student members shall have two votes
 - c. greater than or equal to 10,001 but less than or equal to 15,000 student members shall have three votes
 - d. greater than or equal to 15,001 student members shall have four votes.²³

(Defeated)

Amendments Rejected at the May 1993 NGM

93.05.39

University of Victoria Students' Society / Collège universitaire de Saint-Boniface Association des étudiantes et étudiants

BE IT RESOLVED THAT By-law I, Section 2(A)(iv) be deleted.

BE IT FURTHER RESOLVED THAT the following section be added to By-law I - Membership:

Section 6: Vote on Defederating

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

- A. Notice
 - i) Notice of a vote on defederating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
 - ii) Notice of the vote must include the exact dates and times of voting.
 - iii) Failure to adhere to the notice provisions in Article A.i) and ii) shall invalidate the results of the vote.
- B. Campaigning
 - i) There shall be no less than two (2) weeks of campaigning immediately preceding the voting.
 - ii) Only individual members of the member local association, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.
- C. Voting

²² *Ibid.*, 37-38.

²³ *Ibid.*, 58-59.

Solidarity For Their Own Good

- i) Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association.
 - 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) 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.
- D. Quorum
Quorum for the vote shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.
- E. Administering the Campaign and Voting
The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by member local association.
The committee shall be responsible for.
- i) deciding the number and location of polling stations;
 - ii) approving all materials to be distributed during the campaign;
 - iii) deciding the ballot question;
 - iv) overseeing the ballot;
 - v) counting ballots;
 - vi) adjudicating all appeals; and
 - vii) establishing all other rules and regulations for the vote.
- In the event of a committee deadlock an independent Ombudsperson, unanimously retained to make the final ruling, as pertaining to the decisions of the committee.²⁴
(Tabled until the National Executive receives a legal opinion on this matter)

93.05.42

University of Victoria Students' Society / Collège universitaire de Saint-Boniface Association des étudiantes et étudiants

BE IT RESOLVED THAT By-law I - Membership, Section 2(A)(iii) be amended to read:

- iii) The fees for full member local associations shall be:
 - a) \$3.00 per semester, or \$6.00 per academic year, per local association individual member of the Federation, prorated as per the policy of the member local association; and
 - b) the applicable provincial component fee.

BE IT FURTHER RESOLVED THAT By-law XIII - Head Office be amended to read:

The Head Offices of the Federation will be in the City of Ottawa, in the Province of Ontario, and the City of Toronto, in the Province of Ontario and at such locations as may be determined from time to time by the National Executive.²⁵

(Referred to the National Executive)

Amendments Rejected at the May 1994 NGM

94.05.14

Concordia Graduate Students' Association / University of Regina Students' Union

BE IT RESOLVED THAT By-Law I. Section 2 B(viii), be amended to read:

"A student association, having been granted prospective membership shall have full use of Federation resources and materials, except the international student identity card, for the duration of its prospective membership."²⁶

²⁴ CFS, NGM Minutes, May 1993, Closing Plenary, 68-69.

²⁵ *Ibid.*, 70.

²⁶ CFS, NGM Minutes, May 1994, Opening Plenary, 5.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

(Referred to Organizational Development Committee)

94.05.15

St. Thomas University Students' Union / Camosun College Student Society

WHEREAS the Federation employs a delegate voting system rather than holding national referenda votes on Policy and By-Law questions; and

WHEREAS the delegate voting system is considered sufficient for deciding all other Policy and By-Law questions; and

WHEREAS it would be both contradictory and impractical to undertake a nation-wide referendum of all individual members in order to amend the membership fee; therefore

BE IT RESOLVED THAT By-Law I, Section 3 A(i), be amended by deleting the following: "Or of increase in full membership fees currently paid by them."²⁷

(Referred to Organizational Development Committee)

94.05.19

St. Thomas University Students' Union / Camosun College Student Society

WHEREAS several member locals have had invalid withdrawal referenda which they have deemed valid; and

WHEREAS the Federation should retain the right to deem a referendum invalid; therefore

BE IT RESOLVED THAT By-Law I, Section 2 A(iv), be amended to read:

"A full member association may withdraw from the Federation only if:

- a) Its individual members have voted to withdraw from the Federation through a referendum subject to the following rules and procedures:
 - Notice of withdrawal referendum must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to any referendum voting including advance polls;
 - Notice of withdrawal referendum must include the exact dates of the referendum, times of voting, and location of voting stations;
 - In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that the ballots are mailed to the individual members;
 - Quorum for a withdrawal referendum shall be that of the member local association or five percent (5%) of the individual members of the member local association, whichever is higher.
- b) The referendum results must be accepted by the national plenary. Such acceptance shall not be unreasonably withheld."²⁸

(Referred to Organizational Development Committee)

94.05.22

St. Thomas University Students' Union / Camosun College Student Society

WHEREAS the Federation is a partnership of students' associations; and

WHEREAS it should be the rules of the partnership which govern how a students' association joins and leaves the partnership; and

WHEREAS the existing rules of the partnership (The Federation's By-Laws) do not fully and adequately establish how a students' association leaves the partnership; therefore

BE IT RESOLVED THAT By-Law I, Section 2 A(iv), be deleted.

BE IT FURTHER RESOLVED THAT the following section be added to By-Law I - Membership:

Section 6: Vote on De-Federating

²⁷ *Ibid.*, 5.

²⁸ *Ibid.*, 6.

Solidarity For Their Own Good

The individual members of the Federation belonging to a member local association may vote on whether to de-federate, subject to the following rules and procedures:

- A. Notice
 - i. Notice of a vote on de-federating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
 - ii. Notice of the vote must include the exact dates and times of voting.
 - iii. Failure to adhere to the notice provisions in article A i) and ii) shall invalidate the results of the vote,
- B. Campaigning
 - i. There shall be no less than two (2) weeks of campaigning immediately preceding the voting during which time classes are in session.
 - ii. Only individual members of the member local association and representatives, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.
- C. Voting
 - i. Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association.
 - 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. 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.
- D. Quorum

Quorum for the vote shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.
- E. Administering the Campaign and Voting

The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by the member local association. The committee shall be responsible for:

 - i. deciding the number and location of polling stations;
 - ii. approving all materials to be distributed during the campaign;
 - iii. deciding the ballot question;
 - iv. overseeing the voting,
 - v. counting ballots;
 - vi. adjudicating all appeals; and,
 - vii. establishing all other rules and regulations for the vote.
- F. Advance Remittance of Outstanding Membership Fees

In addition to Articles A to E, in order for a de-federation referendum to proceed, a member local association must remit all outstanding Federation fees not less than six (6) weeks prior to the date of the referendum.²⁹

(Referred to Organizational Development Committee)

93.05.23

Langara Students' Union / Collège universitaire de Saint-Boniface Association des étudiantes et étudiants

BE IT RESOLVED THAT By-Law I, Section 6, be amended to read:

- A. Upon a member local having passed a referendum to defederate from the Federation, the deratification vote shall take place at the opening plenary of the next Semi-Annual General Meeting and will take effect on June 30 of that year.³⁰

(Referred to Organizational Development Committee)

²⁹ *Ibid.*, 7-8.

³⁰ *Ibid.*, 36.

Amendments Rejected at the November 1994 NGM

94/11:33

Dalhousie Student Union / St. Thomas University Students' Union

WHEREAS the Dalhousie Student Union does not, has not, and will never recognize that the Canadian Federation of Students, as a corporation in which we are a shareholder, has the jurisdiction or authority to override and otherwise impede the authority of the Dalhousie Student Union, which is constituted under a special Act of the Nova Scotia Legislature (April, 1966) to "act as the official organization of the Students of Dalhousie University (An Act to Incorporate Dalhousie Student Union, S. 2 (b))"; and

WHEREAS the By-Laws of the Federation do not reflect this fact, and should be amended to reflect this position; therefore

BE IT RESOLVED THAT Definitions, Section 4, be amended to read as follows:

"For all purposes of these By-Laws, a referendum will be taken to mean a general vote of members of a local student association, whether conducted at balloting locations or at a formal general meeting of the local student association, or such other means as are valid and duly carried out according to the member local's constitution"

BE IT FURTHER RESOLVED THAT By-Law I, Section 2 A(ii), be deleted and replaced by the following

"A local association's application for membership, once accepted by the Federation, shall be formalized in a binding written contract which will govern the terms of the membership of that local association for the duration of the membership. Such a contract shall specifically contain and be limited to the following terms:

- a) an agreement on behalf of the local association to collect and remit to the Federation full membership fees;
- b) an agreement that continued membership of the local association in the Federation remains subject only to such referendum as required by the constitution of that member local;
- c) an agreement stating that full membership in the Federation may only be terminated on June 30 of the Federation's fiscal year in which a member association withdraws, and,
- d) a statement containing the rights and responsibilities of the local association, as written in By-Law I, Section 3 B and C, at the time of the member local association's joining."

BE IT FURTHER RESOLVED THAT the introduction to By-Law I, Section 2 A (iv), a) through d), be deleted.

BE IT FURTHER RESOLVED THAT By-Law I, Section 3 B(i), be amended to read as follows:

"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. In the case of non-payment, this is subject to the review by the National Executive, on a case by case basis upon request."

BE IT FURTHER RESOLVED THAT the following By-Law be adopted:

By-Law I, Section 3 B(ii)

Each voting member retains the right to choose what policies, initiatives, programmes, Standing Resolutions, By-Laws, and other activities or structures of the Federation that the voting member may or may not support, administer, adhere to or otherwise participate in, subject only to the provisions of joining the Federation such as are obligated by contract as per By-Law I, Section 1 A(i).

BE IT FURTHER RESOLVED THAT all subsequent sections of By-Law I, Section 3 B, be renumbered accordingly.

BE IT FURTHER RESOLVED THAT the introduction to By-Law I, Section 3 C, be amended to read as follows:

"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, subject to such limitations as per By-Law I, Section 3 B(ii). The achievements of the work and goals of the Federation depend on the active participation of students and student associations."³¹

(Withdrawn)

³¹ CFS, NGM Minutes, November 1994, Closing Plenary, 29-30.

Solidarity For Their Own Good

94/11:34

Simon Fraser Student Society / Wilfrid Laurier Graduate Students' Association

WHEREAS it is now May 1994; therefore

BE IT RESOLVED THAT By-Law I, Section 2 A(iii), be amended by deleting the following paragraph:

“Member associations have until May 1994 to comply with this fee increase, following the local procedures regulating membership fee increases. If by May 1994 less than 80% of member associations have adopted the new membership fees, the issue of fee increases shall be reviewed at the May 1994 General Meeting.”³²

(Tabled)

94/11:36

Concordia Graduate Students' Association / Wilfrid Laurier Graduate Students' Association

BE IT RESOLVED THAT By-Law I, Section 3 C(ii), be amended by deleting the words “if applicable”³³

(Defeated)

Amendments Rejected at the May 1995 NGM

95/05:131

Malaspina Students' Union / Simon Fraser Student Society

Be it resolved that Bylaw I - Membership; 2. Types of Voting Membership

Status; iii), be amended to read:

- iii) The national fees for the Federation shall be \$3.00 per semester or \$6.00 per year, per local association individual member. The fee shall be allocated as follows:
 - a) \$2.25, per semester, or \$4.50 per academic year, per local association individual member to the Canadian Federation of Students, pro-rated as per the policy of the member local association;
 - b) \$.75, per semester, or \$1.50 per academic year, per local association individual member to the Canadian Federation of Students-Services, pro-rated as per the policy of the member local association;

Beginning in 1995, 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 twelve months.³⁴

(Defeated)

95/05:224

Concordia Graduate Student Association /

Be it resolved that the following change be inserted in Bylaw I between

Section 2 iii) and iv) of Canadian Federation of Students Bylaws:

Member locals of the Canadian Federation of Students must also be member locals of the Canadian Federation of Students-Services; and

Be it further resolved that all subsequent sections of the Canadian Federation of Students Bylaw I Section 2 be renumbered accordingly; and

Be it further resolved that the following change be inserted in Bylaw I Section 2 between subsection iii) and iv) of the Canadian Federation of Students-Services bylaws:

Member locals of the Canadian Federation of Students-Services must also be member locals of the Canadian Federation of Students; and

Be it further resolved that all subsequent subsections of the Canadian

³² *Ibid.*, 30.

³³ *Ibid.*, 31.

³⁴ CFS, NGM Minutes, May 1995, Closing Plenary, 53-54.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

Federation of Students-Services Bylaw I Section 2 be renumbered accordingly.³⁵

(Referred to the National Executive)

95/05:226

Concordia Graduate Student Association /

Be it resolved that Bylaw I - Membership; 2.a) Types of Voting Membership

Status; iii), be amended to read:

- iii) The ~~national~~ fees for the Federation shall be \$3.00 per semester or \$6.00 per year, plus the appropriate provincial component fee per local association individual member. The fee shall be allocated as follows:
 - a) \$2.25, per semester, or \$4.50 per academic year, per local association individual member to the Canadian Federation of Students, pro-rated as per the policy of the member local association;
 - b) \$.75, per semester, or \$1.50 per academic year, per local association individual member to the Canadian Federation of Students-Services, pro-rated as per the policy of the member local association;
 - c) the applicable provincial component fee.

Beginning in 1995, 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 twelve months.³⁶

(Defeated)

95/05:233

York Federation of Students /

Be it resolved that Bylaw [1], Section 2 sub-section iii, sub-section c be amended to read:

- c) the applicable provincial component fee.
Member associations have until May 1994 to comply with this fee increase, following the local procedures regulating membership fee increases. If by May 1994 less than 80% of members associations have adopted the new membership fees, the issue of fee increases shall be reviewed at the May 1994 General Meeting.

Beginning in 1995, the Federation membership fee shall increase on August 1st each year by the rate of increase in the National Consumer Price Index during the previous twelve months; and

Be it further resolved that Bylaw XV, Section 4 be deleted.³⁷

(Defeated)

95/05:234

University of Prince Edward Island Students' Union /

Be it resolved that Bylaw [1], Section 2 sub-section iii, sub-section c) be amended to delete:

Beginning in 1995, the Federation membership fee shall increase on August 1st each year by the rate of increase in the National Consumer Price Index during the previous twelve months.³⁸

(Defeated)

95/05:236

University of Victoria Students' Society / McGill Post-Graduate Student Society

Whereas, several member locals have had invalid withdrawal referenda which they have deemed valid; and

Whereas, the Federation should retain the right to deem a referendum invalid; therefore

Be it resolved that Bylaw I, Section 2 A(iv), be amended to read:

³⁵ *Ibid.*, 84.

³⁶ *Ibid.*, 85.

³⁷ *Ibid.*, 92.

³⁸ *Ibid.*, 92-93.

Solidarity For Their Own Good

A full member association may withdraw from the Federation only if:

- a) Its individual members have voted to withdraw from the Federation through a referendum subject to the following rules and procedures:
 - i) Notice of withdrawal referendum must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to any referendum voting including advance polls;
 - ii) Notice of withdrawal referendum must include the exact dates of the referendum, times of voting, and location of voting stations;
 - iii) In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that the ballots are mailed to the individual members;
 - iv) Quorum for a withdrawal referendum shall be that of the member local association or five percent (5%) of the individual members of the member local association, whichever is higher.
- b) The referendum results must be accepted by the national plenary. Such acceptance shall not be unreasonably withheld.³⁹

(Defeated)

93/05:39

University of Victoria Students' Society / McGill Post-Graduate Student Society

Be it resolved that By-law I, Section 2 A(iv), be deleted; and

Be it further resolved that the following section be added to By-law I Membership:

Section 6: Vote on Defederating

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

- A. Notice
 - i) Notice of a vote on defederating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
 - ii) Notice of the vote must include the exact dates and times of voting.
 - iii) Failure to adhere to the notice provisions in Article A.i) and ii) shall invalidate the results of the vote.
- B. Campaigning
 - i) There shall be no less than two (2) weeks of campaigning immediately preceding the voting.
 - ii) Only individual members of the member local association, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.
- C. Voting
 - i) Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association.
 - 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) 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.
- D. Quorum

Quorum for the vote shall be that of the member local association or five percent (5%) of the individual members of the local association, whichever is higher.
- E. Administering the Campaign and Voting

³⁹ *Ibid.*, 93-94.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

The vote shall be overseen by a committee comprised of two (2) members appointed by the Federation and two (2) members appointed by member local association.

The committee shall be responsible for:

- i) deciding the number and location of polling stations;
- ii) approving all materials to be distributed during the campaign;
- iii) deciding the ballot question;
- iv) overseeing the ballot;
- v) counting ballots;
- vi) adjudicating all appeals; and
- vii) establishing all other rules and regulations for the vote.

In the event of a committee deadlock an independent Ombudsperson, unanimously retained to make the final ruling, as pertaining to the decisions of the committee.⁴⁰

(Defeated)

95/05:264

Concordia Graduate Student Association / Emily Carr Students' Union

Whereas, the Federation employs a delegate voting system rather than holding national referenda votes on Policy and By-law questions; and

Whereas, the delegate voting system is considered sufficient for deciding all other Policy and Bylaw questions; and

Whereas, it would be both contradictory and impractical to undertake a nationwide referendum of all individual members in order to amend the membership fee; therefore

Be it resolved that Bylaw I, Section 3 A(i). be amended to read:

Only individuals *[sic]* members of the Federation have the right to make decisions through referendum on all questions of withdrawal from full membership in the Federation. Increase in full membership fees currently being paid by them shall require ratification by two-thirds of the member locals through referendum or duly enacted motion of the student council.⁴¹

(Tabled)

Amendments Rejected at the May 1996 NGM

96/05/12:70

Malaspina Students' Union / Concordia Graduate Students' Association

Be it resolved that Article 2-a-iii of Bylaw I, Membership, be amended to read:

- iii. The fees shall include:
 - a minimum national fee of \$2.50 per semester, or \$5.00 per academic year, per individual member of the Federation, pro-rated as per the practice of the member local association with respect to the pro-rating of its own fee;
 - a minimum provincial component fee of \$.50 per semester, or \$1.00 per academic year, per individual member, pro-rated as per the practice of the member local association with respect to the pro-rating of its own fee; and
 - any additional membership fees levied by an applicable provincial component.

Be it resolved that Standing Resolutions#26 and #27 be repealed.

Be it further resolved that all subsequent Standing Resolutions be re-numbered accordingly.⁴²

(Referred to the National Executive)

⁴⁰ *Ibid.*, 94-95.

⁴¹ *Ibid.*, 111.

⁴² CFS, NGM Minutes, May 1996, Closing Plenary, 71.

Solidarity For Their Own Good

Amendments Rejected at the May 1997 NGM

96/05:077

Simon Fraser Student Society / Malaspina Students' Union

Be it resolved that Article 3-a-1 of Bylaw I, Membership, be amended to read:

- 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.

Be it further resolved that the following be added to Article 3-a:

- 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 de-federation referendum as described in Article 6 of the Bylaw.

Be it resolved that Article 3-a-1 of Bylaw I, Membership be amended to read:

- iii. The wording for the de-federation petition shall be: "We the undersigned individual members of the Federation hereby signify our wish to de-federate as members of the Canadian Federation of Students through a referendum in accordance with the Bylaws of the Federation."⁴³

(Defeated)

97/05:163

Memorial University of Newfoundland Students' Union / Central Newfoundland Regional College Students' Association

Whereas Bylaw I: Membership, 3(a): Rights of Individual Members, (i) states;

Only individual members of the Federation have the right to make decisions through referendum on all questions of withdrawal from full membership in the Federation. Increases in full membership fees currently being paid by them shall require ratification by two-thirds of the member locals through referendum or duly enacted motion of the member local association; and

Whereas there has not been this ratification for Bylaw I: Membership, 2(a): Full Membership, (iv) stating:

"Beginning in 1996, the Federation membership fee shall increase on August 1 each year by the rate on increase in the national Consumer Price Index during the previous calendar year."

Be it resolved that Bylaw I: Membership, 2(a): Full Membership, (iv) be declared out of order; and

Be it further resolved that it be stricken from the Bylaws.⁴⁴

(Declared out of order by the Speaker)

Amendments Rejected at the November 1997 NGM

97/11:304

Students' Union of Nova Scotia College of Art and Design / University of Victoria Students' Society

Be it resolved that By-Law I, Membership, section 6, Vote on Defederating, subsection a, Notice, be amended to include:

- i. in order to hold a vote on defederating, a petition, held in a manner to ensure that no duplication of signatures occurs, must be signed by at least 15% of the Federation local's membership, to a maximum of 2000 members, and sent to the National office by registered mail on or before the deadline for notice of defederation vote.

Be it further resolved that all subsequent clauses be renumbered in sequence.⁴⁵

(Ruled out of order by the Speaker)

⁴³ CFS, NGM Minutes, May 1997, Closing Plenary, 17-20.

⁴⁴ *Ibid.*, 20-21.

⁴⁵ CFS, NGM Minutes, November 1997, Closing Plenary, 63.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

97/11:303

Simon Fraser Student Society / University of Victoria Students' Society

Be it resolved that Article 3-a-i of Bylaw I, Membership, be amended to read:

- 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.

Be it further resolved that the following be added to Article 3-a:

- 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 de-federation referendum as described in Article 6 of this Bylaw.

Be it further resolved that all subsequent sections of Article 3-a be renumbered accordingly.⁴⁶

(Defeated)

Amendments Rejected at the November 1999 NGM

1999/11:021

Concordia Students' Union / Algoma University Students' Union

Whereas high school and Collèges d'enseignement générale et professionnel students have much less disposable income than college and university students;

Whereas high school and Collèges d'enseignement générale et professionnel students are not disposed to spend as much on membership dues as college and university students because there are very few user fees associated with studying at these institutions (which makes Federation membership fees appear more burdensome);

Whereas high school and Collèges d'enseignement générale et professionnel students are less likely to benefit from International Student Identity Card discounts because they travel less than college and university students;

Whereas the current fee structure in Bylaw I constitutes a barrier to bringing high school and Collèges d'enseignement générale et professionnel students into the Federation as full members; therefore

Be it resolved that Bylaw I, Section 2 a iii, be amended to read as follows:

Notwithstanding Section 2.a.iv of Bylaw I, the fees for full member local associations shall be:

- a. \$3.00 per semester, or \$6.00 per academic year, per local college and university association individual member of the Canadian Federation of Students/Canadian Federation of Students-Services, pro-rated as per the policy of the member locals association;
- b. \$1.50 per semester, or \$3.00 per academic year, per local Collèges d'enseignement générale et professionnel and high school 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 all full member must also pay the applicable provincial component fee.⁴⁷

(Defeated)

Amendments Rejected at the May 2003 NGM

2003/05:034

Scarborough Campus Students' Union / Ontario College of Art and Design Student Union

Be it resolved that Bylaw I, Section 5, entitled "Vote to Federate" be replaced in full with the following text:

5. Vote to Federate

⁴⁶ *Ibid.*, 16-19.

⁴⁷ CFS, NGM Minutes, November 1999, Closing Plenary, 12-13.

Solidarity For Their Own Good

The individual member of a prospective students association may vote on becoming full members in the Federation, subject to the following rules and procedures:

a. Notice

- i. All notices issued by either the students' association shall be delivered by registered mail to the head office of the Federation.
- ii. All notices issued by the Referendum Committee shall be delivered by registered mail to the head office of the Federation, and of the students' association.
- iii. The following notice shall be issued by the students' association no later than two (2) months after the request for Prospective membership. The Federation shall be notified at least two (2) weeks in advance of the date, time, and location of the first meeting in a possible series of meetings between the students' association and the Federation to jointly appoint the members of the Referendum committee.
- iv. The following notices must be given to the student association's membership:
 - a. Notice of the vote to federate must be posted one (1) month before the campaign period for duration of two (2) weeks. The following information shall be included on the notice:
 1. Parties or individuals interested in forming an official "No" campaign can contact the Referendum Committee;
 2. method of obtaining referendum materials, including:
 - Federation By-Laws;
 - Students' association By-Laws;
 - Compromises to by-laws, as determined by 5.d.viii;
 - All rules of the referendum;
 - Any other materials relevant to the referendum;
 3. the dates of the campaign period;
 4. the dates of the voting period;
 5. the names and contact information of the Referendum Committee.
 - b. Notice of the referendum question and other ballot information must be posted at least two (2) weeks before the campaign period begins for duration of two (2) weeks. The following information shall be included on the notice:
 1. the official question;
 2. the dates of campaign period;
 3. the dates and time of voting;
 4. the location(s) of polling station(s);
 5. the contact information of the Referendum Committee.
 - c. Notice of the referendum results shall be issued immediately after the results of the vote are known, and should be posted for duration of two (2) weeks. The following information shall be included on the notice:
 1. the official question;
 2. the number of spoiled ballots, rejected ballots, "Yes" votes, "No" votes, "Abstain" votes, total number of voters, and total number of potential voters;
 3. the release date for final report of the Referendum Committee
 4. the deadline for submitting appeals about the referendum process to the students' association, which shall be no earlier than one (1) week after the release of the final report of the Referendum Committee;

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

5. the official of the students' association to whom all appeals can be directed;
 6. the date, time and location of the meeting for which the students' association shall rule on all appeals and ratify the results of the referendum.
- b. Campaigning**
- i. There shall be no less than three (3) weeks of campaigning immediately preceding the voting during which classes are in session;
 - ii. Campaigning shall include a public forum regarding the vote to federate and related issues. The forum shall include both campaigns, "Yes" and "No", pending formation of an official "No" campaign.
 - iii. Only individual members and representatives of the students' association, representatives of the Federation member local associations shall be permitted to participate in the "Yes" campaign.
 - iv. Individuals who would like to form an official "No" campaign may do so. Notice, in the form of a letter, must be given to the Referendum Committee expressing such an interest.
 - v. Campaigning is allowed on the days of voting, however absolutely no campaign material may be within fifty (50) metres or direct sight of the polling station(s).
- c. Voting**
- i. Voting shall be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the students' 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. 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.
 - iv. Quorum for the vote shall be that of the students' association or five percent (5%) of the members of the students' association, whichever is higher.
- d. Administering the Campaign**
- i. A Referendum Committee shall be comprised of three (3) students who are members of the students' association and have no direct affiliation with students' association or the Federation.
 - ii. The members the Referendum committee shall be jointly appointed by the Federation and the students' association, as outlined in 5.a.iii.
 - iii. A committee chair shall be selected from the three (3) appointed committee members. The chair shall coordinate the business of and preside at all meetings of the Referendum committee.
 - iv. The formation of the referendum committee shall include a "Yes" campaign contribution of \$2000 to be held in trust by the committee. The \$2000 shall be made available in the form of reimbursements to the official "No" campaign in exchange for expense receipts.
 - v. An official "No" campaign can form any time prior to the voting period of the referendum.
 - vi. The Referendum Committee shall be empowered by the Federation to administer the referendum on its behalf.
 - vii. The students' association must empower the Referendum Committee to administer the referendum on its behalf prior to the notice required in 5.a.iv.
 - viii. Any compromises that must be made to either the Federation by-laws or the students' association by-laws shall be decided upon before the notice of the referendum is served, as outlined in 5.a.iv. The Referendum Committee shall be empowered to make these compromises, as required by 5.d.vi. and vii.

Solidarity For Their Own Good

- ix. Within the confines of the referendum, the principles of democracy must be upheld. As such, the Referendum Committee must:
 - a. remain independent and non-partisanship, while exhibiting professionalism;
 - b. be non-political but capable of operating in a political environment;
 - c. be designated to serve the voters by providing them with the highest quality service;
 - d. enable voters to exercise their rights with the least possible inconvenience;
 - e. demonstrate respect for bylaws and resolutions of the Federation and the students' association, and make fair, well-informed compromises when discrepancies exist;
 - f. provide reimbursements for "No" campaign expenses, subject to 5.d.iv;
 - g. discuss and rule on all issues, complaints and appeals arising from the referendum.
- x. The Referendum committee shall be responsible for:
 - a. deciding the manner of voting, be that by referendum, general meeting or mail out ballot;
 - b. approving all materials to be distributed;
 - c. deciding the ballot question;
 - d. overseeing the voting;
 - e. deciding the number and location of polling stations;
 - f. counting ballots;
 - g. adjudicating all appeals;
 - h. establishing all other rules and regulations for the vote;
 - i. issuing public reports describing all business that has been and still needs to be conducted by the Referendum Committee. Such reports shall be issued to the students' association and the Federation prior to releasing the notice required by 5.a.iv.a, following the counting of the ballots, and following adjudication of all referendum appeals. The final report must comprehensively describe the referendum process and all decisions of the committee.
- xi. \$250 honoraria shall be provided to each of the non-chair Referendum Committee members upon release of the final report. The chair of the Referendum Committee shall receive \$500 upon release of the final report. All honoraria shall be paid by the federation.
- xii. All expenses of the Referendum Committee shall be paid for by the students' association.

e. Ratification

- i. Following the release of the final report of the Referendum Committee, the students' association shall ratify the results of the referendum. Appeals of the decisions made by the Referendum Committee shall be adjudicated by the students' association prior to ratifying the results of the referendum.
- ii. If a students' association membership has approved membership in the Federation through the referendum, then immediately following ratification of the referendum results by the students' association, the students' association shall issue a request to the Federation for full membership in the Federation.
- iii. The Federation shall accept or reject the students' associations request for full membership at the first annual general meeting of the Federation following such request. The final report of the Referendum Committee shall be made available to all member locals of the Federation in a responsible time prior to the acceptance or rejection of the request.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

- iv. Following the decision of the Federation on the request for full membership, the students' association shall be notified of the decision in writing. Should the Federation accept the request, the students' association shall have assumed the privileges and responsibilities of full membership in the Federation.
- v. Prospective membership shall seize upon issuing the response letter regarding full membership.

and,

Be it further resolved that Bylaw 1, Section 2.b.v. be amended to read:

2. Types of Voting Membership Status

b. Prospective Membership

- v. A prospective member association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw.

and,

Be it further resolved that Bylaw I, Section 2.b.vi. and vii. be deleted, and subsequent subsections be renumbered.⁴⁸

(Defeated)

Amendments Rejected at the November 2004 NGM

2004/11:078

Simon Fraser Student Society / University of Toronto Students' Union

Whereas there ought not to be partiality or the appearance of partiality on Federation and Defederation referendum oversight committees; and

Whereas the *Canada Elections Act* contains several provisions to ensure the impartiality and the appearance of impartiality of federal elections, including prohibiting the Chief Electoral Officer from voting and prohibiting returning officers from engaging in politically partisan conduct; therefore,

Be it resolved that Bylaw I - Membership, Section 4.d. be amended by adding subsection iii, to read:

- iii. The members of the Referendum Oversight Committee must remain non-partisan, and may not participate in the campaign.

Be it further resolved that Bylaw I - Membership, Section 6.b. be amended by adding subsection iii, to read:

- iii. The members of the Referendum Oversight Committee must remain non-partisan, and may not participate in the campaign.⁴⁹

(Defeated)

Amendments Rejected at the May 2006 NGM

2006/05:032

Post-Graduate Students' Society of McGill University / York Federation of Students

Whereas student organisations around the country are shifting away from mail-in ballots to cost-effective and environment-friendly online voting systems; therefore

Be it resolved that Bylaw I.4.f.i be amended to read:

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, or by a secure and confidential online voting system or any voting system that has been used by the prospective member association for at least two years prior to the vote to federate.

Be it further resolved Bylaw I.6.c.i be amended to read:

⁴⁸ CFS, NGM Minutes, May 2003, Closing Plenary, 10-13.

⁴⁹ CFS, NGM Minutes, November 2004, Closing Plenary, 26-27.

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Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association or by a mailout ballot, or by a secure and confidential online voting system or any voting system that has been used by the member local association for at least two years prior to the vote on defederating.⁵⁰

(Defeated)

Amendments Rejected at the May 2008 NGM

2008/05:054

Mount Saint Vincent University Students' Union / Downtown Campus Students' Union

Be it resolved that Bylaw 1, 6.b.ii be amended to read:

- ii. Notice of a vote on defederating must be delivered by registered mail to the head office of the Federation not less than three (3) months prior to the vote.⁵¹

(p. 20, closing) (Defeated)

Amendments Rejected at the May 2009 NGM

2009/05:010

Student Federation of the University of Ottawa / University of King's College Students' Union

Whereas the Federation wants to ensure its processes to join and leave the Federation are as fair as possible; therefore

Be it resolved that Bylaw 1.4, subsection e, vi be amended to read:

- vi. Referendum teams shall be subject to equal spending limits.⁵²

(Defeated)

Amendments Rejected at the November 2009 NGM

2009/11:072

Graduate Students' Association of the University of Calgary / Student Federation of the University of Ottawa

Whereas the Canadian Charter of Rights and Freedoms provides the freedom of speech; and

Whereas the Federation supports the right to freedom of speech; and

Whereas Local association executive members cannot enforce censorship on their individual members; therefore

Be it resolved that Bylaw 1, section 6, subsection e, i be amended to read:

- i. Executive members of the local association and all Federation employees and executive members shall not engage in any campaigning outside of the campaign period.⁵³

(Defeated)

2009/11:074

Graduate Students' Association of the University of Calgary / Student Federation of the University of Ottawa

Whereas the Federation seeks to control every aspect of referendum on continued membership; therefore

Be it resolved that Bylaw 1, section 6, subsection h be amended to read:

⁵⁰ CFS, NGM Minutes, May 2006, Closing Plenary, 4.

⁵¹ CFS, NGM Minutes, May 2008, Closing Plenary, 20.

⁵² CFS, NGM Minutes, May 2009, Closing Plenary, 7.

⁵³ CFS, "Organizational Development and Services Committee Report," November 2009, 7; Emma Godmere, Personal communication, January 2010.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

h. Quorum

Quorum for any referendum on continuing membership shall be five percent (5%) of the individual members of the local association.⁵⁴

(Defeated)

2009/11:076

Graduate Students' Association of the University of Calgary / Student Federation of the University of Ottawa

Whereas the Referendum Oversight Committee consists of two representatives of the CFS and two members of a local association; and

Whereas the Referendum Oversight Committee often results in a deadlock and delays in referendum process; and

Whereas the delays in Referendum Oversight Committee have previously forced litigation between member associations and the Federation; therefore

Be it resolved that Bylaw 1, section 6, subsection c be amended to read:

c. Referendum Oversight Committee

The referendum will be administered by a five (5) person Referendum Oversight Committee composed of two (2) members appointed by the National Executive, two (2) members appointed by the applicable member local association, and one (1) independent neutral third party arbitrator. 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) representatives 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; and
- ii. approving all campaign materials in accordance with Section 6.f of this Bylaw and removing campaign material that have not been approved; and
- iii. deciding the number and location of polling stations; and
- iv. setting the hours of voting in accordance with Section 6.g.iii of the Bylaw; and
- v. overseeing all aspects of the voting; and
- vi. tabulating the votes cast; and
- vii. adjusting all appeals; and
- viii. establishing all other rules and regulations for the vote.

The independent third party cannot have any previous ties to either organisation involved in the referendum process and will cast the deciding vote in all matters for which the rest of the Committee cannot reach a consensus. Any and all costs of the independent neutral third party will be shared equally between both parties involved in the referendum.

Be it further resolved that Bylaw 1, section 6, subsection i be amended to read:

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, one (1) member appointed by the Federation and one (1) independent neutral third party, none of whom are members of the Referendum Oversight Committee.

The independent neutral third party cannot have any previous ties to either organisation involved in the referendum process and will cast the deciding vote in all matters for which the rest of the Committee cannot reach a consensus. Any and all costs of the independent neutral third party will be shared equally between both parties involved in the referendum.

Be it further resolved that Bylaw 1, section 6 be amended to read:

7. Procedure for Application for Withdrawal

⁵⁴ CFS, "Organizational Development and Services Committee Report," November 2009, 8; Emma Godmere, Personal communication, January 2010.

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- 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 will provide a letter in writing notifying the Federation of its intention to withdraw from the Federation. Within thirty (30) days of the receipt of such a letter, the National Executive 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 immediately following the ratification of the withdrawal.⁵⁵

(Defeated)

2009/11:134

Post-Graduate Students' Society of McGill University / Kwantlen Student Association

Whereas the Federation disaffiliation procedures are subject to a great deal of criticism; and

Whereas the Federation's policy on membership at its founding was to permit member student associations to hold referenda to decide questions of membership based on the rules set out by these respective organizations; and

Whereas although over the past 30 years, the Federation's disaffiliation procedures have been altered a number of times, it has uniformly been altered in the direction of more stringent restrictions on disaffiliation; and

Whereas the rules appear designed to force members to maintain their membership, and perpetuate the widespread but mistaken belief that if it weren't for these rules, the Federation would have no members at all; therefore

Be it resolved that Bylaw 1, section 6 be repealed and replaced with:

6. Referendum on Continued Membership

- i. A vote for a member local association to disaffiliate from the Federation and its provincial component shall be initiated and administered pursuant to the referendum provisions of an individual member local's constitution and/or bylaws.
- ii. The Federation, its staff, elected officials, and provincial components shall not interfere in the disaffiliation process, or to provide any material or human resource support to the member student association or its individual members during the campaign or voting.

7. Procedure for Application for Withdrawal

- i. Upon receipt of a letter from the head of a member local association informing the Federation that it has successfully held a referendum to defederate from the Federation, the National Executive shall accept the termination of membership, and send the member local a letter of well wishes and ask that they not close their mind to future work with the Federation should the occasion arise.⁵⁶

(Defeated)

2009/11:138

Post-Graduate Students' Society of McGill University / Student Federation of the University of Ottawa

Whereas a significant number of member locals have failed to successfully hold referenda within the time specified in Bylaw 1(2)b, yet have not been removed from the ranks of prospective membership; and

Whereas members should have to follow the same procedures to become members of the federation as to leave the federation; therefore

Be it resolved that Bylaw 1, section 2 be repealed⁵⁷

(Defeated)

⁵⁵ CFS, "Organizational Development and Services Committee Report," November 2009, 8-9; Emma Godmere, Personal communication, January 2010.

⁵⁶ CFS, "Organizational Development and Services Committee Report," November 2009, 17-18; Emma Godmere, Personal communication, January 2010.

⁵⁷ CFS, "Organizational Development and Services Committee Report," November 2009, 19; Emma Godmere, Personal communication, January 2010.

Appendix E. List of Amendments Unsuccessfully Proposed For CFS Bylaw I

2009/11:146

Post-Graduate Students' Society of McGill University / Student Federation of the University of Ottawa

Whereas it is highly improper for the Federation to directly impose or modify membership fees levied upon its individual members without the explicit consent of these self-same individual membership;

Whereas the Federation opposes inflationary increases in tuition and ancillary fees;

Whereas the Federation's Issues Policy entitled "Ancillary, Auxiliary, Incidental and Administrative Fees" opposes "...any compulsory student fee or fee increases that is not set by general student referendum or through students' union approval";

Be it resolved that Bylaw 1(2)a.vii be amended to read as follows:

"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.

Notwithstanding the foregoing, this regular fee increase shall not be construed as affecting those member student associations which have not sought and received the approval of the individual members for such a regular increase."⁵⁸

(Defeated)

2009/11:148

Post-Graduate Students' Society of McGill University / Kwantlen Student Association

Whereas the Canadian Federation of Students currently does not permit individual members to opt out of fees to its national and provincial organizations;

Whereas it is the policy of some CFS member student associations to provide their respective individual members with the opportunity to opt out of ancillary students' union fees;

Whereas voting membership in the CFS does not show regard for the number of individual members represented by a member student association;

Whereas many individual members of the Federation maintain significant reservations as to the political stances adopted by the national organization, and should be accorded the right not to subsidize political views to which they are opposed;

Whereas the ability to opt out of membership fees is an option supported by hundreds of student organizations across the country (e.g. PIRGs, student newspapers, student radio stations) for the purpose of ensuring accountability of an organization to the wishes of its members;

Be it resolved that the Federation's bylaws be amended to include Bylaw 1.2.ix, to read as follows:

"Individual members of the Federation shall be permitted to opt out of their portion of the Federation's fee, providing that they provide to their respective member student association notice in writing of their intention to do so, such notice to be provided within 30 days of the beginning of the semester."⁵⁹

(Defeated)

⁵⁸ CFS, "Organizational Development and Services Committee Report," November 2009, 20; Emma Godmere, Personal communication, January 2010.

⁵⁹ CFS, "Organizational Development and Services Committee Report," November 2009, 20-21; Emma Godmere, Personal communication, January 2010.

Appendix F

CFS Bylaw I, March 2010¹

Note: Motion 2009/11:020, purportedly adopted at the November 2009 NGM, did not actually receive the votes of two-thirds of the voting members present at the meeting, and therefore did not legally pass. However, the National General Meeting majority voted to disregard the CFS's bylaws, and the National Executive is currently operating as though this amendment had been properly approved. Therefore, this appendix lists the bylaws of the CFS as they are recognized by the CFS National General Meeting and National Executive, but does not claim that these bylaws are correct or legally binding. The portions of this text that were purportedly added via Motion 2009/11:020 are marked in bold underline.

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.

¹ Compiled by the author, based on CFS, "Constitution and Bylaws," November 2008, <http://www.studentunion.ca/docs/cfs-bylaws-Nov-2008.pdf>; CFS, NGM Minutes, May 2009; CFS, "Organizational Development and Services Committee Report," November 2009; Tori Crawford, "PGSS executive disappointed with CFS Annual General Meeting;" Emma Godmere, Personal communication, January 2010.

Appendix F. CFS Bylaw I, March 2010

- 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 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,

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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.
- 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.

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- 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
- 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.
- v. Campaign materials shall not be misleading, potentially libelous or false.

f. Voting and Tabulation

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- 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
- 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:

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- 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%)~~ **twenty percent (20%)** 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 1, 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 5.b.iii**, 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) 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. There shall be no more than two (2) referendums on continued membership in any three-month period.**
- iv. No referendum on continuing membership shall take place without compliance with Sections 6.b.i, 6.b.ii **and 6.b.iii**.

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;
- 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

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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.

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 6.a. 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 6.j and 6.l, in order for a referendum on continued membership to take place, no referendum on continued membership may have been held within the previous ~~twenty four (24) months~~ **sixty (60) months for voting members comprised of university students and thirty-six (36) months for voting members comprised**

Appendix F. CFS Bylaw I, March 2010

of college students, 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 6.k., in order for a referendum on continued membership to proceed, a referendum to join the Federation may not have been held within the previous ~~twenty-four (24) months~~ **sixty (60) months for voting members comprised of university students and thirty-six (36) months for voting members comprised of college students**, 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.

Appendix G

The Langara Students' Union, 1988–1994

Important Note: I forwarded an earlier draft of this paper to Philip Link on February 12, 2010. Mr. Link's legal counsel responded on February 19, alleging that my paper "contains a litany of false, malicious and libelous allegations concerning Mr. Link."¹ However, counsel did not specify what these allegedly false allegations were. I emailed Mr. Link's counsel on February 19, February 26, and March 2, requesting details of the allegedly false allegations contained in my paper. As of the date of the publication of this paper, March 26, 2010, I have not received any response from Mr. Link or his counsel, identifying any inaccuracies or misstatements in the paper. Given that Mr. Link's counsel has provided only a general response to my paper, my reply must necessarily be general in nature.

I was in elementary school when the events described in this appendix took place. This narrative is drawn primarily from articles published in student newspapers. I did not directly witness any of the events described herein, and I cannot directly testify to the truth of any of the factual claims contained in this appendix. I have relied entirely on secondary sources which I have referenced, which I have no reason to believe are inaccurate.

I have included this appendix in my paper for three reasons. First, Mr. Link is currently the Executive Director of CFS-Services, and therefore his past activities as a students' union staff person are of interest to all CFS members. Second, this appendix illustrates the general tendency of the CFS to deflect and ignore the grievances of those students' unions that are perceived as being 'disloyal' to the organization. Third, this appendix provides an example of how a student organization can end up controlled by its bureaucracy, obstructing the ability of its members to exercise collective self-determination.

G.1 Beginnings

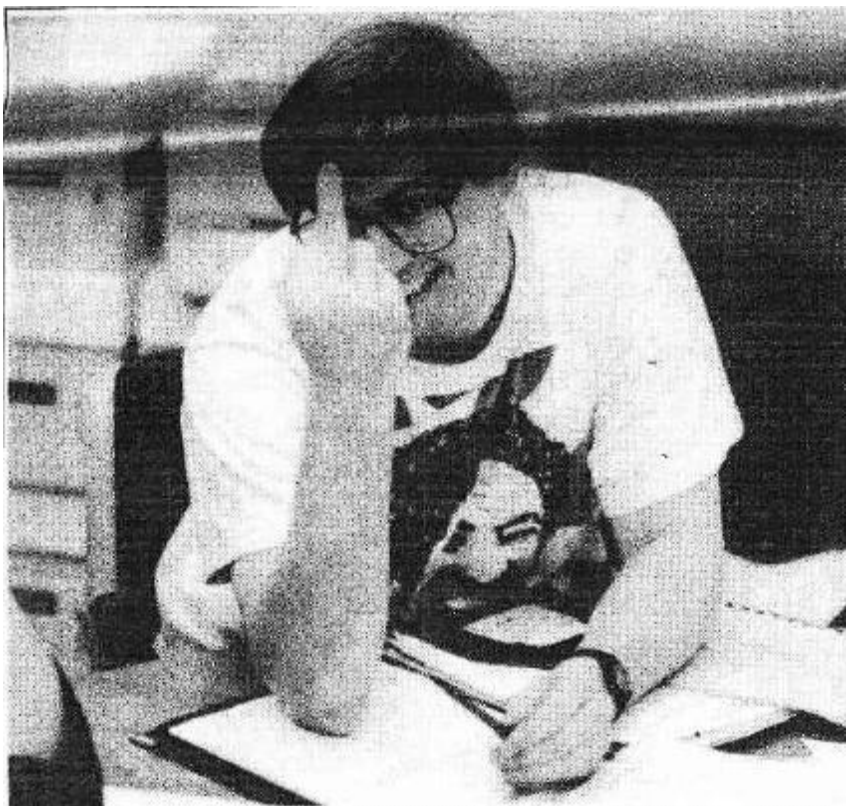
The Langara Students' Union (LSU) is the official voice of the students of Langara College, which until 1994² was known as the Langara Campus of Vancouver Community College. In 1989, Langara College had an enrolment of 6,000 students,³ pursuing one- or two-year vocational or university transfer programs. The LSU was at one point very highly involved in the CFS, yet at present is an independent students' union. Exactly how this came to be is the subject of this appendix.

¹ R. Alan McConchie, Personal communication, February 2010.

² Langara College, "History of the College," <http://www.langara.bc.ca/about-langara/history.html>.

³ *The Gleaner*, "Students have right to know," November 23, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-11-23-editorial-gleaner.pdf>.

Philip Link was elected chairperson of the student association of Okanagan College (Kelowna, BC) in 1980, where he advocated for better student housing⁴ and student representation on the college Board of Governors.⁵ He was a delegate to the founding conference of the CFS in 1981, representing the student association at Cariboo College (Kamloops, BC).⁶ He was the last elected Chairperson of the British Columbia Students' Federation in 1982, and in this capacity he was present at the founding meeting of CFS-British Columbia (then known as CFS-Pacific



Philip Link, LSU Resource Coordinator

Region),⁷ to which he was soon appointed Executive Officer.⁸ Link was actively involved in the National-Provincial Meeting on Restructuring, a conference of national and provincial student organization leaders intended to complete the process of restructuring the organized student movement into one single federal organization.⁹ In 1984, Link returned to Okanagan College and served as a political staffer for the student association.¹⁰ Link was hired as a full-time employee of the LSU in 1985.¹¹

⁴ *The Ubyyssey*, "Students stuck in heartbreak motels," October 24, 1980, 1, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1980_10_24.pdf.

⁵ *The Ubyyssey*, "No board vote for students," February 3, 1981, 3, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1981_02_03.pdf.

⁶ CFS, Founding Conference Minutes, October 1981, i. Note that the student association of Okanagan College was also separately represented at the founding conference.

⁷ CFS-British Columbia, Founding Conference Minutes, January 1982, 1, <http://www.studentunion.ca/cfs/1982/1982-01-cfs-bc-founding-conference-minutes.pdf>.

⁸ Glen Sanford, "CFS offers Link to student issues," *The Ubyyssey*, March 15, 1983, 3, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1983_03_15.pdf; CFS, NGM Minutes, November 1982, iii.

⁹ CFS, "The National-Provincial Meeting on Restructuring," February 1983, <http://www.studentunion.ca/cfs/1983/1983-02-npm-minutes.pdf>.

¹⁰ Mike Geoghegan, Personal communication, June 2009; CFS, NGM Minutes, May 1984, iv.

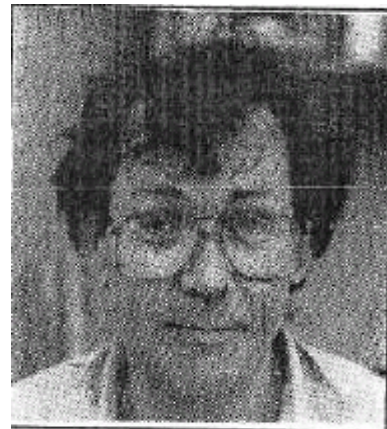
¹¹ *The Voice*, "Council Briefs," January 18, 1985, ?, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1985-01-18-anon-voice.pdf>.

In January 1988, two former LSU executives spoke out about alleged problems in the organization. Interviewed by *The Gleaner*, the Langara students' newspaper, former academic affairs coordinator Mike Graham and former treasurer Susan Moore claimed that "the organization is large and unwieldy, unnecessarily bureaucratic, and engages in illegal activities." Graham claimed that the LSU's financial records were not properly kept, and were not actually being audited. Moore said that "the bureaucracy is ten times bigger than needed, and has been imposed by the power block on the executive to enforce their own personal beliefs." She complained that Link had hired former academic affairs coordinator Tom Rowles, even before his elected term had ended, without the authorization of the LSU Executive Committee. (In response to a draft of this paper, Mr. Rowles denied that his appointment violated the hiring protocols of the LSU, and denied that he was in any way unqualified for the position to which he was appointed.¹²) "Whatever is presumed by having an elected executive, one man calls the shots – Phil Link, the resource coordinator," said Graham. "If you get Phil on your bad side, you've created a lot of trouble for yourself."¹³ Nothing came of these criticisms; they were merely a prelude to events that would take place the following year.



**Tom Rowles,
LSU Resource Coordinator**

In February 1989, *The Gleaner* and *The Voice* (the newspaper of the Langara journalism program) reported on a physical altercation between LSU Resource Coordinators Philip Link and Richard Bell. The newspapers reported that Link and Bell were wrestling and banging into furniture, and had to be broken up by fellow Resource Coordinator Sandy Biggerstaff and executive Mark Whittam. At a subsequent LSU Executive Committee meeting, several students asked for an open discussion on the incident, but Link insisted that doing so would violate a "verbal agreement" between the organization and its staff. After a 45 minute debate on the merits of moving *in camera*, the Executive Committee voted 4-3 to do so, and held a 3½ hour confidential session. The following statement was released: "The executive and staff of the Langara Students'



**Richard Bell, LSU Resource
Coordinator**

¹² Tom Rowles, Personal communication, February 2010.

¹³ Darren Atwater, "Former executives find LSU practices questionable," *The Gleaner*, January 20, 1988, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1988-01-20-atwater-gleaner.pdf>.

Union announce that it does not approve of physical or verbal violence and is negotiating action in support of this.”¹⁴

Several students spoke out against the secrecy of the Executive Committee. In a letter to the editor of *The Gleaner*, Journalism student Gordon Smedley claimed that there had been three separate assaults involving LSU staff, and claimed that the four executives who voted to discuss the incident *in camera* “have acquiesced to yet another whitewash of a continuing legacy of violence and abuse.”¹⁵ Four Langara students claimed that the Executive Committee majority engaged in a “cover up,” and that the minority, “in trying to challenge a clique that controls the union, as well as their own ‘collective agreement,’ ... risk intimidation, and if any past record can be correct, the same physical violence that occurred last week.”¹⁶ However, nothing further happened for the remainder of the academic year.

According to an article in *The Voice*, Link took the LSU’s computer and disks home with him during the last two weeks of April 1989, failed to show up at the LSU office during this period, and did not return phone calls. The LSU Executive Committee “considered he had abandoned his job” and unanimously voted to fire him on April 26, 1989. Link, who claimed that the reasons for his dismissal were “unfounded,” called a representative of the Vancouver Municipal and Regional Employees’ Union (VMREU), which represented LSU staff, to assist him. The VMREU representative claimed that the dismissal violated the VMREU Collective Agreement, as Link did not receive twenty-four hours’ notice of his disciplinary meeting, and a Staff Relations Officer (a person designated by the LSU to act as the official liaison with staff) was not present at this meeting. The LSU appointed its then Chairperson, Paul Keet, to meet with the VMREU, but Keet failed to show up, “forfeit[ing] our chance to launch a complaint.” (For his part, Keet, who was subsequently hired by the LSU as a Resource Coordinator, claimed that it was “standard practice” for LSU staff to take computer equipment home with them without the approval of the executive.)¹⁷ Thus, Link was able to continue his employment with the LSU, notwithstanding the unanimous desire of the Executive Committee to dismiss him.

G.2 1989-1990

On September 1989, *Gleaner* writer Marius Soska wrote an op ed implying significant problems in the LSU bureaucracy:

¹⁴ Jeff Barker and Ginger Teskey, “LSU secretive on staff violence,” *The Voice*, February 9, 1989, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-02-09-barker-voice.pdf>; Laurie Holsinger, “Scandal ‘hits’ LSU staff,” *The Gleaner*, February 13, 1989, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-02-13-holsinger-gleaner.pdf>.

¹⁵ Gordon Smedley, Letter to the editor, *The Gleaner*, February 13, 1989, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-02-13-lewis-gleaner.pdf>.

¹⁶ Richard Porter, Greg Canning, Kevin Clakson, and Dave Roscoe, “Cover-up at the LSU office?,” *The Gleaner*, February 13, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-02-13-porter-gleaner.pdf>.

¹⁷ Phillipa Beck and P.J. Harston, “Spring firing attempt fails to oust Link,” *The Voice*, December 1, 1989, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-01-beck2-voice.pdf>.

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If you have bad staff, the situation in the Union office could become totally repulsive. The staff are likely to form a power clique and do what they want. They will probably take over the weak-minded or naïve executive members and do whatever they damn well please. More than likely, if someone tries to criticize *[sic]* them, they will use whatever means of intimidation they have at their disposal to silence that person....

The Langara Students' Union at present does not have job descriptions for its resource staff. Why is this so? How is one supposed to judge whether or not the staff are doing a good job if there isn't anything there to tell them what they are supposed to be doing?¹⁸

The Gleaner published an editorial alongside Soska's article, condemning the LSU for mocking Soska (who had previously criticized the LSU in his columns) in its student dayplanner, and ominously claiming: "Inside the Langara Students' Union Executive office lie questions and not answers; closed minds and not open arms; storms and not calm. However, if you should venture into that domain, ask them if they really are the pillars of democracy they claim to be."¹⁹

On September 22, 1989, *The Voice* reported that the police had charged Link with assaulting fellow Resource Coordinator Bell on September 6, 1989. The LSU Executive Committee met the following week to discuss possible disciplinary action, but took no action, as the LSU (still) did not have a Staff Relations Officer, and thus was prohibited from holding any disciplinary meetings under the terms of the Collective Agreement. Until such an Officer was appointed, "our hands are tied," explained Chairperson Tracey Wenberg.²⁰



Tracey Wenberg, LSU Chairperson

Both *The Voice* and *The Gleaner* incorrectly reported that the LSU intended to "hire" a Staff Relations Officer – in fact, the position was simply a portfolio that would be taken on, without extra pay, by a member of the Executive Committee. *The Voice* further claimed that three individuals applied for the position prior to it being posted, "contrary to LSU guidelines *[sic]*." Rather than request a correction, however, LSU personnel produced flyers entitled "Don't believe everything you read in the GLEANER!" and stuffed these flyers into the following issue of *The Gleaner*. These flyers insisted that the September 21 *Gleaner* article was incorrect, but did not explain what the actual facts were. The flyers were anonymously produced, and Link denied any knowledge of their production,

¹⁸ Marius Soska, "About your staff....," *The Gleaner*, September 7, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-09-07-soska-gleaner.pdf>.

¹⁹ *The Gleaner*, "This page is not blank," September 7, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-09-07-editorial-gleaner.pdf>.

²⁰ K. Ramsey, "Link charged," *The Voice*, September 22, 1989, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-09-22-ramsey-voice.pdf>.

although *The Gleaner* identified witnesses who saw Resource Coordinators Link and Keet handing out these flyers to interested students.²¹

In response, *The Gleaner* billed the LSU for running the unauthorized advertising,²² and published an editorial criticizing the decision to run the flyers themselves. The editorial went on to criticize the LSU Executive's general inability to properly manage its staff, praising the LSU for deciding to appoint a Staff Relations Officer, but insisting that the Executive needed to "defin[e] what the staff relations officer is actually supposed to do." The editorial supported union rights, "but some staff members function more as 'management.'" The editorial further criticized the LSU for failing to adopt job descriptions for its Resource Coordinators, and urged the LSU to investigate the incident between Link and Bell.²³

On October 6, 1989, *The Voice* reported that CFS-British Columbia was threatening to sue *The Peak*, the student newspaper at Simon Fraser University, for running an article describing an incident involving Link at a British Columbia General Meeting. The article claimed that Link knocked the voting card out of the hands of a colleague during the closing plenary session. In fact, according to CFS-BC Chairperson Pam Frache, "the card was dropped by one member of the delegation who was accidentally bumped by another delegate, neither of whom was the individual defamed in the article." *The Peak* stood by the accuracy of the article, and denied any plans to print a retraction. When asked whether Link himself planned to sue *The Peak*, Link said: "That is none of *The Voice*'s business. It is my own private business."²⁴

On November 17, 1989, *The Voice* reported two LSU executives as saying that Link had kept the Executive Committee "in the dark" by hiding a letter from the students' union's auditors concerning a \$47,000 overtime claim by Link. The letter, which was reportedly only found when executives searched Link's desk while he was attending a CFS national general meeting, stated that failing to resolve the claim "could hinder the Association's



**Pam Frache, CFS-Pacific
Region Chairperson***

²¹ Langara Students' Union, "Don't believe everything you read in the GLEANER!," *The Gleaner*, October 5, 1989, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-10-05-lsu-gleaner.pdf>; Peter Ramsey, "Union's flyers forge furor," *The Gleaner*, October 5, 1989, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-10-05-ramsey-gleaner.pdf>.

²² Peter Ramsey, "Union's flyers forge furor."

²³ *The Gleaner*, "Union policies need examining," October 5, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-10-05-editorial-gleaner.pdf>.

²⁴ Sandra Enns, "CFS may sue SFU's Peak," *The Voice*, October 6, 1989, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-10-06-enns-voice.pdf>; Corinna Cooke, "CFS Takes the Fall," *The Peak*, September 7, 1989, 6, <http://www.studentunion.ca/docs/lsu/1989-09-07-cooke-peak.pdf>; CFS-Pacific Region, "Tsk Tsk," *The Peak*, September 14, 1989, 10, <http://www.studentunion.ca/docs/lsu/1989-09-14-cfsbc-peak.pdf>.

* Deanne Fisher, "Weighing the Canadian Federation of Students," *The Ubyyssey*, March 29, 1989, 1, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1989_03_29.pdf.

(LSU) ability to continue as a going concern.”²⁵ The matter was later discussed, *in camera*, at a meeting of the Executive Committee. In an editorial, *The Gleaner* condemned the secrecy surrounding the discussion: “It is important to protect employees from the pitfalls of having 6,000 employers, but were [*sic*] does protection become over-protection, and then become abuse of a system? Forty-seven thousand dollars is over 20 percent of the Union’s *entire* yearly income; should not a sum of monies this large come under some sort of membership scrutiny?”²⁶

In addition, the *Voice* article quoted two executives as saying that Chairperson Wenberg, a “friend” of Link, was “secretly nominated” as Staff Relations Officer by Resource Coordinators Biggerstaff and Link. According to Academic Affairs Coordinator Stephanie Howard, “Tracey is in a direct conflict of interest. This should never have happened. The executive will never accept it.”²⁷ However, Wenberg was in due course appointed Staff Relations Officer of the LSU.²⁸

On November 23, 1989, *The Gleaner* reported on a heated dispute between Resource Coordinators Link and Bell. Link had produced and released an LSU newsletter containing a draft of the organization’s budget. Bell, who was responsible for the LSU’s accounting, disputed several figures contained in Link’s budget, and was further offended by Link’s characterization of Bell as a “bookkeeper.” Link, for his part, maintained that his figures were accurate, and insisted “that he did not need the approval of the executive to distribute the Newsletters.” The Executive Committee listened to both of its staff, but was unable to make any decision on the matter.²⁹

On December 1, 1989, *The Voice* reported that Link had pled guilty to charges of mischief and damages under \$1,000 before the Provincial Court of British Columbia. The incident occurred on May 9, 1989, in the LSU parking lot, and involved then LSU executives Adele Paris and Kerry Boulton. According to Paris, Link “screamed obscenities from the backdoor of the [Students’ Union Building], then ran toward [her] car and punched in the window. It shattered, covering the interior and their hair with broken glass.” This incident “followed an argument inside the [Students’ Union Building] about whether she and Boulton should leave the office to go for lunch.” According to Link, however, Boulton and Paris were trying to have Link fired, and actually drove over his foot when he approached them in the parking lot. In the end, Link paid \$200 to repair the broken window; this appeared to satisfy the judge, who granted Link an absolute discharge.³⁰

²⁵ Phillipa Beck, “LSU executives irked by lost letter: Union ‘kept in the dark’ on \$47,000 overtime claim,” *The Voice*, November 17, 1989, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-11-17-beck-voice.pdf>.

²⁶ *The Gleaner*, “Students have right to know.”

²⁷ Phillipa Beck, “LSU executives irked by lost letter.”

²⁸ Ian Hannington, “LSU plagued by opposition,” *The Voice*, December 1, 1989, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-12-01-hanington-voice.pdf>.

²⁹ Paul Daniel Bulat, “Union budget flares tempers,” *The Gleaner*, November 23, 1989, 1-2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-11-23-bulat-gleaner.pdf>.

³⁰ Phillipa Beck, “Link exonerated,” *The Voice*, December 1, 1989, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1989-12-01-beck-voice.pdf>.

On December 1, 1989, *The Voice* published a full-page “LSU Special Report” analyzing the problems facing the Langara Students' Union. The lead article, published by Ian Hanington, identified the main challenges facing the organization: the Langara College Board's decision to claw back \$10,000 in student dues (claiming the LSU “wasn't providing enough information about the Students' Union building”); a petition of a group of students to replace the LSU with a “business student-run society”; the election of three executives on a ‘Grassroots’ reform slate; and Link's \$47,000 overtime claim. Hanington wrote that “most of the problems involve Link in one way or another. The LSU appears to have divided into two camps – those who support Link and those who don't.” Hanington identified Chairperson Wenberg, Resource Coordinator Rowles, and Treasurer Kym Harvey as Link allies, and Resource Coordinator Bell and ‘Grassroots’ executives as Link opponents.³¹ Perhaps as a result, Executive Committee meetings devolved into long, fractious events marked by petty bickering and disputes over parliamentary procedure.³²

In response, according to an article printed in *The Gleaner* on December 7, 1989, LSU staffer Paul Keet took “the entire supply of *Voice* newspapers from out front of the Library and slip[ped] them into his backpack.” Keet claimed that he was simply collecting the 100 newspapers in an archive for future reference. In addition, all the *Voice* newspapers in the Students' Union Building had been placed in the dumpster. *Voice* writers Chris Lodge and Ian Hanington and *Gleaner* writer Peter Ramsey took all these copies and dropped them onto Link's desk. According to Hanington (and corroborated by several witnesses): “At that point, Link came out of his office, struck me in the face, and tried to take my camera from me. In the process he knocked me to the floor, knocked my glasses off, and began choking me with the camera's strap. Several people finally removed Link from me.”³³

According to *The Gleaner*, the LSU Executive Committee considered the matter, *in camera*, and passed motions to send letters of reprimand to both Link and Ramsey: Link, for the assault, and Ramsey, for dumping the trashed newspapers on Link's desk. The LSU also decided to bill *The Gleaner* for the custodial expenses involved in cleaning up the mess caused by dumping the newspapers on Link's desk. Lastly, the LSU decided to strike a fact-finding committee to determine who was responsible for stealing the newspapers in



Peter Ramsey, *The Gleaner* journalist



Ian Hanington, *The Voice* journalist

³¹ Ian Hanington, “LSU plagued by opposition.”

³² Anne Gallagher, “Fear and loathing in SUB,” *The Voice*, December 1, 1989, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-01-gallagher-voice.pdf>; *The Gleaner*, “Dispute delays discussion,” December 7, 1989, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-07-anon-gleaner.pdf>.

³³ Paul Daniel Bulat, “Union's Philip Link assaults press freedoms,” *The Gleaner*, December 7, 1989, 1 & 4, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-07-bulat-gleaner.pdf>.

question.³⁴ (An article published three months later in *The Voice* quotes fact-finding committee member Brian Matthews as saying: “Yup, we looked into it and yup, some disappeared. That was our conclusion. We investigated it and yup, some were definitely thrown out.”³⁵)

Some felt this response to be inadequate. *The Gleaner* published an editorial, stating: “We believe that the Union executive must investigate the charges raised by the VOICE students and the complaint brought against Link by Hanington. There is no justification for violence. And while the Union has established firm guidelines against sexist and racist acts, what is their policy towards violence? No one should feel unsafe in our Students’ Union office.”³⁶ A new group of students was formed, calling themselves “Students for a Democratic Union” and dedicated to “protest[ing] what they see as a lack of democracy within the Langara Student Union.”³⁷ Hanington complained again to the LSU Executive Committee on January 15, 1990; following an *in camera* session, in which no action was taken, Chairperson Wenberg simply said “I cannot discuss recommendations made to staff during ‘In Camera’ sessions, but the LSU has no policy on violence.” Link denied any knowledge of an assault, and went on to say “I should be given a fucken’ medal for what I did.”³⁸

The new year also brought yet another assault claim against Link, this time from student Ana Maria Naturalli. An article published in *The Gleaner* quotes Naturalli as claiming that “Philip Link unplugged my phone and grabbed it out of my hands. Then he looked around to make sure no one was looking and then swung the phone at my head as though to hit it.” Naturalli claimed that Link tried to block her exit from the LSU office: “I was frightened and asked him to get out of the way so I pushed him on the shoulder and escaped.” In an interview, Link claimed “that he was the victim of an assault by Naturalli.”³⁹ Naturalli presented her assault complaint to the LSU Executive Committee, which considered the matter, *in camera*,



Ana Maria Naturalli, Langara student

³⁴ *Ibid.*

³⁵ Kathleen Zecchini, “Dozens of Voices silenced by vandals,” *The Voice*, March 9, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1990-03-08-zecchini-voice.pdf>.

³⁶ *The Gleaner*, “Say no to violence,” December 7, 1989, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-07-editorial-gleaner.pdf>.

³⁷ Shane Seed, “New group forms,” *The Gleaner*, December 7, 1989, 4, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1989-12-07-seed-gleaner.pdf>.

³⁸ Paul Daniel Bulat, “Link’s offense draws a blank,” *The Gleaner*, January 18, 1990, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1990-01-18-bulat-gleaner.pdf>.

³⁹ *The Gleaner*, “Union staffer accused of assault again,” January 18, 1990, 1 & 5, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lisu/1990-01-18-anon-gleaner.pdf>.

and again decided to do nothing.⁴⁰ “No motion was passed as it was just a presentation,” explained Chairperson Wenberg.⁴¹

In addition, according to a *Gleaner* article published on January 25, 1990, nearly 2000 copies of the January 18 issue of *The Gleaner* – which covered Naturalli’s assault claim and the LSU Executive Committee’s decision not to respond to Hanington’s assault claim – went missing over the weekend. LSU critic Marius Soska was quoted as witnessing “Philip Link throw issues of the *Gleaner* into the garbage outside the Langara Students’ Union office on Friday.” Link insisted that he was “framed for the weekend disappearance.”⁴²

All of this was too much for *The Gleaner*. The student newspaper had previously published editorials cautiously advising the LSU to review its staff policies, to become more transparent, to uphold the freedom of the press, and to investigate Ian Hanington’s assault complaint. This time, however, *The Gleaner* staff pulled no punches. In a January 25, 1990 editorial, they wrote:

Today there is Philip Link. He has, according to executive and general union members been responsible for the intimidation and misconduct of the Union. Link’s position should be used to educate and guide the Union, its executive, and its members – not to interfere. At the most recent executive meeting Link was caught on tape influencing the vote of the executive: this is in direct conflict with his contract.

There are several gross physical abuses of his position also. Link has had many accusations of assault against him: the complaint of a fellow Vancouver Regional Municipal Employees Union member, the beating of fellow Union worker Richard Bell, the broken windshield of Adele Paris, the assault of Voice reporter Ian Hannington, and the new allegation from Ana Marie [*sic*] Naturalli. These alone should be enough cause for his dismissal.

Link has also tried to get \$36 000 from the students of Langara, in accrued overtime – when his contract plainly stated it is not owed to him.

We cannot blame the Union executive members for this debt; or for the assaults; or for the intimidation; but we must urge these representatives of students to act.

Philip Link should be fired, or save some face and resign – then maybe we will see some progress in the Langara Students’ Union.

⁴⁰ Neil Christopher, “Students’ Union ignores assaults,” *The Gleaner*, January 25, 1990, 5, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-25-christopher-gleaner.pdf>.

⁴¹ Bruce Whitehead, “LSU hears complaints,” *The Voice*, January 26, 1990, 3, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-26-whitehead-voice.pdf>.

⁴² Neil Christopher and Jake Rapier, “Student voices censored; ‘framed’ says Philip Link,” *The Gleaner*, January 25, 1990, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-25-rapier-gleaner.pdf>.

Solidarity For Their Own Good

Fire Philip Link and put the control of YOUR Union back into Langara students hands.
Fire Philip Link and stop the intimidation; stop the physical abuse; stop the unfair financial claims; stop the interference in YOUR affairs.⁴³

But the Langara Students' Union did not fire Philip Link.

In early February 1990, *The Gleaner* and *The Voice* reported that Link had destroyed an entire stack of *Gleaners* that had been left for distribution at a CFS-British Columbia meeting. Link freely admitted to have destroyed the student newspapers, but claimed that he was justified in doing so: "I had every right to destroy the paper, it libeled me." *The Gleaner* consulted the RCMP, who advised that "libel is no defense and can in no way be construed as grounds to destroy a paper."⁴⁴ But CFS-BC Chairperson Pam Frache backed up Link, claiming that *The Gleaner* "had no permission to distribute the paper" at the meeting.⁴⁵ *Gleaner* Collective member Chris Schimmele presented a grievance to the LSU Executive Committee, but Chairperson Wenberg refused to hear his complaint, saying "This is not an executive meeting, we have other things to do."⁴⁶

At this point, student journalists resorted to ridicule to make their point. An editorial in *The Voice* compared the LSU to a "fabulous movie":

The organization has all the ingredients of a fabulous movie. Student reps and staffers have displayed an abundance of theatrical talent as anyone who catches their weekly show at the student union building will agree.

The tales of physical violence, mismanagement, financial incompetence and political impotence that have swirled around the current regime are tailor-made for the big screen.

But Steven Spielberg may have a tough competition from Phil Link for the job of director. The apparent ease with which Link controls the extras, cast as student reps, may well be a textbook example of manipulation.

One of the reasons Link is so effective in keeping his crew of novice politicians in line is that he continually hides the script from them. Mystified, like many of the viewers, by the elaborate financial web that supports the whole organization and bewildered by the bureaucracy of student government, the student extras are particularly vulnerable to suggestion.

⁴³ *The Gleaner*, "Time for Link to go," January 25, 1990, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-25-editorial-gleaner.pdf>.

⁴⁴ Neil Christopher, "Link admits destroying students' newspaper," *The Gleaner*, February 1, 1990, 4, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-01-christopher-gleaner.pdf>; see also Chris Schimmele, "Censorship," *The Gleaner*, February 1, 1990, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-01-schimmele-gleaner.pdf>.

⁴⁵ Bruce Whitehead, "Student muted," *The Voice*, February 2, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-02-whitehead-voice.pdf>.

⁴⁶ Neil Christopher, "Link admits destroying students' newspaper."

And for those sluggish individuals who buck direction, there's always a good, old-fashioned punch in the mouth. That technique has the added advantage of making great press....

But again, Link would not have survived the rough and tumble...world of the dramatic arts this long without his uncanny knack of sidestepping critics who have suggested axing the whole show.⁴⁷

Change, however, was coming. *The Voice* and *The Gleaner* both reported that a four-person slate calling itself 'Change' was running in the Spring student elections, campaigning on a commitment to "change the staff structure of the LSU and create a student-run office."⁴⁸ Candidate Mary McAllister said "the Union has to be brought back into the hands of students." Candidate Ana Maria Naturalli said "I was a Union executive before. To my disbelief I found out that there was a lot of discrimination directed against women by the Union Staff and their friends on the Union board. I want to see effective change now." "Our Union can be run by students," candidate Marius Soska said. "But first we must dismantle the power structure that has been carefully constructed by Philip Link over the past five years."⁴⁹

And as students were heading towards the polls, *The Voice* reported on yet another incident, stating that Link "was convicted of assault and fined \$100 in Provincial Court on Dec. 1, 1989," in connection to an incident that took place in August 1989 at the Royal Vancouver Yacht Club. Link gave little weight to the incident, arguing "I've been convicted of one thing in my life right? I would suggest that 25, 30, 40 percent of the students or people of my age have been convicted of something." (12 percent, according to Statistics Canada.) Link also downplayed the Hanington assault claim, stating "the issue (was) irrelevant and not worthy of comment." He went on to add: "There are 150 or 200 fucking incidents happening in this building in the last year or two. Well, I've been involved in three or four of them, OK? So get some fucking perspective! And recognize a fucking hatchet job."⁵⁰

Link still had a few defenders. Resource Coordinator Keet wrote a letter to *The Gleaner* claiming that:

Your editorial in the January 22nd, 1990⁵¹ edition of the *Gleaner* was an outrageous attack on Students' Union employee, Philip Link. At no time has Link tried to extort funds from the Students' Union, as suggested. On the contrary, Link has continuously accommodated the Students' Union while owed thousands of dollars by it. Between September 1986 and October 1988, Link was required to work hundreds of hours of overtime on behalf of the

⁴⁷ *The Voice*, "Langara politicians material for fabulous film," February 2, 1990, 4, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-02-editorial-voice.pdf>.

⁴⁸ Maggie Grant, "Slate runs on major changes," *The Voice*, February 2, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-02-grant-voice.pdf>.

⁴⁹ Shane Seed and Peter Ramsey, "Langara Students' Union elections slated for change," *The Gleaner*, February 1, 1990, 4, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-01-seed-ramsey-gleaner.pdf>.

⁵⁰ Tim Kosub, "Link's record speaks for itself," *The Voice*, February 2, 1990, 3, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-02-kosub-voice.pdf>.

⁵¹ As far as I am aware, there was no January 22nd, 1990 edition of *The Gleaner*. Most likely Keet is referring to the January 25th editorial, "Time for Link to go."

Solidarity For Their Own Good

Students' Union, primarily due to staff shortages.... The Students' Union Executive asked Link if they could defer payment of the overtime until the Union's next fiscal year.... Link agreed, even though he was under no obligation to do so. To this the Students' Union Executive was grateful. Hopefully Link will not have to wait much longer for the overtime funds owed him, or endure any more of this bullshit spewed out by the Gleaner.⁵²

Similarly, the LSU Executive Committee released an official statement of support: "Mr. Link has worked for the Union for five years, compiling an outstanding work record. The Executive of the Students' Union has the utmost confidence in and respect for Mr. Link. We regret that he has been the subject of this attack by the Gleaner."⁵³

In the February 6-8 elections, however, three out of four 'Change' candidates were elected to the Executive Committee.⁵⁴ (It should be noted that the LSU has three elections per year, and a single election does not replace the entire Committee.) One of the first decisions of the new Executive Committee was to cancel a planned 45% LSU fee increase.⁵⁵ The fee increase had been approved by the Executive Committee at its January 22, 1990 meeting, contrary to LSU bylaws which stated that fee increases could only be approved by referendum or "by the executive committee of the Union at its first meeting in a College semester." The January 22, 1990 meeting was the Executive Committee's third meeting of the semester. Link had argued that the fee increase was legitimate as the first two meetings had never actually adjourned, merely recessed, making the three meetings merely different components of the same meeting. It was pointed out that the minutes of the January 13, 1990 meeting, signed by Link and Chairperson Wenberg, ended with the motion "Be it further resolved that the meeting be adjourned"; Link explained that this was simply an error in the wording of the minutes.⁵⁶ The new Executive Committee, however, disagreed, and voted to bring the matter to the LSU Annual General Meeting.⁵⁷

Still, some were sceptical that 'Change' would actually be able to change the Langara Students' Union in any fundamental way. In an article entitled "Change ain't nothin' new," *Voice* writer Gary McFarlane wrote how a previous reformist slate, calling itself 'Grassroots,' was completely unable to achieve its objectives due to opposition from the bureaucracy. 'Grassroots' politician John Turnock resigned only three days after taking office, claimed that

⁵² Paul Keet, "Phil's fan," *The Gleaner*, February 15, 1990, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-15-letters-gleaner.pdf>.

⁵³ Kym Harvey, "Link's Okay," *The Gleaner*, February 15, 1990, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-15-letters-gleaner.pdf>; Kym Harvey, Letter to the editor, *The Voice*, February 23, 1990, 4, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-23-harvey-voice.pdf>.

⁵⁴ Jeremy Hainsworth and Bhreandain Clugston, "Students elect Change," *The Voice*, February 23, 1990, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-23-hainsworth-voice.pdf>.

⁵⁵ Neil Christopher, "Langara Students' Union axes fee increase," *The Gleaner*, February 15, 1990, 1 & 5, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-15-christopher-gleaner.pdf>.

⁵⁶ Bruce Whitehead, "LSU breaking their own rules," *The Voice*, January 26, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-26-whitehead2-voice.pdf>; Neil Christopher, "Students' Union shoves fee hike down students' throats," *The Gleaner*, January 25, 1990, 1, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-01-25-christopher2-gleaner.pdf>.

⁵⁷ Neil Christopher, "Langara Students' Union axes fee increase."

“Phil (Link), his cronies and his staff – the LSU was basically set up to be a total waste of time so that they could have jobs.” Link disagreed, suggesting that Turnock “suffers from some sort of delusion, or mental problem, or is suffering from a nervous breakdown.”⁵⁸

Indeed, McFarlane's scepticism would prove to be accurate. The LSU was \$70,000 in debt, and newly-elected executive Naturalli suggested that the organization should start “laying off” staff to restore the organization's financial condition. Not so fast, said Link: “The employees have rights. I have complete faith in the democratic processes that are set out in the collective agreement.”⁵⁹

One month later, *The Voice* reported on the frustratingly slow pace of ‘Change’:

After four weeks of attending Langara Students' Union executive meetings, the winds of Change are still blowing strong.

University Transfer representative Ana Maria Naturalli said her group is still committed to bringing about change in the Students' Union Building despite a lack of support from other LSU executive members.....

Naturalli said she is happy with some of the committee work that has been accomplished by the executive in the last four weeks, such as involvement in the blood donor clinic, work on the Peace and Disarmament committee and bringing the female rock group She to play at the Students' Union Building during International Women's Week.

But Naturalli said that social issues cannot be effectively delt [*sic*] with until the union's internal problems are solved. Naturalli cited efforts to solve the union's \$71,337 debt as the biggest problem.

Change advocates cutting back LSU paid staff as a way to solve the union's deficit.

“It's very frustrating,” Naturalli said in reference to Change's efforts to terminate union employees. “Other persons on the executive feel very threatened by us.”....

Naturalli said other people on the executive feel that Change's efforts to oust union employees are a “personal vendetta.” She said: “the Students' Union office should be run by students for students,” she said [*sic*]. “Not where a bunch of in camera sessions are held and students aren't aware of things.”

“There is something like 12 grievances filed already against (LSU resource coordinator) Philip Link,” she said.⁶⁰

⁵⁸ Gary McFarlane, “Change ain't nothin' new,” *The Voice*, February 23, 1990, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-02-23-mcfarlane-voice.pdf>.

⁵⁹ Jeremy Hainsworth and Bhreandain Clugston, “Students elect Change.”

⁶⁰ Bhreandain Clugston, “Cut back LSU staff Change group says,” *The Voice*, March 8, 1990, 8, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-03-08-clugston-voice.pdf>.

Link responded by filing a grievance against Naturalli for discussing staff relations in the media; the new Staff Relations Officer, Kym Harvey, denied knowledge of *any* grievances filed against Link whatsoever.⁶¹

Some gave up on student democracy altogether. An article published in the March 2, 1990 issue of *The Voice* reported that Ian Hanington decided to go outside of the LSU, and filed a complaint against Link directly with Langara Principal David Cane. “If there allegations of something illegal going on, on campus, like assault,” Cane said, “then it is my role to make sure that it gets investigated and properly dealt with.” The LSU Executive Committee was unhappy with Hanington’s actions, and wrote to Hanington stating “Your letter to David Cane brings into question your sincerity in pursuing this complaint [i.e. Hanington’s internal LSU complaint].”⁶² Perhaps unsurprisingly, dozens of copies of the March 2 issue of *The Voice* were thrown into the garbage; asked for comment, LSU executive Mary Lopes simply noted that “we don’t have a contract with the Gleaner or the Voice to keep papers here.” *Voice* writer Kathleen Zecchini reported that “Employees from the Gleaner, the student’s newspaper, said their newspapers were found damaged or dumped in garbage bins several times. Gleaner collective member and reporter Neil Donald said there seems to be a correlation between damaged or missing papers and articles which depict Langara Students’ Union staff or executives in a negative light.”⁶³



Lyndon Surjik, LSU Resource Coordinator

G.3 1990-1991

According to an article in *The Voice*, Link took eleven weeks off work starting in April 1990 (five weeks of vacation, plus six weeks leave in lieu of overtime payments). Link sat on the hiring committee to appoint a temporary replacement Resource Coordinator, and Lyndon Surjik was hired to fill the position. Surjik, originally from the University of Regina Students’ Union,⁶⁴ was the CFS National Treasurer, at the time a part-time position.⁶⁵ However, Link failed to return to work, and the LSU Executive

⁶¹ Jeremy Hainsworth, “Link grieves over quote,” *The Voice*, March 9, 1990, 2, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-03-09-hainsworth-voice.pdf>.

⁶² Chris Campbell, “Cane still investigating LSU action,” *The Voice*, March 2, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-03-02-campbell-voice.pdf>.

⁶³ Kathleen Zecchini, “Dozens of Voices silenced by vandals,” *The Voice*, March 9, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-03-08-zecchini-voice.pdf>.

⁶⁴ Saskatchewan, Legislative Assembly of Saskatchewan, Hansard, March 30, 1989, 1, <http://www.legassembly.sk.ca/hansard/21L3S/89-03-30.PDF>.

⁶⁵ CFS-British Columbia, “At-Large National Executive Members (1981 – Present),” 1995, <http://www.studentunion.ca/cfs/1995/1995-05-bcdelegateprep.pdf>.

Committee assumed that he had abandoned office. During this period of time, Link was hired as CFS-British Columbia Executive Officer. However, in November 1990, Link returned to the Students' Union seeking part-time employment, claiming to still work for the LSU.⁶⁶ The Students' Union disputed Link's claim, and the matter was eventually brought to arbitration, a process which lasted several months;⁶⁷ in the end, the LSU paid Link \$8,000 in severance, plus the \$47,000 in accrued overtime that had generated so much controversy in 1989-1990.⁶⁸

Despite Link's absence/promotion, one LSU executive claimed that the Students' Union was still not functioning properly. PJ Harston claimed that "Lyndon [Surjik] who was Philip [Link's] friend for ages through the Canadian Federation of Students, became Philip's right hand man at Langara and has decided to continue on Philip's terribly fascist manner of dictating what students want and what students don't want." Harston objected to the LSU-VMREU Collective Agreement, which granted staff the right to be present at all Executive Committee meetings and at any CFS meeting to which the LSU was represented, and which still did not provide any job descriptions for its Resource Coordinators. Harston also claimed that the CFS was "not worth it for the students," saying that Langara students did not use the national organization's services or benefit from its research.⁶⁹ In response to these comments, which Surjik said were "heavy-handed staff bashing" and reflective of a "strong anti-union bias," the Executive Committee removed Harston's right to represent the LSU at the Organizational Development Committee of CFS-British Columbia at its upcoming General Meeting.⁷⁰

The Voice reported that Langara Principal David Cane wrote a memorandum to the LSU on January 24, 1991, noting "numerous complaints" about Link and insisting that the LSU not reinstate him as Resource Coordinator (as Link was demanding) or grant him any further access to LSU premises. On February 4, 1991, Surjik wrote a draft response which contended that the College administration had no business interfering in the internal decision-making processes of the Students' Union, and which claimed that the College would be breaching its obligations under the LSU lease agreement if it were to ban Link from LSU premises.⁷¹ However, the response letter was never sent to Cane; on March 12, 1991, the LSU Executive Committee voted

⁶⁶ Dianne Whelan and Linda Pugh, "LSU employee saying union not running smoothly," *The Voice*, November 9, 1990, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-11-09-whelan-pugh-voice.pdf>.

⁶⁷ Scott Neilson, "Arbitrator to decide Link's fate," *The Voice*, November 30, 1990, 3, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1990-11-30-neilson-voice.pdf>; John McKinley, "Arbitrator to decide Link's fate at LSU," *The Voice*, February 8, 1991, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-02-08-mckinley-voice.pdf>.

⁶⁸ Chris Harper, "CFS Campaigns on Campus: LSU Ponders Missing Link," *The Gleaner*, February 1994, 8, Box 659, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-02-harper-gleaner.pdf>.

⁶⁹ Darren Atwater, "External Affairs Coordinator resigns with much bitterness," *The Gleaner*, January 17, 1991, 4, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-01-17-atwater-gleaner.pdf>.

⁷⁰ Lyndon Surjik, "Another true story," *The Gleaner*, January 31, 1991, 7-8, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-01-31-surjik-gleaner.pdf>; see also Neil Christopher, "CFS general meeting fractured by infighting," *The Gleaner*, January 24, 1991, 7 & 15, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-01-24-christopher-gleaner.pdf>; Paul Keet, "The true story," *The Gleaner*, January 31, 1991, 7, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-01-31-keet-gleaner.pdf>; Susan Turansky, "Surjik defended," *The Gleaner*, February 28, 1991, 10, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-02-28-turansky-gleaner.pdf>.

⁷¹ Emma Lancaster, "LSU defends Link from principal," *The Voice*, March 1, 1991, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-03-01-lancaster-voice.pdf>.

to ban Link from the Students' Union Building. The Executive Committee also voted to lay off Surjik, although Executive Committee members claimed that this was purely for financial reasons, and not due to Surjik's "refusal to comply with Cane's request" that Link be banned from LSU property.⁷²

G.4 1991-1992

The departures of Link and Surjik did not end the LSU's problems, however. Police investigated an \$18,000 theft of cash and merchandise that took place during the summer, but were unable to find the culprit, partly due to the organization's "ridiculously lax, disorganized and irresponsible money handling procedures."⁷³ Resource Coordinator Bell claimed that the LSU was on the verge of bankruptcy due to an \$80,000 debt and out of control spending; however, Resource Coordinator Keet insisted that everything was fine, and claimed that Bell was either "innumerate or is deliberately misrepresenting the finances of the Students' Union." Since the two Resource Coordinators disagreed about the quantity of resources available for them to coordinate, they each sent letters to the home addresses of members of the Executive Committee setting out their respective version of the facts.⁷⁴

In an opinion article entitled "Student Union needs to change," *Voice* writer Jason Proctor said that "[disgraced former British Columbia Premier] Bill Vander Zalm could do a better job running a government than these graduates of the Ferdinand Marcos school of political management. The bizarre group of self-interested misfits in charge of our student union make no attempt to represent the needs or interests of the average student. They claim to be the spearhead of political change, and seem to be extremely effective at debating the world's problems. However, they are blind to the troubles on their own doorstep." Proctor also criticized the LSU's decision to send six delegates to the recent CFS National General Meeting, at \$1,000 per delegate, claiming that the money could "have been better invested in an accounting skills course for the union executive."⁷⁵

⁷² Ammo Fuzztone, "LSU executive lays off Surjik," *The Gleaner*, March 14, 1991, 3, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-03-14-fuzztone-gleaner.pdf>; Ezekiel Norton, "LSU lays off Surjik, bans Link," *The Voice*, March 15, 1991, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-03-15-norton-voice.pdf>.

⁷³ Michele Brunoro, "Money missing from LSU; police exhaust all leads," *The Voice*, October 4, 1991, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-10-04-brunoro-voice.pdf>; Andrew Best, "LSU antics," *The Voice*, March 6, 1992, 4, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1992-03-06-best-voice.pdf>.

⁷⁴ Michele Brunoro, "LSU going broke, bookkeeper says," *The Voice*, November 22, 1991, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-11-22-brunoro-voice.pdf>.

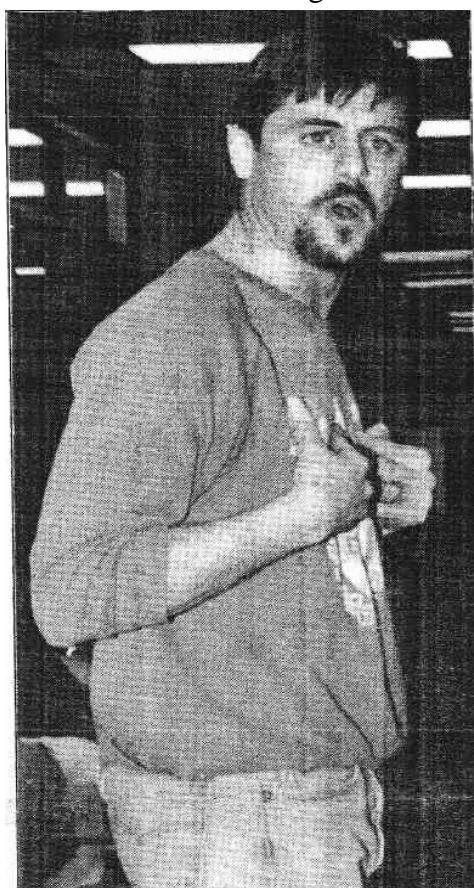
⁷⁵ Jason Proctor, "Student Union needs to change," *The Voice*, November 29, 1991, 4, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-11-29-proctor-voice.pdf>.

G.5 1992-1993

The following year, according to *The Voice* and *The Gleaner*, the LSU's new Chairperson, Rodney DeCroo, was hired during the summer as a temporary employee for CFS-BC. DeCroo was paid \$8.50, contrary to the Collective Agreement between CFS-BC and the VMREU, which prescribed a \$16.89 wage for union employees. When DeCroo filed a claim for back wages, CFS-BC Treasurer Marne Jensen claimed that DeCroo had voluntarily agreed to work for the reduced wage, and was supported by DeCroo's "union brothers," Executive Officer Link and Fieldworker (and VMREU Shop Steward) Dave Kappelle. DeCroo claimed to have never made such an agreement, and eventually the matter was resolved in his favour; nonetheless, the entire incident caused a rift between DeCroo and the CFS. DeCroo resigned his position on the CFS-BC Executive Committee in October 1992; however, he continued to support staying in the CFS, saying that although LSU leaders had "toyed" with the idea of disaffiliating from the organization, doing so "would be... irresponsible... as the C.F.S. provides both a network for students to access as well as an institutional lobby voice that is brought to the table in government decisions."⁷⁶

The next rift between the LSU and the CFS occurred in November 1992, when the Langara Faculty Association was preparing to go on strike. Interviewed in *The Voice*, Chairperson DeCroo claimed that CFS-BC was not interested in supporting the LSU during strike preparations, criticizing the organization for sending all of its staff to Ottawa for a National General Meeting during the middle of the crisis, and for failing to offer its office as temporary strike headquarters for the LSU. CFS-BC Chairperson Jackie Best offered the Federation's full support for the LSU, and claimed that it was not necessary to offer the LSU its space since the LSU was eventually able to set up a joint strike headquarters with the Faculty Association. However, as *The Voice* noted:

This is in sharp contrast to the Langara strike of fall 1990, when the B.C. CFS office was the LSU's strike headquarters. Philip Link, the LSU resource coordinator at the time, worked closely with the B.C. CFS organizing strike activities in 1990.



Rodney DeCroo, LSU Chairperson

Link was fired from his position, after assaulting several Langara students and has since been barred from VCC grounds. He was embroiled in lengthy legal disputes over back

⁷⁶ Robin Hunter, "Confusion and controversy at B.C. CFS," *The Voice*, October 16, 1992, 1, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1992-10-16-hunter-voice.pdf>; Ben Turner, "DeCroo quits C.F.S.," *The Gleaner*, November 1992, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1992-11-turner-gleaner.pdf>.

pay, which were recently resolved. The LSU has been involved in many disputes with the B.C. CFS since they hired Link as executive director.⁷⁷

By March 2003, the LSU was openly discussing the possibility of withdrawing from the CFS. The two organizations held a discussion, in which Chairperson DeCroo claimed that “the leadership [of the CFS] has been at best mediocre... they have confined their gaze to bureaucracy.” In response, CFS-BC Chairperson Best said that “when we work together we work better than trying to work as individual student associations,” and cited the CFS’s efforts to prevent tuition fees from being subject to the (recently-imposed) GST. Best also noted that while the LSU was claiming that the CFS was insufficiently radical, “right-wing groups are trying to disband the CFS for being too radical.” CFS-BC Chairperson-elect Michael Johal said that he had attended nearly every sit-in against the Vancouver Community College administration during the Faculty Association strike. “I’d like to see Langara stay within the CFS because with the CFS and the LSU are stronger,” he said.⁷⁸ (One year later, however, Johal would resign from CFS-BC, citing “unprofessionalism, harassment, vindictiveness, unbridled ambition, ignorance, immaturity and melodrama” within the organization.⁷⁹)

In response to these concerns, the LSU formed a sub-committee to “make sure that money sent by the LSU to the Canadian Federation of Students will benefit Langara students.” According to *The Voice*, LSU executive Steve Petersson, who was appointed to the sub-committee, felt that “paid staff members may carry more weight than elected union representatives at the CFS.” Petersson claimed that Chairperson Decroo had been excluded from a CFS meeting by CFS staff “or their cronies” due to DeCroo’s “outspoken vocal representation of the LSU.” However, Petersson claimed that the sub-committee’s primary mission was to “reform” the CFS, saying that the LSU was primarily interested in strengthening the CFS and “if we pulled out, we’d be weakening forces we’d like to make stronger.”⁸⁰

G.6 1993-1994

By September 1993, however, the LSU had decided to hold a disaffiliation referendum to leave the CFS. *The Voice* quotes LSU executive Dave Pearson as saying that although “withdrawing saddens me as a trade unionist, I feel that the fiscal irregularities and the failure of the [CFS-BC] in presenting an audited financial report have left the executive no choice but to withdraw.” Other complaints cited by LSU executives included the CFS-BC’s perceived failure to actively support their occupation of BC NDP Advanced Education Minister Tom Perry’s office during the faculty strike, the CFS-BC’s perceived effectiveness in lobbying, and the CFS-BC’s alleged “unwillingness to press ahead in implementing environmental concerns.” CFS-BC

⁷⁷ Harriet Fancott, “B.C. CFS not helping LSU during LFA strike,” *The Voice*, November 13, 1992, 3, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1992-11-13-fancott-voice.pdf>.

⁷⁸ Dan Deresh, “LSU debates split with feds,” *The Voice*, March 19, 1993, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-03-19-deresh-voice.pdf>.

⁷⁹ Niva Chow, “Hypocrisy in CFS executive,” *The Ubyyssey*, January 14, 1994, 3, http://www.library.ubc.ca/archives/pdfs/ubyssey/UBYSSEY_1994_01_14.pdf.

⁸⁰ David Marsh, “LSU group to study future links with CFS,” *The Voice*, March 26, 1993, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-03-26-marsh-voice.pdf>.

representatives defended the organization, citing the organization's recent "Lobby Days" campaign in Victoria and its "Report Card" on the provincial government's first two years.⁸¹

In response to CFS-BC's failure to provide audited financial statements to its members (as required by the *Society Act*), the LSU withheld CFS-BC dues in protest.⁸² According to *The Voice*, Resource Coordinator Keet claimed that the CFS-BC's financial records were inaccurate, the organization was deceiving the LSU, and that proper records relating to staff overtime were not being maintained at the provincial office. (In October 1992, *The Voice* reported that CFS-BC Executive Officer Link had claimed \$16,000 in overtime pay.⁸³) CFS-BC Treasurer Mihran Keurdian, himself a Langara student, responded that these allegations were false; the audit, he explained, was delayed simply because the Douglas Students' Union had not yet submitted its dues. Keurdian claimed that "personal resentments and not facts are behind the LSU's allegations," noting that relations became strained between the two organizations when Philip Link was appointed CFS-BC Executive Officer.⁸⁴

Chris Schimmele, writing an opinion article in *The Gleaner*, claimed that the LSU "feel[s] that the [CFS], at least its western offices has become ineffectual if not corrupt. CFS west has become increasingly marred by infighting and an ever growing controversy of a mismanagement of funds. A mismanagement which stems mostly from allegations of gross overtime abuse." Schimmele claimed that the provincial organization's problems "seem to parallel the arrival of Philip Link," and noted Link's overtime claims against the LSU, his trashing of *Voice* and *Gleaner* articles which reported on this claim, and Link's assaults on union members who confronted him on the issue. Schimmele also suggested that the CFS-BC's failure to actively assist the LSU during the faculty strike was due to "Philip Link's contempt for the LSU." Concluded Schimmele, "The concept of the CFS is good. However, the people running it have turned it in to little more than a petty bureaucracy."⁸⁵

Despite these criticisms, LSU Chairperson DeCroo reversed his position at the LSU Executive Committee meeting on January 19, 1994. According to *The Voice*, DeCroo's change of heart was caused by CFS-BC's completion of its audited financial statements, as well as "improvements in the recording of overtime payments for CFS staff." Despite complaining that "a lot of the same bozos are still in place" within the provincial organization, DeCroo said that the LSU still could benefit from remaining affiliated. However, the remaining members of the LSU Executive Committee disagreed, and voted to continue with the referendum.⁸⁶

⁸¹ Bruce Lloyd, "Union 'disgust' leads to CFS split," *The Voice*, September 24, 1993, 3, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-09-24-lloyd-voice.pdf>; Lisa Morry, "New student government anti-CFS," *The Voice*, October 22, 1993, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-10-22-morry-voice.pdf>.

⁸² Wendy-Anne Thompson, "DeCroo 'hijacks' meeting on LSU-CFS cash clash," *The Voice*, October 9, 1993, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-10-08-thompson-voice.pdf>.

⁸³ Robin Hunter, "Confusion and controversy at B.C. CFS."

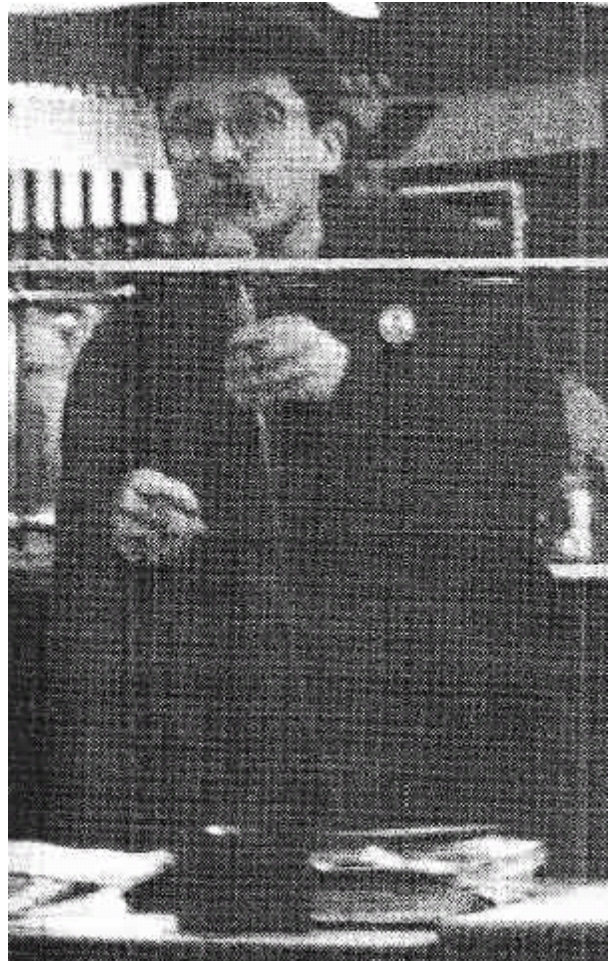
⁸⁴ David Thomas, "\$100,000 in limbo: Student money sits as LSU and CFS argue," *The Voice*, November 5, 1993, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-11-05-thomas-voice.pdf>.

⁸⁵ Chris Schimmele, "CFS – to be or not to be, shoo bee doo bee doo...", *The Gleaner*, October 1993, 2, Box 658, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-10-schimmele-gleaner.pdf>.

⁸⁶ Paul Palmer, "Stay in CFS, says DeCroo," *The Voice*, January 28, 1994, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-01-28-palmer-voice.pdf>.

Only one week later, however, DeCroo changed his mind yet again. *The Voice* quoted him as saying “These people are never going to deal with us in good faith. They’re here because they want to make sure they have \$90,000 a year in fees coming. I was willing to try one last time to see if we could make a go of it and today just demonstrated to me that it’s not worth it. And believe me I’m not backing down from that position.” DeCroo’s latest reversal was caused by the appearance of Philip Link on campus, despite having been banned from all Vancouver Community College campuses in April 1991. When confronted by campus security, Link claimed that campus security had no authority to remove him from college property. CFS-BC Treasurer Keurdian insisted that Link was simply enrolled in a course, and was not being paid to be on campus by the Federation. DeCroo disagreed, claiming “that’s a common tactic to ensure that people aren’t kicked off campus. He’s only taking a course so that he can have a reason to be here is this issue came up.” CFS National Deputy Chairperson Jaime McEvoy insisted that DeCroo’s anger over Link’s presence on campus could only be described as “irrational or testosterone.”⁸⁷

The campaign began in full force, and a heated debate was held between both sides. According to *The Voice*, CFS-BC Treasurer Keurdian accused the LSU of distributing posters with “misinformation” about the CFS. He said “you are voting in this week’s referendum to stay members in this organization not because of personality, not because someone has bad breath, but, because you’re going to stay members.” LSU executive Petersson responded by accusing the CFS of being “more concerned with writing a thick policy book than participating in student advocacy and protecting student rights,” and criticized CFS-BC’s alleged failure to actively support the LSU during the faculty strike in 1992. CFS-BC Chairperson Brad Lavigne blamed the LSU executive for any problems that students might have with the organization, saying “this was a simple issue of isolation versus working with students.” LSU Chairperson DeCroo contrasted the CFS’s willingness to spend significant amounts of money on fighting the disaffiliation referendum at Langara with its unwillingness to devote any money to supporting the LSU during the faculty



Brad Lavigne, CFS-BC Chairperson

⁸⁷ Kevin Diakiw, “DeCroo flip-flops on CFS,” *The Voice*, February 4, 1994, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-02-04-diakiw-voice.pdf>.

strike. “These people do nothing but sit on these committees,” he said.⁸⁸

Langara student Chris Harper wrote an opinion article in the February 1994 issue of *The Gleaner* entitled “CFS Campaigns on Campus: LSU Ponders Missing Link,” which recounted CFS-BC Executive Officer Link’s history at Langara: his \$47,000 overtime claim, his multiple assaults and alleged assaults against Union members, and his theft of student newspaper articles that criticized him, which led to his being banned from campus by the LSU and the Vancouver Community College administration. Harper also reported that Link assaulted LSU Chairperson DeCroo in the summer of 2003 when DeCroo delivered notice of the LSU’s disaffiliation referendum to the provincial office. “Generally this paper wouldn’t bother to dwell on personality issues,” Harper wrote, “But the personality in question is such a public problem that it can’t be disregarded. Langarians cite many reasons to depart the CFS besides personalities (e.g. finances, policies), but so long as Link remains prominent in the BC CFS, the Langara-CFS tension cannot be resolved.” Harper quoted CFS-BC Treasurer Keurdian as saying that Link is “a really hard-working employee – a valuable asset who has the interests of the CFS at heart.” Harper concluded: “Fortunately, Link’s history is a problem confined mainly to Langara. But BC colleges might want to contemplate the BC CFS’s hiring judgement, and the federation’s present direction under its most powerful official.”⁸⁹

At this point, some might expect Langara students to be largely united in their desire to leave the CFS. After all, by appointing – and defending – a man with a sordid history of violence and intimidation at the Langara Students’ Union to the most important staff position in the organization, the CFS-BC Executive Committee had arguably demonstrated their collective inability to properly manage a lemonade stand, let alone a provincial advocacy organization notionally responsible for representing the concerns of 100,000 students to government. However, several systemic factors were on the side of the CFS. Langara is a commuter college; none of its students were enrolled in programs lasting longer than two years; involvement in student life was extremely low, leading to a situation where the great majority of students were simply unaware of the pertinent issues.⁹⁰ In such a situation, it was not necessary for the dozens of campaigners whom the CFS had flown in to fight the referendum to actually address *any* of the concerns voiced by LSU leaders. Rather, the CFS campaigners simply sought to out-campaign the LSU, using a standard message box that has remained unchanged to this day:

The CFS is an alliance of 65 college and university students’ unions from across Canada with a membership of approximately 400,000 members.

It was formed to provide students with a strong, united voice provincially and nationally.

⁸⁸ Cecile Pearce, “Dirt flies in debate,” *The Voice*, February 11, 1994, 3, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-02-11-pearce-voice.pdf>.

⁸⁹ Chris Harper, “CFS Campaigns on Campus: LSU Ponders Missing Link.”

⁹⁰ Ezekiel Norton, “Half LSU slate blank for vote,” *The Voice*, March 8, 1991, 8, Box 559, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1991-03-08-norton-voice.pdf>; Jason Proctor, “Student Union needs to change”; Shannon Miller, “Membership has a price: Students forced to cough up \$45 for LSU,” *The Voice*, September 24, 1993, 3, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1993-09-24-miller-voice.pdf>; Lisa Morry, “New student government anti-CFS.”

Because colleges and universities are funded primarily by the federal government and administered exclusively by the provincial government, government policies and priorities have a tremendous impact on the lives of students....

No campus, no matter how big or active, has the resources or the political clout to effectively influence the post-secondary education policies of either the provincial or the federal governments.

Even if extremely organized, Langara students could only have an impact on two or three federal ridings at best. Governments ignore groups which pose no political threat to them.

It's much more cost effective for many campuses to pool their resources and work in partnership than for each to work on its own.⁹¹

Despite being heavily outspent, the 'No' side prevailed; with a voter turnout of 20%, Langara students voted 583 – 571 to withdraw from the CFS.⁹² After remitting two years' worth of unpaid dues to the CFS, the LSU's withdrawal of membership in the CFS was ratified at the May 1995 National General Meeting.⁹³ Resource Coordinator Keet claimed that the LSU would take the place of the CFS to represent Langara students on national issues. "It's us, our fax machine and our telephone," he said. "It's up to the leadership of the students' union to fill the void."⁹⁴ Whether the Langara Students' Union has fulfilled the lofty dreams of its 1994 leadership is highly debatable; nonetheless, the organization remains an independent students' union to this day. The LSU's staff are still all called "Resource Coordinators,"⁹⁵ and its Collective Agreement still provides that "Staff members will elect from amongst themselves a delegate to all meetings of the Canadian Federation of Students where LSU is participating,"⁹⁶ should the LSU ever decide to return to the fold.

G.7 Aftermath

Philip Link's career with the CFS was just beginning, however. After years of persistent effort, the 'radicals' gained control of the CFS National Executive in the mid-1990s, and many of Link's favoured reforms to restructure the organization were implemented. CFS-National and CFS-Services were functionally merged into a single organization; progress was made towards full "congruency" in all ten provinces; and the Bylaws were amended to severely impede the ability of aggrieved students' unions (such as the LSU) to leave the national organization.

⁹¹ *The Voice*, "Referendum: Should we stay or should we go?," *The Voice*, February 4, 1994, 5, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-02-04-referendum-voice.pdf>.

⁹² Kevin Diakiw, "Students oust CFS by 12-vote margin," *The Voice*, February 25, 1994, 1, Box 195, Langara College Archives, <http://www.studentunion.ca/docs/lsu/1994-02-25-diakiw-voice.pdf>.

⁹³ CFS, NGM Minutes, May 1995, Opening Plenary, 12.

⁹⁴ Kevin Diakiw, "Students oust CFS by 12-vote margin."

⁹⁵ Langara Students' Union, "Contact Us – Staff," http://205.153.116.44/~lsubcca/index.php?option=com_contact&catid=21&Itemid=178.

⁹⁶ Langara Students' Union and CUPE 15, "Collective Agreement between Langara Students' Union (LSU) and Canadian Union of Public Employees, Local 15 – VMECW (CUPE 15): December 1, 2007 – November 30, 2012," October 14, 2008, 37, <http://www.cupe15.org/resources/college/documents/CollectiveAgreement2007to2012.pdf>.

Appendix G. The Langara Students' Union, 1988–1944

In November 1997, however, controversy arose after a violent altercation between Link and the BC Aboriginal Students' Liaison, Lana Many-Grey Horses. The matter was tried before the Provincial Court, and was covered in *The Peak* in an article by Kris Anderson. According to Anderson's account of the court proceedings, the Provincial Court was told that Link and Many-Grey Horses were involved in an argument at a bar over whether the CFS was sufficiently involved in aboriginal student issues, which became extremely heated when Many-Grey Horses threatened to run a disaffiliation referendum on her campus. Many-Grey Horses admitted to slapping Link across the face; however, in the ensuing altercation, Many-Grey Horses ended up suffering "two black eyes, a cut below her cheek that required four stitches, and a chipped tooth," leaving her in great pain. The crowd at the bar got angry at Link, and he fled the premises. At the trial, CFS-BC Chairperson Maura Parte testified on behalf of Link, and CFS-BC officials Joey Hansen and Michael Gardiner were also present in support of him. After considering the evidence, the Provincial Court dismissed the charges, ruling that Link feared for his safety and that his actions were an "instinctive... reflex."⁹⁷

Speaking before the LSU Executive Committee, however, Many-Grey Horses claimed that the judge ruled the way that he did because the independent witnesses to the incident failed to show up, forcing the judge to decide the case based on the credibility of herself and Link. Many-Grey Horses claimed that she "was portrayed as a young drunken Indian," while Link was portrayed "as this thirty-eight year old white middle-class male, who had a steady work history"; she also claimed that Link's previous assault charges were never mentioned at trial.⁹⁸ An article published in *The Ontarion* and reprinted in *The Student Activist* supported Many-Grey Horses' version of events;⁹⁹ several students' unions, including the Simon Fraser Student Society,¹⁰⁰ the Graduate Students' Union of the University of Toronto,¹⁰¹ and the Post-Graduate Students' Society of McGill University¹⁰² passed motions calling on the CFS to dismiss Link.

Link was not dismissed, but was rather transferred in 1998 to the CFS National Office, to the position of Student Discount/ISIC Coordinator, where he was put in charge of the administration of International Student Identity Cards and StudentSaver discount cards.¹⁰³ He was subsequently promoted to the position of Programmes Coordinator in 2001,¹⁰⁴ which

⁹⁷ Kris Anderson, "CFS executive director escapes assault charges," *The Peak*, June 15, 1998, <http://web.archive.org/web/19981202042150/http://www.peak.sfu.ca/the-peak/98-2/issue7/link.html>.

⁹⁸ Langara Students' Union, Executive Committee Minutes, June 15, 1998, <http://web.archive.org/web/20030511235855/http://www.vcn.bc.ca/lsu/Minutes/1997/M061597.htm>.

⁹⁹ Helen Hudson, "What If An Organization Whose Ideals You Shared Covered Up Something You Couldn't Stand For?," *The Ontarion*, reprinted in *The Student Activist*, issue 3, October 1998, <http://web.archive.org/web/20000524184246/www.tao.ca/~dasn/issue3/cfs.html>.

¹⁰⁰ SFSS, Student Forum Minutes, June 17, 1998, 2-5, <http://www.studentunion.ca/docs/sfss-forum-1998-06-17.pdf>.

¹⁰¹ Graduate Students' Union of the University of Toronto, "Council Policies and Positions," <http://www.gsu.utoronto.ca/council/policy.html>.

¹⁰² Post-Graduate Students' Society of McGill University, "History of the Canadian Federation of Students: From the floor of the PGSS Council and the PGSS Executive table," August 2006, 13-14, http://pgss.mcgill.ca/COUNCIL0607/PGSSCOUNCIL_AUGUST06_extra.pdf.

¹⁰³ Erin Fitzpatrick, "Troublesome CFS employee leaves BC for Ontario," *The Peak*, September 8, 1998, <http://web.archive.org/web/19981205173558/www.peak.sfu.ca/the-peak/98-3/issue1/link.html>; CFS, "National Executive Report," November 1998, 23, <http://www.studentunion.ca/cfs/1998/1998-11-exereport.pdf>.

¹⁰⁴ CFS, "Budget Committee Report," May 2001, <http://www.studentunion.ca/cfs/2001/2001-05-cttereports-budget.pdf>.

became known as Director of Programmes in 2002,¹⁰⁵ and Director of Services in 2004.¹⁰⁶ Recent news articles also refer to Link as the Executive Director of CFS-Services,¹⁰⁷ although this title does not appear in internal CFS records. More recently, he was quietly appointed to the Board of Directors of Travel CUTS.¹⁰⁸

Several of Link's key allies were appointed to positions of power within the national organization. Pam Frache was appointed CFS National Strike Coordinator, General Meeting Coordinator, and Internal Coordinator in 1995,¹⁰⁹ Health Plan Coordinator in 1997,¹¹⁰ Campaigns Coordinator in 1999,¹¹¹ and CFS-Ontario Campaign and Government Relations Coordinator in 2000;¹¹² in 2006, she left the CFS to become Education Director of the Ontario Federation of Labour.¹¹³ Brad Lavigne pursued a graduate degree at Concordia University, where he was quickly elected to the executive of the Graduate Students' Association.¹¹⁴ At Concordia, he was much more successful in winning a referendum of that Association to join the CFS;¹¹⁵ subsequently, Lavigne was elected Québec National Executive Representative, where he served for two years before being elected National Chairperson.¹¹⁶ And Tom Rowles was in 2000 hired as the Health Plan Coordinator,¹¹⁷ where he is responsible, together with Joel Duff and Michelle Steele, for the administration of the CFS National Student Health Network program. (In response to a draft of this paper, Mr. Rowles denied that his appointment violated the hiring protocols of the CFS, and denied that he was in any way unqualified for the position to which he was appointed.¹¹⁸) (In addition, Link's partner, Lucy Watson, was appointed General Meeting Coordinator and On to Ottawa Trek Coordinator in 1995, Student Discount Coordinator in

¹⁰⁵ CFS, "Budget Committee Report," November 2002, <http://www.studentunion.ca/cfs/2002/2002-11-cttereports.pdf>.

¹⁰⁶ CFS, NGM Minutes, May 2004, 'Attendance.'

¹⁰⁷ Chloé Fedio, "Travel Cuts settlement in jeopardy after comments," *The Gateway*, March 2, 2006, <http://web.archive.org/web/20060328030709/http://www.gateway.ualberta.ca/view.php?aid=5786>.

¹⁰⁸ Canada, Corporations Canada, database entry for 178024 Canada Inc., http://strategis.ic.gc.ca/cgi-bin/sc_mrksv/corpdtr/dataOnline/corpn_re?company_select=389251.

¹⁰⁹ CFS, "National Executive Report," November 1995, 12, <http://www.studentunion.ca/cfs/1995/1995-11-execreport.pdf>.

¹¹⁰ CFS, NGM Minutes, May 1997, Appendix B, V.

¹¹¹ CFS, NGM Minutes, November 1999, 'Attendance.'

¹¹² CFS, "National Executive Report," May 2000, 62.

¹¹³ Canada, Parliament, House of Commons, Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities, *Evidence*, 39th Parliament, 1st Session, October 27, 2006, <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2446934&Language=E&Mode=1&Parl=39&Session=1>.

¹¹⁴ *Pro Tem*, "January 25: Strike Day," 2, <http://pi.library.yorku.ca/ojs/index.php/protem/article/view/15995/14902>.

¹¹⁵ *The Peak*, "Campuses question CFS effectiveness," March 6, 1995, <http://web.archive.org/web/19980219012527/www.peak.sfu.ca/the-peak/95-1/issue9/cfs.html>; CFS, NGM Minutes, November 1994, 5.

¹¹⁶ CFS-British Columbia, "National Executive Members," November 1997, <http://www.studentunion.ca/cfs/1997/1997-11-miscellaneous.pdf>.

¹¹⁷ CFS, "National Executive Report," November 2000, 46, <http://www.studentunion.ca/cfs/2000/2000-11-execreport.pdf>.

¹¹⁸ Tom Rowles, Personal communication, February 2010.

1996,¹¹⁹ and Internal Coordinator in 1997;¹²⁰ as of 2005, this position became known as the Director of Organising.¹²¹)

In response to a draft of this paper, CFS legal counsel claims that I “imply that various individuals, including Lucy Watson, were hired by the CFS solely because of their personal relationship with Philip Link. This claim is false. For example, Ms. Watson was no more than an acquaintance of Mr. Link’s when she was hired by the CFS.”¹²² I did not make any such implication, and I do not believe such an implication to be true; I was simply pointing out a factual pattern.

Link continues to exert significant influence over the organisation. Interviewed in *The Eyeopener*, former University of Guelph Central Student Association executive Jenn Watt said that when she approached Link at a National General Meeting in 2004 to question him about his past, “individuals at the conference crowded around the longtime CFS employee, pointedly asking Watt to walk away.” Later, Watt said that she was “cornered by another person who accused her of harassing the man... and warned her to stay away.”¹²³ More recently, when the Post-Graduate Students’ Society of McGill University attempted to initiate dismissal proceedings against Link at a National General Meeting, CFS National Treasurer Dave Molenhuis attempted to force the Students’ Society representatives to sign a document that would hold the Students’ Society financially responsible for any grievance that might arise as a result of their actions or statements at the meeting, under the (illegal) threat of denying them entrance to the meeting.¹²⁴

Furthermore, Link continues to hold his original position of CFS-British Columbia Executive Officer, despite having been on a “leave of absence” for the past twelve years.¹²⁵ (Lucy Watson similarly continues to be listed as CFS-BC Organiser, despite having been on a leave of absence for the past seven years.) Due to the unique provisions of the CFS-BC Collective Agreement, Link has the right to return to his original position within CFS-BC at any time, and his seniority within the CFS-BC bargaining unit continues to accrue during his secondment to the National Office.¹²⁶

¹¹⁹ CFS, “National Executive Report,” November 1996, <http://www.studentunion.ca/cfs/1996/1996-11-excreport-ver1.pdf>.

¹²⁰ CFS, “National Executive Report,” May 1997, Appendix B, V, <http://www.studentunion.ca/cfs/1997/1997-05-minutes-closingplenary.pdf>.

¹²¹ CFS, NGM Minutes, November 2005, Attendance.

¹²² Wendy J. Wagner, Personal communication, February 2010.

¹²³ Robyn Doolittle, “Breaking Rank.”

¹²⁴ Tori Crawford, “PGSS executives disappointed with CFS Annual General Meeting;” CFS, “Agreement,” November 25, 2009, <http://www.studentunion.ca/docs/cfs-gag-agreement.pdf>; see also Robin Schiller, letter to the Canadian Federation of Students, [November 25, 2009], <http://www.studentunion.ca/docs/pgss-gag-response.pdf>.

¹²⁵ CFS, 2009-2010 *Canadian Students’ Union Directory*, 5.

¹²⁶ CFS-British Columbia and CUPE 2396, “Memorandum of Agreement,” 15 & 20.

G.8 Conclusions

To a certain extent, this narrative is the story of one man. To a certain extent, this narrative is the story of one students' union. To a certain extent, this narrative is a description of how the CFS refuses to listen to the concerns of its dissenting members, even in the most extreme of scenarios.

However, I believe that the most significant lesson to be learned from this narrative is the importance of self-determination. There are plenty of opportunities in the world for students to be involved in politics, services, or businesses on campus, but what makes students' unions unique is the fact that they are wholly owned and controlled – at least in theory – by their members. There are plenty of examples of students' unions being controlled by their institution's administration. The Constitution of the College of the Rockies Students' Association contains an "irrevocable" provision granting the College President the right to appoint a Liaison Officer to attend all students' union executive meetings.¹²⁷ In America, the Constitution of the student government of the University of Florida grants the University President or their designee the right to veto any bill put forward by the student government.¹²⁸ There are also numerous examples of provincial and federal politicians interfering in student politics. Conservative politicians Peter Kent and Peter Shurman allegedly interfered in the 2009 general elections of the York Federation of Students;¹²⁹ at a recent Ontario Progressive Conservative Campus Association conference, senior Conservative Party political strategist Richard Ciano actually led a workshop on how to "defeat[] Public Interest Research Groups and the Canadian Federation of Students."¹³⁰

However, in this instance the LSU Executive Committee found itself completely incapable of actually controlling the organization due to the efforts of its own staff. Link was able to ignore a unanimous decision of the Executive Committee to fire him in 1989, simply because the Executive Committee was completely ignorant about how to operate a not-for-profit organization. Regardless of whether one agrees or disagrees with the political direction that Link set for the LSU, the fact is that under his coordinatorship, the LSU ceased to be a *students' union* in the fullest sense of the term; it was an organization that may have acted (at times) *on behalf of* students, but it had largely ceased to be *governed* by students in any substantive sense of the term. This difference may be subtle, but it mattered a great deal to the many students who joined the LSU only to find themselves completely incapable of achieving any kind of fundamental change.

¹²⁷ College of the Rockies, Students' Association, "Constitution," January 12, 2004, 1, <http://208.68.104.122/cotrstud/cotrsa/documents/constitution.pdf>.

¹²⁸ Student Body of the University of Florida, "Constitution of the Student Body of the University of Florida," January 2005, 4, <http://sg.ufl.edu/branches/legislative/constitution/articles.pdf>.

¹²⁹ Louise Brown, "Stop meddling, students tell Tories: MPPs deny they were trying to sway York election results," *Toronto Star*, July 6, 2009, <http://www.thestar.com/news/ontario/article/661364>.

¹³⁰ Alexia J. Forrester, "Carleton Training Session," *Bluewave*, March 2009, 6, <http://www.campuspc.ca/wp-content/uploads/2009/08/Bluewave-032009.pdf>; see also Ontario Progressive Conservative Campus Association, "Richard Ciano & Fraser MacDonald from MCBDB & Jeff English @ Ottawa Training," November 2, 2009, <http://www.flickr.com/photos/campuspc/4069866155/sizes/o/>. The Manning Centre for Building Democracy (the employer of Richard Ciano and Fraser MacDonald) did not respond to my request for comment.

Appendix H

CFS Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society



Titus Gregory <titus.gregory@gmail.com>

BC-Exec: Volunteers: as it stands

Summer McFadyen <cfs@cfs.bc.ca>

29 January 2008 17:18

To: BC Executive Committee List <bc-exec@cfs.bc.ca>

Hey Lucy,

Here is the current spreadsheet for referenda volunteers. There are still a bunch of gaps which I will work to have filled in over the next couple of days.

-Summer

Summer McFadyen
BC Organiser
Canadian Federation of Students – BC
phone: 604.733.1880
fax: 604.733.1852
www.cfs.bc.ca

CUPE 2396

This message is sent to you because you are subscribed to the mailing list <bc-exec@cfs.bc.ca>. This is a moderated listserve for the BC Executive Committee of the Canadian Federation of Students. To post a message, please send it to <moderator@cfs.bc.ca>

To unsubscribe, E-mail to: <bc-exec-off@cfs.bc.ca>
Send administrative queries to <bc-exec-request@cfs.bc.ca>



23-Ref-Plan-2008-01-07.xls

458K

Referendum Campaign Plan and Tasklist

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 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	All 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 ie. 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	

Appendix H. CFS Referendum Campaign Plan and Tasklist:
Simon Fraser University Students' Society

Referendum Campaign Plan and Tasklist

Simon Fraser University Students' Society

Updated: Wednesday, January 23, 2008

5 Letters of Support <ul style="list-style-type: none"> • prepare letter of support from University of Victoria Students' Society • prepare letter of support from x • prepare letter of support from x • prepare letter of support from x 	February 25, 2008	McFadyen	
	February 25, 2008		
	February 25, 2008		
	February 25, 2008		
<ul style="list-style-type: none"> • prepare letter of support from University of Manitoba Students' Union • prepare letter of support from University of Winnipeg Students' Union • prepare letter of support from University of Toronto Students' Union • prepare letter of support from Carleton University Students' Association • prepare letter of support from Memorial University Students' Union • prepare letter of support from Sierra Youth??? • prepare letter of support from CAUT 	February 25, 2008	Aziz, Watson	
	February 25, 2008	Watson, Carlyle	
	February 25, 2008	Duff, McFadyen	
	February 25, 2008	Duff, McFadyen	
	February 25, 2008	McFadyen, Giroux-Bougard	
	February 25, 2008	Aziz	
	February 25, 2008	Aziz, Boyko	
6 Residences <ul style="list-style-type: none"> • Determine rules, if any, about campaigning in residence • Determine if mass voicemail system for all residence students exists • Determine names and contact info. for dons/resident assistants in each residence • Determine names and contact information for supportive students in residence 	January 28, 2008	Bratton, McFadyen, Reid	
	January 28, 2008	Bratton, McFadyen, Reid	
	January 28, 2008	Bratton, McFadyen, Reid	
	February 11, 2008	Bratton, McFadyen, Reid	
7 Other Outreach <ul style="list-style-type: none"> • Connect with Hillel • Determine the student clubs/organisations and for when any upcoming meetings are scheduled • Identify supportive faculty members, teaching assistants • Determine location of student mailboxes (departmental etc.) 	February 4, 2008	Farrington, Watson	
	February 4, 2008	Bratton, McFadyen, Reid	
	February 4, 2008	Bratton, McFadyen, Reid	
	February 4, 2008	Bratton, McFadyen, Reid	
8 Promotion of the ISIC <ul style="list-style-type: none"> • Determine the air and surface travel discounts available with the ISIC in BC • Get ISIC statistics for SFU students • ensure adequate supplies of film and application forms (2500) 	n.a.	Grof	
	February 18, 2008	Grof, Lewis Grof	completed
9 Campus Media <ul style="list-style-type: none"> • Determine rate costs, publication dates, ad copy and required format deadline for the student newspaper • Book advertising space in the student newspaper • Design, layout and send advertisement(s) for the student newspaper • Determine the deadline for and policy related to 'letters to the editor' • Campus Radio - line up interviews re: referendum and campaigns issues (pre-ref.) • Propose to the radio station that A. Aziz be interviewed on a current affairs show 	February 4, 2008	McFadyen, Reid McFadyen, Reid McFadyen, Reid (BIRO)	
	January 25, 2008	McFadyen, Reid	
	February 25, 2008	McFadyen, Reid	
		McFadyen, Reid	
10 Community/Dailies Advertising <ul style="list-style-type: none"> • Determine rate costs, publication dates, ad copy deadline and required format for the community paper • Assess the value of purchasing space in the community paper and book if necessary • Design, layout and send advertisement(s) for the community newspaper • Determine value and availability of public service announcements on radio, TV • Get coverage of PSE/student issues in Metro/24 Hours • Purchase ads in Metro/24 Hours 	February 4, 2008	McFadyen, Reid	
	February 4, 2008	McFadyen, Reid, Watson	
	February 29, 2008	McFadyen, Reid (BIRO)	
	February 4, 2008	McFadyen, Reid	
	February 4, 2008	McFadyen, Reid	
	February 29, 2008	McFadyen, Reid	

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, etc.) 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 11, 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 	February 11, 2008 February 22, 2008 February 22, 2008 February 23, 2008	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 	January 28, 2008 February 11, 2008 January 25, 2008 February 4, 2008 February 4, 2008 February 4, 2008 February 20, 2008 February 20, 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	

Appendix H. CFS Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society

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 (300) Student Traveller (300) Bylaws Budget (national and BC)-November 2007 (25) 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: Dedesignation (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

DUTY ROSTER

Simon Fraser University Students' Society

Updated: Thursday, January 3, 2008

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	25 McFadyen Reid	26 McFadyen Reid	27 McFadyen Reid	28 McFadyen Reid	29 McFadyen Reid	1 McFadyen Reid	2 McFadyen Reid
	3	4	5	6	7	8	9

Appendix H. CFS Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society

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MONDAY		TUESDAY		WEDNESDAY		THURSDAY		
		17		18		19		20

- TEAM 1TEAM 6
- TEAM 2TEAM 7
- TEAM 3TEAM 8
- TEAM 4TEAM 9
- TEAM 5TEAM 10

Appendix H. CFS Referendum Campaign Plan and Tasklist:
Simon Fraser University Students' Society

EVENTS

Simon Fraser University Students' Society

Updated: Thursday, January 3, 2008

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
25	26	27	28	29	1	2
3	4	5	6	7	8	9
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
10	11	12	13	14	15	16
MONDAY	TUESDAY	WEDNESDAY	THURSDAY			
17	18	19	20			

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First Name	Last Name	Availability	Primary Contact	Comments
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?	
Obediyah	Jones-Dareel		Tiffany	

Appendix H. CFS Referendum Campaign Plan and Tasklist:
Simon Fraser University Students' Society

Darcy	Lindberg		
Jonas	Gifford		
Miko	Ross	Summer/Rich	
Richard	Tones	Summer	
Christina	Clews	Tiffany	
Mike	White		secondment to SFU Kamloops?
			Check your Head... studying masters of public policy
Lindsay	Popes		SFU
Erin	Sikora	Shamus	F/T communications at BCGEU
Jason	Mann	Shamus	F/T organiser at BCGEU

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BC: 2007-2008

				Dawson					BC Week 1					BC Week 2					BC Week 3					Notes
				Dates					March 3 to 7					March 10 to 14					March 17 to 21					
Local	Union Name	Member	Level	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																					SFU
		Dustin Grof	A																					Kwantlen
		Andrew Bratton	A																					SFU
		Michelle Kim	B																					SFU
		Melissa Ficke	B																					Kwantlen
		Mike White	A																					SFU-North
3	UBC Okanagan	Rob Nagai	A																					
		Krystal Smith	B																					
		David Lubbers	B																					needs to go back for
4	Selkirk Students' Union	Varenka Schwarz?																						I'm not convinced it is
5	Capilano Students' Union																							
13	CNC Students' Union	Rebekah Keyes																						
		Valentine Crawford																						
15	TRU Students' Union	Nathan Lane																						
		Brent Dodge																						
		Tria Donaldson																						
		Max Harris																						
		Alex McLellan																						
		Jeff Chan																						???
		Kyle Bowman																						
		Blair Campbell																						
		Vanesa Holte																						Aboriginal
18	Douglas Students' Union																							
23	Simon Fraser Student Society	Natalie Bocking																						
		Robyn Steudal																						
		Ravi Patel																						Punjabi, Hindi, Gujar

Appendix H. CFS Referendum Campaign Plan and Tasklist:
Simon Fraser University Students' Society

		Andrew Ferguson																					
		Aman Bains																					Punjabi
		Sasha Langford																					
		Tommy Thompson																					Punjabi
		Paul Browning																					
		Madiha Mahmoud																					?
		Ali Godsen																					
		Camille MacDonald																					
		Jeff Bradshaw (Hillel)																					SR/TK to follow-up
		Bernecia Hart																					
		Vanessa Kelly																					
		Melody																					SR to follow up
		Glyn Lewis																					maybe....Shamus to
26	Kwantlen Student Association	Robert Mumford																					Melissa needs to pho
33	Emilly Car Students' Union	Lori MacDonald																					
		Meghan King																					
		Philllipa																					
		Graham Case																					
		Vanessa Kapka?																					
44	Uvic Students' Society	Joanna Groves	A																				
		Shayne Robinson	A																				
		Tracy Ho	B																				
		Caitlin Meggs	B																				
		Jaime Strachan	B																				
		Ben Johnson																					
		Christine Comrie																					
		Edward Pullman																					
		Richard Park																					grew up in Fraser Va
		Lindsay Borque																					
		Veronica Harrison																					

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Appendix H. CFS Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society

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Appendix H. CFS Referendum Campaign Plan and Tasklist:
Simon Fraser University Students' Society

ON: 2006-2007

				Dawson					BC Week 1					BC Week 2					BC Week 3					
				Dates					March 3 to 7					March 10 to 14					March 17 to 21					
Local	Union Name	Member	Level	M	T	W	R	F	M	T	W	R	F	M	T	W	R	F	M	T	W	R	F	Notes
	Ontario Office	Jen Hassum	A																					All; French
		Dave Molenhuis	A																					All; French
		Joel Duff	A																					All; French
		Jesse Greener	A																					1 week only
		Ashkon Hashemi	A																					
		Christine Bourque	A																					
		Andrew Brett	B																					
1	Carleton Students' Association	Shelley Melanson	A																					
		Danielle Sampson	A																					
		Isaac Cockburn	B																					
		Britney Smyth	B																					
		James Pratt	A																					
		Osmel Maynes	C																					
		Admin Assistant?	C																					
19	Toronto GSU	Rose Da Costa	A																					
		Meghan Gallant	A+																					
		Gina Trubiani	C																					Italian
		Alyson Stone	C																					
20	Nipissing University Student Union																							
24	Ryerson Students' Union	Nora Loreto	A																					
		Rebecca Rose	A																					
		Chris Drew	B																					
		Denise Hammond	A																					
		Toby Whitfield	B																					Pakistani
		Muhammad Ali Jabbar	B																					Pakistani

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Appendix H. CFS Referendum Campaign Plan and Tasklist: Simon Fraser University Students' Society

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Simon Fraser University Students' Society

			Dawson					BC Week 1					BC Week 2					BC Week 3						
			Dates					March 3 to 7					March 10 to 14					March 17 to 21						
Local	Union Name	Member	Level	M	T	W	R	F	M	T	W	R	F	M	T	W	R	F	M	T	W	R	F	Notes
For Local 89																								
67	UNB Grads	Graham Cox	A																					
		Collin Currie	B																					
70	UPE I Grads	Faiz Ahmed	A																					
		Margaret Carlyle	A																					
		George Soule	A+																					
		Leslie Thompson	?																					
		? Calahan	?																					
		Melanie Thomas	A																					
MB		Meegan Gavin	A																					
SK																								
AB																								
BC		Miko Ross	B																					
		Morgan Stewart	A																					
		Andrea Mears	B																					
		Scott Payne	A																					
		Troy Sebastian	A-																					
		Keetah Eggers	C																					
		Am Jojal	B																					
		Linda Szasz	A																					
		Jane Worton	C																					
		Maura Parte	C																					
		Michael Conlon	A+																					
	For Local 23/26																							

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Appendix H. CFS Referendum Campaign Plan and Tasklist:
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Hiring	
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

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, envelopes, pens)• 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			

Appendix I

CFS At-Large Executive Officers, 1995 – 2010 and Subsequent Employment Table

Year	Name	Subsequent Employment
National Chairperson		
1995-1996	Guy Caron ¹	Researcher, Communications, Energy and Paperworkers Union of Canada ²
1996-1998	Brad Lavigne ³	Director of Communications, New Democratic Party; National Director, New Democratic Party ⁴
1998-1999	Elizabeth Carlyle ⁵	Organiser, CFS-Manitoba ⁶
1999-2001	Michael Conlon ⁷	Director of Research, Canadian Federation of Students; Senior Policy Advisor in the Ministry of Training, Colleges and Universities, Ontario; Professional Officer, Policy and Research, Canadian Association of University Teachers; Executive Director, Association of Administrative and Professional Staff of UBC ⁸
2001-2004	Ian Boyko ⁹	Campaigns and Government Relations Coordinator, Canadian Federation of Students; ¹⁰ Research and Communications Officer, CFS-British Columbia ¹¹
2004-2006	George Soule ¹²	Organiser, CFS-Québec; ¹³ Regional Media Officer and Caucus Press Secretary, New Democratic Party Federal Caucus ¹⁴
2006-2008	Amanda Aziz ¹⁵	Organiser, CFS-British Columbia (briefly) ¹⁶

¹ CFS, "National Executive Report," November 1995, 11.

² Communications, Energy and Paperworkers Union of Canada, "Solidarity with CEP candidates," 2008, http://www.cep.ca/events/2008_election/ndp/cep_candidates_e.html.

³ CFS, "National Executive Members," 1999, <http://www.studentunion.ca/cfs/1999/1999-05-natexecchart.pdf>.

⁴ New Democratic Party, "New Democrats Appoint Lavigne as Party's National Director," March 21, 2009, <http://www.ndp.ca/press/new-democrats-appoint-lavigne-as-party-s-national-director>.

⁵ CFS, "National Executive Members," 1999.

⁶ CFS, NGM Minutes, May 2009, Attendance Roster.

⁷ CFS, "National Executive Members," 1999.

⁸ Association of Administrative and Professional Staff of UBC, "AAPS Staff," http://www.aaps.ubc.ca/about_AAPS_Staff.html.

⁹ CFS, "National Executive Report," November 2001, 45.

¹⁰ CFS, "National Executive Report," November 2004, 51.

¹¹ CFS, *2009-2010 Canadian Students' Union Directory*, 5.

¹² CFS, "National Executive Report," November 2004, 50.

¹³ Rita Cant and Guiseppe Valiante, "Quebec student lobby group stuck in court."

¹⁴ Canada, Government Electronic Directory Services, database entry for George Soule.

¹⁵ CFS, "National Executive Report," November 2006, 54, <http://www.studentunion.ca/cfs/2006/2006-11-execreport.pdf>.

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2008-2010	Katherine Giroux-Bougard	N/A
National Deputy Chairperson		
1995-1996	Mike Mancinelli ¹⁷	Resource Coordinator, Simon Fraser Student Society; ¹⁸ Executive Officer, CFS-British Columbia ¹⁹
1996-1997	Réal Dequier ²⁰	Acting Bilingual Service Centre Coordinator, Francophone Affairs Secretariat, Manitoba ²¹
1997-1999	Jennifer Story ²²	Communications Manager, Greenpeace; Constituency Office Manager, Jack Layton, MP; Communications Manager, Friends of the Greenbelt Foundation ²³
1999-2000	Elizabeth Carlyle ²⁴	See above
2000-2002	Jen Anthony ²⁵	Organiser, CFS-Newfoundland and Labrador; ²⁶ Convention Coordinator, New Democratic Party ²⁷
2002-2004	James Pratt ²⁸	Executive Coordinator, Carleton University Students' Association ²⁹
2004-2007	Angela Regnier ³⁰	Research and Policy Coordinator, Simon Fraser Student Society; ³¹ Executive Director, University of Toronto Students' Union ³²
2007-2009	Brent Farrington ³³	Staff person, Canadian Federation of Students ³⁴

¹⁶ Shamus Reid, Personal communication, October 2008.

¹⁷ CFS, "National Executive Report," November 1995, 11.

¹⁸ Lawrence Jones, Personal communication, March 2010.

¹⁹ CFS, "Organizational Development Committee Report," May 1999, <http://www.studentunion.ca/cfs/1999/1999-05-execreport.pdf>.

²⁰ CFS, "National Executive Members," 1999.

²¹ Manitoba, Manitoba Government Phone Book, <http://web2.gov.mb.ca/contact/viewPerson.php?lang=EN&pid=8935&wid=2687&bid=349&wlid=3354>.

²² CFS, "National Executive Members," 1999.

²³ LinkedIn, "Jennifer Story," <http://ca.linkedin.com/in/jenniferstory>.

²⁴ CFS, "National Executive Members," 1999.

²⁵ CFS, "National Executive Report," November 2000, 45.

²⁶ CFS, "Campaigns and Government Relations Committee Report," November 2002, <http://www.studentunion.ca/cfs/2002/2002-11-cttereports.pdf>.

²⁷ LinkedIn, "Jen Anthony," <http://ca.linkedin.com/pub/jen-anthony/11/382/A2>.

²⁸ CFS, "National Executive Report," November 2002, 47.

²⁹ Jennifer Pagliaro, "Board Rejected Admin Help in 2009 Appeal," *The Charlatan*, February 12, 2010, <http://www.charlatan.ca/content/board-rejected-admin-help-2009-appeal>.

³⁰ CFS, "National Executive Report," November 2004, 50.

³¹ CFS, "National Executive Report," November 2006, 54.

³² University of Toronto Students' Union, "Staff Members," <http://utsu.ca/section/28>.

³³ CFS, "National Executive Report," November 2007, 44, <http://www.studentunion.ca/cfs/2007/2007-11-execreport.pdf>.

³⁴ CFS, "Telephone Directory," attached to Ben Lewis, email to CFS-Ontario Office Collective, July 28, 2009, <http://www.studentunion.ca/pipermail/hq/2009-July/001165.html>.

Appendix I. CFS At-Large Executive Officers, 1995–2010 and Subsequent Employment Table

2009-2010	Noah Stewart ³⁵	N/A
National Treasurer		
1995-1997	Cassandra Koenen ³⁶	Director, Online Campaigns and Marketing, International Fund for Animal Welfare; Online Marketing and Communications Consultant, Wired Up Communications ³⁷
1997-1998	Michael Gardiner ³⁸	Organiser, CFS-British Columbia; ³⁹ Communications and Policy Manager, Premier's Youth Office, British Columbia; ⁴⁰ Ministerial Assistant, Minister of Advanced Education, British Columbia; ⁴¹ Senior Research Advisor, Government Policy and Communications Office, British Columbia ⁴²
	Jason Stevens ⁴³	Proprietor, Jays Gourmet; Manager of membership relations, Directors Guild ⁴⁴
	Christie Stephenson ⁴⁵	Parliamentary Assistant, House of Commons; Finance Officer, Foreign Affairs and International Trade Canada; Analyst, Jantzi Research Inc.; Manager, Sustainability Evaluations, Northwest & Ethical Investments LP ⁴⁶
1998-2001	Joey Hansen ⁴⁷	Finance and Services Coordinator, Douglas Students' Union ⁴⁸
2001-2004	Jess Turk-Browne ⁴⁹	Assistant Federal Secretary, New Democratic Party; ⁵⁰ Director of Operations, New Democratic Party Federal Caucus ⁵¹
2004-2007	David Hare ⁵²	Budget Director, Canadian Federation of Students ⁵³

³⁵ CFS, "National Executive Report," November 2009, 60.

³⁶ CFS, "National Executive Members," 1999.

³⁷ LinkedIn, "Cassandra Koenen," <http://www.linkedin.com/in/cassandrakoenen>.

³⁸ CFS, "National Executive Members," 1999.

³⁹ CFS, NGM Minutes, May 1999, Attendance Roster.

⁴⁰ British Columbia, "Resume of Orders in Council," Volume 24, Number 15, <http://www.qp.gov.bc.ca/statreg/oic/1997/resume15.htm>.

⁴¹ British Columbia, "Resume of Orders in Council," Volume 27, Number 6, <http://www.qp.gov.bc.ca/statreg/oic/2000/resume06.htm>.

⁴² British Columbia, "Resume of Orders in Council," Volume 27, Number 22, <http://www.qp.gov.bc.ca/statreg/oic/2000/resume22.htm>.

⁴³ CFS, "National Executive Members," 1999.

⁴⁴ LinkedIn, "Jason Stevens," <http://ca.linkedin.com/in/endlessenergy>.

⁴⁵ CFS, "National Executive Members," 1999.

⁴⁶ LinkedIn, "Christie Stephenson," <http://ca.linkedin.com/pub/christie-stephenson/b/708/8b5>.

⁴⁷ CFS, "National Executive Members," 1999.

⁴⁸ *Hansen v. Tilley*, 2009 BCSC 360.

⁴⁹ CFS, "National Executive Report," November 2001, 45.

⁵⁰ Canada, Parliament, House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, June 1, 2006 (39th Parliament, 1st Session), <http://tinyurl.com/yff39wg>.

⁵¹ Canada, Government Electronic Directory Service, "Jess Turk-Browne," <http://tinyurl.com/yg6vuw7>.

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2007-2008	Ben Lewis ⁵⁴	Communications Coordinator, Canadian Federation of Students ⁵⁵
2008-2010	Dave Molenhuis ⁵⁶	N/A

⁵² CFS, “National Executive Report,” November 2004, 50.

⁵³ CFS, *2009-2010 Canadian Students’ Union Directory*, 184.

⁵⁴ CFS, NGM Minutes, November 2007, Attendance Roster.

⁵⁵ CFS, *2009-2010 Canadian Students’ Union Directory*, 184.

⁵⁶ CFS, NGM Minutes, November 2008, Attendance Roster.