

L. Watson #2
December 15, 2008

NO. S082674
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIMON FRASER STUDENT SOCIETY

PETITIONER

AND:

**CANADIAN FEDERATION OF STUDENTS,
CANADIAN FEDERATION OF STUDENTS – SERVICES and
CANADIAN FEDERATION OF STUDENT – BRITISH COLUMBIA COMPONENT**

RESPONDENTS

AFFIDAVIT

I, Lucy Watson, Director of Organising, Canadian Federation of Students ("CFS") and Canadian Federation of Students – Services ("CFS – S"), of #500 – 170 Metcalfe Street, Ottawa, Ontario, K2P 1P3, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am the Director of Organising with the CFS and CFS – S and have been closely involved with the efforts of the Simon Fraser Student Society (the "SFSS") to defederate from the Canadian Federation of Students and as such have personal knowledge of the matters and facts hereinafter deposed to, save and except where stated to be based on information and belief and where so stated I verily believe the same to be true.
2. I have read Affidavit #2 of Derrick Harder sworn September 14, 2008 (the "Harder #2 Affidavit"). I have also read Affidavit #1 of Michael Letourneau sworn September 2, 2008 (the "Letourneau Affidavit"). This Affidavit is in reply.
3. In this Affidavit I do not attempt to respond to every point in either Harder #2 Affidavit or the Letourneau Affidavit. First, much of the response is contained in my

Affidavit #1 sworn May 26, 2008 in this proceeding and I have attempted not to repeat myself. Second, in my view, some of the points made in Harder #2 Affidavit and the Letourneau Affidavit are matters of opinion or argument and I have attempted to avoid providing counter-argument.

Harder Affidavit #2

4. In reply to paragraph 6 of Harder #2 Affidavit, the executive of the SFSS did maintain in the lead up to, during and immediately following the March, 2007 vote described by Mr. Harder, that this vote was only a plebiscite as it was not done in accordance with the bylaws (the "Bylaws") of the Canadian Federation of Students. However, after that, prior to the annual general meeting of the Canadian Federation of Students in May, 2007 and until November, 2007, members of the SFSS executive asserted that this vote was somehow binding. It was only after the CFS had consistently declined the request from the SFSS that the results of the March, 2007 vote be put to a general meeting of the Canadian Federation of Students because the vote was not a valid referendum that the SFSS started to refer to this vote as "non-binding".

5. In reply to paragraph 10 of Harder #2 Affidavit:

- (a) the practice of the Canadian Federation of Students is to not hold a membership referendum on the same day as a general election for the member local associations is being held;
- (b) it is usually the case that student voter turnout for referenda on membership in the Canadian Federation of Students is high, usually much higher than the turnout for local association general elections; and
- (c) the CFS does pay 50-100% of the cost of a membership referendum, depending on what arrangement is made with the member local association.

6. In reply to paragraphs 12 – 14 of Harder #2 Affidavit, the practice of the Canadian Federation of Students is and has been that pursuant to the Bylaws of the

Canadian Federation of Students there is only one process for a member local student association to defederate from the Canadian Federation of Students.

7. In order for a member local association to defederate, there must be:

- (a) a petition calling for a referendum on membership signed by no less than 10% of the individual members of the association delivered to the National Executive of the Canadian Federation of Students;
- (b) a referendum held in accordance with the Bylaws wherein a majority of the individual members of the association who vote vote for defederation;
- (c) notification of withdrawal in writing from the member local association to the Canadian Federation of Students. Upon receipt of this notice, the National Executive of the Canadian Federation of Students will examine the notification to determine whether it is in order and will make a recommendation to the voting members of the Canadian Federation of Students at the next general meeting of the Canadian Federation of Students; and then
- (d) ratification of the withdrawal at a general meeting of the Canadian Federation of Students. The withdrawal will take effect on June 30 following such ratification.

8. The practice of the Canadian Federation of Students has never been to have alternative processes for defederation as is suggested in Harder #2 Affidavit.

9. In reply to paragraph 22 of Harder #2 Affidavit, I addressed the viability of the oversight committee model in paragraphs 93 and 94 of my Affidavit #1. Prior to the experience of the Canadian Federation of Students with the SFSS at issue here and with the Kwantlen University College Student Association in the spring, 2008, the oversight committee model had always succeeded in completing referenda with respect to Canadian Federation of Students membership even where the CFS was faced with hostile elected student leadership. Although it is true that, generally, the CFS will

campaign in favour of membership, the goal is to have a fair referendum decide the issue. The normal result is that an oversight committee is able to carry out a referendum in accordance with the Bylaws and it is the student members who decide the question.

10. In reply to paragraphs 30 – 31 of Harder #2 Affidavit, Exhibit "J" to Mr. Harder's Affidavit is a draft memo prepared by a staff person at the Canadian Federation of Students – British Columbia and to the extent it suggests that I was to take a significant role in the referendum campaign at Simon Fraser University it was inaccurate. Neither I nor anyone else at the CFS to my knowledge reviewed or approved this memo. I did not have or take a significant role in the Canadian Federation of Students' campaign with respect to the vote (the "Vote") held at Simon Fraser University ("SFU") campuses by the SFSS and its Independent Electoral Commission ("IEC") on March 18-20, 2008..

11. In further reply to paragraph 31 of Harder #2 Affidavit, while a defederation referendum is "internal" to the Canadian Federation of Students in the sense that a member of a national association is deciding whether or not to leave that association, the member local association, here the SFSS, is part of that process and, as provided for by the Bylaws, has equal representation with the CFS on the oversight committee. Having said that, the CFS's practice is that the Bylaws do govern and a defederation referendum must be held in compliance with the Bylaws to be valid and effective. A member local association cannot hold a valid and effective defederation referendum on its own without the involvement of the CFS.

12. In reply to paragraph 34 of Harder #2 Affidavit, as I indicated in paragraph 9 of my Affidavit #1, the CFS bylaws were amended in May, 1995 so as to include a mandatory referendum process under the authority and jurisdiction of an oversight committee.

13. Since May, 1995, the practice of the Canadian Federation of Students and its member local associations has been that a referendum to join or leave the Canadian Federation of Students will put one question to the members of the affected student

association effectively asking whether members are in favour of membership or maintaining membership in the Canadian Federation of Students.

14. Putting two or more questions to students, as was done by the SFSS in the Vote, described in paragraph 56 of my Affidavit #1, was contrary to the established practice of the Canadian Federation of Students. The objective is to avoid having the vote on membership confused or biased by a second question, for example here, offering up alternative uses for Canadian Federation of Students fees.

15. Now produced and shown to me and marked as Exhibit "A" to this my Affidavit is a true copy of an Affidavit of Fred Schiffner sworn May 12, 2008 (the "Schiffner Affidavit") in another proceeding, Canadian Federation of Students v. Kwantlen University of College Student Association, Supreme court of British Columbia, Vancouver Registry, No. S081553. Only Exhibits "A", "F", "G", "I" "O" and "S" are included.

16. In the Schiffner Affidavit, Mr. Schiffner, who appears to have experience in conducting elections and referenda, ultimately rejected the following question for a member local association defederation referendum:

"Do you agree to withdraw your membership in the Canadian Federation of Students (with the current cost of membership being \$0.64 per student, per credit, to a maximum of \$7.64 per semester)"

17. After taking legal advice, Mr. Schiffner, who had initially approved the above question, rejected it for the reasons set out in his Affidavit in favour of the following simpler question:

"Do you wish to withdraw as a member of the Canadian Federation of Students."

18. In further reply to paragraph 34 of Harder #2 Affidavit, the common practice where a local member association validly defederates, is to not collect fees for the Canadian Federation of Students from individual members from that time on. In this case, fee collection was initiated when the SFSS joined the Canadian Federation of

Students by way of student referendum. If the SFSS were to leave the Canadian Federation of Students by way of a valid student referendum the natural result would be for such fee collection to stop. There is no need to "reallocate" such fees as seems to be suggested in paragraph 34 by Mr. Harder.

19. In reply to paragraph 46 of Harder #2 Affidavit, the Oversight Committee agreed to and did retain Schiffner Consultants Inc. with respect to the Kwantlen University College referendum. Court directions were made regarding that referendum after Schiffner Consultants Inc. had been retained.

20. In reply to paragraph 49 of Harder #2 Affidavit, my observation with respect to the campaign prior to the Vote is that the campaigners who were against continued membership in the Canadian Federation of Students far outnumbered campaigners who supported the Canadian Federation of Students.

Letourneau Affidavit

21. The meetings of the Oversight Committee took place by teleconference. The CFS representatives on the Oversight Committee taped these calls. Because disputes have arisen as to what occurred at Oversight Committee meetings the CFS has had these tapes transcribed. Now produced and shown to me and marked as Exhibits "B" through "J", respectively, to this my Affidavit, are true copies of transcripts (the "Transcripts") which set out accurately what was said at the following Oversight Committee meetings:

- (a) Exhibit "B", Oversight Committee meeting of February 4, 2008;
- (b) Exhibit "C", Oversight Committee meeting of February 11, 2008;
- (c) Exhibit "D", Oversight Committee meeting of February 19, 2008;
- (d) Exhibit "E", Oversight Committee meeting of February 25, 2008;
- (e) Exhibit "F", Oversight Committee meeting of February 28, 2008;

- (f) Exhibit "G", Oversight Committee meeting of March 3, 2008;
- (g) Exhibit "H", Oversight Committee meeting of March 12, 2008;
- (h) Exhibit "I", Oversight Committee meeting of March 17, 2008; and
- (i) Exhibit "J", Oversight Committee meeting of March 28, 2008.

The recording for the Oversight Committee meeting of March 11, 2008 is poor. As a result, the transcript is difficult to follow and has not been included.

22. In reply to paragraph 17 of the Letourneau Affidavit, while the Oversight Committee became dysfunctional because the SFSS unilaterally replaced it with the IEC, the Oversight Committee was not inherently dysfunctional and did achieve progress and agreement on important issues, as outlined in the Affidavits delivered in this proceeding. The Transcripts demonstrate that the CFS representatives on the Oversight Committee worked with the SFSS representatives in a cooperative manner throughout. Based on my experience with Canadian Federation of Students practise, it is highly likely that the Oversight Committee would have been able to conduct a referendum had the SFSS not elected to use the IEC.

23. In reply to paragraphs 18 – 21 of the Letourneau Affidavit, I say:

- (a) first, I do reiterate that there was an agreement that discussions and deliberations would be kept confidential. Again, that is standard Canadian Federation of Students practise. Only the decisions of the Oversight Committee were to be released to the public;
- (b) as such, the disclosure made by Mr. Letourneau to the Peak newspaper was inappropriate. It is clear from the article attached as Exhibit "N" to my Affidavit #1 that the precise forms of the question for the referendum being proposed by Oversight Committee representatives and under discussion were disclosed to the reporter;

- (c) while the Oversight Committee minutes were intended for public distribution, these minutes were intentionally drafted such that they only recorded the decisions made by the Oversight Committee and not ongoing discussions. This was done in accordance with the agreement reached by the Oversight Committee;
- (d) it was expected and agreed that the SFSS representatives on the Oversight Committee would discuss what was going on at the Oversight Committee with the SFSS board members but such discussions were to take place, not in public, but in camera or privately.

24. The confidentiality of the Oversight Committee deliberations is confirmed in the Transcripts at several places. For example, on February 19, 2008 (see page 7 of Exhibit "D"), I took the position that "non-speaking observers" ought not to be allowed to attend Oversight Committee meetings because discussions were to be confidential. On February 25, 2008 (see pages 4 – 7 of Exhibit "E"), the issue of the article in The Peak of February 18, 2008 was discussed. All of the members of the Oversight Committee during that discussion appeared to agree that the deliberations of the Oversight Committee were to be confidential. On February 28, 2008 (see page 6, Exhibit "F"), I proposed putting in the minutes the reasons that the CFS and SFSS representatives on the Oversight Committee were proposing different dates for the referendum. Kyall Glennie, one of the SFSS representatives, stated that such material should not go in the minutes because it had been agreed that the minutes were only to record decisions, not deliberations.

25. In reply to paragraph 29 of the Letourneau Affidavit, having reviewed Exhibit "B", the transcript of the Oversight Committee meeting of February 4, 2008, I agree that while the proposed date for a referendum was discussed at this first meeting, the full debate of the concerns that the CFS had with holding the referendum and the SFSS general elections at the same time did not occur until subsequent meetings. (See pages 8 – 9, Oversight Committee meeting transcript, February 4, 2008, Exhibit "B"; pages 1 – 5, Oversight Committee meeting transcript, February 11, 2008, Exhibit "C";

page 3, Oversight Committee meeting transcript, February 19, 2008, Exhibit "D"; pages 12 – 22, Oversight Committee meeting transcript, February 25, 2008, Exhibit "E"; and pages 2 – 7, Oversight Committee meeting transcript, February 28, 2008 Exhibit "F").

26. In reply to paragraph 35 of the Letourneau Affidavit, at the first meeting of the Oversight Committee the Oversight Committee agreed that rather than consider at once the "Draft Procedures" proposed by the SFSS as a whole, each proposal would be considered, issue by issue. The SFSS representatives did not propose an alternative way to proceed. This is confirmed by the transcript of the February 4, 2008 Oversight Committee meeting (see page 10, Exhibit "B"). The normal practice for an oversight committee is not to put together competing omnibus draft proposals but, rather, to create an agenda of key issues which are then discussed and decided upon, issue by issue. This is how the Oversight Committee proceeded in this case.

27. In reply to paragraph 31 of the Letourneau Affidavit, the CFS Oversight Committee representatives did carry on with the Oversight Committee process even after the SFSS board on February 25, 2008 decided to put its own questions to SFU students using the IEC. As Exhibit "X" to my Affidavit #1 demonstrates, the actions of the SFSS put the CFS in a difficult position. At that time Michael Letourneau accepted that the CFS was carrying on on a without prejudice basis. At the Oversight Committee meeting of March 3, 2008 he said:

"I don't mean by any sense of the imagination to trap you into, achieving that acknowledgment, by participating in the oversight committee. It is quite clear here that it's under protest and on a without prejudice basis."

(See page 5, Exhibit "G".)

28. Michael Letourneau on March 3, 2008 went on to say:

"I can't see this being a substantial problem. When I spoke to the electoral, the Chief Electoral Commissioner before I sent, I mean obviously the CFS has every right to be upset, and so and he has no intention of, you know, trying to shut down, stop the decision that's been made by this group just because they didn't go through the IEC."

(See page 7, Exhibit "G".)

29. In reply to paragraph 37 of the Letourneau Affidavit, I sought information on the IEC from Mr. Letourneau with the purpose of getting a better understanding of how the SFSS had conducted elections and referenda in the past so as to assist me in the upcoming deliberations of the Oversight Committee. I did not think that a response to Mr. Lewis's email of February 8, 2008 was necessary or expected.

30. In reply to paragraph 39 of the Letourneau Affidavit, by March 3, 2008, the SFSS had resolved to run the Vote using the IEC. That was the principal problem that the Oversight Committee faced at that point. The "proposals" which Mr. Letourneau put forward were, in effect, the SFSS's position that the IEC would run the vote.

31. In reply to paragraphs 41 – 42 of the Letourneau Affidavit, while the "two-page question" the CFS representatives proposed is lengthy, in my view it is not confusing. I believe that this question captured the essence of the Canadian Federation of Students, a vehicle through which member student unions maintain formal relationships with other student unions. In any event, as noted in paragraph 44 of the Letourneau Affidavit, the Oversight Committee did in short order agree on a different question. Generally, with the oversight committee model, it is inevitable that there will be some disagreement on issues and the representatives on oversight committees have to work together to reach agreement. Not agreeing on something at the onset does not indicate either that an oversight committee is dysfunctional or that particular representatives on that committee are obstructionist.

32. In further reply to paragraph 42 of Mr. Letourneau's Affidavit, I did not state that SFU students had a "negative impression" of the Canadian Federation of Students. I did, however, state that I was concerned about the early negative campaigning by the SFSS, particularly that which was defamatory and inaccurate, and because the candidates for SFSS executive positions, had become so identified with an anti-Canadian Federation of Students stance, the Canadian Federation of Students membership referendum was in danger of turning into, in effect, a general election

issue. It was my view that there ought to be a separation between the general elections of the SFSS and the Canadian Federation of Students membership referendum.

33. With respect to campaigning, I have reviewed the "2008 SFSS Electoral Handbook" which is in a question and answer format and it includes the following:

"Q: When does the campaign period begin and end?

A: The official campaign period begins on 10 AM on February 27 and it ends on the last day of voting, March 20.

Q: What counts as campaigning?

A: The election law defines campaigning as "anything you do to try and get students to vote for you." This includes handing out leaflets, putting up posters, speaking to classrooms, or any other creative scheme you can think up.

Q: But I'm ready to go now! Can I campaign before February 27?

A: It is permissible to publicly discuss your plans and intentions to run for office (either online or in person) before February 27, but you are not allowed to put up any posters or otherwise distribute campaign material on campus before that day.;

.....

Q: Anything else I should know about campaign materials?

A: Anything hanging around campus that prominently displays your name, image or slogans will be considered part of your campaign, and thus expected to conform with the rules of this guide."

.....

Q: What are the rules about posters?

A: The first and most important rule is that all poster designs must be formally approved by the IEC before you can get them mass-printed. Simply email your proposed poster

design to the IEC (elections@sfss.ca) and wait for us to respond with a message of approval or rejection.

Note: the IEC also has to approve anything else you may wish to post or distribute on campus, such as large banners or handout flyers.

.....

Q: Can I make a campaign website?

A: Certainly. However the IEC must be made aware of the site once it is launched. Email the URL to elections@SFSS.ca for approval before going public with the address."

34. In reply to paragraphs 43 and 44 of the Letourneau Affidavit, at the February 19, 2008 Oversight Committee meeting, the SFSS representatives stated that their proposal for the question was the language on the Petition. I then put forward the question: "Are you in favour of maintaining membership in the Canadian Federation of Students" and it was that question that was then agreed to. (See pages 8 – 9, Exhibit "D".)

35. In reply to paragraph 48 of the Letourneau Affidavit, I did indicate that the CFS would continue to campaign through the polling period but I also said that such campaigning was being done on a without prejudice basis to the rights of the CFS to subsequently challenge the validity of the Vote.

36. In reply to paragraphs 49 – 52 of the Letourneau Affidavit:

- (a) it is the long-standing practice and custom of the Canadian Federation of Students to not allow early campaigning for referenda;
- (b) it is not the case that the Canadian Federation of Students "promoted its existence and services" more frequently prior to March, 2008 at SFU in order to prepare for a referendum. In 2007, the Canadian Federation of Students – British Columbia was engaged in a province-wide consultation with member local associations and individual students with respect to

transit issues. Because of this there were visits to SFU campuses during 2007 but SFU was in no way singled out or received more attention because of the proposed referendum; and

- (c) I dealt with the "I Am CFS" program at paragraphs 95 – 97 of my Affidavit #1. The Canadian Federation of Students practice has always been to draw a distinction between general promotional material, on the one hand, and material which refers specifically to an upcoming referendum and seeks to persuade voters to vote in a certain way, on the other. The practice of the Canadian Federation of Students is that the latter is campaign material and subject to the rules governing the use of campaign material in the Bylaws and as decided upon by the an oversight committee.

37. In reply to paragraph 53 of the Letourneau Affidavit, the CFS representatives on the Oversight Committee did take a tour of SFU in order to consider referendum issues including polling stations. The reason no agreement was ever reached with respect to the location of polling stations was that the SFSS decided to have the IEC run the Vote. The IEC chose the polling stations for the Vote. The same can be said for the procedure for hiring poll clerks, addressed at paragraph 54 of the Letourneau Affidavit. At the end of the day what happened was that the SFSS wanted the Vote conducted at a certain time and in a certain way and when the SFSS did not get Oversight Committee agreement, the SFSS engaged the IEC. The engagement of the IEC meant that there was, practically, little scope for further involvement by the Oversight Committee.

38. In reply to paragraph 55 of the Letourneau Affidavit, the CFS proposal for hiring poll clerks occurred at the Oversight Committee meeting of March 3, 2008 (see page 22, Exhibit "G"). In my view, there was ample time for the Oversight Committee to reach an agreement and implement a procedure for hiring poll clerks at that time. Neither of the SFSS representatives suggested that there was not enough time for the Oversight Committee to hire poll clerks on March 3, 2008. The problem was that, again,

the SFSS had engaged the IEC and the IEC had already hired poll clerks, as set out in paragraph 55 of the Letourneau Affidavit.

39. In reply to paragraphs 56 – 70 of the Letourneau Affidavit:

- (a) the minutes for the Oversight Committee meeting of February 11, 2008 with respect to campaign materials read in part as follows:

"The Committee will not approve materials that are defamatory, libellous or factually incorrect.";

- (b) while it is the case that the Oversight Committee would not engage in fact finding unless requested to do so, this does not mean that the Oversight Committee was not otherwise to address whether or not campaign materials were factually correct. According to the minutes of February 11, 2008, the onus was on the author of proposed materials to demonstrate the contents were correct if challenged or questioned. If Oversight Committee members were of the view that materials were factually incorrect or had a concern about that, such members were not to approve such materials unless that concern could be overcome;
- (c) a decision to not approve material which in the view of Oversight Committee members was factually incorrect was not only in accordance with what was agreed to, it was required by what was agreed to; and
- (d) it was further agreed that only materials which received Oversight Committee approval, that is a majority of positive votes of Oversight Committee members, could be distributed. The Oversight Committee did approve campaign material. Other material was objected to either by CFS representatives or by SFSS representatives (see Oversight Committee meeting transcripts for March 12, 2008 and March 17, 2008, Exhibits "H" and "I").

40. In particular reply to paragraph 60 of the Letourneau Affidavit, the Oversight Committee had agreed that if one representative on the Oversight Committee had a

difficulty with campaign material, the discussion and decision with respect to that campaign material could be deferred to the next Oversight Committee meeting. The position I took was consistent with this agreement.

41. In particular reply to paragraph 68 of the Letourneau Affidavit, in order to expedite the process, the representatives on the Oversight Committee agreed not to discuss reasons for campaign material objections. Rather, reasons for objections were to be provided at a later time by email. Again, the steps I took were in accordance with that agreement. I could have provided objections on March 12, 2008 had there been time. (See pages 3 – 5 and 23, 24, Oversight Committee meeting transcript, March 12, 2008, Exhibit "H".)

42. In reply to paragraph 71 of the Letourneau Affidavit, the Canadian Federation of Students has at all times agreed and understood that there must be a defederation referendum. However, the Canadian Federation of Students for the reasons outlined in my Affidavit #1 did object to the date the Vote occurred. In further reply to paragraph 71 and in particular:

- (a) the Canadian Federation of Students representatives on the Oversight Committee were prepared to consider any other date for the referendum than the date of the SFSS general elections. The SFSS representatives and Executive were however unwilling to compromise on this point;
- (b) in accordance with the Bylaws, it is the practice of the Canadian Federation of Students that only a properly constituted Oversight Committee has jurisdiction and authority over a referendum. As such, only once the Oversight Committee is constituted can issues such as a referendum date be dealt with. The CFS's representatives on the Oversight Committee raised the issue of the date at the first opportunity, the first meeting of the Oversight Committee on February 4, 2008. Based on my experience in dealing with referenda over the years, I say that there would have been no difficulty in having a membership referendum for the SFSS at a later date in March, 2008;

- (c) the representatives of the CFS on the Oversight Committee proposed the "two page question" on February 11, 2008. At the next Oversight Committee meeting, February 19, 2008, after some discussion, all of the members of the Oversight Committee agreed on the question to be used at the referendum. It is hard to see therefore how this issue or the CFS's position on it could be said to have been "intended to cause delay and avert the ROC from fulfilling its duties." Certainly, that was not my intent. In my experience, establishing the referendum question is one of the most fundamental and challenging tasks that an oversight committee faces and the fact that this was accomplished here in two meetings is supportive of my view that the Oversight Committee in this case was functional;
- (d) as stated, the Bylaws require the referendum to be run by the Oversight Committee. The CFS has a good deal of experience in running referenda with the Oversight Committee model. It would be contrary to the Bylaws for the Oversight Committee to agree to another group running a referendum; and
- (e) again, the Bylaws and the practice of the Canadian Federation of Students require the Oversight Committee to set procedure for referenda. There has never been a need for a draft procedure such as that proposed by the SFSS in the past. Indeed, delegating decision making over a referendum to a third party, such as an arbitrator, would, in the view of the CFS, be contrary to the Bylaws and could provide a ground by which a referendum could be challenged. As described in paragraph 78 of the Letourneau Affidavit, the CFS representatives on the Oversight Committee did, on March 11, 2008, suggest using a mediator but the SFSS representatives did not agree to that.

43. With respect to paragraph 90 of the Letourneau Affidavit, the participation of graduate students in the Vote was addressed at paragraphs 79 – 84 of my Affidavit #1. The issue of who is entitled to vote in a Canadian Federation of Students membership

referendum is, as a matter of practice, a matter for the oversight committee to deal with. Because of the events which occurred prior to the Vote, namely, the position taken by the SFSS that the Vote would be run by the IEC, the issue of the participation of the graduate students in the Vote, not to mention the need to involve Kamloops SFU students addressed in paragraphs 77 – 78 of my Affidavit #1, was unfortunately not addressed by the Oversight Committee.

44. In reply to paragraph 92 of the Letourneau Affidavit, the graduate students at the University of Manitoba in November, 2005 were in a very different position than the graduate students at SFU in March, 2008. The graduate students at the University of Manitoba were clearly members of the local association at issue, the University of Manitoba Students Union. In November, 2005, it was the University of Manitoba Students Union which was voting in a referendum on membership in the Canadian Federation of Students. By March, 2008, on the other hand, the graduate students at SFU had formed their own society in order to split off from the SFSS. As of March, 2008, the graduate students at SFU could no longer be affected by whether or not the SFSS continued its membership in the Canadian Federation of Students. For this reason, in accordance with Canadian Federation of Students practice, the graduate students at SFU should not have participated.

45. In reply to paragraphs 93 – 96 of the Letourneau Affidavit, with respect to the Vote and polling issues, the practice of the Canadian Federation of Students when conducting a referendum includes the following:

Role of the Oversight Committee

- (a) the Oversight Committee has authority and jurisdiction over referendum procedure and individuals conducting the referendum, such as poll clerks, are to speak to representatives of the Oversight Committee to resolve questions which arise and not to the proponents of either side of a referendum question. It would be contrary to this practice for poll clerks to discuss procedural issues with the SFSS during voting on a SFSS membership referendum;

Neutral Polling Areas

- (b) all voting stations are to be staffed by two polling clerks to ensure proper procedures are followed during voting at all applicable times;
- (c) poll clerks are to be neutral and ought not to have been actively involved in campaigning for either side prior to acting as a poll clerk;
- (d) poll clerks, scrutineers, or other people conducting a referendum must not campaign while acting as such, including making comments, critical or favourable, regarding either side of a referendum question;
- (e) campaigning of any sort, including the use of signage or any written material, is not allowed within a designated polling area or within a buffer zone around the polling station and anyone doing so must be stopped by the poll clerks or other authority that is running the referendum;
- (f) during voting periods, polling areas are to have in them only authorized personnel who are running the referendum and voters. Other persons are not allowed to loiter in polling areas and, again, anyone doing so must be asked to leave by the poll clerks or other authority that is running the referendum;

Access to Voting

- (g) all poll clerks, scrutineers and other people running a referendum must remain on duty during designated voting hours so as to allow voters full access to voting;
- (h) each polling station must ensure an adequate supply of ballots so as to not run out during voting periods;

- (i) in order to ensure that all members of a member local association who want to vote can vote all members with proper identification must be allowed to vote;

Ballot and Ballot Box Security

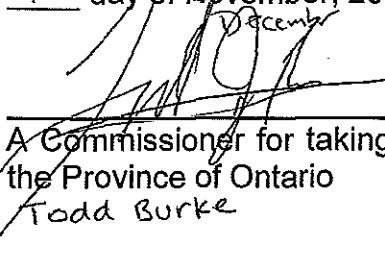
- (j) all reasonable steps must be taken to ensure that unauthorized copies of ballots are not made so as, for example, to allow an individual to vote more than once during a referendum. All ballots are kept secure until their actual use or the referendum is over. As a result, unmarked ballots are carefully secured and are never openly displayed as that would facilitate unauthorized copying of ballots. For example, unused ballots must not be disposed of in a public disposal unit which is accessible to members of the public;
- (k) voters must not leave a polling area with unmarked ballots and, in particular, must not complete a ballot outside of polling areas;
- (l) after voting is completed, all ballot boxes must be sealed and signed by two poll clerks in order to ensure security;
- (m) following a vote, ballot boxes must be kept secure and must be transported and then stored prior to vote counting in a designated secure area to which there is access only by the Oversight Committee;
- (n) ballots and ballots boxes must be handled only by the Oversight Committee.

Secret Voting

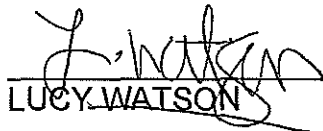
- (o) there must be a privacy screen at all polling stations and all voters are to use a privacy screen in order to ensure secrecy of voting is not compromised;

- (p) poll clerks, scrutineers, nor anyone else can go behind a voting screen with voters and speak to voters while they are in the act of voting as this would compromise secrecy of voting;
- (q) only one voter at any time is allowed behind a voting screen. Allowing more than one voter behind a screen during the act of voting would compromise the secrecy of voting.

SWORN BEFORE ME in the City of)
Ottawa, in the Province of Ontario this)
15 day of ~~November~~ December, 2008.)

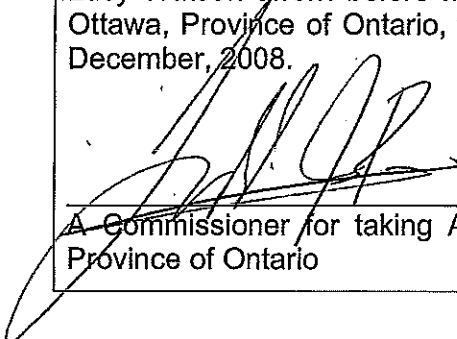


A Commissioner for taking Affidavits for)
the Province of Ontario)
Todd Burke)



LUCY WATSON)

This is Exhibit "A" referred to in the Affidavit of
Lucy Watson sworn before me at the City of
Ottawa, Province of Ontario, this 13th day of
December, 2008.



A Commissioner for taking Affidavits for the
Province of Ontario



Affidavit #1 of Fred Schiffner
Sworn March 12, 2008
Court No. S081553
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN FEDERATION OF STUDENTS

PETITIONER

AND:

KWANTLEN UNIVERSITY COLLEGE STUDENT ASSOCIATION

RESPONDENT

AFFIDAVIT

I, Fred Schiffner of 5245 Augusta Place, Delta, British Columbia, V4M 4E1, MAKE OATH
AND SAY AS FOLLOWS:

1. I am the President of Schiffner Consultants Inc. ("Schiffner Consultants") and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where same are stated to be upon information and belief, and where so stated I believe them to be true.
2. Schiffner Consultants provides election services to a variety of groups, including First Nations, societies, and non-governmental organizations. The election services include such things as the preparation of all notices, forms, documentation, official reports, nomination meetings, communications, appointments, as well as election logistics such as the provision of polling booths, ballot boxes, ballot counting, results posting, official reporting, adjudication on appropriate campaign tactics and materials, and any other duties that may be required by statute or by the governing documents of specific organizations (the "Election Services").

3. Between 2000 and 2008, Schiffner Consultants has provided Election Services for numerous elections and other types of ballots such as referenda. Election Services have been provided to many First Nations governments including both tribal councils and band governments under both *Indian Act* and "Custom Code" elections, as well as First Nation referendums. I have also previously provided Election Services to the Kwantlen University College Student Association ("KSA"). Many of our clients are repeat customers, having retained Schiffner Consultants numerous times for the provision of Election Services.
4. In addition to my experience as an electoral officer in numerous elections I am also a Fellow (Emeritus) of the Canadian Credit and Financial Institute ("CCFI"), Past President and Dean of the CCFI, a Fellow of the Chartered Institute of Corporate Secretaries (University of Toronto) ^{PAST} President of the B.C. Chapter of the Chartered Institute of Corporate Secretaries, President of the First Nation Electoral Officers Association among other election related designations. Attached to my affidavit as Exhibit "A" is a true copy of my curriculum vitae outlining my experience in providing Election Services and setting out my credentials.
5. In various elections and referendums, I have served personally in the capacities of Chief Returning Officer ("CRO"), Electoral Officer, Deputy Electoral Officer and Ratification Officer. I have served as the CRO for KSA elections on three separate occasions:
 - (a) the October 2006 KSA General Election;
 - (b) a KSA by-election in April of 2007; and
 - (c) the February 2008 KSA General Election and referendum.

With respect to the October 2006 KSA General Election I was appointed pursuant to an Order of the Supreme Court of British Columbia with the consent of legal counsel for the two competing slates contesting that election.

6. I am neutral on the question of KSA membership in the Canadian Federation of Students ("CFS").

7. On or about February 10, 2008, I was approached by the KSA General Manager Desmond Rodenbour who explained that a referendum on the question of KSA membership in the CFS was scheduled for March 18-20, 2008 (the "Referendum"). Mr. Rodenbour asked whether I would agree to having the KSA representatives on the Referendum Oversight Committee ("ROC") suggest that my company provide Election Services for the Referendum. I agreed to have my name put forward by the KSA ROC representatives.
8. On or about February 28, 2008, I was again approached by Mr. Rodenboer and asked if I would provide the KSA with a contract for services and a price quote for the provision of Election Services for the Referendum. I did this and on or about February 28, 2008 I executed an agreement for the provision of the Election Services (the "Services Contract") a true copy of which is attached to my affidavit as Exhibit "B".
9. On or about February 28, 2008, I was provided with a number of documents from the KSA including a Referendum Resolution of the KSA (the "Resolution") and a letter from the KSA to CFS, true copies of which are attached to my affidavit as Exhibit "C."
10. Pursuant to the Services Contract and the Resolution I agreed to conduct a referendum for the KSA in accordance with, and in the following order of priority:
 - (a) Any applicable federal and/or provincial law;
 - (b) The requirements of the bylaws of the CFS;
 - (c) Any resolutions duly adopted by the ROC;
 - (d) The electoral bylaws and regulations of the KSA; and
 - (e) My reasonable discretion as the CRO.
11. On or about February 29, 2008 I was sent an e-mail from Mr. Titus Gregory, an employee of the KSA with further information about the Referendum. This e-mail, a true copy of which is attached to my affidavit as Exhibit "D", attached the CFS and CFS-BC Bylaws, and also set out information with respect to quorum, among other things. The e-mail also relayed information with respect to decisions taken by the ROC on voting station and campaigning location, as well as general rules with respect to prohibiting

campaign materials that could not be removed after the campaign or that would be likely to cause damage to the property.

12. On or about February 29, 2008 I began to take the various steps necessary for the administration of the referendum, including such things as obtaining a current voters list from the Kwantlen Registrar's office in order to verify quorum and voters.
13. The Resolution states that if the ROC failed to determine the Referendum Question (the "Question") by Friday February 29, 2008 at 5:00 p.m. the CRO shall have the authority to determine the Question. On or about February 29, 2008 I was informed by Mr. Gregory that no decision on the Question had been made by the ROC by the deadline of 5pm. Pursuant to the Resolution it then fell to me to determine the Question. I then reviewed the parties' respective positions on the wording of the Question.
14. The CFS position on the Question was outlined in two proposed questions, true copies of which are attached to my affidavit as Exhibit "E."
15. I then reviewed the Question proposed by the KSA which is found within the body of the Resolution.
16. Recognizing that I had little time to determine the Question as mandated by the Resolution, I wrote a draft e-mail (the "Draft") on the evening of Friday February 29, 2008. A true copy of the Draft is attached to my affidavit as Exhibit "F."
17. On or about March 1, 2008, I sought and obtained independent legal advice. I then edited the Draft and changed the wording of the Question. I then sent out an e-mail just after 4:00 p.m. on March 1, 2008 and declared that the Question would be:

**"DO YOU WISH TO WITHDRAW AS A MEMBER OF THE
CANADIAN FEDERATION OF STUDENTS."**

A true copy of my e-mail of March 1, 2008 is attached to my affidavit as Exhibit "G."

18. I chose this wording for the Question after having reviewed the CFS-BC Bylaws and in particular ByLaw II, section 2.1 c. i. dealing with a vote to join CFS. A true copy of this ByLaw is attached to my affidavit as exhibit "H". The By-Law states the following:

2.1

c. The official wording for a referendum on certification shall only include the following:

i. "Do you wish to become a member of the Canadian Federation of Students?"

.....

19. The wording that I selected was designed to most closely resemble the mandatory wording for a referendum to join CFS as set out in the CFS-BC Bylaws.
20. I also chose the wording because it met the following acceptable characteristics of a referendum question:
- (a) The question should be simple and to the point clearly state what the voter is voting for;
 - (b) The question must be as unbiased as possible; and
 - (c) The question should require one vote and not be broken down into sections and multiple votes which only serve to create confusion in the mind of the voter.
21. I set these criteria out in my e-mail of March 1, 2008.
22. After I sent out my first e-mail of March 1, 2008 determining the wording of the Question, I was informed by Mr. Gregory, that the Draft of February 29, 2008 had been sent out the previous evening. The transmission of this e-mail was an error and I did not realize until informed by Mr. Gregory, that it had been sent. Once I realized that the Draft had been inadvertently sent out, I immediately sent an e-mail to clarify the situation, a true copy of which is attached to my affidavit as Exhibit "I." I indicated that the February 29, 2008 e-mail should be disregarded and I advise that the official wording of the referendum question is stated in the e-mail of March 1, 2008 at 4:09 p.m.

23. I received no response from any party with respect to my determination of the Question. I then prepared a "Notice of Referendum" including the Question, a true copy of which is attached to my affidavit as Exhibit "J" and gave instructions for the posting of 25 copies at each Kwantlen campus. I also prepared a Referendum Ballot with the Question, for use at the polling stations. A true copy of the Ballot is attached to my affidavit as Exhibit "K."
24. Following the determination of the Question I sought direction from the ROC in keeping with my mandate. For example, attached to my affidavit as Exhibit "L" is a true copy of an e-mail sent to the ROC on or about March 4, 2008 asking for a decision with respect to the buffer zone around polling stations.
25. On or about March 5, 2008 I received a reply from one of the CFS representatives of the ROC, Ms. Lucy Watson, a true copy of which is attached to my affidavit as Exhibit "M." Ms. Watson indicated that "neither the Canadian Federation of Students nor the Referendum Oversight Committee have agreed to delegate any of its authority or responsibilities to a third party."
26. From on or about March 3, 2008 until now, I have been approached on various occasions by Ms. Laura Anderson, the KSA Chairperson, to provide direction with respect to campaign materials and, in some cases, proposed campaign methods. While I do have prior experience adjudicating campaign materials and methods, I was not given a specific mandate to do this in the Services Contract or pursuant to the Resolution. It was my expectation that the ROC would provide direction on such materials.
27. Based upon certain materials and methods both proposed to me, and appearing on the Kwantlen campuses, it became apparent to me that providing direction and guidance on campaign materials and methods was crucial to the orderly conduct of the campaign.
28. Certain campaign methods proposed by the KSA were not appropriate. One such example involved a proposal to offer prizes to contestants in a contest entitled "Where are they from?" In my view this proposed method was close to "vote-buying."

29. Also certain materials supporting the "NO" side of the Question appeared on Kwantlen campuses on or about March 6, 2008. These materials involved the objectionable use of profane language. In my experience, while it is common for campaigns to take aggressive positions in their materials and to not be above personal "attack" style advertisements, there is a public interest involved in ensuring that, at the very least, campaign materials are not offensive to basic community standards.
30. I was informed by Ms. Anderson that her attempts to have the ROC review her proposed materials have been unsuccessful in each instance. I made it clear to Ms. Anderson that I would defer to any decision the ROC takes on materials and methods. This continues to be true. However in the absence of any resolutions of the ROC, and pursuant to my reasonable discretion as CRO, my view is that providing direction on campaign materials and methods has become necessary to the fair and orderly conduct of the campaign and it is necessary to ensure that basic community standards are maintained. In the absence of ROC direction on this issue, it is proper and necessary for me, as the CRO, to provide direction in order to safeguard the integrity of the Referendum process as a whole.
31. To date in the campaign, I have provided direction on campaign materials and methods on the following occasions:
- (a) On March 3, 2008 I provided direction on KSA materials submitted by Ms. Anderson. A copy of such direction is attached to my affidavit as Exhibit "N";
 - (b) On March 6, 2008 I provided direction to the KSA materials submitted by Ms. Anderson. A copy of such direction is attached to my affidavit as Exhibit "O"; and
 - (c) On March 10, 2008 I provided direction with respect to certain other proposed KSA materials. I also provided direction with respect to the "NO" posters that included the use of profane language. A copy of such direction is attached to my affidavit as Exhibit "P."


I should state that with respect to the posters using profane language, I have no knowledge of whether these are CFS sanctioned posters or not. In using the term "CFS posters" to describe them, I mean to say "pro-CFS" posters.

32. On or about March 10, 2008 I received an e-mail from Mr. Ben West, a KSA representative on the ROC, a true copy of which is attached to my affidavit as Exhibit "Q". Mr. West explained that the ROC had reached a decision at a meeting on March 7, 2008 that no campaigning should take place in the Library or during events that involve the serving of alcohol. Mr. West also noted that it had come to his attention that the KSA had planned an event in the upcoming week where alcohol would be served and he requested that I ensure that no referendum campaigning take place at this event. The same day I sent an e-mail to KSA representatives advising them of the decision of the ROC and indicating that under no circumstances is campaigning of any kind permitted at the planned KSA function. A true copy of this e-mail is attached to my affidavit as Exhibit "R."
33. In preparation for the Referendum I have taken a number of steps including hiring four independent Returning Officers ("RO's") and three independent Polling Clerks in order to cover election day administration at each Kwantlen campus.
34. I have also prepared a variety of documents in preparation for voting administration, attached to my affidavit as Exhibit "S", including the following :
 - (a) An instruction package for ROs;
 - (b) A list of Campaign Rules which I have modified based upon ROC decisions;
 - (c) Ballot completion Instructions;
 - (d) Voting place notices and "Produce I.D." notices;
 - (e) A total voter's spreadsheet;
 - (f) An Official Results report;

- (g) A Qualified Voters List; and
- (h) A Ballot Reconciliation Form

35. I swear this affidavit for the purpose of assisting the Court, and not for any other purpose.

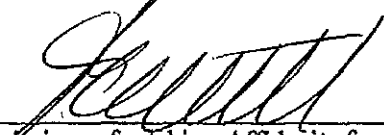
SWORN BEFORE ME at the ^{MUNICIPALITY} City of
DELTA, in the Province of
British Columbia, this 12th day of
March, 2008


A Commissioner for taking Affidavits for
the Province of British Columbia

JOHN D. EASTWOOD
NOTARY PUBLIC
5058-47A Avenue
Delta, BC V4K 1T8
604-946-8010


FRED SCHIFFER


This is Exhibit "A" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
DELTA, Province of British Columbia,
this 12th day of March, 2008


A Commissioner for taking Affidavits for the
Province of British Columbia

FRED SCHIFFNER, F.C.I. (E), F.C.I.S., P.Adm.

5245 AUGUSTA PLACE
DELTA, B.C. V4M 4E1

11
Phone:

604-943-0522
Cell-604-786-2512
Fax- 604-943-0527

CURRICULUM VITAE

Academic Qualifications:

1. Fellow (Emeritus) Canadian Credit and Financial Institute(University of Toronto)
2. Past President & Dean Canadian Credit and Financial Institute
3. Fellow - Chartered Institute of Corporate Secretaries (University of Toronto)
4. President B.C. Chapter of the Chartered Institute of Corporate Secretary
5. President of the First Nation Electoral Officers Association
6. Professional Administrator- Chartered Institute of Corporate Secretaries
7. Qualified Electoral Officer- the Department of Indian Affairs
8. Qualified Elections Appeal Investigator -The Department of Indian Affairs
9. Commissioner for taking Affidavits within the Province of B.C.
10. Marriage Commissioner – Province of British Columbia (Past)
11. Deputy Registrar of Births and Deaths – Province of British Columbia (past)

Experience:

1. 10 years of experience as General Manager for Tsawwassen First Nation
2. Conducted Elections and by-elections for:
 - (a) Tsawwassen First Nation – INAC (3)
 - (b) Semiahmoo First Nation – INAC (2)
 - (c) Homalco First Nation - Custom Code
 - (d) We Wai Kai First Nation (Cape Mudge) – Custom Code
 - (e) Musqueam Indian Band – INAC (several)
 - (f) Campbell River Band - INAC
 - (g) Okanagan Indian Band - INAC
 - (h) Lax Kw' alaams Indian Band – INAC (2)
 - (i) Cheam Indian Band –INAC (several)
 - (j) Chemainus Indian Band – INAC (3)
 - (k) Cowichan Indian Band – INAC (2)
 - (l) Kitkatla Indian Band –Custom Code (2)
 - (m) Tla-o-qui-aht First Nation - INAC
 - (n) Snuneymuxw First Nation – Custom Code (2)
 - (o) Skidegate Indian Band – (5) INAC
 - (p) Pauqachin First Nation – (2) INAC
 - (q) Qualicum First Nation-INAC (2)
 - (r) Westbank First Nation-Land code referendum (3)
 - (s) Westbank First Nation – By-Election
 - (t) Mount Currie Indian Band- INAC (3)
 - (u) Halalt First Nation (3)
 - (v) Tsawout First Nation
 - (w) Nicomen First Nation (2)
 - (x) Beecher Bay First Nation
 - (y) Westbank First Nation –Custom Code
 - (z) Peters Indian Band
 - (aa) Homalco First Nation – (3)
 - (bb) Chehalis Indian Band-(3)
 - (cc) Seabird Island Band

- (dd) Scowlitz First Nation
- (ee) Tsawout First Nation (2)
- (ff) Sto:lo Tribal Council – Board of Directors
- (gg) Skwah First Nation
- (hh) Tseshah First Nation
- (ii) Hartley Bay First Nation
- (jj) Kwantlen Student Association (3)

Note: The applicant was appointed by the Court as the Chief Returning Officer for the Kwantlen Student Association Election in October 2006.

3. Experienced in dealing with most issues pertaining to First Nations
4. Extensive experience in developing operating policies and procedures.
5. Extensive experience in writing by-laws for First Nations.
6. Extensive experience in conducting elections and Referendums under various Custom Election Codes
7. Extensive experience in designing custom election codes for First Nations

I have designed Custom Election Codes for the following First Nations:

1. Tsawwassen First Nation
2. Halalt First Nation
3. Homalco First Nation
4. Pauquachin First Nation
5. Gitxaala Nation

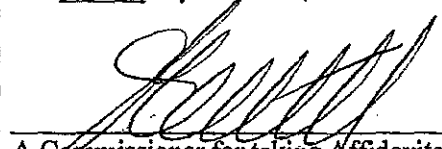
References:

1. Daniel Sailland – General Manager – Mount Currie Indian band
2. Kim Baird – Chief Tsawwassen First Nation
3. Merli De Guzman – Indian Affairs Governance Officer
4. Merle Marchessault- Director Indian Affairs Governance
5. Jim Reynolds – Solicitor – Ratcliff & Company
6. Mathew Kirchener – Solicitor – Ratcliff & Company
7. Chief Bert Thomas – Halalt First Nation
8. Chief Robert Louie- Westbank First Nation
9. Babs Stevens – Band Manager – Skidegate Indian Band
9. Joe Norris – Former Chief – Halat First Nation

Services Provided:

1. Prepare all notices, forms, documentation, official reports, and Chair Nomination Meeting in consultation with Chief and Council
2. Prepare Notices, forms, documentation, official reports and supervise total election process.
3. Mail out all notices (including Postage) as required by the Indian Act Election Regulations.
4. Appoint deputy Electoral Officer(s)
5. Provide Polling Booths
6. Provide all Ballot boxes
7. Publicly count all ballots
8. Post results of election as required by the Indian Act Election Regulations and/or the custom election code
9. Courier Official reports, ballots, and forms to Indian Affairs
10. Perform all duties that may be required of an Electoral Officer under the Indian Act and/or the Custom election Code and /or by-laws.
11. In the event of an appeal provide all information necessary for investigation of the appeal

This is Exhibit "F" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
Delta, Province of British Columbia,
this 12th day of March, 2008


A Commissioner for taking Affidavits for the
Province of British Columbia

----- Original Message -----

From: Fred Schiffner

To: David Borins ; desmond.rodenbour@kusa.ca ; organiser@cfs-fcee.ca ; treasurer@cfs-fcee.ca ; chair@cfs-fcee.ca ; chairperson@cfs.bc.ca ; Titus Gregory

Sent: Friday, February 29, 2008 10:40 PM

Subject: Referendum Ballot

I refer to the following Resolution passed by the Kwantlen Student Association and dated February 28, 2008

" the Chief Returning Officer shall have the authority to determine the referendum question if the Referendum Oversight Committee fails to do so by Friday, February 29, 2008, at 5:00 pm, and that in the exercise of this discretionary authority, the Chief Returning Officer shall

- (i) consult with the KSA, the CFS, CFS-Services, and CFS-BC
- (ii) determine the referendum question, and
- (iii) inform the KSA, the CFS, CFS-Services, and CFS-BC of the text of the referendum question by no later than Saturday, March 1, 2008, at 5:00pm."

The Referendum Oversight Committee has failed to determine the referendum question by the time stipulated in the aforementioned Resolution and in accordance with the authority granted the Chief Returning Officer by the same Resolution,

I hereby declare that the following will be the referendum question:

DO YOU AGREE TO WITHDRAW YOUR MEMBERSHIP IN THE CANADIAN FEDERATION OF STUDENTS (WITH THE CURRENT COST OF MEMBERSHIP BEING \$0.64 PER STUDENT, PER CREDIT, TO A MAXIMUM OF \$7.64 PER SEMESTER)

In my deliberations, I considered 2 questions proposed by the Referendum Oversight Committee and 1 question proposed by the KSA.

In making my decision as to which Question to approve, consideration was given to the following acceptable characteristics of a referendum question:

1. The question should be simple and to the point and clearly state what the voter is voting for
2. The question must be as unbiased as possible
3. The question should require 1 vote and not be broken down into sections and multiple votes which would only serve to create confusion in the mind of the voter.

Proposed Referendum Question #1- submitted by the Referendum Oversight Committee while only having 1 vote did not clearly state what the voter is voting for. In my opinion this proposal also contained a strong element of bias.

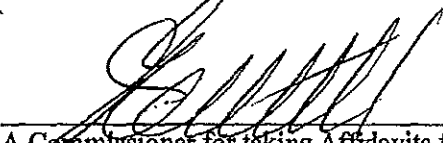
Proposed Referendum Question #2 - submitted by the Referendum Oversight Committee contained 3 separate and distinct questions. This question could without a doubt create legal problems as to the vote results. i.e. If questions 1 and 2 are answered yes and question 3 is answered no, is this a vote against Defederation or for Defederation.

Proposed Referendum Question of the KSA clearly stated the purpose of the referendum and the vote and only 1 vote is required.


F.P. Schiffner

Chief Returning Officer

This is Exhibit "G" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
DELTA, Province of British Columbia,
this 12th day of March, 2008


A Commissioner for taking Affidavits for the
Province of British Columbia

----- Original Message -----

From: Fred Schiffner

To: Jim Reynolds ; westemeye@gmail.com ; hilde.festerling@gmail.com ; Titus Gregory ;
chairperson@cfs.bc.ca ; chair@cfs-fcee.ca ; treasurer@cfs-fcee.ca ; organiser@cfs-fcee.ca ;
desmond.rodenbour@kusa.ca ; David Borins

Sent: Saturday, March 01, 2008 5:09 PM

Subject: Referendum Ballot

I refer to the following Resolution passed by the Kwantlen Student Association and dated February 28, 2008

" the Chief Returning Officer shall have the authority to determine the referendum question if the Referendum Oversight Committee fails to do so by Friday, February 29, 2008, at 5:00 pm, and that in the exercise of this discretionary authority, the Chief Returning Officer shall

- (i) consult with the KSA, the CFS, CFS-Services, and CFS-BC
- (ii) determine the referendum question, and
- (iii) inform the KSA, the CFS, CFS-Services, and CFS-BC of the text of the referendum question by no later than Saturday, March 1, 2008, at 5:00pm."

The Referendum Oversight Committee has failed to determine the referendum question by the time stipulated in the aforementioned Resolution and in accordance with the authority granted the Chief Returning Officer by the same Resolution,
I hereby declare that the following will be the referendum question:

DO YOU WISH TO WITHDRAW AS A MEMBER OF THE CANADIAN FEDERATION OF STUDENTS.

In my deliberations, I considered 2 questions proposed by the Referendum Oversight Committee and 1 question proposed by the KSA.

In making my decision as to which Question to approve, consideration was given to the following acceptable characteristics of a referendum question:

1. The question should be simple and to the point and clearly state what the voter is voting for
2. The question must be as unbiased as possible
3. The question should require 1 vote and not be broken down into sections and multiple votes which would only serve to create confusion in the mind of the voter.

Proposed Referendum Question #1- submitted by the Referendum Oversight Committee while only having 1 vote did not clearly state what the voter is voting for. In my opinion this proposal also contained a strong element of bias.


Proposed Referendum Question #2 - submitted by the Referendum Oversight Committee contained 3 separate and distinct questions. This question could without a doubt create legal problems as to the vote results. i.e. If questions 1 and 2 are answered yes and question 3 is answered no, is this a vote against Defederation or for Defederation.

The Proposed Referendum Question of the KSA as amended, clearly states the purpose of the referendum and the vote and only 1 vote is required. The elimination of fees from the question has eliminated any perceptions of bias.


F.P. Schiffner

Chief Returning Officer

This is Exhibit "T" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
DELTA, Province of British Columbia,
this 12th day of March, 2008


A Commissioner for taking Affidavits for the
Province of British Columbia

----- Original Message -----

From: Fred Schiffner

To: David Borins ; desmond.rodenbour@kusa.ca ; Titus Gregory ; chairperson@cfs.bc.ca ;
chair@cfs-fcee.ca ; treasurer@cfs-fcee.ca ; organiser@cfs-fcee.ca ; westerneye@gmail.com ;
hilde.festerling@gmail.com

Sent: Saturday, March 01, 2008 5:37 PM

Subject: Referendum question

I refer to the draft email sent to each of you dated February 29, 2008.

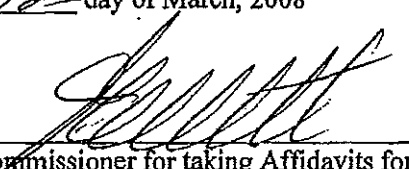
So there is no confusion, this email was a draft only and was sent prior to obtaining independent legal advice relating to the question.

Please disregard this email

The official wording of the question is stated in the email sent to each of you dated March 1, 2008 at 4:09 pm.

F.P. Schiffner
Chief Returning Officer

This is Exhibit "O" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
DELTA, Province of British Columbia,
this 12th day of March, 2008



A Commissioner for taking Affidavits for the
Province of British Columbia

Fred Schiffner

From: "Fred Schiffner" <fschiffner@dccnet.com>
To: "Laura Anderson" <external@kusa.ca>
Sent: Thursday, March 06, 2008 4:37 PM
Subject: Re: Materials for approval 2

Hi again Laura

The spoof poster has finally opened and I would approve it

With regards to the contest poster, I would prefer if you took the prize out. It could be perceived as buying votes
Fred

----- Original Message -----

From: Laura Anderson
To: Fred Schiffner
Cc: Titus Gregory
Sent: Thursday, March 06, 2008 3:42 PM
Subject: Re: Materials for approval 2

Fred,

Yes, we have been very careful about making sure that all the information contained in the posters is correct and that we have evidence of it. The CFS and its supporters can be very litigious so we check. Obviously some of it is just meant to be funny: for instance I don't actually know Tiggles and I don't know anything about the man on the moon, should he even exist.

The ING spoof poster is attached for you again here- I hope it opens up this time.

-Laura

On 3/6/08, Fred Schiffner <fschiffner@dccnet.com> wrote:

Laura

As mentioned on the phone, I do not have the official authority to approve campaign material, that being said, I realize the predicament you are in not being able to get a response from the Referendum Oversight Committee. I am therefore offering my opinion relating to the campaign material you forwarded.

I would approve the following

Tiggles

Zippy

Pez

The man in the moon

The CFS needs you

Obviously the information contained in the above is assumed to be factual and you have evidence confirming this information.

I do have a problem with "Where are they from? Contest!"

I do not like the idea of a prize being offered. Its too much like buying votes.

Also I am unable to open the ING spoof poster accordingly I am unable to comment

Fred

----- Original Message -----

From: Laura Anderson
To: Fred Schiffner
Sent: Thursday, March 06, 2008 2:14 PM
Subject: Fwd: Materials for approval 2

3/6/2008

Fred,

The ROC has not been able to meet and approve the attached materials. Could you please look them over and approve? Thanks.

-Laura

----- Forwarded message -----

From: Laura Anderson <external@kusa.ca>

Date: Mar 5, 2008 4:32 PM

Subject: Materials for approval 2

To: ben west <westerneye@gmail.com>, Ben Lewis <treasurer@cfs-fcee.ca>, Lucy Watson <organiser@cfs-fcee.ca>, Lucy Watson <internal@cfs-fcee.ca>, hilde Festerling Alden <hilde.festerling@gmail.com>

Cc: Titus Gregory <titus.gregory@kusa.ca>, Desmond Rodenbour <desmond.rodenbour@kusa.ca>, Fred Schiffner <fschiffner@decnet.com>

March 5, 2008

TO: CFS/KSA Referendum Oversight Committee (ROC)

Ben West, KSA Committee Representative

Hilde Festerling, KSA Committee Representative

Ben Lewis, CFS Committee Representative, CFS National Treasurer

Lucy Watson, CFS Committee Representative, National CFS Organiser

Sent via E-mail

Dear ROC members:

Pursuant to my letter of March 3, 2008; I am submitting further campaign materials for approval per

3/6/2008

CFS bylaws to the Referendum Oversight Committee (ROC). While I understand that the ROC was not able to meet to approve my last batch of materials, I am hopeful that it will be able to discuss this new batch of materials. Because it is the campaign period and time is short, I request that the attached materials be approved by 12pm March 6, 2008. Should the ROC be deadlocked in its decision to approve campaign material or fail to provide a decision by 12:00 pm, March 6, I will forward the request for approval to Fred Schiffner, CRO for this referendum.

The following is list of attached materials that the KSA is submitting for approval:

- Several posters as part of a humor series
 - Milk poster
 - Pez Poster
 - Zippy the Pinnhead poster
 - Man on the moon poster
 - Tiggles poster
 - CFS needs you Poster
 - ING spoof poster
- 'Where are they From? Contest' entry form.

Thank you for your time and consideration of these materials. I am sure I will be submitting further materials to you in the coming days.

Sincerely,

Laura Anderson

Chairperson and Director of External Affairs

Kwantlen Student Association



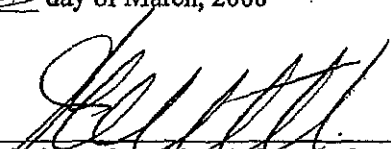
--
Laura Anderson
Chairperson and Director of External Affairs
Kwantlen Student Association

3/6/2008

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Laura Anderson
Chairperson and Director of External Affairs
Kwantlen Student Association

--
Laura Anderson
Chairperson and Director of External Affairs
Kwantlen Student Association

This is Exhibit "S" referred to in the Affidavit of
Fred Schiffner sworn before me at the City of
DELTA, Province of British Columbia,
this 12th day of March, 2008


A Commissioner for taking Affidavits for the
Province of British Columbia

REFERENDUM VOTE KSA INSTRUCTIONS FOR R.O.'S

1. General :

Hours of polls March 18, 19, & 20 are from 8:30 am – 7:00 pm
Staff should arrive at no later than 8:00 am to set up

2. Upon arrival in Morning:

1. set up stanchions and ropes in designated area
2. Hang polling signs on rope and tape polling signs on posts etc.
3. set up tables and chairs and set up polling screens
Please insure that the polling screens are set up in such a way that the secrecy of the ballot is always maintained.
4. Attach instructions for voting on each polling screen
5. Assemble and seal ballot box
6. attach sign to front of registration table (picture ID required)
7. Attach all other signage in appropriate places ie: only voters allowed in polling station, no loitering.
8. Place masking tape on floor all the way around polling station a minimum of 10 meters or 33 feet-place sign on floor within the tape area

NOTICE

ABSOLUTELY NO CAMPAIGNING IN THE MARKED BUFFER ZONE
(WITHIN 10 METRES OF THIS POLLING STATION)

BUFFER ZONE INDICATED BY COLORED TAPE

BY ORDER OF THE CHIEF RETURNING OFFICER

9. At exactly 8:30 open the polling station

Note:

Under no circumstances must the ballot box be left unattended not even for a minute

3. Accepting qualified voters:

1. Voter must show student card and it must be current year (September /07– present
2. Locate student on voters list

If the student is on the voters list of another campus, you can accept his vote however you must confirm with the R.O. at the campus where he/she is registered that they have not already voted so they can cross him off their list.

NOTE:

It is extremely important that we eliminate any possibility of the voter voting more than once (ie: at more than 1 campus). Therefore in the event someone comes in to vote who is not listed on the voters list for your location or any other location, you must phone Fran in Richmond who will enter their name and other information on a separate voters list. This must be done prior to permitting them to vote.

END OF DAY PROCEDURE -7:00 p.m.

1. Complete daily polling station report
2. Seal ballot box insert slot (cut open next morning)
3. Take down stanchions and place out of the way
4. Take down signs where possible (only where there is a possibility that cleaning staff will remove
Remember all of these signs will have to be replaced the next morning.
5. Take ballot box home with you and store in a safe place.
6. Being back in the morning

CAUTION:

**UNDER NO CIRCUMSTANCES GIVE YOUR PERSONAL OPINIONS
RELATING TO THE REFERENDUM OR ANY OTHER POLITICAL
PHILOSOPHIES TO ANYONE.**

CAMPAIGN RULES :

As Returning Officer it is your responsibility to be cognizant of any illegal campaigning and report it immediately to me via cell phone.

The campaign Rules established are as follows:

1. NO CAMPAIGNING IN THE LIBRARY
2. NO CAMPAIGNING DURING EVENTS IN WHICH
ALCOHOL IS SERVED
3. IT IS ACCEPTABLE TO CAMPAIGN IN READING AREAS
4. NO MATERIALS MAY BE USED THAT CANNOT BE
REMOVED AT THE CONCLUSION OF THE
CAMPAIGN; OR MATERIALS THAT ARE LIKELY
TO DAMAGE PROPERTY, INCLUDING PAINT APPLIED TO
BUILDING SURFACES

**5. VIOLATIONS OF THE POSTING RULES ESTABLISHED BY
KWANTLEN UNIVERSITY COLLEGE ARE PROHIBITED.**

STAFFING:

SURREY - LEAH CLARK- R.O CELL # 604-313-9570

**RICHMOND - FRAN SCHIFFNER - R.O. CELL # 604-319-2512
CATHY HOUGHLAND- POLLING CLERK**

**LANGLEY - DOREEN CLARK - R.O. CELL # 604-816-5292
MARIANNE WARLAND - POLLING CLERK**

CLOVERDALE- ROSS HOUGHLAND - R.O. CELL #

REFERENDUM MARCH 18-20, 2008

CAMPAIGN RULESRULE:

1. NO CAMPAIGNING IN THE LIBRARY
2. NO CAMPAIGNING DURING EVENTS
IN WHICH ALCOHOL IS SERVED
3. IT IS ACCEPTABLE TO CAMPAIGN
IN READING AREAS
4. NO MATERIALS MAY BE USED THAT CANNOT BE
REMOVED AT THE CONCLUSION OF THE
CAMPAIGN; OR MATERIALS THAT ARE LIKELY
TO DAMAGE PROPERTY, INCLUDING PAINT APPLIED TO
BUILDING SURFACES
5. VIOLATIONS OF THE POSTING RULES ESTABLISHED BY
KWANTLEN UNIVERSITY COLLEGE ARE PROHIBITED.

AUTHORITY

MARCH 7 ROC

“

“

INSTRUCTIONS FOR COMPLETING BALLOT

PLEASE MARK AN X OR OTHER MARK IN THE BOX WHICH CLEARLY INDICATES YOUR CHOICE (YES OR NO) RELATING TO THE QUESTION, THEN RE-FOLD THE BALLOT SO THAT THE ELECTORAL OFFICERS INITIAL SHOWS ON THE BACK.

IF YOU MAKE A MISTAKE DO NOT TRY AND ERASE OR ALTER YOUR VOTE. HAND THE BALLOT BACK TO THE R.O OR POLLING CLERK WHO WILL CANCEL THE ORIGINAL BALLOT AND GIVE YOU A REPLACEMENT BALLOT.

IF YOU NEED ASSISTANCE OR A FURTHER EXPLANATION IN CASTING YOUR VOTE PLEASE ASK THE POLLING CLERK OR THE R.O.

The Chief Returning Officer

REFERENDUM ⁹⁴

VOTING **PLACE**

OPEN HOURS

MARCH 18, 19, & 20, 2008

8:30 A.M. – 7:00 P.M.

VOTERS

PLEASE PRODUCE
YOUR STUDENT
CARD
OR OTHER EVIDENCE
OF YOUR
ELIGIBILITY TO
VOTE WITH PICTURE
I.D.

**CFS REFERENDUM MARCH 18,
19, & 20, 2008
TOTAL VOTERS**

	18-Mar VOTERS	19-Mar VOTERS	20-Mar VOTERS	TOTAL VOTERS
SURREY				0
CLOVERDALE				0
RICHMOND				0
LANGLEY				0
TOTAL				0

F.P. Schiffner
Chief Returning Officer
22-Mar-08

OFFICIAL RESULTS
REFERENDUM HELD MARCH 18,
19 & 20. 2008

IN ACCORDANCE WITH CFS BY-LAW 1- MEMBERSHIP, SECTION 6,
 SUBSECTION (E)
 QUORUM, A QUORUM HAS BEEN OFFICIALLY ESTABLISHED AT
 614 VOTERS.

The Referendum ballot question "
 DO YOU WISH TO WITHDRAW AS A MEMBER OF THE CANADIAN
 FEDERATION OF STUDENTS?"

CAMPUS	TOTAL VOTES YES	TOTAL VOTES NO
SURREY		
CLOVERDALE		
RICHMOND		
LANGLEY		
TOTAL		

TOTAL VOTERS

A QUORUM HAVING BEEN MET AND A MAJORITY OF
 THAT QUORUM HAVING VOTED IN FAVOR OF / IN
OPPOSITION TOO, WITHDRAWING AS A MEMBER OF THE
 CANADIAN FEDERATION OF STUDENTS , I HEREBY
 DECLARE THAT

 F.P. Schiffner
 Chief Returning Officer
 March 22, 2008

 Witness
 March 22, 2008

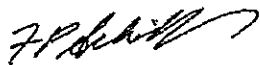
**KSA REFERENDUM
MARCH 18-20, 2008
VOTERS NOT ON VOTERS LIST BUT PROVED TO BE
QUALIFIED VOTERS**

	NAME	STUDENT #	I.D.PRODUCED	CAMPUS WHERE VOTED	COMMENTS
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

**CFS REFERENDUM- MARCH 18-20/2008
BALLOT RECONCILIATION**

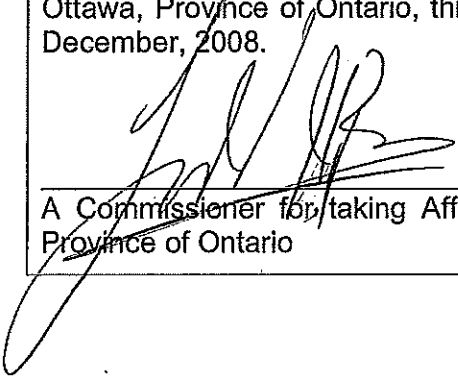
	BALLOTS PRINTED	BALLOTS CAST	BALLOTS UNUSED	BALLOTS CANCELLED	TOTAL
SURREY	1000				
RICHMOND	1000				
CLOVERDALE	100				
LANGLEY	500				
TOTAL	2600	0	0	0	0

I HEREBY CERTIFY THAT THE ABOVE BALLOT
RECONCILIATION IS CORRECT



F.P. SCHIFFNER - CHIEF RETURNING OFFICER

This is Exhibit "B" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23 – Oversight Committee - 02-04-08 Meeting

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

LW: My name is Lucy Watson. I'm the director of organizing for the Canadian Federation of Students and have been involved in the organization in a number of different capacities over the last number of years. I also spent a couple of years in B.C. as the B.C. organizer in early 2000 so I'm quite familiar with the province, the member locals in the province, issues, that sort of thing. And have been a member of a number of different referendum oversight committees. So I also bring that experience to the table. I am originally from Carleton University which is where I graduated from and I got involved in the Canadian Federation of Students when I was a student at Carleton. That's my intro. I'll maybe pass it over to Ben and then we'll hand it off to you guys.

BL: So my name's Ben. I was an undergrad at Ryerson University in Toronto. Went on to enroll in graduate studies there. Through all my time there was involved in the students union. Became chair of the Ontario Graduate Caucus while I was a graduate student there. Then subsequently ran for it and was elected as the national treasurer and so I am now in Ottawa full time fulfilling my duties as national treasurer.

KG: Maybe I'll go first and then Mike can go. Ben, this is for you, Lucy knows my background. So my name is Kyall Glennie. I did my undergrad in Regina. I was the Saskatchewan National Executive Rep and the Saskatchewan Chair from 2002 to 2004, those two positions. Subsequently I started my masters in political science here at SFU in September.

ML: Should I go then?.

LW: Yep, yep.

ML: I'm Mike. I don't think anybody but Kyall here knows me. I am a Ph.D. candidate here at SFU in computing science. My background is I have my undergrad from Brock University in Ontario. Then I came out here in 2002 to do my masters and then subsequently to do my doctorate. I've never been involved with the Federation in any way. But I am presently a non-executive member of the board of the Simon Fraser Student Society and I am one of the primary organizers for the Graduate Student Society here on campus. I have worked on commissioning several elections for the SFSS and for the GSS over the past year and a half or so. So that's going to be the experience that I bring to the table.

KG: I forgot to mention I'm on the Graduate Issues Committee here at Simon Fraser because the student society hasn't officially... well we have officially left.

Page 2--23 --Oversight Committee - 02-04-08 Meeting

ML: We haven't officially left.

KG: We haven't officially left. We're leaving the officially on April 1 or May 1.

ML: May 1 -

KG: May 1 the grads from the undergrads here. So I'm on the graduate issues committee for the Simon Fraser Student Society. I'm the Political Science Rep.

LW: Right, okay, how do you like BC Kyall?

KG: It's warmer.

LW: Yeah, no kidding.

KG: The sun's out right now.

LW: Yeah, it is a nice place....Okay, so I just sent out terms of reference for the oversight committee. But I'm assuming that you both had ample opportunity to review them and are more than familiar with them at this point. I guess the only thing that I would throw in is that the Referendum Oversight Committee as contemplated by the Federation's bylaws is solely and wholly responsible for establishing all of the rules and the protocols that will govern this referendum. Adjudicating complaints, ensuring that the referendum is run smoothly and fairly and that at the end of the day we are responsible for everything with respect to this referendum. But I'm sure you're already more than aware of that.

KG: I think that's where we can probably start our conversation is to what we've been mandated by the SFSS board to bring to the oversight committee and what you guys are mandated by your bylaws to bring to the committee. Just because we're just going to sort out how we finalize our decisions sheering up a four-member committee where we're kind of co-chairing it and all that sort of detail. So perhaps, I guess we kind of know what 1. b) is about. I don't have any amendments or anything to the agenda. I don't know if Mike does.

ML: Nothing in particular.

LW: Okay, okay there might be things that come up in the course of discussion. It's obviously not a tremendously formal meeting. So, then Kyall, that leads into your point which is development of meeting protocol and how we see ourselves functioning as a four person committee. In terms of facilitation did you have any suggestions or proposals at this point?

KG: Because we're running it sort of informal but at the same time, we're mandated by our board to take minutes and make them available for students here so that they know how the meetings are running and how the referendum process is going. I guess we should

perhaps appoint co-chairs, one from our side, one from your side and I think honestly we can probably work by consensus. I think it's probably the easiest way with four of us. But if there is issues that we have conflict over then we can... that's the only thing in my head right now where we need to have a discussion about well what do we do when our bylaws conflict with the CFS bylaws and how do we resolve that.

LW: Okay, so in terms of facilitation I'm amenable to co-chairs. A couple of people who take primary responsibility for moving things forward. Ben are you cool with that?

BL: Yep, totally.

LW: Yeah, so we're fine with that. In terms of record keeping we are certainly not opposed to making available a record of the decisions that we make as a committee. In fact, we would insist upon that perspective because it's important obviously that students who are interested in the campaign or people who are participating in the campaign have easy access to all of the committee's decisions and have some context for them. So, what I would suggest or what I would propose is that we assign one individual to keep minutes and then circulate them to the other committee members for review and approval and then subsequent distribution.

KG: That works for me.

LW: Okay. I would propose that for simplicity's sake and to ensure we get these minutes distributed in a timely fashion that we simply record decisions that are made.

KG: That's fine with me.

LW: Okay. As people who have been very involved in organizations in the past are, I'm sure, quite familiar with the fact that it's difficult to capture people's comments accurately and I think it would result in a lot of additional work.

KL: I don't think we're mandated to record our conversations here. We're just mandated to record decisions. So that's fine with me.

LW: Okay, so "record decisions". I certainly don't mind doing the minutes and then circulating them if you are cool with that. I'm not sure what your workload is like you guys?

KG: That's fine with me Lucy. I'm just going to take notes for my own records and then I can... so if you want to send them to me then I'll just say "yes they're okay" and then we've got our official minutes, if that's fine.

LW: Yeah, absolutely. Everybody should certainly keep notes because there may be things I miss. So what I'll do is try... maybe we could say within 24 hours, I'll circulate a draft copy of the minutes to the committee members but you guys let me know if there are

changes or edits that need to be made and then we can approve them at our next meeting lets say.

KG: That sounds great.

LW: Okay.

ML: That was going to be my question so you've already answered it, so that's good for me.

LW: Okay, and then in terms of dissemination of committee decisions, I think there are probably two documents that we want to produce...two sets of documents that we want to produce ultimately. The first would be our committee meeting minutes--a record of all the decisions that we make. Then I would also propose that we produce a compilation of the rules as they stand at any given time. That way if an individual walks into the Simon Fraser Student Society office and says, "hi, I'd like to see a copy of the rules that are governing this referendum," they can be given one document that's got a list of all the rules that are in place for the referendum. Or they could also ask for a record of our committee deliberations and discussions. I would suggest that a copy of the minutes and the final set of rules as signed off by the four of us be kept in the Simon Fraser Student Society office or, I don't know if they've got... I know they used to have a rolling bulletin board where they put things. I don't know if they've got something like that outside the office where maybe we could post it.

ML: We could look into that. It's a constantly changing situation as to making stuff like that available. But it all depends; hopefully it won't be a long document. But if it's short we can tape it up inside one of the windows so it's always visible from the outside.

LW: Yes, we could do that and we can make sure there are multiple copies available inside the office so somebody can just get a physical copy and keep it if they want to.

ML: Any problem posting them on the web?

LW: I think it should be a separate... no problem with that. But I think it could be separate page just so it doesn't get lost in the jumble.

ML: Yes.

LW: I'm just going to write that down. I think once we've had a discussion about campaigning teams or individuals who are participating in the campaign registering with us, that we should also endeavor to provide those individuals or teams with a copy of the rules. That we should be proactive about that so that -

KG: I think that's fair. Do you guys have a copy of these proposed procedures for the Federation referendum that we sent... I don't know a date on this.

BL: I don't have a copy.

KG: Do we have a fax in here Mike?

ML: I can run over next door and fax it.

KG: Do you want us to fax you a copy right now?

LW: Yeah, sure. That would be great. Yes, sorry, Mike, I should have responded to that part of your email. I was in transit.

ML: Give me the number and I'll nip over real quick and send it.

LW: Okay, it is 613-232-0276.

ML: Should I put it to your attention or will you guys just get it?

LW: We'll get it, yeah.

ML: Okay, terrific.

LW: Okay.

BREAK

KG: Mike's back, so you guys should have a fax there.

ML: It's coming through now. It should be done in another minute or so.

LW: Okay, we'll give it one more minute.

KG: While we're waiting for the fax... are you both still there?

LW: Yup.

KG: Can we talk about scheduling of subsequent meetings?

LW: Absolutely, absolutely.

KG: Mike and I have fairly complex schedules. But we've managed to turn out a couple of days that work for us. Maybe what I'll do is I'll throw those at you guys for what our availability is for the future.

LW: Okay.

KG: Tell us how your schedule looks, and we'll work with that.

Page 6--23 --Oversight Committee - 02-04-08 Meeting

LW: Okay, that sounds good.

KG: So yes, okay, so the times that are good for us are Mondays between 12:30 and 2:30 pacific time. Tuesdays after 1:30 -....

LW: Wait a second, wait a second. Just slow down a bit Kyall. So Mondays between 12:30 and 2:30.

KG: Pacific time.

LW: Okay.

KG: Okay, so Tuesdays after 1:30, Wednesdays 2:30 to 4:30, Thursday let's say nine to 11:30.

LW: That's Thursdays?

KG: Thursday nine to 11:30, yep. Friday, let's say after lunch.

LW: So after 12 o'clock?

KG: And those are all pacific.

LW: Oh, okay.

KG: How many hours ahead are you, three?

LW: Yeah, we're three. So I'll tell you, my biggest challenge is childcare. So, Fridays would be good for me. Is that good for you?

BL: Yes, Fridays are good for me.

LW: Yes, it's good for Ben too. Then I'll look over this list a bit more closely. Like Monday 12:30 -

KG: Friday works really good for me because otherwise I'm only on campus for an hour that day so that actually serves me a little better than I might as well be here anyway.

LW: Yes, yes. Okay, Wednesday would end up being a bit late.

ML: Yeah, Wednesday's not great.

LW: Okay and Mondays 12:30... So 3:30 our time would work for me. There's two good possibilities there.

KG: Mondays or Fridays?

Page 7--23 --Oversight Committee - 02-04-08 Meeting

LW: Yes, so do you want to schedule... Now Ben is going to be in Toronto as of tomorrow. So Ben is at the National Graduate Caucus meeting this weekend so wouldn't be available to meet this Friday. But maybe we could agree to meet Monday.

KG: Monday sounds good.

LW: Like in a week?

KG: Monday work for you guys then?

LW: Yes.

KG: Let's say Monday 12:30 the next meeting?

LW: Yes.

BL: Sounds good.

ML: We should also... if we can keep in mind as things get closer on keeping an eye to one of those times. Try to keep, maybe the Friday time, in case something comes up where we might need two meetings in a week. I'd like to keep it to one scheduled one but sort of if worse came to worse.

LW: Yes, absolutely.

KG: When are you guys planning on being in town?

LW: I'm aiming for... we're both aiming for the week of the 18th...so in a couple of weeks.

KG: Week of the 18th of February?

LW: Yes.

KG: From then on in, you'll be here for most of that next month?

LW: Yes, absolutely. We can come up to you guys or we can meet somewhere more central if that's more convenient. If you're not on campus or we can figure that out when it gets closer.

KW: We may be able to book something at the Harbor Center at the downtown campus. Mike will be able to fill me in a little better about how we book that space. But that might be central to both you and us.

LW: Yes, for sure. We're also amenable to meeting at a coffee shop or something that's fairly close to where you both live or something like that. We can also do that. We're pretty flexible.

ML: The downtown campus actually works really well because [unintelligible] fairly fair apart but the downtown campus is right at the end of the sky train. It's got great small facilities there for meetings. So it's probably suitable. We can certainly find a spot.

LW: Okay, that sounds good. I also wanted to ask, what is the best way to reach the both of you? Is it by email?

KG: I think yes.

ML: I'm usually surgically attached to my email in some fashion if I'm not in a meeting.

KG: Yes, I am too.

LW: Okay, that's good. So if something comes up we'll just exchange emails and hopefully we'll all get it in a timely fashion and then this number, the national office number is a good contact number for both Ben and I.

KG: I guess what's the BC number that's best to reach you guys at?

LW: It's 604-733-1880. So we've got the fax.

BL: Ya. Let me make sure...

KG: It should be six pages.

BL: It has thirty-six points?

ML: That's right.

KG: I don't know if you've had a chance to read it. Mike and I have just gone through it as to refresh ourselves as to what we were mandated for. I believe... I'm not actually sure the person is who put this together -

ML: I want to say it was Amanda van Baarsen but it might have been sent by Derek Harder.

KG: I think what they attempted to do was go through the Federation bylaws and the SSFS election bylaws and come up with a document that takes all the things and puts them all together into one piece. So maybe we should just go through this and see if there is any red flags or anything from your side that we need to look at here.

LW: Well, I'm wondering Kyall if I can take it a step back. We haven't had a chance to review this very closely. I don't want us to start going through it and end up having to stop because we haven't had a chance to digest it. There are a couple of key things that we haven't established that we probably should. One is the referendum dates because there were no dates that were submitted in the petition from Simon Fraser members to the

National Executive. And it's the individual members that petition the National Executive which triggers a referendum. The petitions didn't have dates. So I know that... I don't have a copy of the letter that, I think it was Derrick sent to the National Executive, setting out proposed dates. But, at this point, there has been no agreement in terms of dates.

KG: So I guess we're proposing then the 18th, 19th and 20th of March.

LW: Let me just write that down. 18, 19 and 20 for voting.

KG: Yes, we're mandated to have a certain number of hours. I think it's you and you're mandated to have sixteen hours. We have ample voting hours beyond sixteen I guess. Almost three days we're proposing between 9:30 am and 7:30 pm on those three days.

LW: Let me just write that down. Between 9:30 and 7:30? What time does the first class go in, is it 8:30 or eight?

KG: I want to say 8:30 because just about everything here starts on the half hour.

LW: I think that's right. But we should just double check. Okay, so we need to go back on the voting dates and and solicit feedback from members of the National Executive on that. The voting times I think... and the last class goes in at 7:30 right? Is that the last night class?

ML: At some point they shift over to the hour. But it also overlaps with some of the afternoon classes coming out. So I think the last class probably goes in at seven.

LW: Okay, that makes sense. That's fairly standard. I think my only feedback on voting times at this point would be that we might want to actually push it back a little bit earlier in the morning so that people who are going into class can vote before they go in. Do you guys mind just finding out what time the first class goes in?

KG: We'll check and then maybe decide the exact hour at the next meeting. Does that sound alright?

LW: Yes, that's good. So if you guys are proposing the 18th, 19th, 20th for voting days, have you given any thought to the start of the campaign period?

ML: We had been thinking the two weeks preceding.

LW: So it would be -

BL: That's March 4, ending on the 17, so I guess it would be March... There's a calendar here somewhere. Yes, so starting on the fourth, ending at the end of the day on the 17th.

LW: Okay, okay, so why don't we... we haven't discussed that at this point. So why don't we just take that away, talk about it and then come back and firm something up at our next meeting.

ML: Okay.

LW: That still gives us plenty of time to meet all the notice requirements. So that shouldn't be a problem.

ML: Alright.

LW: Okay, so that was sent on Friday the 18th for the referendum protocol. So you are putting forward this document that the executive of the Simon Fraser Student Society has pulled together. I'm just quickly looking through it.

KG: Yep.

LW: Maybe just in the interests of time, we've got twenty-five minutes left... maybe what we could do is identify just... are you putting this proposal forward as your position in terms of what you would like to see in the referendum protocol?

KG: Yes, I guess so. I'm not worried about ownership over it. I'm more thinking that some... from the SFSS position that this is trying to be a document that sums up both organizations' requirements and that's something we can go on. It doesn't have our name on it or anything. I think actually we want to get to something that everybody agrees on those terms of reference right. So... and I realize that we just dumped six pages of text on you guys. So fair enough that we can't really determine this today.

LW: But maybe what we could do is identify issues that we need to resolve or have a discussion about fairly soon, like within the next couple of meetings. Some of which will be set out in this document. Some of which may not be. Then what we could do is prioritize that for... the two of you could go away and talk about those issues and figure out what you'd like to present. We'll do the same thing. I'll review this document and then we can... obviously where this document and its proposals come into play we can discuss that at that time in addition to our own thoughts and perspectives. Does that make sense? Okay, so do you want to throw things out there and I'll add them to the list of things that we talk about at our next meeting?

KG: Okay,

LW: So I've got the question.

KG: Okay, so you have something, you said?

LW: Yes, I would suggest that we talk about the ballot questions.

KG: Okay, ballot questions.

ML: Definitely has to be done.

LW: Okay, so campaign dates and voting dates, firming those up.

KG: If it's alright with you guys, we're going by... forgive me for being somewhat ignorant about my own student society but there is an independent electoral commission that has standard voting places for every election and every referendum that's here on campus. There are the three main areas that gather the most votes. Judging from, I voted in that... we had a Upass referendum here in the fall that garnered twenty percent turnout on paper ballots.

ML: More than twenty.

KG: More than twenty, so a huge turnout for the referendum. Especially given that I didn't actually think of it incredibly well talked about around campus. Huge turnout at these three locations. So I guess the locations that we're proposing are those that are set by the independent electoral committee.

ML: Just to clarify, those are three locations in Burnaby plus there is a central location at the downtown campus and a central location at the Surrey campus.

KG: So there will be five voting locations in total on all campuses, and then obviously concentrated here in the Burnaby campus.

LW: Mike can you do that breakdown one more time. So it's three at Burnaby?

ML: Three at Burnaby spread out across the campus. There is one at the downtown Harbor Center and there is one at the campus in Surrey. These have all been used for ages. These are those places that everybody knows where they go to vote. That's where the polling stations always have been.

BL: Can you send us like the details as to what specifically those locations are? Are they in the -

LW: Sorry, I just noticed that it's one in the foyer of the library.

ML: Foyer twenty-six.

LW: One the southeast corner of the academic quad and one across from Raymond's cafeteria. Is that right? No?

BL: Yeah.

LW: Then the foyer.

KG: So I can just summarize for Ben in case you're not familiar with the campus or Lucy in the same place. The foyer of the library is obviously the main congregation area for this kind of center of campus. Kind of like our square. The southeast corner of the academic quad is where all the first year classes and all the gigantic lecture halls are near. Plus the arts and science are all connected by there.

ML: And the major parking lot, most students who drive, all the traffic pretty much funnels in past there.

KG: Yes, then most of the campus is connected by tunnels, that's near a main tunnel entrance. The third area, by Raymond's cafeteria in the west mall that's by the gym and business programs and the residence enters through there as well. So it's kind of... those three areas cover off the majority of everybody. Most days I go past two or three of those, so.

LW: So polling station locations. The proposal is to have five in total where they usually are and the times I guess, obviously.

KG: Yes.

LW: I would propose that we talk about campaign materials fairly soon. There are a number of subsections for that--the criteria for what we will accept and not accept as appropriate campaign materials. By that I mean are we prepared to approve materials that are libelous or defamatory or just -

KG: Lucy, what's your experience from the past that... like is this a problem to approve materials? How much effort does it take for us being scrupulous about what is out there for campaign material?

LW: Generally, it's pretty straightforward. I anticipate there are going to be a few hiccups. But generally, it's fairly straightforward. As soon as people have their hands on the rules and they understand that we're not prepared to approve materials that cross certain lines, people are generally respectful of that. The approval process doesn't have to be a particularly onerous one. We could even try to facilitate something by email so we're not constantly having to get together to review materials in a timely fashion. But we can also talk about what that approval process is and how we communicate that to the individuals participating in the campaign and what we do with respect to unapproved materials that are posted.

KG: Okay, I'm just thinking here for a second. Just give me a second. So what were the other aspects of the campaign material besides criteria that we need to discuss?

LW: So criteria, submission and response like the process for submitting materials to the committee. How quickly we respond, like setting ourselves a deadline so that campaigners know they'll get approval or rejection within a certain time period and we

don't hold their campaigns up. Then what we do if and when there are unapproved materials that are distributed or posted on campus.

ML: Okay, I think we've got that.

LW: Okay, we should probably talk about complaints: what the procedure is for submitting a complaint, what we're looking for in terms of content, what penalties we will assess in the event we find that a complaint or an alleged violation has actually occurred.

KG: I flagged in my own head point fourteen through seventeen on this document, which is about an arbitrator for decisions. When it comes to all these things, complaints, and approval of everything. I mean, in my mind I think it's probably best that we don't need to arbitrate our decisions. But I understand and appreciate that it may come a point where we can't agree and we need to make a decision quickly or else referendum stalls or something we can't approve the materials and a campaign is complaining and all that sort of stuff. What's your initial reaction to this process? Of having an arbitrator?

LW: I'd have to put some thought into it. What I was going to suggest is that we also have a discussion about appeals of our decisions as a committee and or the results of the referendum. Maybe just so the two of you have something to think over, over the next few days. The structure that we have set up in the past has been similar to the structure of the oversight committee. Wherein one individual selected by the Federation and one individual selected by the member local association comprise an appeals committee. So they have to work through the appeal and come to some satisfactory conclusion or decision. It could be an appeal of our decisions or it could be an appeal of the results. So that I guess, is an alternative that we have set up to an "outside" arbitrator. And still 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.

ML: Those would be... none of the four of us would be on that committee for example -

LW: Yes, sorry, sorry. That's the key. You're right. That neither of the [appeals] committee members could have been involved in the oversight committee.

KG: So who normally is appointed to that?

LW: Well that would be... like Simon Fraser Student Society would have to select somebody. That it can be any representative they choose. So whatever criteria is set out internally is fine. Like in the past, the Federation's representative has been a member of the National Executives who hasn't been involved in the campaign or on the oversight committee. So is removed from the process. Okay, so for purposes of discussion, we'll say we've got the idea of an arbitrator. We've got the idea of this two-person committee. I'll put that down for next week. I guess we should talk about like the actual campaigners. If we require campaigners to register with us so that we know that we can contact them and provide

them updated rules if there are problems etc. If we are permitting campaign teams. And what that process is that we set out for those individuals or teams.

ML: Is this something you guys have typically done in the past? Is this common?

LW: To have people register?

ML: Yes, registrations.

LW: Yes, and it's... I'll be honest, the first few referenda that we conducted with the Oversight Committee playing an integral role in implementing the referendum we did not have registration and it was very confusing. Because you didn't know... the Committee didn't know who to contact if there was a problem with materials or to approve materials or to provide the most recent version of the rules to or the current version of the rules to. So we found over the course of the last few years that it's just easier in terms of facilitating communication between the oversight committee and people participating in the campaign. It also means the individuals take responsibility. They assume responsibility for knowing what the rules say and agree to follow them.

KG: In the case of having registered campaigners, when you have someone is rogue and they're going to campaign anyway without regard to the process and they're going to give out leaflets or shout in classrooms or whatever they do. How do we address that if they're not officially registered? I mean either side could take some point with that and there really is no recourse is there? That's the only part that I'm stuck on in my mind. Like what happens when someone disregards this process and it negatively affects... not necessarily the outcome but it impacts one particular campaign and they're upset about it.

LW: Yes, and that's the challenge. We should think about that. Because there is no easy answer. Especially when you've got one person who is intent on violating the rules and can't be penalized in the same way that say a more formal campaign team can be.

KG: Yes, I need to think about it a little bit more, is what I'm thinking.

LW: Yes, for sure.

ML: I can see some other things coming up that there is a line to be drawn. If people just start talking about it. Which I hope is good. This is what you want when you've got a referendum going on and then two people start talking about it and then two more people at the table join in. All of a sudden this spontaneous debate breaks out. Then where does it cross the line if people are talking back and forth about things. These are the sort of issues I've got in my mind about that.

LW: Totally, totally, yes.

KG: Here at our campus, we tend to shut down and have protests quite often.

LW: Yes.

KG: I'm totally fine to talk about it next week. I don't have a conclusion or anything yet at this point so -

LW: Okay, so let's add that to our list. We should talk about "no campaign" zones if we're going to prohibit campaigning in certain areas on campus. A couple of the obvious ones come to mind, the library is one that people are particularly sensitive about and places where alcohol... places or events where alcohol is served are two -

KG: I'd offer residence because I think that's people's private lives. I guess they're on campus but I mean that's their home life. They should be given a little bit of space. I mean students who are off campus aren't inundated with referendum campaigning. So just because they happen to live on campus doesn't necessarily mean they should be exposed to more campaigning. Also, because there is an area that's technically on campus and I think it's actually campus property but it's not officially residence. It's called UniverCity, it's a sustainable community they're developing on the east side of the mountain and tons of students live there, especially graduate students and faculty. But it's not... it might as well be off campus but it's -

ML: It's a private development that's essentially been leased out by the campus. So about the only thing the university does for it is plow its roads.

KG: So I'm thinking like residential areas of SFU could be include under that.

LW: Okay, let's add that to the list of topics. So voting procedures, we should run through.... maybe next week we can talk about what the voting procedures are that have generally been followed at Simon Fraser and what if anything we want to change or alter slightly for this referendum. Maybe include in that, just under that broad category we should talk about security of the ballot boxes, potential storage locations for them. Poll clerks, scrutineers.

ML: That's all good stuff to address. I'm wondering if some of the stuff that's in the document I faxed over describes some of the procedures but there is some other details for example that aren't picked up. Do you want a short description document or anything like that to see -

LW: Of how one would vote in an election usually?

ML: Yes.

LW: Yes, that would be helpful.

ML: All I see here, it's an independent it's a fair process that's worked quite well in the past. There is a really good registration database that's provided by the university. All this sort of stuff. We think there's a lot of good stuff in there that could help.

KG: One thing that's come to light, just to me this past couple of days is that actually all staff that would be employed as poll clerks are under the CUPE collective agreement here with the Simon Fraser Student Society through their hiring process. Now, I don't have access to that hiring document or anything like that. But they're all hired through that collective agreement.

LW: Really, so they're all unionized and pay union dues?

ML: All unionized temporary employees.

KG: Yeah, they have a clause in their agreement that they're all temporary employees and they're members of CUPE for that period.

ML: It states that almost explicitly for poll clerks and a few other things. Where students are just working a couple of days on a particular project.

LW: Interesting, okay. Is there anything else on this list, anything that jumps out? I guess under campaign materials we should also add types of materials. So if we're going to allow banners, if so, what the dimensions are. How many on campus, where they can be placed, same thing with posters, handbills.

KG: Electronic media.

LW: Yes, also are there any types of materials that are prohibited? I know a few years ago there was a real stink because a candidate had used chalk and written in chalk on various buildings and sidewalks and such and the university was very, very tense about it.

KG: We'll get that for you next week. We'll figure out what is and isn't allowed on campus as per the university policy.

LW: Okay, that would be great. So maybe....so the types of materials that are and are not allowed and what the university's posting rules are. I'm sure that they are fairly straightforward but there might be some anomalies.

ML: We've got a really well worked out policy with the university especially around elections and campaigns. So that we can definitely -

LW: Okay, that would be helpful. Those are the most obvious things that come to mind for me at this point.

ML: The only other thing that we... Oh, I was going to say ballot question, but we did write that down, so -

LW: That's number one.

ML: I started noting half way through because I was faxing things. It's buried under another note.

LW: Now, Ben and I haven't had a chance...we've had the chance but we just haven't talked about a proposed question at this point. Have you guys had a chance to think about that? Like is there anything you want to put on the table now for us to think through or do you want to wait?

KG: Honestly, not an official wording. We've talked about need for simplicity and everything. But we haven't actually put anything down on paper, so.

LW: Okay, so let's just hold off, that's cool. Okay, is there anything else for the... we're obviously going to add to this list as we start going through these issues but -

BL: In terms of priorities, I mean the priorities are in particular anything that would need to go on notice. So we have polling locations. We have the dates and the question. Yes, there might be other things we think of in the mean time but those three would be the most important.

KG: Just because we're closing in on I guess six weeks to those proposed dates, do you guys see any complication with making a decision on the dates by next week or like do you have time to ask the National Executive about it or is that going to be somewhat of an issue or... when can we decide on that I guess is my question?

LW: I think our goal would be to decide at our next meeting.

BL: Yes, definitely.

LW: Yes, unless for some reason we can't connect with people or something. But that's our goal. I think the sooner we know what the dates are the better for everybody involved.

KG: Yes.

LW: Okay so I'll add... why don't I prep another draft agenda for your consideration and I'll add all of these issues to that agenda just so we're all on the same page in terms of what we should be covering off.

ML: That sounds good. One thing following on what Kyall said. If it turns out on either side that there is something that's going to set off red flags, warning sirens and big bells everywhere, that another discussion might be good before we come back to a meeting one week from now. If we kept the Friday time slot in mind if we did need to have another conversation.

KG: This Friday -

ML: This Friday.

LW: Okay.

ML: Hopefully not. Nothing's ringing any big bells for me but then again, there is lots of people on either side.

LW: Yes, for sure. Okay that sounds... is that cool with you?

BL: Yes.

LW: Ben's going to be in Toronto but he could... that's fine. I can just call the three or the two parties. Do you want to move on to other business or -

KG: Yes, that sounds good.

LW: There is one issue that we wanted to raise and that is the issue of pre-campaigning. I'm sure as two people who are on campus a lot you've seen a number of materials that have been posted up and around campus and that have been affixed to Canadian Federation of Student's general campaign materials. There are Facebook groups and there is a website that's been set up that all speak to this referendum that's coming up specifically and are very campaign/referendum specific. So we wanted to flag that issue as an issue of serious concern for us. It's obviously our responsibility as an oversight committee to establish the campaign dates and then go through this process of reviewing and approving materials and that... I don't know if it's the executive or if it's the board or if it's the forum of the Simon Fraser Student Society that is operating outside of that. So we want to register our concern about that, pre-campaigning that's happened to date.

BL: Yes.

ML: From what you said, a few of the things like attaching materials to other people's materials. The board here has seen the same thing happening on the other side. That stuff's being attached to what they have been putting up. I think if there is a pre-campaigning issue generally, it could be addressed on both sides.

LW: Really? Are these materials... that's the first time I've heard about that. What do these other materials say?

ML: I don't have them in front of me right now. There were some stickers placed up on things late last week, as I understand.

LW: Can you grab some copies of that?

ML: I'll do my best. They're not... it's not my department but I'll see what I can find.

KG: What are we getting at here that we should be proposing some sort of regulations for pre-campaigning or are we looking to change the current... not change the current. Are we

looking to like rule out pre-campaigning right now? What are you guys proposing at this point?

LW: We're not necessarily proposing anything. We just want to have it on record and so that the two of you know that this is something we're very concerned about. That there has been this campaign that's been happening since I think September and it's all very specifically directed to this referendum that's coming up. That our bylaws don't in any way contemplate the issue of pre-campaigning because it simply should not be happening. But I don't want us to put the cart before the horse. I think we should have a discussion about campaign materials and about the campaigning period and then let's have a discussion once we've established what our rules are. Have a discussion in that context about anything that's happened outside of those rules.

KG: Okay.

LW: Because I think, it would be hard for us to have a discussion about materials and campaigning when we don't even know what both sides think about how we go forward. So that was all that we had under other business at this point. Was there anything that you guys wanted to add or address or put on the table for next week that we haven't covered off?

MAN: Mike and I just looked at each other, we say, no, I don't think so.

ML: One more thing that might be worthwhile in the meantime. Just in terms of... obviously correspondence among members of the committee. But in terms of setting up a means in which individuals outside of the committee can contact members of the committee. That we could set up like an email address that we all have access to so that in the future, like any submissions being made to the committee or anything like that, that there is a single email address that can go on notice, that sort of thing.

ML: A mailing list?

LW: Like a gmail account?

BL: Like a Gmail account. That way we all have the login information for and we can... that way we all have access to documents as they're submitted and it's a direct form of communication.

ML: I have no problem with that. I can set one up or you guys can set one up. Just, do you have any preference? Could it be... I don't know, sfuroc@gmail.com or something?

BL: Yes, something like that.

ML: Are you particular about the address?

BL: Not necessarily. I was going to volunteer to do it myself. But if you -

ML: If you want to, then go ahead and then maybe just send us the login information.

LW: We came up... with Gmail we can also get it forwarded to our other accounts too right?

BL: It will also, another benefit is to allow us to create a calendar so we can actually set out our meeting dates there and generally map things out in terms of the referendum so we have a central resource for referring to that sort of thing.

ML: If you have time Ben, that would be much appreciated.

BL: Okay, I will do that, for sure.

LW: I have to run. I've got another meeting. I think it seems like we're wrapping up anyway, is that good?

KG: That sounds good. I don't see anything appearing before next Monday at 3pm Pacific Time I think we're pacific not pacific standard -

ML: We are standard. Depending on which way it works.

KG: If you guys have anything else let me know as late as Thursday would probably be fine and we can do another call on Friday?

LW: Okay, that sounds good. So I'll circulate these minutes within the next twenty-four.

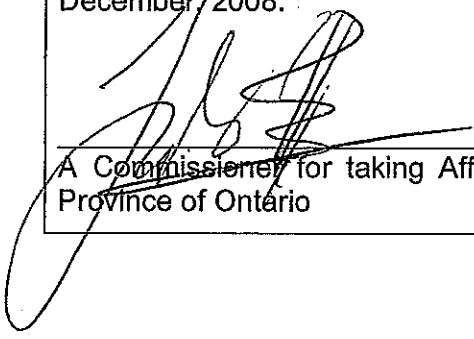
KG: Then I guess I'll just send you back an okay or something like that. I've got notes here. I'll just check them over to make sure we've got everything in there.

LW: Perfect, that sounds great.

KG: That's it.

LW: Alright have a good day. We'll talk to you soon, bye.

This is Exhibit "C" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 18th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23 - Roc - 2008/02/11 Meeting

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

ML: I was okay when I looked over whatever I ... with Kyall so.

LW: Okay.

BL: I guess we're good.

LW: Okay. Cool.

LW: Here's, sorry, here's ... I jumped a step. Is there any, is there anything that's missing from the agenda at this point? We can obviously add things as we go if something comes to mind.

ML: I had something to bring up, I mean obviously we have a lot of stuff to do under 4 but I think that anything we got is pretty much covered there. We might think of other things as we go through it, but.

LW: Okay.

KG: Yeah, I'm comfortable if we think of something we can just toss it on if you guys are comfortable with that.

LW: Yep, absolutely, absolutely. Yeah, this is more just so that people can get their minds wrapped around certain issues before we sit down and talk, but it's not in concrete.

KG: Excellent.

LW: Okay, so, referendum dates is the next item. I'm just looking for Mike's email, which I can't find. So I got your email and appreciate you going through and checking all the documents and stuff. The point that we were making at the last meeting is that the petition that was submitted to the National Executive by the individual members of the Simon Fraser Student Society and the individual members of the Canadian Federation Students did not include dates. So, simply put the notice requirements that are set out in our bylaws are basically setting out information that should be solicited from the individual members in order to petition the National Executive.

ML: What is the specific section please, Lucy?

LW: Well, it's under bylaw one subsection six.

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ML: Yep.

LW: And you'll see there that we've got, let me just scroll down, it talks about b.) notice.

ML: Ya, I see notice in there. I see six, sub 8, sub 2 notice of defederation must be delivered prior to six months, sub 3 notice of vote must include exact dates and times of voting.

LW: Right.

ML: That's disconnected from A, which is petition, which is just a petition calling for a referendum.

LW: Right, the highest authority in this case in terms of establishing the referendum dates are the individual members of the Simon Fraser Student Society / Canadian Federation of students. So because they did not petition the National Executive to conduct a referendum on specific dates, I think the letter was submitted, the notice was submitted by Derrick Harder. The dates that he is putting forward are basically a proposal, but carries no more weight then if another individual member of the Simon Fraser Student Society had written a letter to the National Executive or to Amanda Aziz as national chairperson, requesting that the referendum be held on specific dates.

ML: I've gotta disagree with you there Lucy because it doesn't state in the bylaws that the dates have to be specified on the petition and that the students are represented by the local association who put this forward and notice I would argue very strongly has been given in terms of that and I don't see where there's a conflict or an issue.

LW: Well, let me... I guess I'll put it differently, Derrick Harder doesn't have any more authority to establish the referendum dates then Amanda Aziz as an individual does, as National Chairperson of the Canadian Federation of Students. So in terms of setting the dates the National Executive has not made a decision as to when it wishes to conduct this referendum, and so by default it falls to the oversight committee to make that decision. If the individual members of the Simon Fraser Student Society, as the highest authority in terms of petitioning the National Executive to conduct this referendum, had included the dates, we would be conducting this referendum on precisely those dates and there would be nothing to discuss.

ML: I've gotta disagree with you there Lucy because it's nowhere in the mandate under six F for what the Oversight Committee does to set the date or the time because the Oversight Committee is stuck three months after notice where there's notice at least six months before the referendum and it says clearly that notice has to specify the dates.

LW: Right.

ML: And there's no way the referendum oversight committee can do that.

- LW: It can, if you look at item 8, establishing all of the rules and regulations for the vote, so because the individual members didn't petition the National Executive on this issue, it will fall to us to make that final decision. But Derrick Harder as the president to the Simon Fraser Student Society has no more authority to dictate when this referendum happens then you, as an individual member of the Simon Fraser Student Society. However, collectively as the members of the Simon Fraser Student Society ten-percent petitioning the National Executive would have that authority.
- KG: So I guess Lucy, for clarification, I agree with Mike here and I'm disagreeing based on the notion that the petition must include the dates. Nowhere under B3 does it say that notice of the vote include exact dates and times must that notice be the petition. Nowhere under 6A does it say the petition must include this fact. I guess I'm just really not clear as to where that is overarching over our obligation to propose that at this point.
- LW: And I'm not arguing that the petition has to. There are some petitions that are submitted, like the ones from Simon Fraser students... that don't specify dates. There are some petitions that are submitted that do specify dates. It's not, in any event where they don't specify dates it falls to either the National Executive or the oversight committee to make that final decision. Because there are no instructions given by the individual members as to when they wish to hold this referendum.
- KG: It says that the instruction must be given by individual members when they vote on whether to defederate. Where does it say individual members must give that instruction of the date?
- LW: It doesn't, but it doesn't -
- KG: That's the point, if it doesn't -
- LW: You don't need to.
- KG: If it doesn't, the default is the reading of it.
- ML: I wanted to point out one other thing in the reading of the bylaws we have here. So under Bylaw 1, section 1 Types of Membership there are two types of members of the federation, individual members and voting members. Individual members are represented through the local student association to which they belong.
- LW: Right.
- ML: So that association is the local student association and more than anything else I can't see why that prohibits the student society from sending out the notice as it was given.
- LW: But it's the 10% of the individual members that trigger the referendum. It's that 10% or that group of members, as individuals who communicate to the National Executive that they wish to vote on continued membership in the Canadian Federation of Students.

ML: In the legal sense they're the requisitioners here, but indicates that the requisitioners are organised and the sense that in the people who are organizing the petition and the expectation that the people setting forward the petition are going to do all the other things in terms of notice, making sure that it's sent in appropriately, making sure that the rest of the term should follow the bylaws.

LW: So do you...if that's the case, if the individual members have requested that this referendum be conducted on such and such a date, is there evidence of that that we can get?

KG: But it doesn't say in the bylaws that they need to request on a certain date. It says notice must be included with the petition. It doesn't say who should request that other than the representative or the individual, it doesn't actually make clear, so I guess right now I'm not seeing language that says either in the bylaws and I guess we have to make a decision whether, because that language isn't there whether the notice that was given on the notice with the petition is sufficient or not. I guess I'm not reading under section 6 where it says the representatives may make that notice or whether it says the individuals make that notice.

LW: Did the individual members petition the executive of the Simon Fraser Student Society to conduct this referendum on a specific date? Do you know?

ML: No, it was on the petition.

LW: Was there any other form of communication, I guess, is what I'm wondering.

ML: I think at the time it was discussed when this was going to happen it's going to happen at the time that the Society's general elections are scheduled because that's the standard referendum cycle that everybody's used to out here. It's gonna happen the next time there's gonna be a poll that has referendums. That's gonna be March 18, 19 and 20. That's standard time for voting.

LW: Sorry, say it again. So elections are being conducted when?

ML: 18th, 19th, 20th, 9:30 to 7:30 and this is all part of the usual democratic cycle.

LW: Right, okay, alright, well we... I'm not sure how we proceed at this point. It's our position that if the individual... the ultimate authority in establishing referendum dates rests with the individual members who triggered the petition... who triggered the referendum in the first place with the petition and in the absence of that you know, we are not in the position to give Derrick Harder more authority in this process in terms of dictating when the referendum is conducted then say the National eExecutive of the organization, which is conducting this vote or the oversight committee, which has been empowered by the individual student society and the National Executive to make these types of decisions.

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KG: Okay, so does the National Executive have a proposal for dates?

LW: There's, I think at this point we can agree... we can agree at this point to the commencement of the campaign period.

KG: Is there a reason you guys haven't been mandated by the National Executive with particular dates?

LW: No, we do have dates, we do have dates to propose.

KG: Okay, so can you tell us what those dates are?

LW: Yeah, absolutely. So campaigning commencing on March 3rd, and voting happening on the 25th, 26th and 27th of March.

KG: Say that again please.

LW: Yes, sure. Campaigning commencing on March 3rd, that's the Monday, right? Yes. And then voting 25, 26, 27. So three full weeks of campaigning and then into the voting dates.

ML: Would the campaigning end on the 24 or does this carry right on through to the end? I just want to be clear.

LW: To the 27th.

ML: Okay, the 27th. Cool.

LW: So that's what... now I know that you, at our previous meeting we didn't sort of get into... into specific dates necessarily, so you know, obviously you need to think about that, but -

KG: Is there a particular reason why the 18th, 19th and 20th are unacceptable?

LW: Yes, the Simon Fraser Student Society general elections are happening at that time.

KG: The graduate component of that are not. They're happening a week prior. It would only be the undergraduate component that would have their elections.

LW: Right, sorry, when are the grad elections, they're the -

ML: Oh jeez. The other calendar's in my head.

LW: 11TH, 12TH, 13TH?

KG: I can't remember.

ML: They're earlier. They are the 10th, 11th, 12th, I think.

LW: 10TH, 11TH, 12TH, okay.

ML: I just don't have it in front of me right now.

LW: Okay, okay.

ML: Can we talk about, very quickly, what the issue would be about running specifically as the same time as the elections in the other referendum because I'm a little bit fuzzy as to why that creates such a significant problem.

LW: The feeling of... well, it's our position that the process being... has been tainted at this point in terms of the amount... in terms of pre-campaigning that has occurred on the part of the executive... the current executive of the Simon Fraser Student society, some members of the board, some members of the forum. I certainly wouldn't want to generalize and say it's everybody who's in an elected capacity at this point. But that we are very concerned will compromise the integrity of the referendum outcome.

KG: Lucy can I ask you a question? What is the intent of the "I Am CFS" campaign that is throughout the city?

LW: You would have to speak to the people in the Canadian Federation of Students - British Columbia office about that. That is not referendum related.

KG: So your pre... your contention is that has nothing to do with the referendum?

LW: Yes, those aren't materials that have either been submitted to this committee for approval or being discussed in the context of a referendum, no.

KG: So they would be similar to the materials put out by certain members of the Simon Fraser Student Society executive.

LW: Now, I don't have... do you guys have a copy, I don't have a copy, and maybe we're jumping ahead here. I don't have a copy of the I Am CFS materials in the office, but it's my understanding that they don't make reference anywhere to a vote or a referendum or -

KG: I think that's pretty implicit that there's three referendums going on in the lower mainland regions and that they're promoting the existence of the Canadian Federation of Students in the same capacity as the Simon Fraser Student Society materials, I'd assert, are promoting the capacity of the Simon Fraser Student Society Student Society and why they do not want to be members of Canadian Federation of Students. I think I would argue that CFS-BC needs then a representative on this committee because I think those materials do have a lot of weight for this referendum in the pre-campaign period.

LW: Okay, well let's... we can have a discussion about campaign materials when we get to that item.

KG: Okay.

LW: You asked for our explanation or a justification for a later set of voting dates and that's the explanation.

KG: Okay.

LW: Now when we spoke at the last meeting was there... did you have a proposal in terms of the campaign start dates? I know, you proposed the 18th, 19th and 20th, but did you also suggest a campaign start date? Is that something that we can reach agreement on today if you're, in terms of a start date as opposed to a debate about the voting days and end date?

ML: I think the both the SFSS and CFS bylaws are pretty much in agreement on but there has to be a minimum of two weeks of campaigning.

LW: Yeah.

ML: I think that there might be democracy fatigue you know where everybody gets tired just hearing it over some point, so if you wanted to limit it to two weeks of campaigning or you know, three if you were suggesting that, but that was a limited number that's fine as far as we're concerned, but two is certainly reasonable for us.

LW: Okay, so then can we... are we in agreement that regardless of what our final decision is in terms of the actual voting days and the end day of campaigning that it will start March 3rd.

KG: I don't know if I can be in agreement with that unless we have dates pinned down just because I don't know, I don't have my calendar in my head working correctly as to what that time line is because that might be more than two weeks.

LW: Well, if -

ML: It would be good to have the whole thing in terms of an actual number, because if we have an issue with all the dates that doesn't get resolved for a while then we could wind up with something strange in that regard. I'd like the dates to be a whole package.

LW: Okay, fair enough. So is there anything further on the dates you want to discuss right now? You want to take that away and think about it?

ML: We can take it back. I mean I think I'll be honest here, I think the executive and the board of the SFSS are going to come back with us saying why are the dates that we proposed when we submitted materials unacceptable. We mandated you to go in and set this referendum. So I'll be honest, I don't think we're going to hear from some happy folks at

that. So I'm kind of conflicted as to whether going back to them changes their position on this at all.

LW: Well, we've presented new information, right? Who knows.

KG: That being said, we don't obviously want a stalemate here, that doesn't help anybody. So let me get this straight. The position of you two is that these dates, the 18th, 19th and 20th are absolutely unacceptable?

LW: Yeah.

BL: Yes.

ML: Ok. Sorry. Just writing something down my...

LW: Okay, Mike, sorry, I just missed that.

ML: That's okay, I just had a brain fart while I was writing something.

KG: We're just furiously writing notes here so we're just like ahh.

LW: Okay, okay, that's fine, and if you're quiet you know that we're doing the same, so it's fine.

KG: I think maybe what we should do now is just say that further discussions have to be made with out board here and that we can't set the dates at this time, just continue on to section 4C what we can set for everything else.

LW: Yep, no that sounds good, sounds good. Okay, so the first issue is the referendum question. I don't think... did we... I don't think we talked about this in any detail at our last meeting, did we? Was there -

KG: No, we didn't.

LW: Okay.

KG: What Mike and I have in front of us is the original petition that we sent and so and so the proposal sent to us by the Simon Fraser Student Society continue with that question we'll see if that works for you guys and it's the question that's on the petition, which reads, I'll read slowly just in case you want to make notes, do you wish to remain a member of the Canadian Federation of Students.

LW: Okay, sorry, I'm just flipping through paper. Sorry, can you just read it one more time, Kyall? Do you wish to remain -

KG: Do you wish to remain a member of the Canadian Federation of Students?

LW: Okay, member of... okay. Okay, so we have a proposal for you in terms of the question and I will... I will email this to you because it's lengthy so that you've got it in writing.

KG: Do you want to read it to us because neither of us have computers in the room we're staying at right now.

LW: Yeah, for sure and then after the meeting ends I'll email it off to you so you've got a copy. Are you in favour... why don't I read it quickly the first time and then slowly the second time.

ML: Sure.

LW: "Are you in favor of maintaining formal relations with the students who are members of the following students' unions" and then a listing of the students' unions that currently comprise the Canadian Federation of Students, which is why I'm going to email it to you so you've got that in it.

KG: Is there a particular reason it has to be so lengthy?

LW: If we thought there was a more accurate and succinct way of shortening it we would.

KG: Can I read you the question that's going to prove from the University of Victoria Graduate Student Society by their referendum oversight committee which includes both of you.

LW: Yeah, no, we're familiar with that.

KG: So are you in favour of maintaining membership in the Canadian Federation of Students. I'm just confused as to why this proposal is so much lengthier than that one that that referendum oversight committee has approved.

LW: Because it's our position that in the context of what's been happening on campus over the last six, seven months in terms of membership in the Canadian Federation Students that we need to present people with an accurate description of what 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.

ML: I hear what you're saying Lucy, but the one thing I see is that if you list these groups individually, that's the current membership but some new locals are going to sign on later, some of the are going to leave that are other issues that I know that are things that the Federation does, which is not necessarily to provide relations with these groups, but to do the national campaigns and provincially the provincial campaigns that the spirit of this question really doesn't capture whereas when you're just referring to the membership

of the CFS, it's what the benefits of membership are. That is pretty clear. The CFS does a pretty good job of saying you know, here is what the benefits of membership are, here's our campaign. So, I don't think that the issue is particularly muddled here.

LW: And by here you mean -

ML: At the SFU.

LW: Okay, we would disagree with that. 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. Sorry, Mike, I kind of missed your second point there. I think your first point, if I can just respond, is about changes in membership and how does this tie the Simon Fraser Student Society and the individual members to that membership, it's not --

ML: It's not a legal tie, it's more of a sense of what is the question asking, is it capturing the full essence of what a yes or no vote means on this question. Because that group, by naming that specific group now, that's a snapshot of a things as they are now just in terms of the other member organizations but certainly doesn't capture the work that the CFS is trying to do in terms of this campaign. Which only seems to be as much of the argument for having this, that it's not just having relations between the various unions but it's also sharing resources and a shared vision in that sense because the SFSS can have these kind of relationships with any other person or you know, or union, or company that they choose to. The relationship that's referenced in the question, just putting it out there, come from general membership in the CFS. So that's why that was one of my points is that, the general idea of being a member of the CFS captures, I think the essence of what you're trying to get at there.

LW: We would disagree ... in terms of when one gets right down to it what membership in the Canadian Federation of Students is about is a relationship with students who are members of other students unions. Anything that flows from that 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.

ML: Lucy, I hear you but I'm confused as to why that can't be summed up in the words retaining membership in the Canadian Federation of students and you know, both having campaigns about what that means and having information available for students to understand. I mean, I really... I really tie into my past knowledge about the way referendums work in the majority of referendum procedures in Canada and how very complicated questions both minimize turnout and make it very difficult for individuals to have a very good opinion about what's going on. I think that we should be striving for simplicity instead of complicating the referendum questions.

- LW: And we agree with that, and we think that with the exception of it being somewhat lengthy, because there's a list of student unions, that it is very simple. It's "are you in favor of maintaining formal relations with students who are members of the following students' unions". That is the question that's being put to people and so it's lengthy--it's not complicated or complex.
- KG: Okay, but the problem we have with the way that question is phrased is that it's formal relations instead of membership in an organization and I think we have to emphasize that any individual students here are members of an organization, not having formal relationships with, they are members of an organization and I think there's a pretty substantial technicality there.
- BL: So sorry, what was your proposed question again?
- KG: My proposed question is do you wish to remain a member of the Canadian Federation of Students?
- LW: My, I... Can I jump in Ben?
- BL: Yeah.
- LW: Okay, my concern with that language is that it doesn't acknowledge that it's actually... it's... while it is the individuals who are making this decision, ultimately it's about a membership as represented by the Simon Fraser Student Society and so I'm worried... my concern with the question that's phrased that way is that an individual voter might think that their individual vote will determine their individual status on a going forward basis. That they aren't taking part in a collective decision.
- KG: How is that different from the UVic question where they say are you in favor of maintaining membership in the Canadian Federation of Students?
- LW: It is collective membership.
- KG: Because it has membership in the question.
- LW: Yeah.
- KG: So that language to me seems simple. I'm not such a word junkie that I would compete with that. I think it's straightforward and simple. That's kind of where I'm coming out is that I want a question that students will understand clearly and second, emphasizes that they are members of an organization not affiliated with, and I think... I really, what's the word I'm looking for? I'm not a word person. I'm really, really conflicted about the notion of referring to a relationship that's about affiliation instead of a relationship that's based on individual membership in the organization.
- LW: Right, okay.

KG: I mean, with Mike's silent approval here, I'm in favor of proposing a question similar to the one that's been approved at the University of Victoria are you in favour of maintaining membership in the Canadian Federation of Students.

LW: Are you in favor... so repeat that, are you in favor in maintaining membership in the Canadian Federation of Students?

KG: Yes.

LW: Okay, why don't we... we haven't talked about that, so why don't we discuss that if that's cool.

KG: Okay.

LW: Then -

BL: Deal with that at our next meeting?

LW: Yeah, and let's make that a priority issue for our next meeting.

KG: Okay.

LW: Is that acceptable? In the meantime I'll email over this other question so you can continue to chew on that.

KG: Okay, great.

LW: Okay.

KG: Yup. That's fine.

LW: Okay, so what was the next issue? Polling stations, location and times. Nothing... we talked about these locations, they seem logical, we... but we don't want to sign off on them at this point until we have an opportunity to actually physically inspect the space in terms of the kind of environment that it is in, what kind of campaigning has been happening around there to date and that kind of thing. So if we can just put this on hold until we have a chance to do that, which is next week. But at this point I don't think we disagree --

BL: I haven't been on campus.

LW: Yeah, Ben doesn't... he hasn't been on campus.

KG: What day would you be on campus next week? Prior to our next meeting or after it?

LW: When are we meeting next week?

KG: I thought we were meeting regularly on Monday.

LW: Are we... alright, is that what we were... sorry, that slipped my mind. Okay, you know what, it might be after... I would be amenable to having a quick check in by phone later next week to just deal with that one issue if that makes you... if that's -

BL: Agreeable.

LW: If you want to get it approved or signed off next week or we could just hold off till our next meeting. It's up to you -

ML: So that's later next week, so you guys will come have a look at it? I'll just pick a day out of my head, let's say Wednesday -

LW: Yeah.

ML: Then we'll talk about it on Friday because I know we identified maybe Friday is a good time to meet.

LW: Yeah, yeah, we can do that or we can just wait till the following Monday, whichever is... whichever you prefer.

ML: We can do that if we need to get it signed off on. But I also would suggest because I've done the thing with the SFSS. I've been on the board. If you guys are going to be on campus, the both of you, I'd be happy to give you a tour of the particular locations.

LW: Okay.

ML: Show you both around because since I've been here, I sort of know this past practice stuff.

LW: Yeah, yeah, no that's great. That would be great. So why don't we, when we've got our schedule firmed up, why don't we touch base with you and figure out what your schedule is and then we can pick a... pick a time.

ML: Good.

LW: Okay, that sounds great, thanks Mike.

KG: Honestly in my head I'm thinking the difference between approving it Friday and approving this the following Monday is so minimal that... I mean I'm fine with leaving that for the agenda for two weeks from now.

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LW: Okay, that sounds good. Okay, two weeks. We had some questions about first classes and when buildings open and that kind of thing. Were you able to find anything out?

ML: Didn't have a chance to get to that specifically. I was in the office all weekend, and then you know, unfortunately billions of other things piled up.

LW: No, and this isn't one of those things that needs to be -

MAN: We can secure it. It's just honestly slipped both of our minds.

LW: Yeah, okay.

ML: Whenever I right something down I'm putting a star beside check first and last like last time.

LW: Okay, so let's try to get that info the next meeting, but it's not a disaster if you can't get it until the following, that's cool.

ML: Shouldn't be a problem, It's just mind slippage is all.

LW: Okay.

BL: Quorum?

KG: So we're proposing quorum be 5% of the membership?

LW: Yeah, and I think that's set out in the SFSS bylaws, right? Is it 5%.

ML: Don't the bylaws say 5%, either 5% or the members local's, whichever is higher. The SFSS's is 5%.

LW: Yes, yes, so 5%.

KG: Decision-making would be 50% plus 1?

LW: Yes, and do you happen to know by any chance what that precise 5% figure would be based on current enrollment figures?

ML: I could give you a real ballpark number right now. You'd probably want to say about 12000, that's the number I had in my head. The [University's] report should be published now. They usually publish about the end of third week of classes because they use the numbers to give to Victoria for funding. We can definitely pull that up and we'll have an actual number or I could just go to the Registrar's office and ask them to give us the official number.

BL: That would be good.

LW: Okay.

KG: Can we just say 5% of the finalized voters list, is that clearer then having a specific number because I'm just wondering when that exact document comes out. When do you think it is?

ML: The numbers should be coming down fairly soon because the time period for major changes and shifts in enrollment is pretty much done.

LW: Yeah, yeah.

ML: And they're just signing off on the list at this point as far as I know.

LW: Okay, alright, well we're in agreement that it's 5% so let's revisit... let's revisit next week.

MAN: Exact number whatever that is.

LW: Yeah. Okay, that sounds good.

KG: Campaign materials.

LW: Yes, so criteria. We proposed that the criteria for approval of campaign materials include that materials cannot be potentially libelous, defamatory or inaccurate. That is what we're proposing in terms of general criteria required the individual or campaign team needs to meet in order to have their materials approved.

KG: Can you just repeat what you just said please?

LW: Sure, we will not approve materials that are potentially libelous, defamatory or factually incorrect.

KG: I hear the spirit of where you going here Lucy, although this is one of the things where we start getting into issues that might come bite all of us in the ass later on and the word "potentially" is tricky because almost anything could be potentially libelous. You know, I've got a calendar of the month of March sitting right here and somebody could argue that I wrote almost anything on there, it could be potentially libelous to some small potential. Almost identical language in their bylaws for campaign materials that if we have used for a long time around here but in just adding it says libelous as opposed to just potentially.

LW: That's totally fine, we just included "potentially" in the past because none of us are lawyers and so we haven't wanted to assume that we would be the final arbiter in determining what is libelous. That you know, is not something we necessarily have the expertise to determine, but we're obviously as a committee... if we have serious concerns or hesitations about a particular statement I think that we would be more cautious than

not. So I don't have a problem with removing the word potentially from that, Ben, do you?

BL: No, I don't have a problem.

LW: Yeah.

ML: Um, okay, so we can take out the word potentially and I think the rest of it's fine. The only thing I would say is we have to just understand that I think, factually incorrect that we can't fact check everything that comes in. If somebody comes to us and says here's a serious factual error with something, we'd expect to see here's the actual justification and it's you know, side a say that \$10,000, something, something, something and the person who is saying factually incorrect and hands us a piece of paper that says here it's actually \$20,000. Here's the proof. That's something we can work with. But if they just come and say no, I think it's that. Then we have a "he said and she said" situation.

LW: Oh yeah, and I don't... I'm not suggesting that we fact check everything that comes across email or our desk, but if, I think as a committee we have a responsibility to ensure that the individual voters are receiving information that's as accurate as possible. And when I say as accurate as possible I'm not including statements of opinion, because that is clearly... you know, it's the individual who takes responsibility for that, right? But when we're dealing with dollars and cents, when we're talking about hard numbers, those types of things, if something jumps out either for one of us as a member of the committee when we're being asked to approve a material, or a member of a campaign team or individual comes to us and says hey, I have serious reservations about this and here's what I know about this particular issue then it's incumbent upon the individual who wants that material approved to demonstrate that they can back it up. Then if that's the case it's fine, right?

KG: Right, I think we're willing to live with that. I think that... I mean obviously the intent here is we don't have materials out there that are based on... based on opinion and are incorrect and you know, we just want this to be a fair campaign, right? So, I think that language is fine.

LW: Yeah, and it's obviously, you know, it's best effort, right? Like we're not going to be able to do the kind of fact checking that you know, that some may think have that we should be, but I think we could do our best.

KG: That governor's report on the best PhD theses probably does still include some errors, so we'll try to do our best.

LW: That's right and it's also a bit of a warning, right, for folks who are developing materials that those are the guidelines and hopefully it will encourage them to stick within the realm of -

- ML: It comes down to common sense about the issue. We don't take it into personal complaining because that's what is a discussion of. A discussion of the issues.
- LW: Yes, yes, exactly. Okay, so just in terms of the minutes, can I record that as a decision made in terms of criteria?
- KG: Yes do you want to read back the language there?
- LW: Yes, that the committee will not approve materials that are defamatory, libelous or factually incorrect.
- KG: That works for me.
- BL: Works for me.
- KG: Timelines, do you have a proposal for timelines for submission of approval? Obviously we're all going to be very busy but we should probably have the materials approved as quickly as we can.
- LW: Yeah, um, yeah, we haven't really put too much thought into this. What we've done in the past is upon receipt of materials or requests for approval we've worked within a 12-hour turn around. So, where that could be a problem is if somebody submits something at 9:00 at night, we don't check our email, and then [they] are expecting approval by 9 the next morning. That would be a problem, I suspect.
- KG: I think that next business day sounds like a little more leeway for that reason, 'cause in the situation where one of my students submits something to me at 11 at night, 12-hour turn around can be very difficult.
- LW: So yeah, before 5pm the next day kind of thing?
- ML: Right, next business day I'd say because every once in a while I like to have a Sunday where I'm not in the office and thinking about work. Hello?
- LW: Yep, yep, sorry, just writing down.
- KG: Don't mean to rush you. This is the ugliest old phone you've ever seen so we're like, ah, are they still there? Sometimes it's so silent it sounds like you know, we've gone behind a planet and we're like, oh no, did we lose them?
- LW: No, we're still here. Okay, now in terms of submission, how do you want to proceed in terms of submission? Obviously confidentiality is going to be important. We could request... we could request that individuals email to the email account an electronic version of the materials that they'd like to have approved. That might be simplest in terms of everybody... 'cause I'm worried about having a drop off spot that will end up being somewhat confusing in terms of who's -

KG: That sounds fine to me. I mean I don't know if you guys are going to be here in town full time, so that might be difficult to approve physical proof.

LW: Yeah, we will be, just in terms of our schedules we're all going to be working on different one's right, so.

ML: A couple of elections that I've done here. Past elections. We did a very similar thing and encountered no real problems with email drop off. In fact, we found it easier doing email stuff then the occasional paperwork that would be brought in because nobody's necessarily in the office at the same time.

LW: Yeah, exactly. Okay, that's good with me.

KG: The only thing I want to put in there just so we're clear with everybody is saying all versions. So that if your producing a color version and a black and white version or a poster version and a leaflet version, that we do see all of that. That way we know exactly what form it's going to take. I think we just need to be clear that all materials must be submitted to us.

LW: Yeah, yeah.

KG: And for response in 24... response the next business day.

LW: Yeah, okay. Maybe we can also include language that we'll retain a copy of all materials during the campaign so that we all have a copy that we can check against in terms of what's going out on the walls and by hand.

ML: Yup. That works for me.

LW: Okay, um, what was the next item... unapproved materials. Sorry, I should back up. In terms of criteria, we should probably also... and I can't remember if we talked about this last week or not, but we should also specify that... we won't approve materials that can't be removed at the conclusion of the campaign. Including materials may cause damage to property, like stickers, paint, and that obviously individuals in campaigns have to comply with University and building regulations.

ML: That's pretty much in line with the university's regulations here. They don't like things that are like stickers or paint, only stuff that can be removed. And they're also a little bit stuffy about location, um, basically where you can and can't pass things too because they don't want things taped on painted surfaces because when you pull it off so does the paint.

BL: Yeah.

LW: Right, and glass... do you have a list Mike? Or could you get a list for the next meeting, maybe?

ML: I might be able to get a list, it always... the list of rules is the same thing but they write a new email each time when it goes through facilities.

LW: Right.

ML: Depending on what it is, you can attach to any unpainted surface. Unpainted surfaces around SFU are free reign for posters to be tacked up with tape.

LW: Okay, so no glass.

ML: I'm fairly certain no glass, but I have to double-check that.

LW: Okay, and no painted surfaces, that makes sense.

ML: Chalking has been officially permitted in any areas where the rain will wash it away because the university doesn't want to, there are lots of covered areas here. Chalking in covered areas is prohibited because then they have to send somebody out with a hose to get rid of it. But if you're chalking in an open area and the rain comes through that's normally permitted.

LW: Okay.

ML: So I'll see if I can, I'll try to track down better, a more definitive list.

LW: Okay, okay, that sounds good. So I'll just make a note of this stuff for now in terms of decisions and we can obviously add to it, that compliance with university and institutional policies is sort of our... is the bare minimum.

ML: That is correct.

LW: Okay.

KG: So unapproved materials. Did you have particulars for that?

LW: For unapproved materials I think we need to figure out how we want to proceed in the event there are materials being distributed that are not being approved by the Committee. So, I think it's most... and this is obviously important in terms of protecting the integrity of the committee structure and the decision making processes that we engage in.

KG: But I think to me what you just said, proposed, was two options, one is unapproved materials submitted by registered campaigners and two is unapproved materials on campus by unregistered you know --

LW: Yeah, individuals or campaigners, yeah.

KG: Anything on that?

LW: So I would offer up that I think the first most basic step is that upon becoming aware of unapproved materials being distributed whether by... regardless whether it's a campaign... a registered campaign team or unregistered that we endeavor to remove the materials immediately and then from there I think I would suggest that we have a discussion about --

KG: Are you saying that we as the committee should endeavor to remove them?

LW: Yeah, now that could be a somewhat time-consuming task given the size of the campus, but I'm not sure how else we manage that situation. If they're unapproved they've got to come off the walls or they've got to you know, be collected from --

ML: I think it's going to be difficult to accomplish. Because I know obviously you guys have other campuses that you've got to think about and the timing issue of things. I mean one of my profs was saying for comedy that SFU is setup as a system of rabbit warrens. There are so many corridors and hallways to go down that trying to make sure we do our job in the first instance there might just cause us more trouble. Like the thought that came into my head which I'll put out there is that if something comes down, if somebody says here, this particular thing is unapproved, we say yes, that's definitely unapproved. We put out an unequivocal message this has to come down by whoever put it up within 24 hours, take some reasonable short term. If others come down come down then we figure out what steps we take from there.

LW: That...I'm worried about not having a more immediate response, be it 24 hours or however long, depending on what the materials say could be completely damaging to either side of the campaign, right? Depending on what the content is and it might be the kind of thing that a campaign has trouble recovering from for the remainder of the campaign. So is there a more immediate response that we can implement? I know that collecting or removing materials once we become aware of them is an imperfect system because we're only four bodies and we can only cover so much ground, but -

KG: Yeah, it's my... I agree with you this is going to be imperfect because one thing I'm worried about is turning us four into the police of this referendum and I mean I know we are the police of the referendum but when it's going to come to something that's going to get emotional, I'm really, really hoping that it doesn't get to this, but let's be honest that might happen, we have some stupid poster that says some stupid thing and I call Kyal Glennie to go and rip it down. We're going to have a fight on our hands and how do you deal with that? I'm not sure how to deal with that. I'm not comfortable with if I made an overarching decision and that's the basis of my concern is.

ML: Even if we knew what was approved, and we will know what is and isn't approved, if we start to run around removing things, if it wasn't clear that we'd already announced that

this particular poster is problematic. We don't announce that to everybody and instead people just see us going down and pulling these things down, it could create much more of an outcry and get people worried about our abilities to run the process. That's why I like an announcement. I'm happy to say a much more immediate time during the daytime say four hours and if we find out about it at 7:30 in the evening we say well all this shits gone at first light tomorrow. You know, something I totally see the idea of a short short turnaround on that.

KG: Another thought came to my mind, Lucy and Ben and Mike. Because he can't read my mind. When I ran for wonderful life of student life, I had some libelous material put out about me and we immediately had people collecting it and thank goodness because it really was something that probably would have required pressing charges over, but so my gut reaction was like get it out of student's hands because it's wrong. I think what we need to do is maybe have an understanding that if we do pull material, like you guys see something, we see something, we also let the other people in the committee know immediately that there's been pulled material.

LW: Oh, absolutely. Oh, yeah, like I don't think that we can have one of us running around ripping down posters while the other three members are completely unaware that A), one of us is doing that, and B) that there are these unapproved materials. Yeah, it has to be... there has to be communication between the four of us if there's materials that are being distributed, they're a problem, we need to start removing them wherever we see them.

BL: Yeah, and like obviously we'll be making it clear upon review of the materials whether they'd been approved or not and make it clear to the campaign teams that they're not permitted to post these materials or use these materials until they've been approved. So in the case that regardless of the content of the materials that it hasn't been approved and we're removing it, I still think that should be an issue. Because our... obviously they've circumvented the process, regardless of whether the material is approvable. You know, regardless of the content of the material.

LW: The other aspect to all of this is there has to be a penalty applied... there has to be a penalty in terms of distributing unapproved materials and as a way of dissuading people from engaging in those types of tactics and encouraging them to follow the rules. So, my concern with... and Mike I'm not rejecting this out of hand, I think we should put some more thought into this, but my concern with posting an announcement or something along those lines is that somebody could just take it in their own head that every single day they're going to put out a different unapproved material and they know they've got 12 hours in which that material is going to stay up on campus, so they get out there at first light, they get it up, it's down the next morning and they just go through this entire cycle throughout the campaign. And there's no penalty... basically they're getting their message out because we're not ensuring those materials are off campus, out of peoples' hands as quickly as, as physically or humanly possible.

ML: You're touching on a very good point and I totally understand what you're saying because I just want to take everybody aside with this sort of thing and say hey, let's just

be calm and sensible about this. But I think what would help form our approach to this is essentially a proportional response to what's there, that the response on our side is proportional to those infractions. So to pull a couple of examples, I mean let's say somebody sends in a black and white version of a poster, we approve that and then they start posting a color version of it. That's a small change, assuming it doesn't make any other difference, it's just a colorful version of the poster, that one we can respond that day, look you guys have to get this down or send us a version for approval immediately. However we want to decide that. At the other end, if somebody goes out there and starts posting really problematic, egregious about it that's when we say this just stops now, we are pulling this stuff, and there's going to be hell to pay for it as decided by the committee, here's the penalty.

LW: Yeah, I don't think it's "one size fits all" for sure.

BL: Yeah, just to clarify, I don't think there should be any circumstance in which a campaign team is able to post the material, then we say hey, we haven't approved this, you submit it for approval and you basically approve it and then let it stay up. I think at the very least even if it's material we eventually approve, if it's put up without approval it has to be taken down immediately and then only when approved put up again.

ML: That's fair.

KG: Yeah, I'm totally fine with that too. I... just to let you guys know I have to take off in a little bit here to teach.

ML: And we'll have to free up the room we're in in about 25 minutes probably for anybody coming in here.

LW: Okay.

KG: What I was going to suggest, just in the interest of time, do you have any proposals Lucy for penalties, because I could see having a half hour, an hour discussion about how we get something. I'm totally in favor of them, but I don't have an idea in my head as to what we would do.

LW: Well, I agree with Mike's point that he just made a few minutes ago, which is that there needs... that we can't have a one size fits all solution to these infractions. That we have a baseline in terms of the rules that everybody's expected to comply with and then in terms of assessing penalties, that is something that we need to discuss on a case-by-case basis. So what I would suggest and maybe you should... why don't I throw this out there and you think about it and then let's talk about it at the next meeting but I would suggest language something along the lines of that we will assign an additional penalty, which may include the following, destruction of the materials, restriction on campaigning, provided that the penalty is balanced against the volume of materials distributed or its effect. So we can't be incredibly heavy handed in any situation but we have to sort of logically think out the affect or the impact this material has had or how many were

distributed in light of the penalty. So we could do something like that, right? Where we give ourselves some options, but we don't necessarily ascribe one particular penalty to one type of infraction but that we can consider it on... you know, there may be a really keen person who's just really wrapped up in the process and wants to get out there with their opinion and doesn't actually fully understand that there's a process in place. Do we want to be penalizing them in the same way as somebody or a group of people who are engaged in a protracted campaign that's clearly strategic and that is flaunting the rules?

KG: I think we should finalize any of that wording at a subsequent meeting.

LW: Okay.

KG: That okay with you guys?

LW: Yep, totally. And obviously, put some more thought into it, 'cause this is going to be, I would imagine one of our biggest challenges during the campaign, so if there's other language or different language we should engage in a bit of brainstorming over the next week and bring it to the table.

KG: Okay, yeah, works for me. Is there anything else underneath that bullet of campaign materials?

LW: Well, I just wanted to flag that we should probably identify things like um, dimensions of banners, dimensions of posters, because I would imagine there are also restrictions on campus in terms of posting x number of banners or posters. There are maximums, right? So, I don't know if... do you know that information off hand or is that something we could find out....?

ML: Most of what people have done here are the usual posters, usually tabloid 11 x 17, but I know some people have done up poster board size things, banners, most people don't go nuts with them, but you know, you'll get a couple. I think the university's concern is just primarily cost. They don't want to pay for any stuff that gets destroyed. And as long as nothing is a particular eye sore, and I don't think they've ever had that particular complaint, so I don't think that's going to come up.

LW: Okay, 'cause the other factor is you know, voter fatigue and... every corner you turn around is there a wall of posters encouraging you to vote yes, encouraging you to vote no and what role do we want to play in monitoring that? Like do we... sorry, anyway, just food for thought, do we want to have restrictions in terms of the number of banners that each campaign can have on campus, the number of posters in a particular area, that type of thing? I'm also...in terms of posters, Simon Fraser is a big campus right, I'm also worried about the amount of paper that could be going up on the walls. So I don't know, I know that a few students' unions have adopted regulations that restrict numbers that kind of thing, because they want to reduce the amount of paper. I don't know if the Simon Fraser Student Society has done that.

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KG: Why don't we mark it down for discussion at the next meeting, do we want restrictions on the logistical size, quality, etcetera of materials.

LW: Yes.

KG: Let's leave materials until the next meeting.

LW: Yes, yes, that sounds good. Kyall when you said you had to go, I too have to go because I have to pick up my little guy from daycare.

KG: So, it's 1:40 our time here, how much time do you guys have left?

LW: Five or ten minutes.

KG: Okay, let's see what we can do. So point five is campaign team registration procedure?

LW: Yes.

KG: So what I'm proposing is that campaign teams or individuals be registered with the ROC.

LW: Yes.

KG: That obviously students and representatives of the students and/or representatives of the Canadian Federation of Students should be participants in that.

LW: Yes.

KG: What I'm proposing is that individuals who are not students of the Simon Fraser Student Society be registered with us including a letter from their employer stating that they have been given leave to be here as a representative of the Canadian Federation of Students or other member local.

LW: Okay, can you just start from the top there? That individuals who are not members -

KG: Individuals who are not members of the Simon Fraser Student Society be registered... obviously with their contact information and with a letter... a written piece of correspondence from their employer that they have permission to be in this campaign.

LW: Why would we request that and what ability do we have to monitor that?

KG: Here is my overarching reason. One, because we're responsible employers we want our employees to be doing their jobs. And their jobs are mandated in our policies in HR. I would assume that we would want the same for other employers. I have a serious concern that I guess I can register with the committee over the news stories that are circulating on Canadian University Press about potential non-members of Simon Fraser Student Society being on campus during the campaign. In particular, that those non-members, be

employees of other member locals. I guess my concern is I'm not... my concern isn't that they participate. Obviously in the referendum bylaws it says representatives of other member local of the Canadian Federation of Students may be participants. But my concern is that I want to see authorization from those member local employers that their staff can be on campus. That they have received permission from their employers to be here. Obviously if they're on vacation leave that's their time to be here. But I think we should have a discussion about people who are not members of Simon Fraser Student Society should receive permission from their employers to be here on campus during the campaign and be actively participating.

LW: But to what end? I understand your point about employees of the Simon Fraser Student Society because you... maybe not you directly because you are not the employer, but the employer has a responsibility.

KG: Sorry, 6, C, 2 in the bylaws states the representatives of the member local association representatives of the Federation and representatives of other federation member local associations. I would like to see an official capacity that these individuals are official representatives of those member local associations. So that the employer has recognized those individuals as representatives. So, just because I go to school at the University of Regina for example, does that mean I am an official representative of that association?

LW: Okay, why don't we -

BL: Hold on a sec -

KG: Okay, I understand I talked a lot there.

LW: I just don't know how... so we don't get a note from Joe Smith from his employer saying that he can be there. It's not like we can interfere in that employment relationship. I think we'd have a very hard time challenging what that individual's status was as a participant in the campaign.

ML: I think what it comes down to Lucy is this notion of who is a representative in this thing? Clearly students and members are covered. But official representatives and not just where they're employees. So I would even say anybody who is falling under that heading of representative. Somebody could just walk in off the street, whether the person has no connection with SFU or any other school or the CFS and say, I'm a representative of Regina and I'm here to say this, that and the other.

KG: Here's an example that could occur in Vancouver. So I'm an elected representative of or I'm a staff person at that UBC Alma Mater Society which is not a member of the Canadian Federation of Students. I'm on campus campaigning against the CFS. I don't necessarily think that's appropriate unless I've seen permission from the employer, the Alma Mater Society, that they've been using work time to be on campus. So in the same capacity, I don't think it's necessarily right that an employee of another student society who might be a member in the Vancouver region or anywhere else be on campus

campaigning in favor of the Canadian Federation of Students, they are on paid time. So I think what we need to do is cover our bases and say who should be representative here if they are legitimately representative of local associations then we should see some legitimacy to that.

LW: I don't disagree with you that an individual from a non-member local association has no right to participate in this campaign because they have no connection at all to the organization. But I'm really struggling with this idea of getting permission from an employer or asking individuals to provide that -

KG: I guess what I'm defaulting to is in the labor movement, the notion of union leave, that an employee who is attending something that is to the benefit of their labor union would receive union leave both from their employer and from the union to go and participate in that, whatever action that may be. Whether that be political action, whether that be a meeting, whether that be HR developments for the union, all sorts of things. And I kind of like the notion that if we're talking about official representatives that we see some sort of recognition here at the ROC level that they are official representatives.

LW: Right, and I think that for our purposes the only way we can secure that is from the individual campaign teams, asking them for a list, a comprehensive list of who will be participating in the campaign on behalf of their side. If we're demanding anything of an "external organization" we have no ability to... like we have no ability to demand that or to expect it from an individual, right. Like what if somebody decides that they're just going to blow off a couple of shifts at work at the Maxx and come help out on this campaign because they're a member at King's College or something, right? How does that... that's not the problem. The problem is that we don't know who's on campus and in what capacity.

KG: I agree. We wouldn't. That's why, it's one thing for a campaign to submit those names but we want legitimacy, I mean if we can't do fact checking on the campaign materials, how can we possibly do a fact checking of these individuals are official representatives?

LW: And my position is that it's the responsibility of the individual local member associations to ensure they know what their employers and their elected officials and activists and volunteers are doing, but that's not our role. That's their role--internally.

ML: What it comes down to it though, the rule is that we have to ensure people campaigning are doing so according to the bylaws and we have any questions about if somebody was an individual member or representative of the member local, representative of the Federation or a representative of another Federation then the local we'd have to prove to see whether or not they fit that criteria and it's around the wording, are they a member or representative isn't it. So the members here, that's the students. We can verify if they're on the list or if they're not, but it's around the rest of the verification because the CFS could bring in somebody and say this is so and so who is a representative of some student local, Regina and they sent him over to campaign for us. If we don't have something from that member local saying that yes, this is Bob and he's here to do this then we can't

- approve that one way or the other. It's probably going to be legitimate but because of the basic standard of proof.
- LW: But what difference does that make whether we know that information or not as long as the individual is following the rules and has endeavored to educate themselves about the protocol that's in place for the referendum? What difference does it make?
- ML: Because we have to ensure that the campaign follows the bylaws as set out in the CFS bylaws here and there's been no, it's specifically written down who are permitted to participate in the campaign. So if somebody on either side comes to us and says I don't think Mr. X is eligible to campaign, we have to look at that and I think this is our guiding principal here as to who's eligible and who's not.
- LW: And I think in that case, if there was a complaint filed about somebody participating say from the UBC Alma Mater society who would be completely outside...we deal with that on a case-by-case basis.
- ML: We can, but I think we should be prepared to say what it is that you need to provide to prove you are a representative of another member local association.
- LW: Yeah, I just find it... I find that incredibly paternalistic that... that at the very outset we don't have faith that the individual student associations, who may or may not be interested in participating in this referendum campaign has made this decision. That to me is an internal decision to the member local association.
- ML: We agree that it's an internal decision but let's say Bob Mitchell asserts I'm from Regina and I'm here to campaign for whatever side and it turns out this person has no connection to Regina whatsoever.
- LW: Right.
- ML: And is putting Regina's name out there, we don't have any information to the contrary and then if somebody came down here and complained that I don't this person is from Regina all, this person doesn't fall anywhere under this heading. We have to know what we're going to do to go back and make a determination on this person.
- LW: Right, and I don't have a problem with building in language that we will have the ability or the authority to investigate you know, the credentials or the permission of a particular individual to participate in the campaign, but I... so I don't necessarily disagree with that but -
- KG: Okay, I'm trying to be accommodating here too and I think that's fine. I think what we need to do then for next week is have a discussion about that particular.
- LW: Okay, hey Kyall, could you just take a couple minutes maybe between now and then to come up with some language on this?

KG: Sure.

LW: Okay, and you can either... if you want to... if you want to send it out in advance so we can -

KG: I realize that that would be the best and work with that so I'm totally prepared to do that.

LW: Okay, that would be helpful, because then we don't have to wordsmith and that kind of thing. Okay, I should probably run, so we are set for next week, Monday, same time 12:30?

ML: By phone.

BL: Yep.

LW: Ooh, you know what, good question. Let's assume by phone for now, may not be, and I'll... we'll fire off an email and just let you know what the scoop is.

KG: Do you have an idea when that might be? Just to give me a heads up, just because if we're planning to meet in person, which is great, I just have to work around some other commitments here on campus, if case we're not meeting directly on campus. In case wherever we meet-

LW: Yeah, got ya. I'm hoping to know by Wednesday.

KG: Okay, sounds good.

LW: I'm waiting on a couple of other meetings to figure out when I can get out of here, so I'll try and get you an email by Wednesday.

KG: Okay.

LW: Okay?

KG: Would it be fair to say the remaining points under number four, I know that for the benefit of both our sides here we should try to include as much as we possibly can, just put those on the agenda for next week?

LW: Absolutely, yep. So I'll prepare a draft agenda then and circulate it and if I miss something or just fire off an email to me.

ML: Sure, yes.

LW: Okay, that sounds good. Okay, guys so we'll speak with you soon.

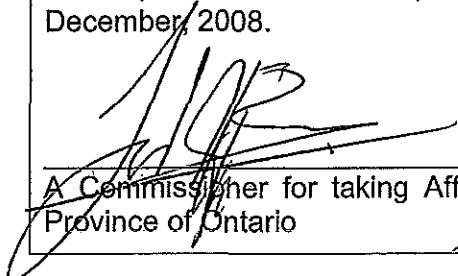
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KG: Okay, thank you.

BL: Thanks, bye.

LW: Thanks, bye.

This is Exhibit "D" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-02-19

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

KG: Okay. Is there a particular reason for that?

LW: Well let's have that discussion without Derrick Harder in the room first. We should establish a protocol in terms of who is and is not participating in these meetings or who is and is not observing these meetings before they're present.

ML: Okay. Derrick is stepping out.

LW: Okay, so why don't we add that to the agenda then?

ML: Sure.

LW: Okay.

ML: So put it at the very top of 4.

LW: Yeah, that sounds good.

BL: Okay.

LW: Okay. Now, I... I had sent out a draft agenda the other day and I resent it today. Did you get a copy of it?

ML: Yeah.

LW: Okay, good. Any additional issues that you thought of that we should include?

KG: Just give me just one second...I've just run from my class here.

LW: Yup, for sure.

KG: Ya. We're good.

LW: Okay, so minutes, I don't... I didn't receive any edits or additions to the minutes.

ML: I did it at one point and I didn't get a chance to send it out by email, but it's just a matter of trying to catch up with my notes on it and it's more for clarification of what's in here now.

LW: Okay.

ML: And the discussion we had last time. So under Decisions Campaign Material, second paragraph, the committee will not approve materials that are defamatory, libellous or factually incorrect. Uh, now when we were talking last time, I'm trying to roll back to the notes around it, one point that we put down, I think it's important to put into the minutes so that people understand how they're going to need to operate, is that the Committee itself is not going to undertake any fact checking on these minutes, but if the other side or other people can come back and point out this is factually incorrect, then we can do something with that.

LW: So why don't... do you want to say something like the onus is on the author of the materials to demonstrate materials are factually correct in the event they are... the facts are challenged or the contents are challenged?

ML: Certainly I can see no reason why they shouldn't have to demonstrate that it's correct, but I also want it clear that we're not going to be doing fact checking because none of us I think have the time to go deeply into picking out points that are there. I mean clearly if side A brings it up, side B is going to say well this isn't correct and this isn't correct and this isn't correct, and then side A should have to answer both points, but it's not the Committee taking it on.

LW: Okay, so how... I'm thinking about how to word that, um... we could say something like the...the committee... will not be held responsible... or the committee will not engage in fact checking; the onus is on the author of the materials to produce and present materials that are factually correct. Something like that?

ML: I also want to say that the, onus is on the campaigners to bring to the committee's attention, factual... concerns about facts, concerned about correctness or whatever, so I guess concerns generally about materials that have been approved that perhaps don't fit the rules, so they submit it to us and then we can adjudicate.

LW: Okay. Let me just get down some rough notes and then I'll... I'll refine it and send it out to you guys to review. Sorry, just give me a sec. Okay... okay, I just made some rough notes, so I'll refine that tonight and I'll send it around to everybody to have a look at and we can just finalize the language. Okay, that's good. So anything else that jumps out?

ML: I don't have anything else.

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LW: Okay, so why don't we hold off approving those until we all look at this new language.

ML: Sure, I'm good with that.

LW: Okay, so approve next meeting, done. Okay, so referendum dates? What will... do you have any new feedback?

ML: I mean we did make sure that these points were specifically brought to our attention and the point that came back is that the dates were given and there was notice with the petition sent in and that the SFSS would not be satisfied with any other dates or times.

LW: And is there a reason that people are being so intractable about this issue? We... we are... pretty flexible in terms in dates. Our position is only that the referendum not be conducted on the same dates as the... as the SFSS elections, but other than that we're pretty flexible.

ML: I think that a lot of it comes down to that there is one set of elections and referendums going on, but this is the date that was given well in advance of this event regardless and that it's the best situation possible for ... students. They know they're going to go and vote on a bunch of things on one-day democracy has happened, you know?

LW: I'm just taking notes. Okay, well why don't we... why don't we take that back to folks here and see if there's any further feedback, and then I guess revisit the issue at our next meeting and hopefully come to some conclusion.

KG: Lucy I forgot. We put the situation for dealing with guests and observers up on top.

LW: Oh, I thought you said before 4?

BL: Four, yeah.

ML: 4. Right.

BL: That was our understanding.

LW: Yeah.

KG: So I guess we can go back into protocol now. I thought the dates were 3, never mind.

LW: Yeah. Okay, so we need to talk to people about the...about your position on this issue and... and get some feedback.

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ML: That's about it.

LW: Okay. So moving to four, so guests...?

ML: Sorry about the confusion ...

LW: No, that's okay.

KG: Now we're on the same page.

LW: Okay so do... I'm assuming you guys have a proposal on this?

KG: We would like to invite in Derrick Harder as an observer and non-participant to the meeting.

LW: I think rather than... it would be my preference to have a discussion about the general concept or principal of allowing observers into our meetings rather than dealing with specific individuals.

KG: I guess I'll propose that I think it's going to become necessary at this point, first as a non-member of the board, I sometimes don't have the insight that other people might have on the board so for that reason we may want to have a discussion about whether they would become participants. And secondly I think last week we talked about the differentiation between CFS-BC and CFS inc. also there maybe a time in the future in the next couple of weeks there'll be a representative from CFS-BC to participate in these meetings, but CFS-BC is not on the referendum oversight committee and we might need that participation and there is no other way for it. So I think that sort of going ahead having the option to have observers and/or participants is a good idea.

LW: It's my... and we, Ben and I should probably talk about this, but my initial response is I'm not... I'm not necessarily entrenched in the position that observers and guests should never be in attendance at our committee meetings, but I... I dispute the rationale that it's in part to allow for additional Simon Fraser Student Society representation at the table. The two of you were selected to represent the Simon Fraser Student Society and regardless of what your current position is or is not or any position you may hold or may not hold, it's... it's your obligation to bring those perspectives to the table and if Derrick Harder is a better person to be on the committee then he should've been selected to be on the committee.

KG: And I guess my response to that Lucy is that when we get into materials that are on campus but on put out by CFS-BC it's going to be in the same position for yourself and for Ben to represent those positions and we need a representative from CFS-BC that's on the ROC.

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LW: I... I... you kind of lost me there.

KG: Well we have proposed materials that are prior to the actual referendum campaign currently on campus, the iamCFS campaign which was undertaken by CFS BC and before we have a discussion about the legitimacy of pre-campaigning on either the behalf of the SFSS or CFS-BC perhaps we should have a representative of CFS-BC on this committee.

LW: Well that's not... it's not within our purview to expand the composition of this committee it's two representatives from the member local--.

KG: Sorry, you misinterpret me, sorry, it's not to expand the composition of the committee it's to... perhaps we need to replace one of the CFS representatives with a representative of CFS-BC.

LW: Okay, that's what... is that what you're... suggesting?

KG: Yes, I'm suggesting that that may be necessary as we go forward.

LW: Okay, and is that... and fair enough that's a valid point, but... that's not something that we can make any decision about. That's something that the Simon Fraser Student Society, the executive, or the board will make a decision about and appeal to the National Executive of the Canadian Federation of Students about. That discussion needs to happen at a different level then here.

KG: No, I hear you.

LW: But... but just further to this issue of guests and observers... at our meeting, I... I was saying that I'm not necessarily entrenched in this position of not allowing guests or observers. One of the situations where I think we may want to include or we may want to open a committee meeting up to non-committee members is when we're talking about materials or during our appeals process or if the legitimacy of some campaign materials have being challenged--allowing individuals to present to the committee, explain their rationale and then deliberating on that rationale or that argument. So I'm not necessarily opposed to having additional people at... at committee meetings. I am opposed to pulling in people while we're forming these rules because the composition is clear in the by-laws and you've been charged with that responsibility, as have we. So... but having said that we also understand that there are times when you may not or we may not necessarily be in a position to make a decision on the fly and so we need to allow an opportunity for parties to go back and engage in further consultation, receive additional direction and then come back to the table. Otherwise we're going to end up in a situation where we could potentially have the entire executive of the Simon Fraser Student Society and the entire National Executive sitting around a boardroom on a conference call trying to hash out rules which is not at all what the bylaws contemplate.

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KG: Ya. We weren't looking for anything like that, we're just looking for Derrick's observations in this meeting, but, I mean I'm not a stickler for this either I... I can do my job and report back to him.

LW: Okay... okay.

ML: I can do likewise.

LW: You can what?

ML: I can do it likewise.

LW: Yeah, okay, and... and we do the same thing right, we're also responsible for reporting back to people.

BL: Yeah.

LW: And getting direction, but do you want to have a discussion about if there are circumstances when we will or would consider allowing other individuals into our meetings to present?

KG: I thought this discussion's been had. I'm confused.

LW: Right, but did you guys agree to that in terms of, campaign materials or are there certain situations where we do want to open a committee meeting up that we can identify right now. So what I was suggesting is when we're reviewing campaign materials if we have questions or if the contents are being challenged and we want to invite the author of the materials to demonstrate that the poster or the hand... the leaflet or whatever is... that the contents is factually correct. During an appeals process do we want to allow for witnesses/observers to come and speak to us directly or is it all in writing or do you want to wait until we get to those items?

KG: What is the precedence in other referenda?

LW: Oh, what's that?

KG: What is the precedence in other referenda?

LW: It, you know, it varies... it varies.

ML: My inclination would be to, for approval of materials that if one person from the campaign or team could be there during approval then they can present to the committee saying, here's what we're presenting to be approved. If you have any immediate questions we can put them up right now otherwise we can go through our process if they want to present in person. On appeals and things like that I

think that we would probably take most evidence initially by writing, but then the usual principals apply to somebody who feels aggrieved in the process. If side A complains about side B, they have a right to see that evidence and then respond to it.

LW: Yeah.

BL: Yeah.

ML: Side B should certainly be able to come and make a deputation to us in advance or at the time, you know, we'll hear it out, then we will talk. We may ask for presentations from both sides. That I think we can sort out the details further on if we want to push it down the line.

KG: Yeah, I think I'm in agreement with Mike where if we find the need in the future to have someone present the committee, that's one thing.

BL: Yeah.

LW: Yeah.... yeah.

ML: That's the guests who would speak. What about the general concept of non-speaking observers I mean this is in... is it like parliament? Can people sit there and watch it. This is, I think, the other question.

LW: I wouldn't mind putting some more thought into that. My initial reaction though to be honest is... is no, because we're in the midst of negotiations and I think there needs to be some... degree of openness and some degree of confidentiality in terms of the discussions that we're engaged in. The end result, the decisions that we reach, those are very much public, but I think the process that... that we engage in reaching those decisions isn't. My sense right now and I want to put some more thought into this is that that shouldn't necessarily be for public consumption. And let me explain further why that is I... my concern would be that discussions that we have in our oversight committee meetings would then be used as fodder during the actual referendum campaign and that would be...my feeling on that is that would be completely inappropriate. That if people want to challenge the legitimacy of the decisions that we reach and they disagree with those decisions fair enough. We can have a debate on those terms and we will obviously defend our rationale or justification for reaching those decisions, but to be... to have that process and the conversations that we engage in to reach those decisions used as fodder I think would be would be incredibly inflammatory and it would be hard... it would be very difficult for us to monitor.

ML: Well, I mean, they're points to be considered and you know I think that definitely can cut both ways. Who know who's going to use it. So I mean, we can take this

back to our guys and think about it ourselves and come back with something for next meeting.

LW: Yup, for sure. That sounds good.

BL: Yup.

KG: Okay, so that's section A of number 4?

LW: Yup... yup.

KG: I received the proposed questions from the CFS and, we've talked it over with our elected officials here and amongst ourselves obviously and we're not comfortable with this language right now. For one it doesn't actually mention the Canadian Federation of Students, the Canadian Federation of Students-BC or the Canadian Federation of Students-Services. And second it mentions the Simon Fraser Student Society in the questions which I'm not sure why and, thirdly this is about a relationship where membership is about individual dues paid to an organization not individual dues paid to the following students unions or in that sort of, like, the context of formal relations to me isn't constructed via the dues paid to these other organizations it's paid by paying dues into an organization. And with no reference to this organization's existence we're just referencing that there's some sort of, we don't know what it is, some formal relationship between these particular organizations. I just I can't accept this question.

LW: Okay, so what is it? The question that you put on the table last week was what?

KG: Do you wish to remain a member of the Canadian Federation of Students? Yes or no.

LW: Okay, I thought you'd also put on the table are you in favour of maintaining membership in the Canadian Federation of Students?

KG: While, obviously our first proposal was that one. I mean that's the language we would like to discuss because it was the one that was on the petition, and that's what students were asked about for the petition. So we're going to go with that because they were asked about that question as proposed to them, they would like to be petitioned in a referendum on that question.

LW: Okay, we cannot agree to that question.

KG: Okay, can you give us reasons why?

LW: Uh, we... let me... let me just finish my thoughts here. We are prepared to agree to "Are you in favour of maintaining membership in the Canadian Federation of Students?"

ML: This is the same words as the UVic question that was approved right? That's what I have on their minutes here?

LW: This question has been used a number of different places.

ML: That's where you got the second proposed question from.

LW: Yeah.

KG: Can you differentiate to me why the language remaining a member and maintaining membership in are controversial?

LW: Yes. When we talk about membership, its individual membership, right? It's an individual membership fee, it's an individual membership... but at the end of the day it's a collective decision as to whether or not membership is maintained. An individual cannot "opt in or opt out" of membership in the Canadian Federation of Students and so "Are you in favour of maintaining membership..." captures the reality that it... while it's an individual vote it's a collective decision at the end of the day.

KG: Okay.

LW: Whereas "Do you wish to remain a member of the Canadian Federation of Students?" does not actually capture that relationship that is... that is...the Canadian Federation of Students.

KG: Yeah, okay, I think, when it comes down to it we're word smithing, so that's really just the same question for us, so we're fine with that question.

LW: Okay, so I'm just going to repeat it again. "Are you in favour of membership..", sorry, "Are you in favour of maintaining membership in the Canadian Federation of Students?"

ML: That sounds good.

LW: Yup.

KG: That works for us.

LW: And Ben you're --?

BL: Yeah.

LW: Okay... okay, I'm just writing this down. Okay, so I guess that's it for referendum question.

KG: Yup.

LW: Um, polling station times.

ML: We talked about the dates thing already. In my mind times and dates are essentially one and the same.

BL: We had... at the last meeting we had talked about, um --.

ML: Oh, class times.

BL: Yeah, class times.

ML: I did look that up. The first class starts, there's a very small number of classes that start at 8:30 and they are typically one hour sessions that end at 9:30. They're early in the morning tutorials, but there's not that many of them. The last classes in the evening, pretty much start at 6:30 and go as late as 10:30, uh, depends on some are 2 hours, some 3, some 4. So there's very few that start at 7:30 but I think there were like two out of the entire list and they were lab components and fine arts courses. I think that it's whatever time you could book into the video studio to make your student film at night.

LW: Right.

BL: Would you say that most classes start at 9:00 then?

ML: Uh, well we start at the half hour so.

BL: Oh, right 9:30.

ML: There's a few that start at 8:30. I didn't pull a full institution class list. More at 9:30, more at 10:30 staying steady in the middle of the day cooling off into the evening.

KG: And I can tell you this from personal experience getting here on the bus. Getting here for 8:30, no problem. Getting here for 9:30 big problem so people are coming for 9:30 classes.

LW: Oh, just... just in terms of like bodies on campus.

ML: Can you speak up a little bit Lucy?

LW: Kyall, you're just talking about bodies on campus, that the majority of people are showing up for 9:30 versus 8:30?

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- KG: No one's here for 8:30 having spent too many early hours in the library. Everyone's here for 9:30.
- ML: That's when I grab my breakfast to avoid on the lines on the bus.
- LW: And to just refresh my memory your proposal was 9:30 to --?
- ML: I believe it was 9:30 to 7:30. Give me one second.
- LW: I... I think that's what it was.
- ML: Yeah, I just want to be sure. Again, that's the usual times. Yeah, 9:30 am till 7:30 pm. And the other thing we did. I did this for both the last sets of referendums that I did for the SFSS, that the voting times are pretty much what you'd expect. That they follow bodies on campus. They peak in the middle of the day and afternoon, they're low in the morning, they're low in the evening.
- BL: We might want to consider starting a bit earlier at like 9:00 just so people have...if people show up early they have a chance to vote before going to class in the morning and it's a bit of a buffer zone there.
- LW: Yeah, generally we would argue for polling stations to open at 8:30, but if it's the case that there are a limited number of tutorials at 8:30, and no one is going to be able to vote at that time anyways because everybody's in class. 9:00 would give a half hour before classes or while the classes are starting for people to vote.
- ML: I can take that back and make sure that they're okay with a slight adjustment, but I don't feel comfortable saying yes right now. The argument's reasonable, I can put it out there and see what comes back.
- LW: Yup... yup. No, that's cool and we can... we'll keep that on the agenda and we'll try to nail it down at our next meeting.
- KG: Anything for the 7:30 deadline is that okay?
- LW: Um, no, if classes go in at 6:30 I think that's a decent buffer so if there are folks who are stragglers they can come out on class breaks. Yeah, 7:30 is --.
- ML: 7:30 is okay.
- LW: Yeah.
- ML: It's just the start time.
- LW: Yeah... yeah, just adding a bit more time in the morning.

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ML: Okay.

KG: Electoral quorum. So we've nailed down the third bullet there, electoral quorum.

ML: We're.

LW: Yeah. We were able to get a number back?

BL: Yeah.

ML: We were able to pull that number. It's the full count on the voters list would be 25,327 according to what the registrar's office tells us, so 5% fits both of the bylaws. So that would be, it divides out to 1266.35 so it's 1267 students.

BL: You said the total was?

KG: 25,327

LW: And is that... that's grads and under grad?

ML: The registrar says that's everybody.

LW: And do you have the... do you have the split between grad/under grad by any chance?

ML: No we don't. That's not written down on the list.

LW: Um, and is that... so that includes FTE, like, what is that?

ML: That's head count.

LW: That's head count, okay. So that's part-time, full-time --?

ML: Yes.

LW: Grads, under grads.

ML: This is the number of people that the registrar's office has but we're going to have to make sure that this matches whatever list you have with respect to your records because I'm assuming that we're going to be operating under records CFS keeps.

KG: In terms of exact number of dues paid?

ML: Yeah, in terms of dues paying members, right.

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LW: Well we'll go by the....number that we'll go by is the most up-to-date number that the registrar has.

ML: Okay.

LW: It's --.

ML: Whichever list is being used for the voting.

KG: Right.

LW: Yeah... yeah.

KG: What is the list we use for voting?

LW: Sorry I just missed that you guys.

KG: What is the list we use for voting?

LW: What is the list?

KG: Yeah.

LW: The most current list that the registrar can generate.

ML: There's an issue there.

LW: Okay.

ML: The issue is that the list that we have now can't be disclosed to the Referendum Oversight Committee because this list isn't even in possession of the board of directors for privacy reasons.

LW: Right.

ML: So this is why... there are some issues around the use of that list in the process and we can come to that, um, when we get down to polling procedure, um, it's going to need to be clear how that list is handled.

LW: Yeah, that's a... let's add that because we've dealt with this before. So let's add that as a... as an item for discussion.

ML: Yeah. Let's do it under voting procedures. I think it fits under that.

LW: Yeah. Um, okay, so we'll add voter's list. I should've flagged this earlier, but I've got to go at around 6:00 our time.

ML: I think that's about 22 minutes.

LW: Yeah... yeah, sorry I should've mentioned that off the top. Is that okay?

KG: Yup.

LW: Okay... okay, sorry about that. All right, so moving on to campaign materials?

KG: Yes.

LW: Okay.

ML: I wrote myself a note which was about any policies that exist around where they're posted.

LW: Okay, good.

ML: Okay. So I checked into this. It's never been written down, but it's always been the general agreement and it's the same as what we discussed before. You don't tape anything to painted surfaces. You don't tape anything to glass or anywhere you know where it's going to leave a mark. Since this is one of the great 1960s campuses, there's tonnes of concrete

LW: Yeah.

ML: It also adds a brighter colour to the concrete that we see on campus. The one thing I had said before that I checked on, the thing about chalking is that it's always been the university's position that chalking has never been allowed.

BL: Okay.

ML: Some people have done it where the rain's gonna wash it away and that usually hasn't made it an issue, but the University's position has been no chalking.

LW: Okay... okay, so do we want to include... do we want to say "cannot post on glass or painted surfaces" we'll just bulk up the section that we've currently got about not using materials that are likely to damage property and then... and then we'll include "chalking not permitted" as well?

ML: Yeah.

KG: Yup.

LW: Okay.

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- ML: Do we want to say anything if the university does raise an issue do you want to establish a, so that the university can make a call and if they have any concerns about anything in particular if people get innovative.
- LW: Well I think we should include sort of a catch-all phrase or clause that says that campaigners are held to... must respect all university posting rules.
- ML: Yeah, basically what it might come down to is if somebody does something if nobody thought about a rule yet, the university will say please don't do this, , or you know stronger language. They may come back and say, don't hang a banner there, it's blocking an air vent.
- LW: Yeah.
- ML: Or something like that.
- LW: Yeah.
- ML: They can always can come back and request some specific action be taken. I think we should pay attention to the university that says it.
- LW: Yeah... yeah, well the reality is it's going to be ripped down by the janitorial staff if we don't, right? So yes.
- KG: Lucy can we task you perhaps to put that in short wording in the minutes?
- LW: Yeah... yeah, for sure.
- KG: Thank you.
- ML: Was there anything else under materials? There was nothing else I had in my notes that was outstanding for me to look up?
- LW: We'd also flagged coming up with some penalty language. I've got a proposal it's somewhat lengthy. So maybe what I could do is... is read it and then we could... I could email to you so you could have a look at it.
- KG: Let's go ahead with that.
- LW: Okay, so "where the referendum oversight committee determines that campaign materials which have not been approved by the committee are being distributed, displayed or used by a campaign then the committee shall order the materials immediately withdrawn or removed and shall confiscate the materials from the campaign for a period of not less than 24 hours. The committee may assign an additional penalty, which may include destruction of the material or a restriction on campaigning providing that the penalty is balanced against the volume of the

materials distributed or it's effect and that no destruction shall take place until the appeal period is expired."

ML: Can you say that part again I didn't hear the whole thing.

LW: "The committee may assign an additional penalty which may include destruction of the material or restriction on campaigning provided that the penalty is balanced against the volume of the materials distributed or it's effects and that no destruction shall take place until the appeal period is expired." So the reason that, the reason that we're proposing that specific language is that we obviously, you know, need to consider each of these violations on a case by case basis and weigh the... the effect on how the referendum is unfolding. So if somebody is handing out... has handed out 20 leafletsand then one of us says "hey, wait a second just noticed that these haven't been approved these need to go to the oversight committee for approval" and the person says "oh, yeah... yeah, sorry I didn't know that. Here you go" we're obviously going to assign a very different penalty to that person then say somebody who goes out, plasters the campus with a bunch of posters that haven't been approved and for some reason they stay up for 2 days thus actually having an impact on what people think or how people are thinking about the... about the question before them.

KG: In the language you just read there because I don't have it directly in front of me. Can you just summarize for me Lucy, in the case that that's the case that there would be posters that haven't been approved, do we have language that we're tasked to remove them?

LW: It, well it just says the committee shall order the materials removed so we could either task those who are responsible for it in the event we know who is responsible or we do it ourselves as we see them. And that sounds like it can be an onerous task if... if someone has been thorough about posting on campus or it can be a fairly simple task of just, you know, removing posters that have gone up in a certain area.

ML: I mean, it does make sense to make them clean it up.

LW: Yeah... yeah, it all depends on if you know who it is and... you know --.

ML: I think it should be included in there that the removal of materials is only something that should be done by the committee or only by the order of the committee.

LW: Yup... yup.

KG: Yeah, I think, what Mike just said should definitely be in the language we don't want any registered campaigns taking down materials.

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LW: Yup.

KG: Even if they are not registered they don't have the evidence, they don't know who's been registered or not that's not public information. So we need it to be committee and or, on the orders of the committee.

LW: Okay, so why don't we... so we can include something like no individual can remove, deface, damage, or destroy campaign material period or we could say without the authorization of the oversight committee.

ML: I like that because we may send out other people to tear down materials.

LW: Yes... yes.

ML: I don't think there's a problem if people decide hey, I want to take down one poster and put it in a lounge. I don't think that's a problem, but if I thought of anything really significant about that I could respond one we've just reviewed the exact wording.

LW: Yup... okay, so I'll email that to you guys tonight to have a look at.

KG: Is that the end of what you read? Sorry I cut you off before you finished.

LW: Um, yeah. That's what I had written down, so that's all, yeah, that's what we're... we're --.

KG: One of the things you said early on in there was that the Committee will order various things including, was it the confiscation of the materials.

LW: Yup.

ML: So the idea being is that if somebody produces a poster which is not approved and it goes up, we make sure those come down and we ask them to hand over any other copies?

LW: Yeah.

BL: Yeah.

LW: That that's one of the penalties we might assign.

ML: I just want to make sure if there's anything else that might come up under that heading that you guys are thinking of?

KG: What if someone wears a t-shirt with a slogan on it and that's their only t-shirt?

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LW: Then we have a stock of t-shirts to cover them up with.

BL: I'll make sure I'm always wearing multiple shirts just in case. I've got lots of shirts I want to get rid of.

LW: Yeah, really ugly old ones--.

BL: Yeah... yeah, definitely.

LW: Um, okay, but you know, seriously we should actually put some thought into that because that's... that's a possibility.

KG: If we think about this language and let it sit in our brains for a little while we could percolate on anything that might just pop up in terms of potential cases to consider.

LW: Yeah.

ML: And sort that out next time.

KG: Oh, yes... yes. I'm okay with Mike saying that but I have a theoretical question that I want to pose if you guys because you might have experienced it. Are there any potential liabilities here in terms of freedom of expression? That we might be violating someone's right to stop them from saying whatever they want on a campus. Like does this have the effect of people challenging the Committee's legitimacy for that reason?

LW: No... no precedence.

KG: Okay.

LW: Yup, that's... it's a good point I think we should probably put some thought into it, but I think it's the same... it's... it's exactly the same as having a chief returning officer and an electoral committee making rulings about materials, right. It's the same... same liability.

BL: Yeah.

LW: But I think the clearer and the more comprehensive the rules are that govern the referendum the better a position we're in and can argue that individuals should've made themselves aware of them before participating and that the onus is on them. And as long as, you know, if we have a... a fair and balanced complaints procedure that allows for responses and that type of thing I think... I think we're... on okay ground. I don't want to say safe ground because nothing is ever safe, but --.

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- KG: I've just got these conspiracy theories.
- LW: Yeah, no... no, it's better to think...it's better to think of all the possibilities than not, that's for sure.
- ML: That's a good one to think about.
- LW: Yup.
- KG: Okay, you've got about 10 minutes Lucy for you so I guess I should shut up.
- LW: I had a question about banners because one of the... one of the items here was types of approved materials and we had talked about sizes of...like poster sizes and I wanted to ask about banners. How many banners generally during referenda at Simon Fraser is each campaign team permitted to put up? Is there a limit per building and what are the dimensions... the limitations in terms of dimensions?
- ML: There normally isn't a limit on the numbers or size. It's an issue of practicality. There's not many places where you could put an enormous banner that would have any real effect. So it's never really been a huge issue.
- KG: There's kind of a general assembly area at the centre of the university between the student area and the library. There's reserved space for banners to promote club events and speakers on campus and things like that.
- LW: Yup.
- KG: That is a reserved space. I have no idea how they're booked.
- ML: They're booked through the SFSS general office and they're normally reserved for clubs and events so that they can be promoted.
- LW: Yeah.
- KG: I'd imagine that the campaign teams, once the referendums starts, book spaces with the SFSS general office.
- LW: Yeah, so maybe what we want to think about doing to ensure that no one side monopolizes banner space is maybe thinking about setting out restrictions because I can't imagine, in an election for example I've, you know, I mean I've been on campus during elections and candidates... a lot of the candidates have banners, right? Um, but maybe that's something... can you guys maybe put some thought into that...just having been on campus everyday all day for however long...what would be reasonable.
- KG: In terms of official registration places or... or what?

LW: Well, um --.

BL: I'd like to know... I mean I'd like... I think it would be useful for us to at least know the details of how one goes about, like, basically booking space where you have to book space for a banner, like, what's the existing procedure is for that?

ML: Speaking to the booking thing for a second because there's a few bookable spaces, but there's always space where people tend to put up banners and the spaces where people tend to put up banners greatly outnumbers the number of bookable spaces in that sense. It might make the most sense to say that there's no campaign banners in the bookable spaces, that we just focus on the other spaces. Usually what people do is they put the banner in the spot, it's nothing that I think we've ever really had a specific problem with the university on, but the same basic rules in terms of damage to property apply. You don't tape to anything,; you don't obstruct anything, so usually they're held up with string for example versus, you know, being taped or nailed or anything like that.

BL: Yup.

LW: Yup.... --.

ML: The only issue is trying to define spaces. Because there are quite a number of different buildings on campus.

LW: Yup.

ML: It might be tricky to really come up with specific locations, at the same time I don't know whether or not saying that banners shall be of a reasonable number and a reasonable size is enough because that's just going to lead to fights over reasonableness.

LW: Yeah.

KG: What I mentioned that these official club registered spaces. There's only about 5 of them and they'd be about 10 feet long.

ML: Whatever the usual width of banner paper is by I want to say 6 feet long I think.

KG: So there's only about six of those. They're always occupied by the clubs. We could check with the SFSS general office.

ML: They probably won't actually book those just because they're still trying to do business around here and they're pretty popular.

KG: Maybe what we should do is just say those official spaces are off limits.

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LW: Yeah, well and we could add...so we could add dimension. I think banner paper is usually about 3 – 3 1/2 feet, right, maybe 4?

KG: Regular banner paper width.

LW: Yeah, that seems about right, heh? About 3 feet? Like that, right? I guess it depends, but --.

BL: Yes.

LW: But we could say, you know, banners no larger than 4 by I don't know 8.

KG: 4 by 8 sounds close, that sounds right actually.

ML: Just like a sheet of plywood.

KG: Lets do 4 by 8.

LW: Does that seem right? Ben is measuring it in his head.

KG: We're measuring it with our hands on the table so.

LW: That's a door... the size of a door?

ML: A regular door is usually 3 foot wide by I want to say...

BL: I'm sorry I'm just trying to, like, figure out the numbers in my head. I... I just... I'm just, like, picturing 4 by 8 it just doesn't seem wide enough maybe.

KG: Maybe as wide as 5 feet. 5 feet is pretty wide.

BL: I guess length is a better word, like, banners are, you know, usually horizontal right so 4 feet by, like, 10 maybe.

LW: I'm fine with that... I'm fine with that.

BL: Just for somebody who has made banners in the past I feel like they just seem a lot longer than, they're usually more than twice as long as they are tall.

ML: But if they're short we can encourage people to be pithy and short.

LW: Yeah... yeah...unfortunately they don't get pithy.

ML: I'm okay with 4 by 10 in the sense that all they need is a number.

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LW: Okay... okay. So I don't know, do you want to... what we could do... or if you want to go away and think about this is...do something like no more than one banner in each building or one... now the problem or the challenge with Simon Fraser of course is that there's so much outdoor space, right, so I don't know how --.

ML: Usually though the foot traffic tends to be with the exception of a few areas which are say where the residences enter into campus proper and around the parking lot, most of the most spaces are identifiable with a building code. The one I'm thinking about most prominently is the convocation mall.

LW: Yeah... yeah.

ML: It has a room identifier with it.

LW: Yeah, that's true... that's true.

ML: I think we can identify within each building or equivalent space, to cover those few areas that have an outdoorsy quality to them.

LW: Right.

ML: If we want to put a limit on the number.

LW: Okay, so, yeah, what about that? Instead of identifying specific areas we simply say...we put a limit on the number of banners in or... or around each building and then if campaigns want to take advantage of that they can. It'd probably end up being a ton of banners. But at least that way both sides have access to banner space. We're not going to be dealing with any squabbles about too many banners.

BL: And certainly if we're going by the rules that, like, banners have to be hung with string or something like string than that's going to restrict...

ML: Yeah, that would limit the places to hang them.

BL: Yeah.

LW: Yeah.

BL: That's the most difficult part really.

LW: Yeah.

ML: We can think about that and then come back I think we've just got to think about numbers and that sort of stuff, but we can certainly clear that up I think in short order.

LW: Okay, so you guys want to put some thought into that and then --?

ML: Yeah.

LW: Okay.

ML: I've got it marked on my sheet.

LW: Okay, so the next item under there was electronic media which we haven't talked about at all which I anticipate is going to be a... a fairly... could potentially be a big issue, right, just given peoples' growing reliance or dependence on electronic media, um, so I know --.

ML: We've got three minutes left Lucy, so you just winding down?

LW: Yeah, okay. So why don't we make this food for thought...which is I know that the... the SFSS elections bylaws do include some language around electronic media, maybe that's something we could put some serious thought into before the next meeting and come up with some language around that. About what is prohibited, what is acceptable, how we govern it--which is the real challenge.

BL: Yeah.

ML: I think we can do that.

LW: Okay.

ML: There is one point I wanted to raise which was one of the points we didn't get to that was on the list of things that the SFSS wanted brought forward that I think you guys should have to take away and talk about.

LW: Yeah, okay.

ML: And this relates to the voters list.

LW: Yeah.

ML: So the document that I think was sent to you a long time ago coupled with what we were saying about the list now. What they've said is that the actual operation of the polling stations themselves would be subject to all the normal procedures that in a sense that we sub-contract it to their independent electoral commission including with some modification the, uh, the hiring of poll clerks for example. I know we raised that way long ago. So that the Committee would have input into the process, but we'd go through the normal union hiring process for the hiring of poll clerks. That the electoral list would be handled in the usual fashion which is

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an online database that tracks voter registrations that allows for the co-ordination across all five polling stations across 3 campuses without having to do verbal communication.

LW: Yeah.

ML: They do all of the ballot handling at the station, but that there can be people present from each side scrutineering the process. We could certainly set up our own secure things for ballots or storage both before and after polling has occurred prior to counting. I'm just trying to think if there's anything else really big that jump up off the page on that specifically that I've got to bring forward.

LW: Okay, so why don't we add that specifically to the agenda.

ML: Further on this, I think that, Derek had asked that we come back and report our discussion. I know we didn't get down to it on the agenda, uh, but that he might be, from the SFSS, calling somebody in the next day or so regarding this calling somebody in the next day or so regarding this. I wanted to make sure you guys knew that.

LW: Calling somebody about what?

ML: The sort of things that we've said in terms of procedure, regarding subcontracting to the IEC.

LW: Yeah, I'm confused and Ben looks...about what is he calling and why?

KG: So what the SFSS asked Mike and I to bring here is that currently our referenda and elections are handled by an independent electoral committees of the SFSS. So that that committee would hire the poll clerks normally, that committee would run the election all that sort of stuff. So what they're asking us if we run the referendum that it be proposed that is be run by the independent electoral committee and that the poll clerk hiring for this include members of the ROC and both CFS and SFSS representatives, that the membership list is handled by the independent electoral committee.

LW: Yeah.

KG: They have this computer system I thought when I voted last time that once you register to vote at the polling station you are taken off the voters list so you can't run across campus and vote twice, uh, it's electronically checked.

BL: Yeah.

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KG: So basically that this process be...so we don't have to itemize every single tiny detail of the actual voting we hand it off to the independent electoral committee to run.

ML: We certainly have, of the things that are important to us, I think the important items are the storage of ballot materials that we can have control over that part of it... and that the scrutineers and observers can be present from both sides is the process, uh, at the very point where it becomes an issue, but in terms of handling the sort of registration... voter registration details, the poll station operations and things like that that the IEC process be used.

LW: Okay, so we're going to talk about this at the next meeting that's... that's right?

ML: Yeah, we can definitely talk about it next meeting.

LW: Okay. Okay, all right, and we'll look through that submission the executive sent in, in the mean time just for additional details.

KG: Okay.

LW: Cool... okay so next... sorry next meeting is next... what is today Tuesday? Do you want to say next meeting is next Monday?

KG: What time?

LW: Your... your call, what time? It was supposed to be 12:30 yesterday, right, before I --.

ML: I guess the time we have established, I'm okay with 12:30.

KG: Yeah, I'm okay with 12:30 as well.

LW: Okay, done.

KG: Okay, and will that one be in person or --?

LW: Um, it might be half and half at this point.

KG: Okay.

LW: Because we're trying to figure out...I will likely... I'm hoping that I'm going to be in the province at that point. Ben just needs to nail a down a couple of meetings that have been changed so he's trying to work around that.

BL: Yeah.

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LW: It'd be ideal if we were both there.

KG: Just duplicate yourself.

LW: Yeah.

BL: Yeah.

KG: Okay, for now we'll say Monday, February 25, 12:30 Pacific Standard Time?

LW: Perfect.

BL: Yup.

ML: Yeah, and when will you know for sure if you're going to be in town?

LW: Um, I will... I should know by tomorrow late afternoon, so I'll fire off an email to you guys to let you know because we can also maybe arrange a... a polling station walk through date.

ML: Because if we're going to book a location for the meeting we need to know who we're accommodating.

LW: Oh, yup... for sure... for sure. Okay, so I'll send out these revised minutes from last week's meeting, draft minutes for this week's meeting and that proposed language so you can mull that over the next week.

ML: Okay.

BL: Okay.

KG: Okay, and then we'll just leave the next, the agenda for next week we'll kind of continue off?

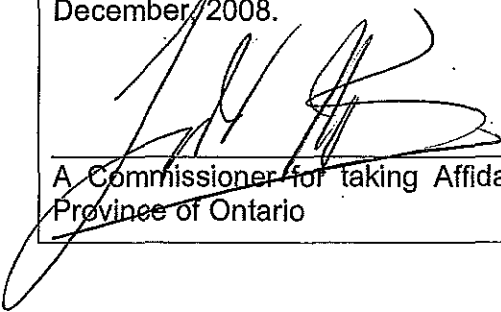
LW: Yeah... yup, that sounds good.

ML: Good, okay.

LW: Perfect, okay, you guys have a good week if we don't talk to you.

All: Bye.

This is Exhibit "E" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-02-25

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

BL: Hey there?

ML: Oh, yeah.

KG: Go ahead.

BL: Lucy, are you there?

LW: I sure am.

ML: Dear God, the miracles of technology.

KG: Sorry for the crunching. I'm just eating some lunch.

LW: Cool, did you... now I realize that I neglected to send out the draft agenda; I thought I had already done it, but I guess it was the minutes that I sent out. So I just sent that around.

ML: Got it here.

LW: You do have it, okay, good.

ML: I checked my email just before we came in.

LW: Nice. Okay.

ML: Do we have any particular time constraints or anything that we should put down now?

LW: What time is it 12:30... probably... probably quarter to 2 for me.

KG: Same for me so that works fine.

LW: Okay.

ML: Yeah, 1:45. Welcome to the past by the way, Lucy.

LW: Past?

ML: Those who live in further time zones ahead always say so how are things in the past?

LW: Weather is better in the past than it is in the future.

BL: Yeah, there's going to be some good stuff happening 3 hours from now.

ML: Really? We look forward to it.

LW: Um, okay, I am --.

KG: I don't have any amendments to the agenda.

LW: I have a couple.

ML: I was just going to note that I think under 4 we got through... we sort of finished up around campaign team registration procedure last time. I don't know if there is anything to come back to on quorum or campaign materials. Times I know was still left with a question mark around it.

LW: For quorum there was a request for a breakdown between grad/undergrad. Um, or under electorate I guess really—not quorum.

ML: Hold on one sec Lucy, I'm just going to ask people to be quiet in the hall.

LW: Okay, now materials what we haven't talked about at all are... and I think this is separate from... no it is actually process and penalties, so unapproved materials I guess... sorry, is that the item that you were flagging, Mike, as already dealt with?

ML: I was going with everything generally under campaign materials, but if we want to... if there's something we need to come back to.

LW: I think it was electronic media....

ML: Uh, okay.

LW: ...that we hadn't touched on at all.

BL: Yeah.

ML: Okay.

BL: Okay.

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LW: So I have two items; the first is that I'd like to talk about for the minutes is committee protocol.

ML: Yup.

LW: Um, and the second item is a letter that Derrick Harder sent to Amanda Aziz that raises an issue that I think is pertinent to our discussions.

ML: Okay.

KG: Where do you want to put those?

LW: Right after approval of the minutes if that's acceptable, so 2A, 2B kind of thing?

ML: This is the letter dated the 20th?

LW: Yeah.

ML: Okay, sure. So protocol... so minutes, protocol, letter?

LW: Yup.

ML: The three.

LW: Date and then protocol.

BL: Yup.

LW: So I circulated minutes with that one revision, was there anything else?

LW: Okay, so we can approve both the February 4th and the February 11th minutes? The February 4th minutes I circulated a while ago.

ML: I thought we had approved February 4th.

LW: Yeah, I think we had too actually.

BL: Now did you circulate the minutes of our last meeting?

ML: Yeah, last meeting is still out there.

BL: Yeah.

LW: Oh, maybe that's what I mean.

BL: The 11th and the 19th.

LW: I'm pretty sure, I'll just do a quick search, but I thought I had.

ML: We just need to do last meetings at this point.

KG: Right, having dealt with the 11th, yeah.

BL: Okay, do either of you have a copy of the minutes from the 19th?

ML: Yeah, I've got it here.

LW: You've got them? Okay.

BL: I'm sure I've got them.

ML: We're good with the minutes of the 19th.

LW: So February 11th is good, February 19th is good, February... okay, that's just a cut and paste. Sorry that should have been the 19th. February 4th has been previously approved, okay. So on the issue of committee protocol there are a couple of issues that fall under that that we wanted to raise because we're extremely concerned about--for what I hope are obvious reasons. There was an article in the Peak on February 18th on page 9 that you're probably familiar with. Its entitled Oversight Committee Disagrees on Question.

ML: Yup.

LW: And it goes into, I don't want to say a lot of detail, but it goes into some detail about the nature of our discussions in terms of establishing the referendum rules and protocol. There was also a posting on a facebook group called We Want Out by somebody named Juan Tollantino, who talks about the number of words in the proposed referendum question that we put forward. And so we want to have a discussion with you about the nature of our meetings in light of the decision that we made at our very first meeting that only decisions of the committee would be included in our minutes and therefore made public knowledge. The information that Sarah Leigh, I guess as the news editor, and the information that Juan Tollantino have about our proposed referendum question specifically is based on an internal and, I assumed, confidential discussion that we had during our deliberations. And so first off I want to know why it is these individuals know what is being proposed and what's on the table for discussion, how it is they're getting access to this information, and how we ensure that this stops because quite frankly, I think 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 in 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.

BL: Yeah.

KG: Well I guess I can't really comment on either aspect. I'm personally not aware how Sarah got a hold of that information and I don't know who Juan Tolentino is. Now obviously Mike and I have both had discussions with the SFSS executive when we went back to deliberate about the question in particular but that would be the extent of my discussions with the SFSS executive members. So I... that's what I can say on the matter. Now what the content... I read that article and I'm quite surprised. I guess we have to talk to [Sharon] about where that information came from because my understanding is with this committee is that's exactly how we're following this protocol is that our decisions aren't... our decisions are public, but the actual discussions are.

LW: Mm-hmm... mm-hmm.

KG: Just for my part I had discussions with the SFSS executives about it, they were aware of the questions and suggested because I wanted to find out from them if they had... where they fell on this question and that's the extent of discussions except that Sarah did come to me, I know I'm quoted in there and she asked about it and I said, look we haven't reached any decisions yet and it's still open.

LW: Okay, and... I should probably have mentioned that... we have no issue with you seeking guidance or input from other elected representatives of the Simon Fraser Student Society. That is a role that you obviously have to play as do we, right. So that's not the issue that we're concerned about. We understand you need to look for that feedback and input, but if it's the case that those individuals that you're approaching for feedback and input don't understand the nature of our deliberations then I have to question whether or not they should be involved in meetings that may involve... that include confidential information. Quite frankly it undermines the entire process and it puts the two of you in a position where you are seen to be bargaining in bad faith, or for, you know, entering into these deliberations in bad faith because if Ben and I are coming to the table and everything that we put forward for discussion purposes shows up in the Peak or on a Facebook group that is going to severely limit our ability to... to engage in these discussions in an open... open-minded way. We're going to have to start seriously censoring what we say because we don't want to add more fuel to the fire and have our words or our positions completely misinterpreted which is what's happening here.

ML: I'm taking notes because I want to be very clear that I'm... I am going to bring this to their attention and I think if you were to check with them I think that you'll find that I've spent most of the past few weeks saying things exactly like this.

LW: Yeah.

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ML: Describing, you know, sort of the process that we're going through. Um, so I'll make it... I'm very happy to make it very clear to them.

LW: Yup.

ML: Clear and to the point.

KG: I think what you're raising Lucy, I think I'm on the same page and I know I don't plan on discussing things the specifics today because honestly I'm not terribly concerned with the actual specifics, but when we're getting to what I just forwarded right before the meeting started about classifying who are representatives and who are eligible to participate in the referendum I think we need to be quite clear about that because we need to lay out some sorts of guidelines so that we can, um, if necessary institute those penalties that we've discussed in the past. I'm concerned that people are not going to follow the rules regardless of the fact that the rules are laid out and I think we need to have serious thought about how we actually go about this perhaps. I don't have the answer right now in my head as to what penalties are, but my sense is this committee is going to be dealing with more than we would like to. Not that I'm looking forward to that at all, but then it doesn't really matter what the rules are especially if it's going to get down to electronic media and who the hell knows if Juan Tolentino is a SFSS member or someone who lives in Iraq or wherever it doesn't matter the fact is that people are going to start saying things online that we need to figure out maybe a better way to proceed through that in terms of penalty wise when it comes to referenda because my gauging of what you just presented to us is that... that it's happening regardless of the fact that the committee is operating with the notion that these decisions are public, but the discussions confidential.

LW: Right, I think... but... I think they're two separate issues: one is how people engage in the actual referendum campaign and how we deal with that as an oversight committee, the second is the issue that I'm raising which is internal as to how we function as an oversight committee, ... how we're coming to decisions and how we're relaying those decisions to the general membership in the form of rules, right?

BL: Yeah.

LW: So as long as everybody is clear and on the same page that our discussions in these meetings are... are confidential to the four of us which ensures that we can engage in an open meaningful discussion and that decisions that we reached are... are available to the general membership, anybody who is interested in participating in the campaign etcetera.

KG: Yeah, I'm onside with that but just to be clear are you suggesting that positions that you take should be discussed by Mike and I and no one else or are you suggesting that we be --.

LW: What I'm suggesting is that anybody that you need to solicit input from or receive direction from understands that they are bound by the same responsibilities that we're bound by. That our discussions are not public and to... they are not to be used as political fodder in this campaign on either side. We... we understand that to be our responsibility as well so, but no, we... we totally.... you should be consulting with others. That's part of your responsibilities.

BL: Yeah.

KG: Yeah, and... and I think I'm on the same page here.

LW: Okay.

KG: Because, uh, I think that's what we've been... what we've been doing. Um, perhaps what we need to do is talk with our elected representatives who put us on this committee a little bit more about that responsibility that they have as well with the information that we're sharing with them.

LW: Yeah... yeah... just to note it looks like Juan Tolentino--I had done a... a google search--is a Simon Fraser Student, he's the president of the pro-life club there I guess? I don't know if he's an elected official.

ML: Yes, I know Juan, Juan is a biology I believe, under grad, he's active in their departmental student union.

LW: In the [departmental] student union, okay, but he doesn't have a position on the forum or the board or anything?

ML: He has a position on, I believe he's their representative on forum.

LW: Okay, interesting.

BL: I think to further that thought I think it... it may be worth also having a conversation about how this committee and members of this committee interact with the media and the protocol for that because I mean obviously, and I'm not, you know, being super critical of what you said Michael to the media, but I think we it might be worth if... if obviously the media has an interest in this referendum which I think they do and, you know, decisions of this committee that we might need to or want to establish a protocol in terms of how, we deal with the media, how they approach us. Whether it's questions in writing to the committee as whole, how we respond that sort of thing so that members of the committee aren't just answering of their own accord and that we're actually answering as a committee.

- KG: I'm okay with that, um, I'm a little bit concerned for my own interest just because I put my name forward to be elected to the Graduate Student Society and in light of the fact that media tend to have questions about that stuff if I'm asked about it I might be in a difficult place, so having said that I have no problem following some basic protocol about dealing with the media, but, uh, if you have any proposal Ben?
- BL: Well I think... I think if the media has questions and... I can just use an example right, if you're... being asked a questions about candidacy Michael and you know the media starts asking questions, in regards to the work of the committee then I would suggest that that reporter, whoever it is, submit their questions in writing to the oversight committee at the email address we've established and then we as a committee undertake the work to answer those questions to the best of our ability. And I think if we establish that then I mean I... I, you know, if you're speaking to a reporter then it's like look, I mean, you know, this is... this is the work of an entire committee and this is the process for getting information you're requested.
- LW: So, sorry Ben, you're suggesting that we ask for the question in writing to the gmail account?
- BL: Yeah.
- LW: Okay.
- BL: Yeah.
- ML: Has anybody been checking the gmail account? I have not.
- BL: I have been, I have it setup so that... Michael I think you have it set up too, right I mean you were giving some --.
- ML: I have it setup although I'm wondering if the POP settings got reset because the stuff never shows up in my email because that's how I was seeing it before I haven't been logging into the Gmail, uh, interface to check.
- BL: I haven't changed the POP settings as far as I know, like, all that email should remain, but --.
- ML: It depends on whether or not another POP client actually pulled it down more than once.
- BL: Right.
- ML: That was happening with mine once I'd read them they would disappear from the inbox never to be seen again. Uh, on my machine they'd still be in the Gmail account. That being said I haven't seen any traffic on it since our test email.

BL: Yeah, I haven't... And it might be that the next time, the next email that comes in, you know, if somebody receives it just to maybe circulate it to the rest of the committee just in case, just to make sure it's working properly, make sure everybody has gotten it.

ML: Send it to our regular email addresses what you're saying.

BL: Uh, yeah.

ML: That's not a bad idea.

BL: Circulate it to the rest of the committee and then we can just ensure that everybody's is getting it and if not that they're getting a copy and then, you know, over time as more emails come in we'll be able to figure what's working, what's not.

LW: So are people okay with this idea of... if any media - the Peak or not - have questions or otherwise rather, um, have questions about the deliberations of the oversight committee we ask them to put them in writing and send them to the account and then we'll... we'll have a response as a committee.

KG: Yup. I'm... I'm okay with that.

ML: Sure.

LW: Okay.

KG: I don't know if we need a written report of that in the minutes, but I think for our purposes we know we're okay with that.

LW: Okay. Okay, that sounds good.

KG: Okay.

LW: So there's this letter that Derrick Harder, President of the Simon Fraser Student Society sent to Amanda Aziz, National Chairperson.

KG: Yeah, and... and I'm just reading this letter for the first time so just bear with me here so I can get my head around it.

LW: Okay... okay.

ML: I think Derek gave me a copy on Friday after it was sent.

KG: Okay, so I've had a chance to read this over. Have you both had a chance to read it?

LW: Yup... yup, so the issue that I wanted to raise is about...uh, Derrick makes a statement in the one, two, three, four, fifth paragraph. It says "I understand that many issues have been raised at the committee have been subsequently deferred". So we wanted to have a discussion about what that is because we're both somewhat confused and if it's the case that... if it's the case that the two of you feel that are many issues that have been deferred if you could identify what those are because we don't know what they are and add them to the agenda so that we can have a discussion about those issues and figure out how to move forward. But I was, to say the least, quite surprised to read this characterization there have been many issues that have been deferred because, um, there's one instance where I recall Kyle raised a question about a membership awareness campaign that the Canadian Federation of Students British Columbia has been running for the last number of months and I said... my response was that you could speak with somebody from the Canadian Federation of Students British Columbia, but that was... that's the only situation that I'm aware of. So are... what are the issues that Derrick is referring to or is he not referring to anything in particular?

ML: I think I can give some light on this; I think that a lot of it goes around... we have right now item 3 on the agenda being the dates question because I know we've been doing that for quite some time. Since day one. And, uh, polling station times as well is tied into that, also the general logistics questions we've either not addressed or they've kept on getting, uh, pushed down the agenda because of just the process of everything we've had to work through and I think the concern that they're raising is largely one of timeliness because based on the dates in the notice we're coming up on some hardballs because of logistics.

LW: But he's... he's ascribing these problems to the lack of a representation from the Canadian Federation of Students-British Columbia, so how are any of those items linked?

ML: I'm not saying that they are, I'm just saying those are the issues I know that we've talked about. Let me just scan again.

LW: And, just an aside, we should talk about timelines and such, like, we're obviously pretty concerned that there are a number of fairly key issues that we have yet to resolve, but I don't... I... it didn't read that way to me it wasn't a general concern about --.

KG: Well, without Derrick in the room I can't particularly speak for why he's linking the two issues. I think the issue about, uh, with the CFS-BC comes from our last meeting Lucy where you had suggested that, um, to change the mandate of the committee would, uh, that would require representatives of Simon Fraser Student Society to petition the national executive of the Canadian Federation of Students

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in Ottawa to change the committee because they're the ones who set both you and Ben.

LW: Yup.

KG: Okay, so that was obviously news to Derrick, uh, that information was just passed on to him.

LW: Yup.

KG: Uh, and as we said from that first meeting which you just reiterated that issues concerning the Membership Awareness Campaign, iamCFS are out of your scope of jurisdiction and that that is something that Simon Fraser Student Society wanted, uh, on the table for discussion at this ROC.

LW: Okay.

KG: Um, so for that reason that's very specific to why we would need representatives or why they requested we need representatives from CFS-BC on this committee.

LW: Okay, so why don't we add that if it is that you're looking for information specifically about the I Am CFS campaign and want to pursue that. Then why don't we add that as an agenda item?

KG: Well I'm confused how we can add it now, but we couldn't add it before.

LW: Well if it's information that you're seeking or questions that you have we can undertake to secure that information, right, but --.

KG: It's not actually information that I'm seeking it was that I wanted to register... when you have registered concerns about the Simon Fraser Student Society's pre-campaign materials.

LW: Right.

KG: I was also registering Simon Fraser Student Society's concern over pre-campaign materials to CFS, you've indicated they weren't campaign materials of CFS, they were campaign materials of CFS-BC nevertheless that was why that information hasn't been obtained to this date.

LW: Okay, so let's add the agenda item pre-campaigning.

KG: Okay.

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LW: And just to verify what I was saying at that meeting is that those are not referendum materials they're membership awareness materials and there's a big distinction between the two, but let's add it so that we can have that discussion.

KG: Okay... okay.

LW: It indicates to people that you don't recognize the distinction or don't...you know.

ML: Sorry, just for my clarification, the pre-campaigning item, where would we want to put that on the agenda?

LW: I'm flexible.

ML: Um --.

KG: Okay, I think we should just discuss it now, oh, well, actually I'd prefer to talk about the dates first, but, um --.

LW: Okay.

KG: Put it, um, let's put it somewhere after polling station times under 4 just because I think polling stations times is tied into dates.

KG: Yeah, that works for me.

ML: We could put it right after that if you want.

LW: Okay.

ML: Okay.

LW: Okay.

KG: Okay, um, if there's something more on this letter that we need to discuss or does that carry over to that.

LW: No, that was the only issue that I think pertained to our deliberations.

ML: Okay.

KG: Okay.

BL: Yup.

KG: Okay, so 3 establishment of referendum dates so you... you guys were going back to talk to the National Executive do you have, uh, anything further on that?

LW: No, I guess just to reiterate the position that we presented the other day. The National Executive is certainly more than willing to consider any series of dates that the Simon Fraser Student Society wants to put forward however, still feels very strongly and probably more strongly now than even last week that in order to ensure this is a fair and balanced referendum and to protect it's integrity that we could not conduct, um, this referendum on the same dates as the Simon Fraser Student Society Elections. But other than that there is a lot of flexibility in terms of dates. So it's just those 3 dates and that there is very serious concern that the integrity of this referendum will be compromised as a result of conducting it on the 18th, 19th, and 20th, but they wanted us to reassure you that we're, um, prepared to be more than reasonable about establishing any other series of dates.

ML: Okay, uh, I'm just going to make a quick note here Lucy, uh, concerned, integrity, process, oh, and we're flexible on other dates.

LW: Yeah.

BL: Yeah.

LW: Yeah.

KG: Could you elaborate just for my records because honestly I'm trying to distance myself from the politics of the undergrad society as much as I possibly can right now...is there a concern about their elections and, uh, the referendum.

LW: I think it would be fair to say that there has been an incredible amount of publicity, much of it negative, about, uh, continued membership in the Canadian Federation of Students and a lot of that has been generated by people who are currently, you know, currently holding elected positions and staff of the Simon Fraser Student Society. And there is a serious concern that that hostility, animosity I don't know how you want to characterize it is going to, very much cross over into the elections and as a result will have an impact on the referendum and how the referendum unfolds.

ML: I hear what you're saying Lucy, but to be fair I'm just trying to see how, um, and I know exactly what you're talking about in terms of the discussion, why having it on the 18th, 19th, and 20th will change that position say if we held it a week later or 2 weeks later or whenever?

LW: Well hopefully there would be a bit of distance between the elections and this sort of heightened awareness or super sensitivity around Federation membership that seems to have been generated on campus over the last few months. It would provide a bit of distance between the two. And people won't necessarily confuse the issues between the referendum and what they're voting on and the elections.

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ML: I just want to make sure that I'm getting a good record of this.

LW: Yup... yup... yup.

ML: I have a cold today so I'm trying to keep my brain functioning on as many cylinders as possible. We've have, uh, extensive discussions with SFSS executive around the dates and, uh, they're absolutely insistent on the point I think was made earlier on in Derrick's letter about notice having been given validly and properly and, uh, I've said this before and I'll say it again I am in complete agreement with that, that the notice to my mind is valid and that even by preceding to this stage by the National Executive saying yes, okay, let's have a referendum oversight committee, here's are reps, you guys should put reps on, that, excuse me, indicates an acquiescence to that point and that it binds our hands as a committee to even consider the manner of dates and times because it's... they're part and parcel of the same thing.

LW: Sorry, how does... how does the National Executive acquiesce to the dates simply by appointing members to an oversight committee? How else would we have a discussion about dates and/or the absence of dates in the petition if not at an oversight committee meeting? We have to meet.

ML: The procedure, given in the bylaws under 6 here. The petition falls under A and notice falls under B. And notice must be sent by registered mail to the head office of the Federation not less than 6 months prior to the vote then if we go down to F.

LW: Right.

ML: Administering the Campaign and Voting, within 3 months of the receipt of notice a committee composed of blah shall be formed.

LW: Right.

ML: Um, and here's... here's what the committee can look at, um, that if there was a defective notice then that needed to have been looked at before anybody said okay, we have received notice. That was the decision that covered under the start of F, within three months of the receipt of notice. By saying that yes, we got notice here's the committee.

LW: Right.

ML: And if there was a problem with notice it should've been brought months ago, uh, before the committee started it's work because again, I know we disagree on this point, but what I see under F doesn't give the committee any flexibility on dates or times and I say that because if it's not stated here and it's stated in notice the fact it was given many, many months ago, the dates and times are specified there.

LW: But here... I think here's where the misunderstanding is. Notice, a letter from the president of the students' union doesn't... doesn't satisfy the notice requirements. It's a letter that is accompanied by a petition and it's actually the petition that triggers the referendum. The letter is basically a cover letter from, uh, an elected official of the students' union and is... is basically a synopsis for the petition contained. Now I wouldn't call it a defect in the petition that it didn't include the dates. It might've been an omission, but the fact remains that the individual members of the Simon Fraser Society did not petition the National Executive to conduct a referendum on specific dates and Derrick Harder has no more authority to establish those referendum dates than Juan Tolentino as an individual member of the Simon Fraser Student Society. So it's the petition that triggers that process. Now in terms of acquiescing or not acquiescing--the National Executive by appointing its members to the oversight committee certainly didn't "acquiesce" to, um, information that may or may not have been contained in Derrick Harder's letter. We could be meeting about a referendum that's being held in a year and half from now, right? There's nothing that precludes us from meeting far in advance of a referendum, dates to be determined.

Just to pose a question to you-- we're basically coming forward and saying that we're prepared to be completely reasonable and flexible about dates, that we have serious concerns about the integrity of this referendum process if it is in fact conducted at the same time as the Simon Fraser Student Society elections. I guess what I'm having a hard time understanding is why some individuals are so committed to conducting it on the 18th, 19th and 20th at the potential, at the risk of damaging the integrity of the process?

ML: I hear what you're saying, but there are a couple of different points I'm going to try to address them, but please make sure and remind me of anything that I miss. In terms of the contention that, you know, the SFSS executive, in of itself can't set the notice I hear what you saying although I have said this before that I disagree around this in so far as they are requisitionists of the referendum and this is the right normally that falls to the requisition that you put this in, uh, that you set these terms. But the broader point it comes back to say that yes, the national executive received the notice and by doing so it comes back to this point that, that we've been told in a sense that we had no problems, we did not see this issue at the time we established the committee it should have been... I know there's a letter from I think it's Amanda Aziz, it's from the national office to be sure regarding the establishment of this committee, uh, I'm looking for a copy of it. I don't have it at hand, um, you know, that would've been the appropriate time to have raised the questions so that it's understood then that by bringing it to the table at the start of the referendum committee process, you know, which would've been started very late last month. I'm sure you all know so much ambiguity into the question about setting up the dates and times which imposes on the logistics of running a referendum things like that and it only leads to, you know, further confusion that could've been sorted our months ago had the national executive made that decision clear, uh, at the time.

LW: But... made what position clear?

ML: That the... the notice that was sent in... dates and times they did not consider to be, I'm going to say valid, but if you want a different term that's totally cool. I'm because it was not stated on the petition but instead sent, uh, separately?

LW: Well I think the information that was contained in Derrick Harder's cover letter basically provided...the executive or even just him as an individual I don't know if the executive was consulted or agreed to it, but his opinion on when... his position on when this referendum should be conducted. But his individual opinion on when this referendum should be conducted in no way, you know, has no more or less weight than Amanda Aziz's individual opinion about when this referendum should be conducted. And so any of those issues that aren't addressed in the petition--because it's the petition that requisitions this referendum--if you will, um, fall to the oversight committee and the oversight committee is empowered to engage in that discussion and make those decisions. And I'll just reference it's under F, it's point A which is "establishing all other rules and regulations". There has been other referenda where the individual members did petition the National Executive to conduct a referendum on a specific date and that, you know, date was the date when the referendum was held because that's when the individual members, the 10%, petitioned for it to be held, but in those cases where the petition does not set out dates, it's been a matter for discussion at the oversight committee level. Now if Derrick didn't know that, that's unfortunate and I can't speak to that because I wasn't engaged in any of those discussions between, um, him and I'm assuming Amanda, but that's..... Just to go back to my other point or the second question I had which is I don't understand why it is that some, and I don't know if it's fair to say it's the entire executive or some members of the executive, are so opposed to considering other dates when we're expressing serious concerns about the integrity of the referendum being compromised. That seems to me to be a very compelling argument. There have been repeated statements on the part of some of the members of the executive that they want to ensure this is a fair and transparent process. We can debate whether or not, you know they've, you know, behaved in that manner over the past few months, but if that is truly the case, that they want to ensure this is fair and balanced, I don't understand why they're rejecting the idea of considering other dates especially when we're saying it's wide open with the exception of the 18th and 19th and 20th. That it's something that we are more than happy to figure out with you.

ML: I know from having spoken to the executive that they're all of the same mind about this and I think it's maybe to clear one first thing the impression that it's... it's just Derrick's position. This isn't. The position of the society has been since last March that the campaigns, the petition, the, um, the notice all this sort of stuff is, for lack of better term a campaign of their society because they feel they have a mandate from their members to proceed with it and it's certainly I mean I... the referendum that, uh, they're taking this from, conducted validly, there's no

concerns about it and it was pretty clear in its numbers that this is what they wanted done. And so that's the position that they have consistently taken--is that it was our mandate to seek this... to requisition this referendum, to circulate the petition, to give notice, so on and so forth and I do just have to come back and specifically say that I heard what you said about the problem with the dates that can be addressed by the ROC, I don't agree that it falls under what's under F. 8. establishing all of the rules and regulations for the vote. If both the Federation and the requisitioning parties were amenable to the issue the dates being re-discussed that they could ask the referendum oversight committee to do that and in this case it's not been the situation because the executive here is quite clearly saying that "no, it has to be as set by the notice". It comes back to when we gave the notice. We can talk about the poll timing with the rest of the elections if we want, but I'm just sort of saying try to separate the two issues of process of leading up to the start of the ROC procedures versus, uh, the process of the ROC.

LW: So, but... but why is it... why is it that the executive is so resistant in... in light of the... of the concern... the serious concern that we have raised about the integrity of the referendum. Why are they so resistant?

ML: I take your point for the minute Lucy is that they have been to their minds trying their damndest to follow the rules that are laid down and specified both here and in their own by-laws to make sure that they are trying to everything by the book as much as possible and they say that the book in this sense here's what it specifies about notice, this is what we're doing and they feel that is falls under, uh, those rules.

LW: Okay, fair enough and... and we disagree fundamentally about who has the authority to set referendum dates. It's not mandated to an individual member of the Simon Fraser Student Society but 10% plus of the members of the organization that would petition the National Executive to conduct the referendum on a certain set of dates. But here's what I'm still not understanding--so the executive is prepared to basically sacrifice... potentially sacrifice the integrity of this referendum simply so it can proceed with the referendum on the dates that it wants, that Derrick Harder has stated he wants.

KG: I think that's kind of a loaded statement there Lucy and I'm not sure if it's fair that it's called sacrificing the integrity. Um, you're suggesting that by adhering to the dates they petitioned in August that that is somehow sacrificing integrity and think that's a little bit of a loaded statement. I'm not going to speak for the executive, but I think that's an opinion not necessarily fact.

LW: Well, but I'm just trying to... I'm just trying to find out what the issue is, right?

KG: Let me finish my point please Lucy.

LW: Oh, sorry I thought you were done.

KG: No, I'm not quite finished. I think what we're hearing here is that Mike and I have been mandated by to represent... as representatives of Simon Fraser Student Society to seek out these dates. You've been mandated by the national executive to not seek out those three dates, uh, for your reasons. We hear your reasons. I personally disagree with them, but I hear them and I recognize that that's where you're coming from being mandated. But please understand that Mike and I are being mandated for the same reason... for different reasons to stick with these dates and I think what I've said debating the arguments about why we've been mandated on both sides I think we should try to figure out how we go forward on this because unfortunately I don't really see anything in the conversation where Mike and I can change. I mean I... I'm of like mind with Mike that the dates as contained in the petition are the dates indicated by the members of the Simon Fraser Student Society as put forth by their elected representatives if you have a disagreement about that that's fine, but how do we go forward here is my concern.

LW: Well that's the problem Kyall-- the dates weren't included in the petition.

KG: But nowhere in the bylaws does it say that the dates need to that's where I'm really stuck on this. Nowhere in there does it say the petition must contain the dates to be those dates.

LW: Right, because the by-laws don't actually set out what the language of the petition should be.

KG: That's why I'm having trouble, um acquiescing of this point is that nowhere in the by-laws that are being followed legitimately does it say the dates need to be in the petition.

LW: Right, and that's because the bylaws don't set out specific wording that is required of a petition. That's left to the individual who is drafting the petition or group of individuals who are drafting the petition. The only way that the referendum can be triggered is by petition, 10% of the members, and if there are certain criteria that the members want to have followed for this referendum that is also included in the petition triggering the referendum. It has happened in the past, I'm sure it'll happen in the future where there are a lot of details that are included in the petition that then goes to the national executive. This petition didn't include the dates, so the letter that accompanied the petition included proposed dates from Derrick Harder and I say, and Mike I take your point, but I'm saying Derrick Harder--because he's the individual who signed it--it wasn't, you know, 10% of the membership who signed that letter, right?

KG: You need to depersonalize this and call him the president of the Simon Fraser Student Society.

LW: Sure, so in terms of how we go forward we are trying to be incredibly open-minded about when this referendum should be conducted. The only...the only limitation is that the voting not be held on the 18th, 19th, and 20th because we're extremely concerned about the integrity of the process.

KG: I hear you on that, but I want to speak on behalf of people who are here on campus and that I understand that you think that the honesty and integrity of this campaign is already gone. As someone who is on campus I see campaign materials put out by members of Simon Fraser Student Society Executive in response to the membership awareness campaign and I see a Facebook group that seems to be directed by a member of the Simon Fraser Students Executive, um, I'm really having trouble grasping on the ground what this hostile campaign is about. I see the relation of the campaign put out by the Simon Fraser Student Society in response to the membership awareness campaign I do not see hostile speeches taking place in the library area, I don't see, um, leaflets being handed out in the same number as the membership awareness would consider across campus right now. Um, so I'm really having trouble grasping that... that, um, and I'm just trying to understand why the national executive and you two as representatives are seeing that.

LW: None of the materials that are being distributed at Simon Fraser on campus... Simon Fraser by the Canadian Federation of Students reference in any way a vote on membership. The word "vote" doesn't appear on any of those materials unless they're materials, which I don't know of that, are being circulated in preparation for the upcoming federal election.

KG: Materials that don't do something, but... but otherwise imply position are not the same thing?

LW: None of the materials that are being circulated on campus reference a vote that is upcoming at Simon Fraser. None of them were produced specifically for Simon Fraser, none of these campaigns have been developed as a result of notice being served to conduct the defederation referendum, none of the material... and all of these materials are available to all other members of the Canadian Federation of Students regardless of what campus they're on. So I think you'd be hard pressed to compare the two. That's the position the national executive has taken and is concerned about...is the number of materials that have been produced and distributed at Simon Fraser that very specifically reference a vote that's coming up on continued membership in the Canadian Federation of Students. And that's the concern.

KG: I guess I'm, uh, I'm of a little bit of a different philosophy and I think that materials that imply certain positions whether they state the word vote or referendum on them or not are doing an implication of supporting the Canadian Federation of Students continued membership, um, and I believe that's what is going on. Now you may disagree that that's the purpose of the membership

awareness campaign, but that is the position that I'm going to take at this meeting about that.

LW: Sure, and let's get into a, you know, a broader discussion about what constitutes pre-campaigning and what does not but in terms of going forward with respect to the dates our position at this point is that we're completely open in terms of dates that you want to put on the table. We simply cannot consider 3 dates out of however many options there are and so the question I guess we're putting to you is, um, would you be willing to go back to whomever it is that you have to consult with and have a discussion about our very serious concerns about the integrity at the referendum and weighing that against a desire to hold this referendum on the 18th, 19th, and 20th? That we think serious concerns about conducting a fair campaign should be paramount in terms of determining when this vote should happen.

KG: That's fine. I'm willing to present that information but for my records and so that I present accurate information why have you two, um, particularly and as clearly as possible what your, um, belief is about the hostility and animosity is?

LW: Well when I used those terms I said if that's how you want to characterize it I'm not sure if I necessarily do want characterize it like that.

KG: You... you did say hostility, animosity.

LW: Yeah, but... but Kyall I also did say that I wasn't sure that's how you'd want to characterize it. I'm not sure how one would characterize it because I think depends on how --.

KG: I would characterize it as the other phrase which is integrity of the referendum campaign?

LW: Right... right.

KG: That's fair with me.

LW: Okay, so I think I've said, I think I've expanded as much as I'm able to or can at this point about what the concerns are. Is there... do you have a specific question, like, about --?

KG: Is it materials, is it what's being said, is it a particular political stances are being taken by the Simon Fraser Student Society executive, is it the electronic media they're engaging in... I'm kind of looking for specifics that I can say when they ask me what is the integrity of the campaign that's been sacrificed.

LW: Sure, okay... okay, that's fair. Um, no, it's not about the position of the Simon Fraser Student Society the executive at all, they have the right to take a position

on membership, that's not the issue. I think whether or not you agree, which was my phrase that it would be the level of ... the pre-campaigning that people have engaged in on campus to date and I guess I'd describe it as a super sensitivity to the issue of continued membership in the Canadian Federation of Students and how....and how that is going to play out during the Simon Fraser Student Society elections and the impact that that will have on the referendum and how the referendum unfolds.

KG: And these concerns, the national executive raised these to you two, um, on... on what grounds? I'm asking kind of on what basis is the national executive concerned about super sensitivity on the issue? Is it... is it articles in the Peak and opinions taken there, is it the electronic media?

LW: I think it's all the materials that are being circulated, yeah, in whatever form because there is certainly a lot of stuff that's going out on the Internet. But also the coverage in the Peak, certain quotes that are being highlighted in the Peak, the, uh, you know, the advertisement that appeared in the Peak on the eighteenth, the half page ad that appeared that I'm assuming was placed by the executive, um, the various posters, the handbills, the posters that are being stapled to various generic Canadian Federation of Students campaign materials...you name it.

KG: Okay, because I think we're onto, let's move off the dates and talk about the pre-campaigning, um --.

LW: No, I was just trying to answer your question about what the concern was.

KG: I understand why and I've got some points on that that I wrote down.

LW: Okay.

ML: And that does go back to the question that I think you asked us is if we could take it back to the folks here. Can we take the idea of other days back and that you're concerned about the fairness/integrity of the campaign, uh, if the vote ended, results of the vote, therefore, uh, if we go ahead with the 18th, 19th, and 20th, am I fair in making sure that's the question?

LW: Yes.

ML: Okay, um, I can do my job and take it back to them although I am quite certain that their position is not going to move one centimeter on the dates around there. Um, I've laid out the... points that I've had on this which the people I've spoken to seem to be in agreement about how my opinion being and our opinions that notice works. Which I know we've already got into, and I also just wanted to draw to your attention, uh, section 6. B. the notice section 5 about failure to adhere, uh, to those provisions in parts 1, 2, and 3 of this particular section on notice, um, shall invalidate the results of the vote.

LW: Yes.

ML: That saying that if that wasn't said early on this is where it comes back to the point about acquiescence. That nobody raised these issues before bringing them up now just delays the whole process of trying to get the logistics sorted out, uh, that's what I know that they're going to come back with because it's been around again and again and again.

LW: Okay, are you still there?

ML: Yeah, I'm done. Sorry.

LW: Okay... okay, it's just really quiet, okay. Alright, I made a note of that. I guess to....my last comments on the issue for now is that I see what you're saying. I don't agree, but I would hope or it is my hope that at the end of the day despite the fact that we disagree about who triggers a referendum and how, that people will... will ultimately decide that, you know, doing whatever it takes to ensure that this is a fair referendum might mean a different set of dates. And I'm not saying that to be provocative. I'm just and... and I understand that people are pretty entrenched in their position at your end about how they feel notice should be served and such, but our interest and I'm... and I'm sure your interest is ensuring that this is a fair process and that, um, there... there is no, you know, benefit or weight being given to one side of the question versus the other. And us putting forward this concern that that would be the case if the referendum were held on those dates, um, you know, I hope it is a compelling one not necessarily for the two of you, but for the folks that... that are also discussing this with you.

ML: Okay, I... I've got that and I'll make a note that, you know, um, compelling, uh, I obviously can't guarantee anything on that.

LW: Yeah... yeah.

ML: I just looking at the clock. We have about 10 minutes left.

LW: Okay.

ML: And I'm thinking it might be useful because I'm pretty sure this is going to be tied into the same thing in terms of the general collection of operations and statistics for the polling stations the concerns we raised last week coming back about, um, general polling station operations, voters lists, so on and so forth, uh, that the vision we have is that it should be for the lack of a better term sub-contracted to the SFSS IEC here because they are the only ones with access to the voters lists because they're the ones who are hiring the poll clerks, um, that they have managed the whole process and their whole process is timed around these dates which is why I say it's part and parcel, um, having, you know, mentioned the

specific things that nobody seems to have problem with that we can obviously ensure separate storage for the ballots for this referendum, a security that's for oversight for this portion or this kind of stuff, but, you know, in terms of voters lists, poll clerks, registration that the established system that's been agreed to by SFU around all this in terms of a sensitive information is done to the IEC process and that was the other thing and the IEC process like I said is timed for the 18th, 19th, and 20th because that's when the university has been informed we need to data for.

LW: Right.

BL: I don't want to dive back into it again, but I mean that I think that's just another one of the issues that I have with the dates is that, you know.... This committee needs the flexibility and authority to determine any and all rules pertaining to the referendum. And I think as has been previously discussed it's not contemplated in assigning any of this authority to another body to undertake that work and further to that, in terms of timing that I think it's very problematic in terms of the way in which holding a referendum synchronously with these elections actually restricts our ability to make determinations about where polls are located, in terms of polling hours, in terms of the voting procedure and process.

ML: I hear what you're saying Ben and I know that we've discussed this somewhat before we're rolling on and then we got on to other things and we sort of just come back to it recently that, um, and we have different obligations here that we have to make sure that are met. We have our obligations because of our collective agreement in terms of poll clerk hiring, we have our obligations under both, uh, FOIPOP and FIPPA to ensure that this is met in terms of our agreements with the university around this. Um, the procedure or the processes that have been established by this group and that have been historically used are highly effective and our sort of what students have come to expect in terms of a vote and just on sheer logistical note. I've done logistics for a number of elections and things like that and I know that these procedures work exceedingly well and it actually, you know, by my position personally is that it takes a lot of the work off of our plate, uh, to guarantee that we don't have to get into, uh, you know, separate FOIPOP discussions freedom of information, protection of privacy, the, uh, BC Act that governs the university here on... and you know whatever discussions are incumbent at the federal level for you guys I can't remember if that's, um, exactly what that one is called, um, that it... it covers a lot of that, it's the, uh, collective agreement issues under control, but we still have full oversight around these things and the issue of the dates and the times is obviously the big issue that's left out there, but if you take the 18th, 19th and 20th which are the dates in the notice then the rest of the stuff falls into place that to my mind it creates a better, cleaner vote because here's where we got to vote on things, here's the procedure it's done. There's uniform tracking and my feeling we can be quite confident in the outcome of the, um, the logistics that everything will be appropriately managed in terms of registration and this sort of stuff. Sorry to be a little bit rambling there.

LW: No... no that's okay. I think that one of my concerns is that the bylaws don't allow for us to delegate any part of our responsibilities to another body and I understand what you're saying, that this is a, you know, body that is more than capable of assuming this work and has done it in the past ... but that's not the issue for me. It's about us basically handing over or delegating some of our responsibilities to another individual or individuals and that's part of the reason for, you know, a big part of the reason, excuse me, that we're on this oversight committee which is to undertake that work ourselves. And there are, at the end of the day, a number of discretionary powers that either a chief returning officer or an IEC has and they make decisions on an ongoing basis as various situations arise. By delegating that work to somebody else we remove ourselves from that process, but ultimately all of those decisions have to be... we have to be held to account for them and we may not necessarily agree with some of them, but won't have been consulted or included in the process. And the other concern that I have and I think Ben just raised it, is that by delegating, you know, some of our responsibilities to another body we also delegate decision making in terms of how, you know, what... what referendum protocol we want to follow for this referendum. And while, you know, with absolute respect for the procedures that have... that have been set out by the IEC, they may or may not be appropriate for a referendum of this nature on continued membership in the Federation. So those are my two concerns but I completely understand what you're saying about, you know, being a couple of issues that are of primary importance and one is with respect to collective agreements and the other is agreements with the university and so I'm just wondering if there's been any thought into how, if the IEC was not delegated this responsibility, how we would how we would work on those issues?

KG: Uh, there's a collective agreement and the ...

LW: Agreement with the university, yeah. I guess I'm just looking for more detail about how, you know, what would need to happen in the event we did not delegate this responsibility to the IEC. What would we be figuring out with the union and along with the university?

ML: From what I've heard back from the union which in no way this been in writing, but it's been throughout the general discussions is that, um, they don't see anything, um, for what we've discussed so far and saying anything but the existing practice of the way things are being done should be followed since it's the SFSS as the employer in that side, um, they see that as being annulled. On the university, uh, side of things, uh, I know the agreements that cover very specifically only gives to the SFSS the, um, information necessary for elections purposes this is in compliance with our legislation here and the university act and that, um, the university is governed by one information act, the Student Society is governed with the other so they both apply the same basic things that we have to be very clear in terms of the use of information and I highly doubt that the Student

Society would get consent for the university to release the, um, membership list that it has beyond the Student Society. And that I'm pretty confident, I mean I've dealt with the university on many other issues that they won't agree to do so either because their requirements are what's set out in legislation here which is that it goes to the Student Society and that's it.

LW: I'm wondering if, would it be possible for us to get, um, some of these protocols to have a look at so we have sense of what it is that is actually being undertaken by either the university/Student Society and or the Union/Student Society in our name?

ML: I could inquire. I know that there's an LOA, a letter of agreement between the, uh, Student Society and the university which was set up a while ago to establish the parameters around electoral lists because the university wanted it very clear in writing.

LW: Okay.

ML: Um, find out if that can be, uh --.

LW: Okay.

ML: At least more generally, the union stuff there's the CA, the collective agreement and then the rest is all discussion that, uh, you know, follows from it.

LW: Okay.

KG: I have to leave for preparation for my tutorial I am very sorry.

LW: Okay, no... no... no, that's, yeah, we've kind of run out of time. Do you want to just quickly talk about; do you think there's an opportunity for us to meet again this week? Do you want to think about it and get back to us or --?

ML: I'm sorry--say that once again Lucy?

LW: Or if it's... if you can't make that decision on the fly and have to take a look at your schedules if you want send us an email and let us know if you're available.

KG: Neither of us have a schedule in front of us so, um, and I... this is a busy week for me, but, um, we can get back to you as soon as we can.

LW: Okay... okay.

ML: Yup.

LW: That sounds good.

KG: Ben do you plan on being in the city this week or?

BL: Um, I will be coming up probably shortly after the federal budget is released.

KG: I know I'm a political science student, but when is the budget?

LW: Tomorrow.

BL: That's tomorrow afternoon, late in the afternoon.

LW: So a flight as soon as you can either Tuesday night or Wednesday morning kind of thing.

BL: Yup.

ML: And there might be a possibility to meet in person which might be good.

LW: Yeah.

BL: Yeah.

LW: That's great.

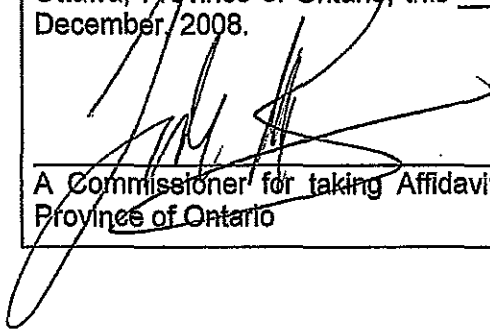
BL: Yeah.

LW: Um, okay so just fire off an email and let us know what... what, um, what the scoop is.

ML: Okay.

LW: Okay. Thanks you guys.

This is Exhibit "F" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this ____ day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-02-28

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

ML: You say you're both enjoying the weather here.

LW: We are, very much.

ML: We've done our best for you, we asked for it, specifically.

LW: Enjoying the weather, enjoying the fact that flowers are blooming, etc. etc.

LW: Okay, so we, so Mike, you've a meeting at noon, I'm available from about quarter to twelve.

ML: Okay, I think Kyall's got a tighter time...

KG: Yeah, I can push it to around quarter to twelve as well, so.

LW: Okay, all right. Well, let's just keep an eye on the clock and I'm just gonna write that down as a reminder. Okay.

ML: I've got, we've got copies of the agenda you sent out last night here.

LW: You guys have the minutes from February 25th.

KG: I've got my laptop in front of me, so I'm about to just check.

LW: Okay, just a second, I'm going to put on a "do not disturb" feature on this phone, so it doesn't ring constantly... Okay, can you guys hear me? Are you guys there?

KG: Yeah, yeah I can hear you, are you there?

LW: Yeah, yeah, sorry, I was just putting on the "do not disturb" function. Okay, so you did get the, they were very brief, the February 25th minutes?

KG: Yeah, we're just scanning them, I think I read them I just wanted Mike to look at them.

ML: I haven't read them yet, so they are pretty brief.

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LW: Yeah.

BL: Yeah.

LW: Well, that's the challenge when you're only recording decisions.

ML: Yeah. Okay, they are fine.

LW: Reassure people that we did actually spend a lot of time talking through issues....So, they're okay with everybody?

ML: Yes.

LW: Okay. So approved. Now, I added a couple of items that we talked about at the last meeting which was a section about pre-campaigning and there is something else. Oh! And I included a note about participation in referendum campaign--that was Kyall's proposal. So, I just made a note of that, so we didn't overlook those.

ML: Yeah, so it's under campaign registration procedure and participation.

LW: That's right, yeah...

BL: Yeah.

LW: Was there anything else?

Male: I think everything we got to talk to is on here.

LW: Okay. Okay, same with us. Okay, so #3, establishment of referendum dates, you guys were going to go back and see if folks were willing to consider alternate dates?

ML: On that Lucy, we've looked at it and the best that I can do right now and I think ever is to come and say that it's as served validly in the notice and I'm prepared at this point to move a motion to the affect that notice is served.

LW: Okay, and I do not want to re-hash the discussions that we've had so I'm I'm just going to ask you one question...

ML: Sure.

LW: Which is, setting aside the issue of whether or not notice, you know, what form notice took and what has to be included, etc. So setting aside our position and your position at this point, is there...what opposition are

people articulating or what are people saying in terms of why they don't want to consider other dates--setting aside the notice issue?

ML: Ultimately the sentiment, in the end, it can't be set aside but nonetheless it's confusion. It's that you don't have a clear idea that there's voting happening. It was set for these dates, this is when everybody is voting on everything, this is essentially when democracy happens and right now, all of a sudden, by moving in to a different date when it's been announced for so long that it's happening on these dates, it's going to just lead to confusion, not to mention other attendant logistical issues including figuring out, you know, getting our, our poll clerks coordinated and that sort of stuff, ballot printing and the likes.

LW: Now Mike you believe though that democracy happens 24/7, not just on those three days.

MI: This is I mean you can, I put that poorly because that's the short version. This is when the referendums happen, this is when they happen in conjunction with the SFSS bylaws, that they happen concurrent with general elections so that we're not throwing up referendum questions every week because here's one issue, here's another, here's another, here's another that just has ultimately to confuse the electorate and yet, because it's wasteful after a point that you're coming up for a vote every week when you 24,000 students to poll. That's why there's times when it's clear to everybody when voting like this happens.

LW: Okay.

KG: Can I ask you the same sort of question Lucy, is that, sort of fundamentally what are the reasons for you guys not the 18th, 19th and 20th?

LW: The reasons that we set out at the last meeting that we're concerned about in terms of, and without engaging in any discussion right now about the issue of pre-campaigning and what's not pre-campaigning at this point is that we are not in a position to maintain or to protect the integrity of the Referendum or the Referendum process. And I guess just in addition to that, one of the issues that we didn't talk about a lot at our last meeting is concern about our ability as an Oversight Committee to be making independent decisions about how this Referendum should be governed and what procedures should be in place to ensure that there is a, you know, a fair, transparent process and, and not just in light of some of the, some of the information that you brought to the table last week with respect to certain restrictions that the Independent Electoral Committee has or certain rules that they have already set out. And that there is, I guess, an assumption that we as an Oversight Committee would either comply with

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those decisions that have already been made, incorporate them into our governance, our rules and, and procedures that we've set out or taking it even a step further, handover all of the voting procedures to the IEC. So, we're also worried about the autonomy of the Oversight Committee and our ability to make decisions about this specific referendum.

ML: I think I want to make just one small correction there that, I mean, they were brought last week but this was all coming out of the total documents that, I know we discussed that we submitted it at the first meeting and that it was submitted months and months ago back by the SFSS as an early submission of process...

LW: Right.

ML: ...to, it wasn't just last week.

LW: Yes, and, and I recognize that but it was last week when it became clear that, that the, the proposal that was presented to the Committee in, I think it was early to mid-November was the position that you were, were taking a very firm stand on and were not necessarily willing to consider a lot of alternatives. So up until that point we had been considering that just an item for discussion but didn't realize that it was the position that you had taken firmly, but point taken. Okay, so, you know, in terms...how would you suggest we proceed? Because at this point we don't have Referendum dates. There are a number of other issues that we need to cover off in addition to Referendum dates. It would be my suggestion that we, we set this aside right now and we continue working through the various other issues in an attempt to hammer out the basic rules that would govern a referendum when that referendum happens.

ML: At this point to come back to my people I would really like to have something on a paper coming out at this point and that's actually going back to moving a motion to this effect and I mean the issue could be revisited later but for the time being to get something down on paper that obviously we can't agree, but do you want me to give you the text on that?

LW: Sure, yes.

ML: So moved that the referendum occur on March, the polling for the referendum occur on March 18th, 19th, 20th, 9:30 am – 7:30 pm as specified in the notice.

LW: Can you...Mike can you just read that one more time?

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- ML: So moved that the referendum occur on March, the polling for the referendum occur on March 18th, 19th, 20th, 9:30 am – 7:30 pm as specified in the notice sent in August 2007.
- KG: Lucy, I typed it while he was talking. Do you want me to read it back one more time?
- LW: Yes, sure, sure.
- KG: Mike moved that the polling of the referendum occur on March 18th, 19th, 20th, 9:30 am to 7:30 pm as specified in the notice.
- LW: Okay, now Mike how are you...because this is, you know, we obviously haven't been working at this point in this fashion in terms of presenting formal motions and such, so how would you suggest we proceed?
- ML: I mean we need to basically get our position down one way or other. I think the cleanest way to do it, I mean the issue can be revisited subsequently and if we just take a vote on it we go our individual ways and then we'll proceed as best we can.
- LW: What do you mean by "go our individual ways and proceed as we can"?
- ML: Well we're going to vote yes and you're going to vote no right, I mean that's the positions that we have taken.
- KG: I think what Mike is asking or maybe by posing a motion here is that we have something in the minutes that shows why over the last month and a half, one main issue hasn't changed and we have a something to record that we're actually working on that issue as a committee trying to revolve it but then we have a motion as to where we are at right now over the last month and a half.
- LW: Okay.
- KG: Well, I guess I'll obviously second the motion.
- BL: I understand the purpose of this in terms of putting something on the record to kind of show that there's disagreement at this point but there has been ongoing discussion and there will be having something on the record to that effect. I am just wondering if basically voting yes/no on this motion actually speaks to that like if, if we want instead to draft...
- ML: Hey, Ben I'm wondering I mean we just had a discussion just prior to it, I mean I started off talking about having a motion and then, you know, we talked about our position and Lucy pretty well articulated your position

that can be reflected in the minutes as the discussion on the motion. Unless you have anything new to add.

LW: Yeah, yeah, I guess it would, sorry we're not trying to be, we're not trying to be difficult here, we're just kind of thinking this ...so then do we propose an amendment to that motion? You know what I mean?

ML: You could amend it, we could defeat the amendment and then or I mean I feel okay with either one. What's clear that the minutes can state is to report our positions officially on the matter that the motion is the action, discussion, salient points of the discussion inform the reasoning behind the motion. Ultimately I suppose, you know, we could do this motion and then you could move a different motion and we could deadlock on that too.

KG: I hear you that we really never adopted Robert's rules or anything to suggest how many layers of amendments, whatever we want but I think that we've agreed and we'll just record decisions that we can record in our minutes, no decision was taken to a motion to go ahead with these dates...

LW: Yeah.

KG: ...and you too would like to propose different dates and probably will go with that back to them.

ML: Yeah.

LW: Yeah, yeah. Okay, yeah that's fine. Now, but I'm wondering if I understand...we understand obviously you need to ensure that in terms of reporting purposes that there is, that people are clear as to where our deliberations are at, so maybe what we could do is if we have this motion on the record and that we say that there is no decision reached, maybe what we could do is include like, you know, a very brief two or three sentence synopsis of the position that you've taken and the position that we've taken, so that there is a context for the motion for people who are reading these minutes and would that satisfy your desire to have something on record for people at your end?

KG: My initial gut reaction is no because we had only agreed to record decisions in our minutes and I don't really want to change that process at this point.

LW: Okay, alright. That's fine I'm just, I'm just trying to figure out ways that you can...

KG: Honestly, it's just for my own sake that I don't want to have someone coming up to me and saying, "Well, why are you still dealing with the

same issues and nothing seems to be resolved." and I can say, "Look, we're having ongoing discussion, it's in the minutes, so we had a motion on them. We'll continue to discuss these issues, but that's where we're at."

LW: Okay, okay that's cool. So we'll make a note of that. Alright, okay, so in terms of I guess polling station times are tied to that right? So do you want to just skip that item for now?

ML: We'll skip it, but do you want to record your formal vote no to the motion and we'll move on after that?

LW: Sure, we're not in agreement.

ML: And that's both of you obviously.

BL: Yeah.

LW: Yeah.

KG: Unless Ben, you've had a change of face seeing this beautiful Vancouver weather.

BL: Well, I think, no.

LW: Okay, so we've got Lewis and Watson saying "no" Letourneau and Glennie "yes".

ML: Okay.

LW: Recorded. Duly noted.

KG: Thank you.

LW: Now, just in terms of the polling station times, we had proposed, I think what we proposed was 9 to 7:30 and if you feel like the two issues are too closely tied to engage in a discussion that's fair enough, but I'm just wondering if there has been any discussion about adding a half hour polling time at the beginning?

ML: We did, we did have the discussion, but it came back to the notice again, the issues are tied.

LW: Okay. Alright, so electorate. Mike, I was hoping that you could get the breakdown between grad and undergrad and I actually have another question that is somewhat related.

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- ML: We can't get that number.
- LW: There are no...there no undergrad only/grad only enrollment figures?
- ML: Not that we can, not that's tied to the voters list because there is another set produced by the office of analytical studies which does the university's digital recording, but there may be small differences between that and the voters list just depending on exactly where they pulled their data from and analytical studies is the one that, you know, talks to provinces, "here's how many students we have, give us the money" and the voters list is the item that we'd actually be working under and that is protected information.
- LW: Right okay. Now I had a question that is somewhat related, which is, we haven't really talked about who...is every single student who is registered at Simon Fraser University paying membership fees to the Simon Fraser Student Society and the Canadian Federation of Students and does that include all programs like Co-op programs and all campuses? Do you know that just offhand?
- ML: I can give you this unofficially just because I obviously haven't been able to dig up the specifics but it, BC, the University Act specifies that a student is anyone who is taking a per credit course and anybody who is thusly designated would be automatically assessed with the Student Society fee.
- LW: Yeah, yeah.
- ML: Take the summer semester as an example. I think it is a little weird because we have three identical semesters...
- LW: Yeah.
- ML: If the people took vacation in the summer you wouldn't pay, if you pay, you didn't take any courses in the summer then you wouldn't automatically be assessed the fee, but you can at your option come in and pay the fee optionally, but that's usually only done for a director of the Student Society, so to ensure their continued membership. I'm thinking, I, I know one person out of the like 25,000 who might be in that category.
- LW: Yeah, so in terms of, because there are co-op students right? So they pay Student Society fees as far as you know?
- ML: Anybody on the list as submitted by the university would have paid those fees and so will be eligible to vote.

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- LW: Okay, okay, so that's all campuses? All programs etc, etc.
- ML: Yeah.
- LW: Okay. I just, we just wanted to confirm that because there are some, at some institutions there are anomalies where co-op students don't have to pay the fees or it's a, a slightly different fee or whatever, so we just wanted to check.
- ML: If, if it was the case that they didn't pay the fee then they wouldn't be on the list is as best as I know.
- LW: Yeah, okay, okay, that's, that makes sense, thank you. I'm just going to make a note of that.
- ML: Okay.
- LW: Okay, that's all the, that's, those are all of the information questions we had about electorate. Does that satisfy that item?
- ML: I'm satisfied on that, so...
- LW: Okay, so campaign materials: We've sort of have been whittling this down, which is good. So there are a couple of other issues I wanted to raise in terms of unapproved materials.
- ML: Okay.
- LW: Do you want me to put those on the table now?
- ML: Yep, go ahead.
- LW: Okay. So what we had talked about, I was just reviewing the minutes and I think we've done a pretty good job at setting out what the process is for submission of materials.
- ML: Sorry, just repeating that, that's from the 11th?
- LW: Yeah, that's right. Like we require that campaigners submit an electronic copy, etc., etc., and we set out our timelines in terms of turnaround and such. What I wanted to, what I wanted to raise was the issue of how we deal with unapproved materials and I, I can't recall if we've actually had that discussion already or not....
- KG: In passing without really concluding how the penalties will be assessed or anything? Like we talked about if someone puts up a posters that's not

approved, then it's, we have to take it down or our delegates have to take it down, but no one else can take it down? I think we went with that discussion at one point.

LW: Okay. So I have, I'm going to put forward some language. It's a bit lengthy so I can email it to you as well.

KG: Okay, I've got, I have got the Internet here if you want to email that right now.

LW: Oh! That would involve me typing it in right now.

KG: Okay. Well, when you read away I can type pretty fast.

LW: Okay, okay, that sounds good. So this is the proposal: "Where the Oversight Committee determines that campaign materials, which have not been approved by the Committee are being distributed, displayed or used by a campaign, then the Committee shall order the materials immediately withdrawn or removed and shall confiscate the materials from the campaign for a period of not less than.." and we're going to put in '24 hours' obviously we can discuss that. "The Committee may assign an additional penalty, which may include destruction of the material or a restriction on campaigning provided that the penalty is balanced against the volume of the materials distributed or it's effect and that no destruction shall take place until the appeal period is expired." Do you ...?

ML: I feel like we had this language before...

KG: Lucy, I think you mailed that to me.

LW: Did I send that to you? Okay that's what I thought as I was reading it but I couldn't, we never, we never went back to it so...

KG: Let me see what I can pull out from my email. Just give me a second here.

LW: Okay, okay.

ML: The minutes from the 19th, and I'm wondering if we did, do you have the minutes from the 19th Lucy?

KG: I don't think we put that in the minutes.

ML: May be that's why I thought that it was only an email because I just realized that I don't have the minutes from the 19th in front of me.

LW: Let me just have a, yeah I thought we were talking about it on the 11th.

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- KG: What about penalties?
- LW: Yeah, no we don't, we didn't have anything...
- KG: Sure, I've got, I've got that practically the same... language from February 20th.
- LW: Okay, so we must have raised it at the [meeting on the] 19th and then you guys were going to look at it and talk about it.
- KG: Yeah, and it doesn't look like I've replied to this email according to Google, so...
- LW: No, I should have followed up.
- KG: It's in front of me anyway...
- LW: Okay.
- KG: ...and Mike can obviously see it too. Just to recap, the language you have at the end, finished, provided the penalty is balanced against the volume of materials distributed, or the effect and that no destruction shall take place until the appeal period is expired?
- LW: Yeah.
- KG: Okay.
- LW: Yes and that's...
- KG: I've got the same language.
- LW: Okay, and that's obviously just to ensure that any penalty we do assess is weighed against that consideration. We, because we're going to have to consider these issues on a case-by-case basis I think there needs to be an overarching principle in place which is, you know, that we can't simply assess an excessive penalty or a penalty that doesn't really speak to the impact that the distribution materials have had on the campaign.
- ML: Right. Just looking at the, excuse me, just looking at the language, I think for us it would be that the last part of the first sentence from the "and shall confiscate" onwards is, I think that's just problematic to enforce because how do you know if you've compensated for everything. I think that's really for the effect withdrawn or removed, deals with the issues.

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- LW: Yes, no that's fine. We're certainly not interested in home raids or anything, so yeah, no, that's fine...
- KG: I think I share Mike's...
- LW: Okay. Okay, so a period after removed...
- ML: Yeah.
- LW: ...and then get rid of that confiscation stuff. Yes, it's not like you can go to peoples' lockers.
- ML: I'm just looking to see if anything else...
- LW: Okay.
- ML: ...Kyall's just cutting and pasting.
- KG: I'm just trying to work with not having a mouse here.
- ML: So we'll put a period after remove...
- KG: A period after remove.
- LW: Yeah.
- KG: Okay.
- LW: And strike "and shall confiscate".
- ML: I would say that the destruction of materials penalty again is tricky to enforce. Ultimately what the key point I think is that, if it's withdrawn from the campaign, it's withdrawn from the campaign. If they put it back out there. They could, you know, they have one pile of stuff, we say get rid of that, they produce another pile of the stuff, that gets around the destruction, I think if we are just saying withdrawn or removed.
- LW: So, how would that read then in your, so the Committee may assign an additional penalty which may include the withdrawal or remove of the materials... may assign an additional penalty, which may include restriction on campaigning what...
- BL: I think from my understanding the purpose of having language about obstruction that, I mean that in a way it's meant to, if you were to produce a number of materials and you were distributing them without approval and then they were, you know, basically we said, "hey you can't distribute

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those anymore," and instead of saying we're going to destroy these, if they can't distribute them it doesn't mean that they can't the following day distribute them further right, it means that there is kind of a material penalty in terms of having destroyed those materials let's say...

ML: I think that's covered by the withdrawn party. If you say you guys can't do this in principle is that, here's your poster, this poster is bad you can't do this, and that would stand for the life of the ROC if we changed our minds later on we go back and change that ruling but...

BL: But I'm thinking in terms of, if this poster that's not approved and it's put up and the ruling is that's not approved, you have to withdraw that, and then that poster is taken down and then those same posters that were originally printed are put up again, you know, without ROC approval that by, instead of just ordering those posters withdrawn they are basically withdrawn and then physically destroyed, it means and then those posters would have to be produced again at a, obviously...

LW: A premium to the individual.

ML: Yeah.

LW: Yeah. So yes, I guess Ben's point is that if somebody decides that they're simply going to persist in breaking the rules--that it's worth it to them--so any materials that we remove rather than handing them over to them at some point we make a decision are not going to be handed back over, but are going to be destroyed.

ML: Okay that's if we're removing the material, but I think the onus has always been that we are not going to be, you know, actively going out, except in the most egregious cases and doing this ourselves instead that we'll be ordering the campaign to withdraw and remove the materials under, you know, penalty if they don't do it right quick.

BL: But I think regardless of what happens, in terms of the procedure for having those materials removed, I don't have a problem with having language basically giving us the right to destroy materials if we see that as being required.

LW: It's part of an escalating...

ML: It's part of an unenforceable penalty on our part because we can't guarantee that the destruction is done. We can't guarantee that it's all been destroyed and I think it's easier not to tie our own hands in that sense.

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- BL: I don't think it requires us... this basically,, when this is distributed to campaigning teams and it's made available to individuals it puts them on notice that we have the right to destroy materials that aren't approved, that we have the right to... as the posters go up that we don't approve of, that it indicates where we have found that demanding of posters be removed by a campaigning team or an individual is not having an effect that we have the right not only to take those posters down but actually destroy them.
- ML: I'm happier leaving that to us as a reserved right and we're not tying our hands.
- BL: And that's why the language is "which may include" right, it's...?
- ML: Leaving it sort of entirely in the reserve powers section.
- LW: Yeah, and that's what is... that's how the language is framed right now or that's how it's framed right now--is that we may assign an additional penalty which may include. So it's putting people on notice that that is one of the penalties that we may be assigning.
- ML: I think we'd have to go back and talk to some people more about the second part but we're all in agreement on first paragraph part?
- LW: Yeah.
- BL: Yeah.
- LW: Yeah, okay. All right, if you want to put some more thought into it, that's cool.
- ML: But we can if you want to reflect that we're okay with the first part and...
- LW: Yeah.
- ML: ...we'll think about the second part and come back to it.
- LW: Yeah, that sounds good and just one last, just one last note on that. While you're, while you're thinking about this a bit more... I think what we need to set out is the idea that there is the potential for an escalating series of penalties that we have the authority to assign. So if you're not comfortable necessarily with stating destruction of the material then what other language can we incorporate, that articulates and makes it clear to the individuals or campaigners that simply because we haven't stated it in here it doesn't necessarily mean that we don't have the authority to apply, you know, these escalating penalties depending on how grievous the

violation has been. So may be just put some thought into some potential additional language.

ML: Yeah, that's fine that will be the penalty fits the event. I'm always in favor of that.

LW: Okay, okay, alright, so for the minutes I'll record that first portion and then we'll come back to the second, but just remember that the second... maybe I'll incorporate that into our agenda for the next meeting so we don't miss it, okay.

ML: Keeping on time as best we can, the next one is electronic media.

LW: Yeah, yeah.

BL: So did you folks have any proposals for, you know, how any language you may want to incorporate around this?

KG: Honestly, no and I am kind of stuck thinking about this. I am observing the undergraduate election from, somewhat afar, some of my students are running and I am kind of watching the Facebook thing and people are getting pretty vicious to really nice people. And I don't know how we go about pleasing that we are and as an aside we have seen from what I'm observing here, the SFSS Electoral Commission as a kind of anything goes you're allowed to have Facebook groups and you're allowed to endorse whoever you want or something like that. So my sense is, it seems to be that people are just kind of , making up groups about their support or whatever about issues and I think this is a kind of a new era from when I was running how many years ago, about 5 years ago, for my undergraduate students union I had a website but that was unprecedented then, now it doesn't seem that unlikely that people would put up websites. So, I don't know what we do for electronic media.

ML: Kyall Glennie, digital pioneer.

ML: We were went around a couple of time for the various things I did with the SFSS and it was always tricky because especially things like Facebook, what had been done we sort of tried last time which worked I think as best as we could make it work. When we were aware of a Facebook group or web page, we said to candidates "let us know if you have these", your own ones and that would be noted that they would have them and from time-to-time if somebody wants to check up on it they would and if somebody brought a complaint about something that was posted we would certainly deal with it, in the context to the campaign. So whereas you can be proactive with, you know poster, view the poster, please approve it. If we had to approve everybody's wall post I think steam would pour out of our

ears within about 5 minutes. So I'm happy to say that we will certainly monitor electronic media accepting complaints on it and treating it as similar part of the campaign again under the notion of escalating penalties so I mean it's, that we'll take it in terms of a candidate election because it's a easier to work out with people, if the candidate posts a Facebook group saying, hey I'm running for Treasurer and here is why and then somebody posts a question on there saying why, why do you kick puppies or something like that and, of course that person isn't necessarily campaigning but at the same time maybe we would say, please you know, but to take that post off.

LW: Yeah.

ML: If somebody did post something, hugely inflammatory that was clearly intended to cause major damage then we can, you know, apply the escalating penalties as a principle.

KG: I see that it is very difficult to police and I'm wondering what you guys are thinking.

LW: I'm just going to--if I missed something--I like a lot of...I agree with a lot of what you have been saying. My initial thoughts are along the lines of what Mike was saying. Which is that we require that individuals of campaign teams identify for us if they have a Facebook or a website that they're setting up and that the same sort of overarching rules that we have established for "materials" also applies for electronic media. So if the No side or the Yes side sets up a website for example which is highly likely, that the content on that website that they develop and post has to comply with the rules that we have set out which seems only fair. Then...and then I guess our challenge as you have identified, is how to deal with individuals who are posting on walls or on blogs and such and I think we'll very quickly figure out if somebody is posting something and is just simply ignorant about the issues and, you know is trying to engage in a genuine discussion or if someone is either intentionally crossing the line or if we perceive them to be intentionally crossing the line, somebody who knows what the rules are and is actively engaged in the campaign and is trying to push the envelope and at that point how we respond to that. Part of it too is that Facebook for example has an independent complaints, you know, you can file complaints about a particular posting right? I don't know how they decide what stays up and what doesn't stay up but that...So those are my initial thoughts...Ben wanted to jump in.

BL: I agree for the most part. I think that whether it's a website, whether it's a Facebook group that that's the sort of information that I think is very much, although online, it's very much a campaign material and should be reviewed by this committee. I understand the point about dealing with,

whether it's wall postings or forum postings that obviously it's practically impossible to require any of that information to be filtered through this committee beforehand, but I think that will get treated less like a campaign material and more like active campaigning and obviously there are challenges in terms of enforcing. At the students' union that I call home back at Ryerson University, it is a very I guess...I won't say medieval, but there is absolutely no online, there has been no online campaigning in previous years, it's kind of at the opposite end of the spectrum.

KG: Ryerson's even behind Regina, because there's those kinds of the campaigns happening even there right now Ben.

LW: It's so weird given that there are all those programs that...

BL: Yeah, no, it's very bizarre, downtown Toronto, no online campaigning and I think they may have loosened it a little bit maybe this year but obviously it's this isn't for these types of referenda but, at much higher levels it has been...

KG: Would it be fair then, I think I could sum up everybody's feelings if we say in that original part of our minutes where we talked about materials can we just go back and edit that and say including electronic campaign materials.

BL: Yeah.

LW: Yeah, absolutely.

KG: Because instead of writing a whole other policy about how we are going to police all this, I agree with everybody that it's going to be challenging and that we we'll just have to do the best we can with it.

LW: Yeah.

BL: Yeah.

LW: You know, I also like what Mike was saying about requesting that campaigns or campaigners if they are intending to establish either a Facebook site that is specific the referendum campaign or website register that with us so that we've got it on file.

KG: Yeah.

BL: Yeah.

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- LW: Okay, I'll craft some language around that and circulate that in the minutes so you can have a look at that.
- KG: I agree with that, that's good.
- LW: Okay, that sounds good to me, okay. So do you want to move on to campaign team registration procedure?
- ML: Sure, yeah.
- LW: Okay. So right now I think the language that we've got is that individuals and campaigns teams must register with the Oversight Committee I think that's all we sort of got to, is that right?
- ML: Yes, I think so.
- KG: Now I circulated some other language that I drafted trying hash out what representative means because I think that's part of the bylaw that I'm really unclear about what that bylaw means and I think we as a group can draft some better language about that.
- LW: Okay. Can I, do you want to deal with that right now, or can I offer up a proposal just to flesh out the registration process.
- KG: Going ahead with registration, that is fine.
- LW: Okay, it's not... exclusive to your proposal so I think we should include some language that states that individuals participating in the campaign must familiarize themselves with the rules just to encourage people to actively engage in this process in a knowledgeable way and also put the onus on the individuals to educate themselves, but at the same time putting out the offer that any person who wishes to participate in the referendum campaign can request and will receive an orientation to the referendum rules by members of Referendum Oversight Committee if they would like that orientation. I know that in many student union elections the Chief Returning Officer or the equivalent individual or individuals will conduct a training session or an orientation for candidates, so I think that might be one way of facilitating that process and I think we might want to or I would like to propose that we prepare a registration form and that individuals or campaign sides when they register with us complete this registration form and in that way we ensure that we have contact information for that individual or individuals in the event we need to reach them. So that, that was, that ...
- KG: I think that's fine.

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LW: ...our proposal.

KG: From there, the draft, Lucy I'm just trying to tie to ideas together, website or electronic Facebook group or whatever if any.

LW: Can be included on the form?

KG: Yeah.

LW: Yes, yes okay. So why don't I...volunteer Ben to draft the form, for you to have a look at it, let's have a look at how is that...

BL: I accept my nomination

LW: How is that to for delegation?

KG: You know, you actually, you actually have won three hours of free time right now.

BL: I used that while sleeping last night.

KG: There's no such thing as sleep, you get three free hours.

LW: Okay, so that, that's all we wanted to add to the registration process and then, and then obviously moving on to Kyall's proposal.

KG: Okay, so have you had chance to read my proposal?

LW: Yeah, yeah.

KG: I want to just lay it out in the closest to legal that I can possible get just a so we all know who are talking about when it comes to the bylaws, so we know who the individuals are, who the representatives are and staff people anybody who is actually going to be participating in the campaign and so I tried to specify who all those people are, that it's open to all of these people and that obviously we have they're valid because they registered with us, they're given us access and this is probably the part where you're going to be concerned about but we'll do that but that we have to be given access to, I guess we can't be given access to the voters list, can we?

ML: Yeah, no that one is problematic,.

KG: Okay. So we're going to have a problem with basically my first four points, under point three maybe I'll just hear from you guys what you thought in general about this?

LW: Well, we're definitely in favor of having people register and outlining generally who's going to be participating in the campaign. We're not at this point...we're not, as we articulated at the last meeting, we're not comfortable with the language around requiring certain individuals to get permission from their employer. We think that it's far too cumbersome and the reality is at the end of the day we have no authority to intervene between an individual's relationship with their employer or, you know, not even employer, but their board or their council or executive etcetera, but...

ML: Yeah, go ahead.

LW: But, what we wanted to...so what we wanted to suggest is, we want to put a bit more thought into this and see if we can come up with some alternate language that would satisfy the concerns that you're raising and the concerns that we're raising. We just didn't get a chance to do that before this meeting. So I guess what I'm hoping is that we can take this back and come up with some additional language to put on the table to talk about as well.

ML: I hear what you're saying Lucy. Let me just put one bug in your ear that is a thought I was having around this. I have personally never gone to a provincial or national general or semi annual meeting and I'm not appointed to the Provincial Executive or anything but one the things that we've done on the board with our representatives is that we've taken a vote on the board to make an appointment. I don't know if it varies sort of from local to local or anything like that, but each local must have a process that they follow to appoint that representative. That same process could appoint the representatives to the campaign, because I think representatives is the key term at least for the member local departments. The national executive I guess would probably be the body for the representatives of the CFS, I'm just looking for the, yeah, representatives of the Federation, that might be the body that does that although I'm open to suggestions there.

LW: Okay, I'm just, I'm just making a note of that. So you're suggesting that that, so in addition to Kyle's language that the selection process that's used at the local level is the, is the same selection process that's used to select delegates to general meetings, is that right?

ML: It's just sort of whatever means selects the representatives. If it's a general meeting it's a general meeting. If it's a vote of the board, it's a vote of the board.

LW: Okay, alright, just give me one sec, so we can write this down, the selection process is for... Okay, I've got that noted. So do you have an

objection to us going away and putting a bit more thought into this and trying to come up with something that might be..a middle ground?

KG: Yes, no I don't think so and I know what Mike expressed really got to the root of what I'm thinking, I think that sounds really good. Like I can remember one of the national meetings I was at where someone showed up from Concordia, who wasn't an official delegate and they weren't given delegate access obviously because they were never an official delegate and I'm thinking that in the same process, you know, when a local has approved of these people are the representatives, that's the valid representative and then hereby you're participating, and I like that process where, you know, that way, that way I think the ROC can confirm that these people are people. I mean we have no way to know whether people are actually students of another college or not, or if they are EPC students or whatever, if someone just showed up on campus and says they are registered to a team. We have no way to prove that, unless there is some sort of formal process. So that's why I think I'm okay with that, but if you want to come up with some language about that that'd be fine with me.

LW: Okay, okay so we'll put some more thought into that.

KG: Okay.

LW: Okay, how are we doing time-wise? 11:30, okay.

KG: A few more minutes.

LW: Okay, "no campaign zones".

ML: Yeah.

LW: So do you have any...we have a couple of suggestions, but do you have any thoughts on that?

ML: Last I remember it was library, residential areas both including university residence and development that's on campus here and I don't know out of common decency in my mind says bathrooms, but I really that's never somewhere I've been handed a leaflet, you know.

BL: Yeah.

LW: We hear you on that. Okay so we can definitely agree on libraries for sure, on bathrooms for sure. I think we probably want to talk a bit about the residence issue and we would put on the table for your consideration any event or a location where alcohol is served.

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KG: Oh! Yeah, yeah I'd be okay with that, I mean it's the pub, there's going to be unofficial campaigning right, but the notion of like campaigning openly and the pub, yeah.

LW: Yes, yes...they're...

BL: Going around handing out leaflets...

LW: ...the two should not mix, yeah.

BL: ...buying somebody a beer in exchange for a vote.

ML: Okay, let's put that down there because the way but the way our debates are done. One of the best venues for doing something like a debate is the lower part of our pub, which happens to be licensed but ...

LW: Yeah.

ML: ...is actually separated by a couple of staircases from the bar portion of it...

LW: Yes.

ML: ...and very often like a university will have receptions...

LW: Yeah, I know that space, yeah you're right. Well, I guess, you know, I guess in that case we sort of carve out an exception, which would be potential for debate.

ML: We could, we could make sure there's language that says can override this if we as a Committees so choose to...

LW: Yes, unless otherwise determined by the Committee.

KG: I think that works.

BL: Yeah. Well, I think if the language has any event or location where alcohol is served, yeah I guess some sort of opt out language, I mean I don't necessarily see there being a big issue especially if we reserve that space for say three hours and basically inform whoever it is, the manager of the space, that no alcohol can be served in that space for the period of the debate and then...

ML: Let me point out there because I don't know where this overlaps with the other election stuff, but I will make it clear when we take it back to the board that in terms of the referendum and any questions around, you

know, this issue, if somebody is up there pitching themselves for, you know, treasurer we could certainly tell them you stay away from this, while you're in there.

LW: You lost me... stay away from this issue?

KG: I'm talking about any referendum regarding membership in the Canadian Federation of Students.

LW: Got you, yes, yes.

KG: We might have a policy about this we have no idea.

LW: Right, right. Okay, that sounds reasonable, okay.

KG: Okay maybe could you guys identify why you wouldn't necessarily agree about the residential areas.

LW: I'm just not totally familiar with what rules and regulations are in place... have been set in place by, I don't know, if the residence association or whomever, you know, whichever body runs the residences. So I wouldn't mind familiarizing ourselves with what those, what the base line is.

ML: Okay.

LW: ...and then where we go from that? Do you know what the res. rules...what the campaigning rules are or are not for residents?

ML: There is a lot. I'll sort of break it down into two cases here. One, I'll start with because it's going to be easier. Let's start with the commercial development, the new one, which includes a lot of residential property, but is not university residents. That view is basically more on that it's private on-campus property and it is on private and enjoyment and all those other wonderful things you got to have when it's a national, you know, election Canada election...it just shouldn't touch over there. Because there's lots of people who live there, who have nothing to do with the university, it's just, "Oh my god! I've got a condo in Vancouver that I can buy, I'm going to buy it."

KG: And at the same time there are lots of students who live there.

LW: Right, so it's a real, like there's mixture of residents...

KG: Another way for the university to fail in its ability to provide appropriate housing on campus.

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- LW: Yes, yeah, I remember it being developed, yeah.
- ML: Okay, so that's that side. The other side, which is, you know, slightly separate, the west side of campus is the actual residences themselves. The residences have an association but to the best of my knowledge their powers are relatively limited because it's administrated through a couple of different university offices that fall under the services portfolio and they have particular rules but one of the biggest things that comes down for us is that, it's uneven access in there that you, like we have there's lot's of buildings that you or I or Ben or Kyall couldn't physically enter.
- LW: Right, yeah, that's pretty, that's fairly standard.
- ML: Sure, and that if there's uneven even access to anybody who wanted to consider campaigning there, I mean there is a graduate residence, there is family residence, there is four towers, and I know that in the past student elections here, it's so difficult to try to create a level playing field there. and the best thing that there was to do was to say look, let's just not have it there. Again, sort of the principle of peaceful enjoyment and because presumably anybody living in residence is going to step onto the rest of campus at couple of times a week, they're going to get their fill of this campaigning, exactly with the way that Kyall or I do sort of walking around campus.
- LW: So in terms of the departments that run residence, they, you don't think there are any rules that speaks specifically...?
- ML: They do have rules but a lot of it is, it's sort of fuzzy, like well I don't, you know, we did this before, yeah, but I don't like that now, kind of stuff.
- LW: Right, right.
- ML: Specific procedures, one of the other things that I do is try to bug the university while clarifying their regulations and they don't like that.
- LW: Yeah, and does the... I'm just trying to, I don't remember if this is addressed at all in terms of the bylaws of the Student Society, do you know offhand?
- ML: I have a feeling it's not, but I can give the bylaws a pretty quick glance. I've spent more of my life than I like to admit staring at bylaws.
- LW: Okay. Well, maybe before next meeting if you do come across something that speaks to this specifically in terms of how the Simon Fraser Student Society has conducted itself with respect to this issue, just so we know what...

- ML: We have to make sure, you know, anything we do you know, fits these bylaws, so I just, the quick...
- LW: I don't see anything, so these elections that are happening now, I guess they're happening now, are people campaigning in residence or are they not campaigning in residence? Do you have a sense of that?
- ML: I don't know because I think the official campaign period started yesterday...
- LW: Oh! Okay, okay.
- ML: ...but again I can always speak to my previous experience that we've just sort of said no.
- LW: Okay.
- ML: I'll see if I can get a better answer for it later.
- LW: Okay, and maybe don't wait until the next meeting. If you just want to fire off an email that would be great and then we can try to, we will ponder this issue a bit more and have a better firmer position next time we meet.
- KG: Sounds good, okay.
- LW: Okay.
- KG: Okay, I got about ten minutes here, same for you Lucy so...
- LW: Okay.
- KG: Voting procedure. Obviously for this it's come to light from our end that we do not have access to the voters' list that BC privacy legislation and the university privacy legislation does not give any body outside of the electoral commission access to the voters list and this is an issue.
- LW: That's a memorandum of understanding or what form does that take?
- ML: It's an MOU or something like that; it's a signed agreement.
- LW: Between the Student Society and the institution?
- ML: Yes.

- LW: Okay, I'm just making a note of that. And do you know what the details are with respect to the handling of the list and by that I mean what has...what terms and conditions are in place with respect to the handling of this list on the society's part, the student society's part?
- ML: As best I recall, it's released to the electoral commission to use for registration in the case of people running for verification and eligibility that sort of stuff and as given to them it is basically stops there.
- LW: I'm just wondering if there are any conditions in terms of how the electoral commission or the student society manages or safeguards that list and what the list includes.
- ML: The listing...
- LW: Well, like what form it takes...
- ML: ...includes just the information necessary to do their business and nothing more and the handling of it, I'm pretty sure is fairly generic and fairly strict that it must be, you know, it's kept secure, no outside access, protection of privacy, destroyed when it's done, that sort of stuff.
- LW: Okay, so at this point, there is a voters list which includes first name, last name, student number and maybe program department.
- ML: I think it has all those things on it, yeah.
- LW: Okay. Does it note full-time/part-time, do you know? It's not, it's not very important, but...
- ML: The university has been working to abolish the concept of part-time in terms of registration.
- LW: Oh! Okay.
- ML: It's wacky, don't get me started.
- LW: Okay, so that's, so that is a problem in terms of the voters list.
- ML: Yeah, yeah.
- LW: Okay, so we need to--Ben and I--need to ponder that issue.
- KG: Yeah.

- LW: Now the other thing that we had talked about the other week was the issue of the poll clerks and that there is some agreement between the union and the student society that all poll clerks hired will be hired through a certain procedure and that they will be part of the union for the duration of their contract, is that right?
- ML: Yeah, yeah.
- LW: Okay.
- ML: It's the Collective Agreement specifically. It's our C.A..
- LW: Okay, and that applies to any student society poll clerk obviously.
- ML: Yeah.
- LW: Okay, alright.
- ML: I mean in terms of the proposal that we had floated last time we think that the list issue, the clerks issue and the locations issue all get picked up under the general notion of subcontracting of using the IEC's registration process, and still enfranchises the ROC to have the proper oversight that I think we need according to what our mission is.
- LW: Let me just ask because we didn't talk about this the last time, who are the members of the IEC?
- ML: They are 5 persons chosen from the SFSS students body. They are prohibited from running for any sort of office and can't be in an office. Three of them are veterans going back, at least a year, at least one more is going back about six months and two are new, one who has worked for us a couple of times as a poll clerk so she was familiar with the procedure. None of them, to the best of my knowledge, have held any SFSS elected office maybe with the exception of like a local departmental committee or, you know, something like that, but certainly nothing high power. They're all outside people.
- KG: What I'm thinking at this point is I know this seems probably foreign to you guys, but this is new to me that we wouldn't necessarily have access to this information that we need to conduct the referendum and I think we may need to invite in the Chief Returning Officer who I think is the head of the IEC, is it...
- ML: The chief commissioner.

- KG: The chief commissioner and our discussion and I am not proposing that we bring him in to do that but that we bring him in to have a discussion about access to these sort of things because I completely understand what you guys had suggested last week that, we need to have a control over this process and I agree, I think the ROC is established to make sure the referendum's fair, but it seems to me that there's a couple of issues here that we can't logically have control over if we can't have the voters list.
- LW: Yeah, this is something that I, I need to spend a bit more time thinking about because we have run into this problem in the past and have been to able to resolve it with the institution.
- KG: What did you do in the past Lucy?
- LW: We've negotiated, I wouldn't want to call it a memorandum of understanding because it wasn't in a couple of cases, it was nothing that formal but we basically have negotiated something very similar to what it sounds like is in place between Simon Fraser University and the Student Society. So I actually just want to go back to my records and figure out what form that took and so you know we, as an Oversight Committee, if I think back over time have an unblemished record in terms of the handling of voters list. There's never been any concerns or complaints or problems in terms of how we have handled that information. So I just want to put a bit more thought into, you know, what, what our other options may be. So that we can them on the table for you guys to think about as well and...
- ML: Can you confirm just one thing Lucy, just so we can know because obviously, you know, the specifics need to be sorted out right soon. Going back to our people the idea of using the IEC's process, their registration database, is that still on the table for you guys?
- KG: Is it something that we can oversee as the ROC using this electoral process to facilitate the referendum but obviously we're in control of the situation minus the actually access to the voters list to whatever that specific details of the legislation that was specified but that we as the ROC oversee their balloting of it. If that facilitates this whole thing to go smoother and transparent.
- LW: Well, that's something that, to be quite frank, we need to put some more thought into because I think...
- KG: I think we have been unclear about it honestly because I really had to learn this process for myself for the last week.
- LW: Yeah, we stated last week and the week before that we were, we did not feel like we are in a position to delegate this responsibility to anybody else

and that was our responsibility but we also haven't really put any effort into exploring and by put any effort I mean at our end, into exploring what the other options are and what other, you know, routes we can explore in terms of securing the voters list and assuring the university that it's in safe hands and that we'll safeguard it and that we will obviously, you know, the legislation that's in place in terms of, in terms of the Privacy Act, we are obviously held to it just as stringently as the Simon Fraser Student Society is.

ML: Okay.

BL: Yeah.

LW: So I guess the answer is our position remains the same. That we cannot see a way around...cannot delegate this authority to anybody else, but there may be a couple of things that we have to carve out with respect to the voting procedure if, if we do hit a roadblock with the university.

KG: Yeah, I think in terms of being, which is not my favorite way of to be, but to be realistic about it is that this is going to be a pretty substantial roadblock. So, I guess yeah, if you guys can wrap your heads around as much you can and let us know what you are feeling.

LW: Yeah.

ML: I'm just going to go back and if people ask because they're going to, I'm going to say that basically, we're looking at working out the problems but the overall idea is off the table at this point.

LW: Of delegating all of this work to the independent electoral committee?

ML: It is with, still enfranchising the ROC with the Oversight that meets our mandate.

LW: Yes, it's our position that it's the Referendum Oversight Committee's responsibility to govern all aspects of referendum including voting procedures.

ML: Okay, okay.

LW: Yeah.

KG: Okay, I'm looking at the time here and I've got to take off.

LW: Okay, yeah. Do you want to talk quickly about our next meeting date?

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ML: Sure. Is the Monday time still tenable for you guys?

LW: Yeah but, I always forget what it is, what is it, 12:30?

ML: 12:30.

BL: 12:30.

LW: Yeah, Monday totally works for me.

BL: Yeah.

KG: Can you move it back an hour?

LW: So it's 11:30...

KG: That way we might have more time.

LW: ...or 1:30?

KG: Oh! Like as in earlier, 11:30.

LW: I think so. If you have any, you know, I can check my calendar, but well I think that's, I think that's fine, why don't we say 11:30 and then if something...

KG: Yeah, we might actually get more than an hour to meet if we do it that way.

LW: Yeah, yeah no that's cool.

BL: I don't know if its possible, but would you think in the meantime we could get a copy of the memorandum of understanding for the committee, just so we can see exactly what the agreement between the University and SFSS is?

ML: I'll check into it, I'm not sure about exactly what the policy is on these things going outside the society is but I'll check.

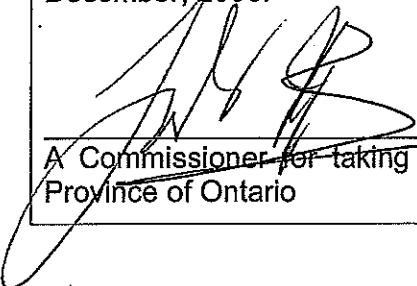
LW: Okay, alright.

BL: Yeah.

LW: Okay, so that sounds good. So you're going to get back to us about, what're you getting back to us on....there was something that you're going to do...

- KG: Mike was going to check on the campaigning in the residences.
- LW: Okay and see if there is a possibility for us to review the memorandum of understanding and do you think the information about the IEC, would that be online?
- ML: Information, what specific information.
- LW: Just who these people are and how they're selected and such.
- ML: How they're selected between, excuse me, the SFSS bylaws.
- LW: Okay.
- ML: That's the policies, I think it's 18 and 19 I want to say and it is...
- KG: Hey, I Googled it while you're talking, yeah...
- ML: SFSS and the other one is SFSS.ca/elections.
- LW: Okay, so we'll just have a quick look at that to just familiarize ourselves more.
- KG: They've got a link to constitution and everything which establishes it.
- LW: Okay, okay that sounds good. Alright, so I'll get these minutes to you guys hopefully by the end of the day.
- KG: Okay and we'll talk to you, Monday.
- LW: Sounds good.
- BL: Alright.
- KG: Enjoy your weekend in the city!
- LW: Thank you bye.

This is Exhibit "G" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 1st day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-03-03

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

ML: Are you there, Ben?

BL: I am.

ML: Are you there, Lucy?

LW: Yeah.

KG: Hello?

LW: Hi!

KG: Yay!

LW: Good job.

BL: We're all here.

ML: The wonders of technology

LW: Okay. So everybody has got the agenda and the minutes that were sent on, I think the other day, a few days ago.

BL: I, yeah, okay.

LW: Are there any changes at this point?

KG: I'd like to make a change, if I could?

LW: Yeah.

KG: If we can add into the agenda approval of materials. The Simon Fraser Student Society has emailed materials to the Gmail account.

LW: Okay.

BL: Where do we want to put that?

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KG: At the end is fine.

BL: Okay.

LW: So are we...okay so we're going to check the Gmail account I guess and print those off. Okay alright, is there anything else that you want to add to this point...anything that's stands out?

ML: I have got a couple of points to settle about general process, which I think it might be useful for us to just start off with to clarify where we are at with respect to the couple of transmissions to the SFSS from the national, I presume it's the regular lawyers for the national office.

LW: Okay. Do you want to add that as item 2A after approval of minutes?

ML: Sure.

LW: Alright, and anything else?

ML: Nothing at this point. Once we have some discussion, we might see some stuff coming up or going away but I think we can deal with that after.

LW: Okay, that sounds good. So are there any amendments or omissions, typos in the March 28th, sorry February 28th minutes?

KG: We're just reviewing them right now. Mike's just looking at my screen here.

LW: Alright.

ML: Seems fine to me.

KG: Yeah, fine with me.

LW: Okay, so we can approve those. Ben do you have any...?

BL: No, no looks good to me.

LW: Okay, I'll make a note of that. Alright, so Mike--2A general process.

ML: Okay, so are you, have you guys seen these transmissions from Gowlings, Lafleur, Henderson.

LW: Now when you say transmissions, what are you referring to, a letter?

- ML: I guess there were two letters that were sent by fax dated respectively the 27th and 29th of last month.
- LW: Definitely have the 29th.
- ML: I mean the 29th is a little bit more... I mean the 29th is more current and it references the 27th. So what's in the 27th is about four pages, a three pages from the cover.
- LW: I'm just, yeah.
- ML: It outlines basically what we have been talking about for the past little while around the issues around the dates primarily. I'm just getting it really quick but the, one from the 29th, which is the one pager you said you have.
- LW: Yeah, and I'm just looking for a letter from the 27th, is that right 27th?
- ML: Yeah, that's the one referencing...and the one from the 29th.
- BL: Yeah, I also have the ones in the 29.
- LW: Yeah, okay. So I've got a copy of both the 27th and 29th. Ben, do you?
- BL: I'm just checking. I definitely have the 29th. I'm just checking for the 27th. When was it sent on the 27th? Do you know the timestamp; I don't think I have it.
- ML: Timestamp we have on the 27th was 3:55 pm.
- BL: Yeah, I just have the one in the 29th.
- ML: Okay, I think let me start with the one from the 29th because that may sort of, it deals with I think more specifically with us in terms of procedure and where things are going. The ones that I think and, Lucy, correct me if you think I'm wrong but what was on the 27th I think was just formally laying out the disagreements we've been having especially the CFS position in terms of notice and that sort of stuff and that was sent to the SFSS, so that's their characterization.
- LW: Yeah.
- ML: Okay.
- ML: The one on the 29th reiterates the, first off, it reiterates that position and on the last paragraph says, "Having said that, the CFS does intend to

implement a campaign but will do so under protest without prejudice based up to it's position that any poll unilaterally conducted by the Student Society on March 18th to 20th is not a valid or legally effective defederation referendum." I totally understand your position where you're, where you're coming from, here, I just think that we need to focus now on the part of, if this process is going to go forward, but that the IEC is putting the question out for things like that because what I've said to our folks here is that you guys absolutely have right that have to be respected in this process and I want to try to make sure that you guys can be at the table or represented appropriately when the IEC discussing matters on them, the same materials that came into the Gmail account earlier today should have also been sent to the IEC for their review process and to also discuss the things around activities on polling day, ballot printing that sort of stuff.

LW: Okay.

ML: So that's, but I want to put that out there and sort of to understand where you guys are at on this?

LW: Well, it's our position that, any referendum that is conducted on membership in the Canadian Federation of Students is governed by the bylaws of the Canadian Federation of Students. Any process that occurs outside of the bylaws is a contravention of those bylaws. So what I guess... Ben and I are committed to seeing this process through and to continuing to engage in discussions with the two of you as the members of the Referendum Oversight Committee in our attempts, in our efforts to develop rules that are fair and to implement those rules in the governance of a referendum when the time comes.

BL: Yeah.

LW: So what we're interested in doing is continuing to work through the various issues that are before us and coming to agreements and developing a referendum protocol that is as comprehensive as possible and obviously as fair as possible.

BL: Yeah.

ML: So when you, I didn't hear exactly what you said there, but it was, "when the time comes," the position that the SFSS is taking at that time is 18th, 19th and 20th of this month. It's, I think important to us that we try to make sure that any decisions that do come down along this that nothing is done, that prejudices anything against the CFS, because the position that I'm going to set and I've been trying to make everybody understand that if they're going to do the referendum, it needs to be a fundamentally fair

decision. There can't be any procedural shenanigans or anything like that. This is why I want to make sure that if they come to us and say, "Here's what we're doing, you know, with on polling day." Make sure that you guys have every right to have the scrutineers present and your confident of the security of the ballots both before and after, all that sort of stuff.

LW: Well, I guess in response to that, we consider the Simon Fraser Student Society's decision to basically, usurp the authority of the Oversight Committee by putting two questions on the ballot and handing over all of the or, assuming that they can hand over all responsibilities for the administration of this referendum to the Independent Electoral Committee to use your word, "shenanigans" but we hear what you are saying.

ML: So I guess, I mean sort of the questions that I have in my mind are timely. Kyall's just taking notes and if he's got any particular thing.

KG: Yeah, no I'm just, I'm listening and typing at the same time so...

ML: So, just to make sure that, you know, the issues that are coming up that we'll be, you know, polling as of two weeks tomorrow that we, that at least we try to, try to address those. Do you want me to sort of layout suggestions or thoughts on that as to how you and Ben or other representatives could be engaged in that? Or do you want to just proceed along the strict lines as set down in the CFS bylaws and sort of, for lack of a better term, I don't think this pejoratively pretends that the other referendum is not happening.

LW: I would be interested, just out of interests sake, in hearing what your thoughts are, but we are in no way prepared to acknowledge or accept this other process that the SFSS has engaged in.

ML: I don't mean by any sense of the imagination to trap you into, achieving that acknowledgement by participating in the oversight committee. It's quite clear here that it's under protest and on or without prejudice basis. I just, I'm a process geek, I just want to, try to make sure that people understand, you know, everybody understands what's happening at any given point. So I have, I have some ideas but a lot of the things are as much, issues that need to be resolved rather than to put these fully fledged ideas, the only reason they are not fully fledged is I want to hear input and insight into these particular concerns. The position on approval of materials that I've laid out to these guys is that they should submit their materials to us for approval in the normal fashion. Then we will give them a response using the rules that we've laid out. I don't think at that Kyall I have any intention of, you know, applying anything else in that regard. At the same time because, it's an SFSS referendum, the material would be submitted to the IEC at the same time. So the SFSS on their part would be

getting sort of two decisions back. We would just ask that the CFS materials to be submitted to both bodies and the, you are indeed implementing a campaign without prejudice and that we can do our best to try to bring together, you know, if there is disagreement between one body and the other then it will be up to the campaigner to sort of figure out how they want to proceed. Ultimately I don't think the IEC is going to arbitrarily be shutting down any material. They take a fairly open view as to what constitutes campaigning and if it stays on the issues, I don't see it going anywhere that to be a place where we would approve the materials and they don't.

LW: The Canadian Federation of Students will not be submitting materials to the IEC.

ML: Yeah.

LW: We will only be submitting materials to the Referendum Oversight Committee.

ML: Yeah.

KG: So, now let me, just so we are clear... because I'm just slightly confused because the language of what I just saw ten minutes ago. That the CFS does intend to implement a campaign. I don't, I'm just kind of confused as to what that means.

LW: I'm not clear about what you're asking. You're asking if we are prepared, if the Canadian Federation of Students is going to be participating in a referendum campaign?

KG: Yes.

LW: Yes, on a without prejudice basis.

KG: Okay. Are you submitting materials to this body the ROC for the referendum that the IEC is overseeing in two weeks?

LW: Materials will more than likely be submitted and would be submitted to this body for the referendum that this body is overseeing.

KG: Okay, great. Are there going to be CFS materials used for the referendum that the IEC is overseeing?

LW: No, only this referendum.

- KG: Okay. That's, that's why I'm confused based on the language in that, their lawyer's letter, is that it says the CFS will participate. So the CFS doesn't intend to implement a campaign.
- LW: Right. Yeah. We just want to make sure that there is no confusion--that no one can mischaracterize under whose authority we are mounting a campaign.
- ML: So the campaign that would be coming up in the, in the next two weeks, what would be your position sort of as to, to the authority amounting it's all without prejudice. I'm not, I just want to make sure I understand...
- LW: Yeah.
- ML: ...just to bring back to our folks here.
- LW: All of the activities that the Canadian Federations of Students engages in will be under the auspices of the Referendum Oversight Committee.
- ML: Okay.
- LW: So, any, all of the rules that we've agreed to, to date...
- ML: Yeah.
- LW: ...and any rules in the coming days that we develop and implement, those will be the rules under which the Canadian Federation of Students will be campaigning.
- ML: Okay. So materials will be approved by this body before posting...?
- LW: Absolutely.
- ML: Okay, that's, okay.
- LW: Absolutely.
- ML: I can't see this being a substantial problem. When I spoke to the electoral, the Chief Electoral Commissioner before I sent, I mean obviously the CFS has every right to be upset, and so and he has no intention of, you know, trying to shutdown, stop the decisions that's been made by this group just because they didn't go through the IEC. So, I just wanted to put, that's my understanding of where they're at on this, so I don't think it's going to wind up with them going on a rampage about materials they didn't approve.

- LW: That's J.J. McCullough, right? JJ is the Chief Returning Officer? Okay.
- ML: We call him the Chief Commissioner but that's...
- LW: The Chief Commissioner?
- ML: Because it's in Electoral Commission and he is the chief...
- LW: Oh! Gotcha.
- ML: ...yeah it's the same idea.
- LW: Okay.
- KG: I call him the CRO because that's what Elections Canada calls him.
- ML: I call him JJ, because that's his name.
- BL: Can we call him The Chief...?
- ML: Okay. So there's that. I sent out an email and this was just with details and just in the last because I don't know if everybody got it. It was his draft ballot design. It's just a mockup, and I don't know if you guys had a chance to see that, did you get it?
- LW: No, I haven't checked my email but...
- BL: I've not seen it.
- ML: Alright, do you have a computer, Ben or...?
- BL: Yeah, just I've, I've been on the road, so I have a bunch of email I haven't looked at yet, so...
- ML: I mean if you want to look at it, well I can just describe it. It's really simple. I'll just sort of explain it's a standard, it's a piece of paper, I think it's whatever you get for out of an 8½ x 11 sheet on, it's a rectangle in which it says the, the question that we agreed on 'Are you in favor of maintaining membership in the Canadian Federation of students?' There's two big tick boxes 'Yes' or 'No' of equal size, that's it. They've been cut out, you know, four of an 8½ x 11 sheet. It's exactly the same size in dimension and basic design as the previous ballot that was used in the referendum in September for the transit pass, and I believe they're using the same basic design for the other questions. As far as I know, they're going to be done on differently colored pieces of paper, so it'll be easily

distinguishable between the different ballot questions, but it's a ballot as plain and simple as they come.

LW: Okay...

BL: Give me a minute.

LW: ...and you're just providing this to us for information?

ML: I, I wanted to bring it to you guys say, this is where they're at with it, if there were real significant concerns I'd be happy to bring them back and JJ is flexible to deal with things if there are issues but I wanted to make sure that you guys saw this straight away.

LW: Okay, okay I'll just make a note of that.

BL: I see it now, I've got it.

ML: Yeah, and you don't have to, I mean, to decide now although obviously as far as the IEC is concerned it's a timely basis and if there were particular concerns with the, with it, it would be helpful to know that now so that we can agree, you know, we can bring suggestions back to them and say this is what we like to see. I really don't think they have a problem with other reasonable, with any reasonable concern.

BL: Okay.

LW: Okay.

KG: I just got these letters today so I'm not, and obviously not talked to Derrick. Is there anything you guys need to state regarding these legal letters here? About how we're going forward? In terms of what the CFS position here at the ROC is, has it changed? I just, this is kind of new to me to see these letters, so.

LW: No, I don't think there's anything additional that we want to say maybe with the exception that we're just reiterating that we're committed to seeing this process through and that while there are a couple of issues on which we cannot agree at this time, we are more than happy to continue working through the various other issues that are on our agenda and, and, and working to come to agreement on those issues to supplement the rules that we've already agreed to.

KG: Okay, yeah.

- ML: And I'm just speaking for me here and Kyall can disagree. I just want to say that if there was a specific thing, anything like that you wanted to make sure was noted in the minutes for this meeting I'm sure we'd be happy to acknowledge that that was your, you know, you want to make sure that statement was recorded...
- LW: Okay.
- ML: ...in the minutes?
- LW: All right, I appreciate that.
- KG: We can carry on. I just, honestly I just need to read these because they're long and I just got them.
- ML: So the only other point that comes to my mind, its not that we have to, you know, if the, any decision was to be made it wouldn't have be done today although it obviously would be timely. If you would like to have representation around things like ballot storage and I made it clear to these guys from the start that no matter what happens, you know, the ballots of the referendum should be, you know, overseen by both, you know, our side and your side to make sure that everybody is happy with the treatment of ballots, ballot boxes, all this kind of stuff and I didn't know if you had particular thoughts on that one way or the other.
- LW: I have not considered the issue so we'll talk about that.
- ML: Yeah, I, we would appreciate it from our side, just so we know any accommodations we, our guy should make that they're aware of those.
- LW: What were those issues again, Mike? Just give me the list again.
- ML: I'm sort of doing this off the top of my head. It's stuff that comes down to my mind and we talked about the ballot design and what not already but also printing, storage before, storage afterwards...
- LW: Storage of ballots, you're talking about?
- ML: Yeah.
- LW: Okay.
- ML: You know, blank ballots before...
- LW: Yes.

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- ML: ...ballot boxes afterwards. I, I've already spoken to our guys and they are completely okay with having scrutineers at the polls this sort of stuff so that everybody can be secure in the ballot boxes being sealed properly and then we can arrange for some storage, that kind of stuff.
- LW: Okay. I just made a note of that text.
- BL: Yeah.
- ML: Is there other specific issues I mean this is just sort of what comes to my mind with having done this before. If there are any other particular issues that you guys would like to raise I think I, I know I'm certainly vastly open to hearing of what Kyall's gone into.
- LW: Okay, all right.
- KG: I just have a question basically because I guess I'm still on 2A. On page 3, I guess it's page 4 of the fax but page 3 of the letter from the lawyers of February 27th letter it says that, it's referring to pre-campaigning undertaken by that SFSS and it says this activity has made it impossible to have a fair referendum and must cease. So is it your position now that there is not to be a pre-campaign period?
- LW: Oh! I'm sorry Kyall, can you repeat the question?
- KG: Is it the CFS position that there is not to be pre-campaigning prior to the dates we set up?
- LW: Absolutely.
- KG: Okay, because that will be a new development. We, I remember at the first meeting you raised concern about it, but we never made a decision on that, so I wonder if that's something we can add to the agenda. We have talked about it but not made a particular decision about language on it, so if it's all right with you guys I wouldn't mind adding it to number 4.
- BL: I think it's already on the agenda as number 5.
- BL: Pre-campaigning.
- LW: Yeah, so we could just add that.
- KG: It's all in there so we'll have a discussion thank you Ben. Thanks Ben.
- BL: No problem.

- ML: Okay I think I've sort of spoken my bit as for anything I wanted to make sure was sort of done at this point.
- LW: Okay.
- ML: So I'm good to proceed from here.
- LW: Okay, that sounds good. So what I would suggest in terms of how we proceed through the agenda is maybe first establish what time constraints people have.
- ML: Yeah.
- LW: What time is it now, oh! Almost...we've gone onto 1?
- KG: Yeah, I know.
- LW: What time is your class Kyall?
- KG: I need to do a prep before my teaching. I'm teaching at 2:30. I can push it for another hour, but after that I really have to leave at about 2:10.
- LW: Okay, all right that sounds good. So why don't we use, why don't we maybe say 2 o'clock and then we can evaluate where we're at that point, does that sound fair?
- KG: I'll try to be as speedy with my comments as I can.
- ML: I'm good with that.
- LW: Okay.
- BL: Sounds good.
- LW: What I would suggest is that we hold off having a discussion about the referendum date, given that we've discussed that repeatedly and polling station times I think is tied to dates, and maybe move to the discussion about the unapproved campaign materials. You wanted to think a bit more about the proposed language that we presented last week. Does that sound...?
- KG: Yes, I think we're agreeable to that we're just; we're both working on one computer here for electronic media so.
- LW: Okay. Okay, just stop us whenever you need us to stop.

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KG: Oh! I guess we're at 4, unapproved campaign material right now?

LW: Yes.

KG: We're just reading it over right now.

LW: Okay.

BL: Okay.

KG: So just for background discussion as we talk about this, if you guys can maybe show me, how you interpret restriction on campaigning?

LW: It could be...it could be a situation where the material that was being distributed was a handbill for example, or a leaflet and so one of our penalties could potentially be telling people that they cannot distribute handbills for a certain period of time. So, you know, on Monday from 10 am to 2 pm you are not permitted to distribute handbills because of this violation.

KG: What happens if they do?

LW: Well that's...that's one of the discussions that we need to have is how do we ensure our penalties are adhered to.

KG: Yeah. Can we have that discussion now?

LW: Sure.

BL: Yeah.

KG: I don't know. I don't know the answer to that.

LW: Okay.

KG: I think that we can come down with an iron fist if we want about destroying materials but people are going to, are going to disrespect the process, but they shouldn't. I guess that I'm getting more pessimistic in my mid 20s, but I don't know how to enforce it when people disrespect the process. Do you have any thoughts?

LW: I have a lot of thoughts, none that I've put a ton of thought into it in terms of the pros and cons.

KG: Yes.

LW: What, just out of curiosity--and Mike maybe you can answer this--what is the SFSS' standard practice? What has that been done in the past in terms of working to ensure that campaigners and individuals comply with the bylaws of the SFSS etc.? What has the practice been?

ML: It's been escalated, it's been sort of a proportional penalty basis and you've got a situation where at most a financial penalty, there's a financial penalty I think about \$100 provided for in our bylaws. There has been a few cases in the past where there have been disqualifications although I have reviewed those situations and everybody agrees that that was way too extreme for a big penalty like for what was actually done because an unapproved poster went up and so they came down and disqualified the entire slate based on that, but that seemed to fall outside of the, the realm that was reasonable. What we've done more recently was, I guess the best way to describe it is that has been put out for people, issued materials must be approved in advance, don't be unreasonable in campaigning and there won't be a major penalty coming down. The last one that came up, I can't remember what it was but I think we wound up assigning a penalty of \$20 for, I think it was campaigning in an unapproved place and we basically said we'll, we'll have, we'll cut the decision in half if you give \$10 of food to the food bank...

LW: Right.

ML: ...because it was more to the notion that there has been a violation that was recorded. Fundamentally you didn't obstruct the referendum process or the election process in any way.

LW: Right. Okay, well this is an issue that I wouldn't mind putting a bit more thought into. I think that it is important that we include some language that recognizes that, or acknowledges that we...any penalty we do levy as a committee has to be based or balanced against the volume of the materials distributed or it's effect. The language that's currently included in that proposal to ensure that we don't run into a situation like you just described Mike where there is a disqualification which completely outweighed the actual violation.

BL: Yeah.

LW: Which means that we have to weigh each incident on a case-by-case basis...

ML: Yeah.

LW: ...but I do think that it is important that we don't have one standard penalty that applies to every, almost every violation because I think that

would be, I think that would be unfair and unrealistic but I wouldn't mind putting some more thought into how we encourage people to abide by the protocol and honor our decisions as a committee.

BL: Yeah.

KG: Well, one of the things you suggested Lucy last week was that we have an offer of orientation to the process...

LW: Yes, yes.

KG: ...and we really need to just flesh out that language Ben, I honestly have been very busy this last week so I haven't had time to put any thoughts down on a paper about it but I'm okay with something like that.

LW: We could also make it mandatory. At this point I think what my suggestion was that it be voluntary, that we would be more than willing to offer that orientation, but we could also make it mandatory that campaign teams who have registered with us as required participate in an orientation session. I have no objection to that. I don't, do you want to think about that?

ML: Yeah, I want to think about it just because of some of the issues of the, sort of space we've walked into now are around the process that we need to, just sort of think about that and if we might be in the situation where it could confuse things. I'm not saying I'm opposed to it but I'll need to think about it.

LW: Okay so I'll just make a note of that that we should come back to that at our next meeting.

ML: I'm comfortable with that.

LW: Okay, so why don't we, okay so let's consider that a bit more and let's also put on our list of things to consider before our next meeting, the issue of penalties. What penalties we can apply or incentives we can apply encouraging people who are participating in the campaign to comply with the protocol.

ML: For registration this is a big question...

LW: Yeah.

ML: I don't know if we want to get into the nitty-gritty on this. If somebody wanted to register right now what would they do just email us saying, "hi I am registering," or what?

- LW: I think, let me just have a look here. We agreed, the language we agreed to was in order to participate in the referendum individuals who campaign must register with the Oversight Committee, a registration form shall be available from the Committee.
- BL: I think I distributed this earlier a draft version of that form.
- LW: Right.
- KG: I don't think I've got that one Ben, yeah, you know when you sent that?
- BL: It would have been earlier today.
- ML: I've been away from e-mail, Lucy, you were just reading from some minutes, which ones would those be? Was that the compilation of rules that we've agreed on?
- LW: Yes, that's what I'm reading it from, but I just can't remember exactly which meeting it was, it was the...
- BL: You know what, it's in my outbox, for some reason it didn't send. I'll just send it again.
- KG: I'm in my email now if you want to send it?
- BL: Yeah, I just pressed send again, let's hope it goes this time. This free wireless we get, this sketchy free wireless you get in some places.
- KG: You know, in Saskatchewan they have free wireless everywhere, they are the only jurisdiction in Canada that has free wireless.
- LW: Really, that's interesting. So anywhere you go you have access to wireless.
- KG: Pretty much all downtown where everybody wants to be.
- LW: That's pretty cool.
- ML: You don't have it in Dog River.
- KG: Now I don't have anything from you yet Ben. Oh, there it is.
- ML: Now Lucy you were going from the overview...
- LW: Yeah I was just, if you look under campaigning decision...

- ML: There we go.
- LW: That first clause, I think answers your question, it's pretty straightforward, it's pretty basic at this point.
- ML: And definitely the first part, if I remember and I'm sure we did do the, the thing about the form just...
- BL: Yeah that is one of my, one of the assignments that I volunteered for at the last meeting.
- LW: I think that was last meeting, yeah.
- BL: Yeah.
- KG: I'm just showing Mike the form right now on my computer.
- BL: Yeah pretty straightforward.
- KG: Yeah I think we're both in agreement that it's fine.
- BL: Okay.
- KG: I only, well, I say that, before I read the, the header and I'm not sure do we need to list the two organizations or can we because that does actually specify what the referendum is about. Can we maybe give it a header that says something like Referendum Concerning Membership in the Canadian Federation of Students?
- LW: Yeah, I have no objection to that...
- BL: That's fine, yeah I wasn't I just, that was just in order to make it not too super generic so that it was specified in some way but I'm fine putting in some language around what the referendum is concerning.
- KG: I'm being too nit-picky, I'm fine with it.
- BL: Okay, I'll revise that and I'll send it out later today.
- ML: The one part I'm looking at here is, I don't want to really affects things usually. In the decisions section I was just referring back to our minutes, our decision is that, there are two sentences there. The first sentence, in order to participate that one we agreed to, we, it's more the second point. So, I don't know if, I'm just trying to think if we spent a while going around getting the form put together, if you know, that might wind up delaying anything.

LW: Sorry Mike, which section are you referring to, you're talking about the February 28th minutes?

ML: Regarding the overview decisions document.

LW: Right.

ML: It's the, the February 11th minutes. The very bottom of the page.

LW: Okay, let me just grab those.

ML: Sure.

LW: February of 11th. Okay. Done.

ML: And at the very bottom there it says, decisions, campaign, general, in order to participate in the referendum individuals and campaign teams must register with the Oversight Committee.

LW: Right.

BL: Yeah.

ML: Then the one that's on the overview document it also refers to the registration form being available.

LW: That's, we had discussed that at our 28th meeting.

ML: 28th?

LW: Yeah. So I just compiled, I just put the two together.

ML: There it is. It's good. Sorry, I'm just tried to get my head wrapped around it.

LW: No that's cool and just, you know, the overview of decisions is compiled strictly from the language that we've agreed to in meetings. So it's an exact duplicate of language from the minutes.

ML: So, I was just trying to cross-reference.

LW: Yeah, yeah, no that's clear.

ML: ...because we're okay with receiving these forms by e-mail.

- LW: I think that's probably as simpler.
- ML: Yeah.
- BL: Yeah.
- ML: There're obviously people here who want to campaign, I'm just trying to make sure that they'll be able to, you know, say "Hi! We're campaigning".
- LW: Okay, so should I be specifying that in the minutes that the form should be submitted electronically to the Oversight Committee to the Gmail account?
- BL: Probably that's a good idea.
- ML: Sure.
- LW: ...with the Gmail account, okay, got it. So in terms of language about unapproved campaign materials. Kyall are you suggesting that you wanted to postpone making a decision about that particular clause until we have an opportunity to think through a bit more of what penalties or incentives can be built in?
- KG: Yeah, I'm with you on that, I'm agreeing with what you're saying there. I think that makes sense until I kind of put some thought into how we deal with penalties?
- LW: Alright, so I'll just make sure that this is included in the next agenda as well.
- KG: I guess for right now, maybe it will be helpful to just layout and we don't write it down in our minutes or anything, but just say that, materials that are unapproved at this point can't be used in the campaign.
- LW: Yeah and we do specify that. I'm just looking for the language here. We do say that materials that have not received committee approval cannot be distributed.
- BL: Yeah.
- LW: So we're quite clear on that point.
- KG: Okay, yeah.

- LW: Okay so do you want to move on next to criteria for participation in the referendum campaign?
- ML: Sure.
- LW: All right.
- KG: I'm trying to get my head around what we have discussed last week.
- LW: We were going to go away and actually draft some language—which we have not done, but Ben was going to put something forward.
- BL: Yeah, well I was just trying to take some of your concerns into account I was thinking about this and perhaps it would make sense to, obviously if an employer whether it's at another students' union or whether it's, just a normal business has an issue with one of their employees campaigning or taking part in this referendum that they are going to take issue with that and it's really a matter that's kind of out of our hands in terms of regulating as I think we have made clear through this meeting our feelings about that but that it might be worth formalizing some language to that, as how an employer would bring forward their concerns about their employees participating to this committee. So basically lay out that if there are and, again I just thought about this, I don't have really have a specific language and we can come up with that but if there are concerns about someone's participation in the referendum, that those concerns should be submitted in writing to the Committee and then we can discuss them as a committee.
- KG: I was just thinking about what you're saying for the record because I have short term memory. Yeah, my gut reaction to that is that I like that process that if anyone has concerns they can submit in writing and we can discuss that situation at that point.
- LW: Ben could I make a suggestion that you, that you try of draft some language...
- BL: Oh! Sure.
- LW: ...and then we can have a look it, in its draft form.
- BL: Yeah.
- LW: That sounds okay?
- BL: Yeah.

- LW: Alright.
- KG: Ben, just for clarification you're just going to work on may be the roots of what I sent to you and can touch it up and make it nice, about what we're discussing here.
- BL: Yeah I'll try to, I'll try to come up with something that's, you know, addresses both our concerns.
- KG: Okay, that's great.
- LW: That sounds good for me.
- KG: Okay, so do you want to go on to no campaign zones?
- LW: Yes, so I think the only issue that was outstanding that we wanted to think about some more was the issue of whether or not campaigning should be permitted in residence, and we agree with you that campaigning should not be permitted in residence, so we're more than happy to include that language into that "no campaigning zones" clause.
- BL: Yeah.
- KG: Okay.
- LW: I think that was the only outstanding item for that.
- ML: So this would be, would be sort of adding to, under campaigning decisions, right now it says, there shall be no campaigning at any time in areas or events where alcohol is served, in bathrooms or the library we'd be adding, I'd probably just want to say SFU residences and private residential property.
- KG: Maybe to sum up that, student residential areas.
- LW: Okay, I'm just trying to get this down, the student residential...
- KG: The reason I say student residential areas because I think it encompasses both residents and the private residences there are at the moment.
- LW: Yeah, okay so does adding the language student residential areas satisfy, is there any other language that we should add, that we should add to that?
- ML: I think we're all in agreement that it picks up both the official university residences but also the private development adjacent to campus.

- LW: Yeah, yeah.
- ML: Yeah, no it's okay.
- LW: Okay, we can specify UniverCity if you wish.
- ML: Well, we could specify the whole thing. I'm just trying to make sure that, you know, if anybody has got any things on it, but I think maybe it's better just to specify the whole thing if you're okay with that.
- LW: Yeah, yeah.
- BL: Yeah, fine.
- ML: Specifically, you know, to say specifically UniverCity.
- LW: Okay, and we didn't have any additional suggestions in terms of no campaign zones, that was...
- KG: And neither do we.
- LW: ...it for now.
- BL: Okay.
- LW: So, with respect to voting procedure, we understand that you probably don't feel like you're in a position to engage in this discussion but we wanted to put forward what our proposal would be...
- ML: Yeah.
- LW: ...so you can at least give it some thought. So why don't I run through that and you can take notes, or I can follow up with an email if you wish.
- ML: Okay.
- LW: So our proposal about voting procedure is that the Canadian Federation of Students and the SFSS each provide one poll clerk to work at each polling station, so there are a total of two poll clerks staffing each station, that poll clerks shall not participate in the referendum campaign, and that we as the Referendum Oversight Committee will review the list of poll clerks, of names of poll clerks prior to voting to ensure that none of those names are known to us as being individuals who have participated in the campaign or who have appeared on a list of campaigners. That the Referendum Oversight Committee will hold a training session for all poll clerks and that would be a joint session, so all of the SFSS poll clerks, all of the

Canadian Federation of students poll clerks would be present at that training session. So everybody received exactly the same information and that it would be conducted by the four of us.

ML: Yeah.

KG: Continue, yup.

LW: Okay, and the final point under poll clerks that we wanted to put forward is that they shall under no circumstances instruct an elector how to vote, or provide information about the referendum other than repeating the referendum question or explaining the voting procedure, the actual mechanics of casting a ballot, but there should be no discussion about the merits of continued membership or withdrawing from the organization, no discussion about the quality of material they've seen, etc, etc.

KG: Okay, I hear you. I'm interested to hear what you guys think how we're going to entertain this process given our collective agreement responsibilities with CUPE.

LW: Well it's, I expect, I put a little bit of thought into that and it's a bit hard to comment on not knowing all the details but from what you've been able to tell us, I don't think that this in any way compromises the SFSS' ability to honor the collective agreement in that any poll clerks that are hired by the SFSS will be hired in accordance with the collective agreement. So...

KG: Okay so...

LW: ...the Canadian Federation of Students poll clerks will be hired in accordance with our procedures and we understand that the SFSS has, has their own internal obligations and they will be able to meet those.

KG: Okay, but a poll clerk working in a referendum is a poll clerk governed by the collective agreement regardless of who hired them.

LW: Our position on that is that this is a referendum of the Canadian Federation of Students. It's not a referendum of the SFSS.

ML: They would be hired in the form of employees and they'd be paid for their work?

LW: The SFSS poll clerks?

ML: No, the CFS...

KG: CFS employees?

- LW: Can you, sorry, can you repeat the question?
- ML: Would clerks provided by the CFS be employees paid for their time for doing this or would it be like a voluntary service idea?
- LW: It would likely be a combination.
- ML: Okay.
- LW: In the past the vast majority have been volunteers...
- ML: Yeah.
- LW: ...but in some cases the individuals has been, have been compensated for their time.
- ML: I'm just trying to work it out in my head because I know that there are a few issues taken by a union where they, where somebody is volunteering to do something where somebody else could be paid for, so I'm just trying to anticipate...
- LW: Right.
- ML: ...the verdict that might come down.
- LW: Well the other, the other issue that, that could potentially be raised is, that this is Bargaining Unit work and that it's taking away Bargaining Unit work and, and our position on that is that it is not in fact taking away Bargaining Unit work because it's not a referendum of the SFSS so it's not as if the SFSS is contracting out work to volunteers or trying to work around the union. This is actually a referendum in addition to or, you know, sort of outside of their usual election schedule, referendum schedules.
- ML: Okay. My part, I mean it's a lot of food for thought...
- LW: Yes.
- ML: ...is it, you know, you probably have this written down somewhere, can it be emailed to us just...?
- LW: Yes, definitely.
- ML: My, my brain is I think more and more, if I got something attached to my email, you know, it would help my brain work.

- KG: I guess, I guess I'll throw out my comments in advance of some reading of language but just state for our discussion I think we're going to have a problem here. I think the union is going to see it differently about the work being conducted on campus is in fact under their purview regarding referendum of students at SFU who are automatically members of SFSS and my gut feeling is I don't want to get into a fight over this, over the unionization of poll clerks. I would rather just have a fair referendum, so with that being said I want to put that opinion on the table and, and maybe make it noted that I am seriously concerned about hiring outside of the collective agreement process.
- BL: I think though if the Simon Fraser Student Society is holding a vote and is administering that vote then obviously they are going to be following their procedures for the hiring of poll clerks, right? Just like if Simon Fraser University were to hold a vote, whether it be for the board of governors and other bodies, they would follow their own internal procedures even if the students were voting the administration of Simon Fraser University would have their own hiring policies for poll clerks. So it would seem to me to be fair if it's a referendum being, in a way, jointly administered by both the Canadian Federation of Students and the Simon Fraser Student Society through this Oversight Committee that, for those poll clerks being appointed/hired by the Simon Fraser Student Society is they would follow their own procedures and that the Canadian Federation of Students would follow their own procedures in terms of hiring.
- LW: Right.
- KG: I, I hear what you're saying Ben but I, I disagree fundamentally that they're doing different work. They are conducting the exact same job. It's just that under this proposal they would have separate employers and I don't see that the actual work requires separate employers through a joint process and that the process laid out for, with the way SFSS have to hire the poll clerks it's going to be challenged by the union.
- LW: Okay. Well, why don't, why don't you put some thought into it, and we too will put more thought into this and we can have a further discussion about it at our next meeting?
- KG: Yeah, I mean it's just my gut reaction about the way I've seen unions operate on campus including my own.
- LW: Okay.
- KG: It's just, my gut reaction is that we're gonna have a problem here, and I don't know how we are going to get through that one right away, but all, I

mean I'm totally willing to look at the language and have some thought about it.

LW: Okay. I have some more language to propose that we want to put on the table.

KG: Okay.

LW: So in terms of security of ballot boxes and I should note that we're combining voting procedure and then the items that follows that on the agenda...

ML: Okay.

LW: ...but they all seem to...

ML: They sort of went together.

LW: ..went together exactly. So security of ballot boxes, very simply that all ballot boxes and ballots shall be secured in a location that's approved by the committee and that the ballot boxes shall be sealed and not opened until counting.

ML: I have no problems with that. That one seems reasonable to me.

LW: Okay, so are you, are you okay with that...?

KG: Yeah, I don't need that, I don't need to read that.

LW: Okay.

KG: Lucy, could you fire it in an email?

LW: Yes, definitely, why don't I put all of this in an email so you have an opportunity to review it more closely.

ML: I'd like to reflect upon these things so that I have a better idea, you know...

LW: I understand, I understand. In terms of just the straightforward voting procedure, what we'd like propose is that each member of the union shall be allowed to cast one secret non-transferable ballot. At each polling station there shall be two poll clerks in attendance, that the voter must present a Simon Fraser University student card or another form of photo identification, in addition the most current university registration data shall

be used to verify student status. And I'll come back to the photo ID if you, we can talk about that a bit more.

KG: What's that last part Lucy?

LW: In addition, the most current university registration data shall be used to verify student status.

ML: On that photo ID, we can do it now or later, I mean we'll take your discretion on that, I'm just gonna talk about the process that has been used and used for the past 17 years around this process of sort of student ID or other valid ID and sort of explain the other valid ID part.

LW: Okay, do you want to do that right now?

ML: So, student card is normally preferable and like... My experience is that a 98% of the students probably bring it...

LW: Yeah.

ML: For those who don't, the standard procedure has been they must bring two things one some other piece of government issued photo ID...

LW: Right.

ML: ...with their name and their picture on it and then a printout of their unofficial transcript off of the registration system, which they could obtain for free you just have to have it printed somewhere. So it has on there, their student number's on there, their names on there and a list saying that they're currently registered, which would appear on the transcript. Those are the, that's sort of the acceptable alternate that we've always used.

LW: So any student has access to this document, they basically need to log in to their account and print it, they don't need to go the administration to have this document produced or anything along those lines.

ML: It's part of the same registration system, and you just log in, request your unofficial transcript and hold on for 5 seconds and it'll spit back the PDF at you which is, yeah, basically you're transcript except it's not printed on fancy paper that's what it is.

LW: Okay.

ML: It's current; it's up to the minute.

- LW: Right, right, okay I'm just writing this down. Alright, let us talk about that I don't necessarily have any immediate objections to that but let us, let us ponder that.
- KG: Sure.
- LW: Okay. Do you want me to continue?
- ML: Sure, yeah.
- LW: That both poll clerks will sign the back of the ballot before providing it to the voter and I guess, I should clarify that they shall initial the back of the ballot before providing it to the voter.
- ML: Yeah.
- LW: That, that is that for those...
- BL: Do we, sorry, do we want to have, I'm just thinking in terms of security, ballot boxes and that sort of thing some language, around poll clerks sealing and signing the ballot boxes as well?
- LW: Yes. Attesting to the fact that the ballot boxes have not been tampered with as far as they can see that sort of thing the day after they've been in storage?
- BL: Yeah, and every night when they go back and storage yeah, because they would have to be resealed and signed right?
- LW: Right.
- ML: What we have normally done here is we have the cardboard ones from Elections Canada...
- LW: Yes.
- ML: ...and we would start a new one for each day, so each one would be labeled with a poll location for each day and then a new one would go out the next day, so the boxes aren't actually reopened.
- KG: How is your feeling about that?
- LW: Let me think about it.
- ML: Okay. We have, normally we'll use here a procedure when usually there is somebody from the electoral commission goes to supervise the take down

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of a polling station and they would sign the ballot box along with the clerks so that way everybody saw that it was, you know, that everybody has confidence of the signatures on it but I think that that probably does mesh with what you're suggesting.

LW: Do they, generally they sign the foil seals at the top and on the sides etc?

ML: Yeah, they sign over the...

LW: Yeah.

ML: ...they sign across the edges.

LW: Yeah, yeah okay.

BL: Okay, yeah that makes sense.

KG: Okay.

LW: Let me see if there's anything else that they wanted to, I think that maybe just, it maybe just to also present our position on scrutineers in the counting room?

ML: Yup.

LW: So we would like to propose that the yes and no sides shall each appoint two scrutineers to observe the counting procedure. So that would mean, there would be a total of four scrutineers in the room assuming that both sides wish to appoint two scrutineers, and also we'd like to suggest that once the scrutineers have entered the count room they may not leave the facility until the completion of counting or with the consent of the Committee...

ML: The facility being the room?

LW: Yes, yes.

KG: Sorry, continue.

LW: ...and that the names of the scrutineers would be provided to the Oversight Committee either the day before counting was to happen or, you know, by noon of that day or something along those lines, so that we can ensure that everybody who is supposed to be involved in the process is involved in the process, and that nobody is left outside...

KG: Okay.

- LW: ...and the Committee may expel any scrutineer who attempts to disrupt the tabulation or to attempts to destroy, deface, remove or manipulate ballots during the tabulation process.
- KG: Can we add in there one final clause. No members of the ROC may be scrutineers... I know we haven't talked about the actual counting of the ballot, who is counting the ballots?
- LW: Well, it's our position that we the Referendum Oversight Committee engages in that activity, so it would be the four of us in a room plus four scrutineers, and that we perform that role.
- KG: Okay then, then I guess my point, don't worry about it.
- LW: So I'll send you that language as well so that you could have a look at it more closely.
- ML: Just because, I mean it's not like I'm, I don't like, there's not a lot of involved around this, I just need to sit back and think about the totality of things.
- BL: Yeah, it's good to see it in writing.
- LW: Okay, so that's all we've got for right now.
- ML: Okay.
- KG: Okay, so are we going to, well, complaints we can deal with perhaps in a later discussion regarding some non-approved materials.
- LW: Well I'm wondering if we could have an initial discussion first about what it is we would be looking for in terms of complaints, what timelines are in place with respect to our obligation to respond to a complainant.
- ML: Okay, okay.
- LW: Very basic process stuff...
- KG: Do you have any suggestions Lucy?
- LW: As a matter of fact we do.
- KG: Okay.

- LW: So, so we would like to suggest that the complaint include the following. Sorry, that it be, first it be in writing, submitted in writing...
- BL: To the email address that we've established?
- LW: Yes, yes.
- ML: To the email would constitute "in writing".
- LW: Yeah.
- BL: Yeah.
- LW: That it include the following...
- KG: Go ahead.
- LW: The specific bylaw or referendum rule that is alleged to have been violated; the specific campaign or individual that is alleged to be in violation; the specific facts that constitute the alleged violation; the evidence of these facts if there is evidence that can be produced and the name and contact information, including email address and telephone number for the complainant. Sorry, I'm fighting a cold here so...
- KG: Can you just repeat that last point? I'm typing a little slower than you talked.
- LW: Yes. Do you want to me go from the, start from the top?
- KG: No I, just the last point.
- LW: The last point was the name and contact information, including email address and telephone number.
- ML: Okay. Well, initially my gut says that there is no particular issue with this. I'd probably want to have it clear in the process that by, we'd presumably adhere to this as the committee, you know, we'd be doing something like this or refer them to deal with this and that the, the person making the complaint, or if they want to designate a representative, they should be prepared to come and address the issue to us in case we have questions or anything like that and that we would extend the same to the violator or representative of the team who did violate it so they need to make representations to us and we can ask them questions as necessary.
- LW: I have no objection to that, yeah.

- BL: Yeah, that's sounds good to me.
- LW: The other point that I would put out there for consideration is setting out timelines in which complaints must be filed with the Committee...
- ML: Yeah.
- LW: ...and so we would suggest for the, for the purposes of discussion that we include language, something along the lines of, no complaint will be considered by the Oversight Committee unless it's in writing, which is we just talked about, and is received within 24 hours of the alleged violation. We're somewhat flexible on the 24 hours. The rationale for that particular timeframe is we want to ensure that if we deem the complaint valid and all of the information that we require to deliberate on it is included in the written complaint, that we need to ensure that we're addressing it very, very soon after this alleged violation that has happened in part, well anyway, I'll just leave it there.
- ML: I'm with you there on the, the sort of the timeliness issue that you fail to report at your own peril.
- LW: Yeah.
- BL: Yeah.
- ML: You know, I'm, just, the one thing I probably want to do for, for scheduling is have some sort of a, a thing where we have to have reasonable notice of the complaints when they come in and what I was thinking is that, we can't have any complaint, you know, that, you know, we won't put any complaints on the agenda for a meeting that are received less than 24 hours say in advance of the meeting.
- LW: Right.
- ML: Anything by 12.30 yesterday, it wouldn't be on the agenda for this meeting, but something for 5 p.m. on Friday would be...
- LW: Right, right.
- BL: Well, and I, I, think I understand that, the rationale for that. I would think that maybe a better way to approach that is to have a deadline for us to turn around a decision on the issue. So that if a complaint does come in, you know, 12 hours before a meeting, we can, you know, at least discuss it, maybe it's a straightforward item to address and we can address it very quickly and if it requires more thought then we have a period of time in which following that initial discussion to think about it and consult and

then come back and have a meeting before that turn around time deadline and at that point in a second meeting actually reach an agreement on the issue.

ML: That would be only for short notice appeals or that would be for any decision?

BL: I think for any appeal to the committee like from the point it's submitted, perhaps you have a specified period of time in which we have to consult and discuss and turn around the decision.

ML: Yeah. I'm okay with, if you want to say regularly scheduled meeting one for the hearing, you know, they answer regularly schedule meeting two. I mean you've got, if you've got specific notes to send out about this, we can sort of mull it over. I just have to think about the balance and make sure that nobody is short changed in terms of, you know, we've got time to consider things, and people are given time to respond and things will balance.

BL: Yeah and maybe I should like walk through it step by step to clarify that something happens whether it's where there's an actual infraction or not, and so within 24 hours, and again that time period's is variable, but within 24 hours a complaint has to be registered in writing to the Oversight Committee through the email address. Upon the reception of that complaint that kind of triggers the clock. So maybe we have two days, whether it's 24 hours, 48 hours, 72 hours following that point, we have that amount of time in which to spend as much time thinking about it as is necessary, have as many meetings as is necessary in order to come to a decision on that complaint and what actions as the Referendum Oversight Committee we're going to take. So that, if somebody is making a complaint, they are assured that they will receive a decision on their complaint within a specified period of time and it's not going to be, you know, three or four weeks following the end of the referendum at which point tha, a decision is made on that complaint because obviously that hinders the process, right?

LW: So can I, can I just throw out some language there...

BL: Yeah, for sure.

LW: So what about something like where a complaint is received and found to be complete, the Oversight Committee shall investigate the facts and shall rule on the complaint within blank hours thereof.

BL: That sounds good, then we just have to work out the blank.

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- LW: So now there are two blanks that we have to consider. The first is, the time frame in which an individual has to submit a complaint after becoming aware of an alleged violation. The second potential blank to fill in is the time in which we have to rule on the complaint. So do you want me to put, why don't I put that in an email.
- KG: Yeah, I would appreciate it.
- LW: Okay.
- ML: I'm going to, I'm going, need to go away for the, think about some of the procedural aspects...
- KG: My gut reaction is we're going to need more time to rule on it than they need to submit the information.
- ML: Yeah we may need to, in all fairness, actually have a meeting at which people can be present for both the complainer and the alleged violator.
- KG: Right.
- ML: So that positions can be appropriately stated.
- LW: Yes.
- ML: Yes, but I guess because there's obviously gonna be lots of scheduling issues around it why don't you send it to us and we'll have a look at it.
- LW: Okay, okay.
- KG: For the same time because I want to get onto the next discussion. Did you have language to propose for appeals?
- LW: I don't, but we could put some thought into it...
- KG: If you do, do you want to just email it to us, Lucy?
- LW: Absolutely.
- KG: That would be really great.
- LW: Okay. Okay.
- KG: Okay, discussion about pre-campaigning is that where we're at?
- LW: I think so yes, yeah.

BL: Yeah.

KG: So go ahead.

LW: Well I think our position on the materials that the SFSS produced that speaks directly and specifically to a vote on continued membership is pretty clear, we've articulated our position a couple of times. We have undertaken some research in response to your questions about the IAMCFS campaign specifically...

KG: Yeah.

LW: ...and let me just look at it here, so I can work through this with you quickly. So what we did is we asked for a timeline in terms of development, the implementation of the campaign and so what we're in receipt of is a series of motions that were adopted by the Canadian Federation of Students-British Columbia Executive Committee with respect to developing a membership awareness campaign, and those were dated, there is a motion here that's dated December 2006, and then there's a whole series in the chronology that's basically...that I can walk through with you if you wish, that I think answers, in part your questions about the timing of the IAMCFS campaign and we also undertook together sample materials from various other membership awareness campaigns that the Canadian Federation of Students and the Canadian Federation of Students-British Columbia has undertaken in the past that further demonstrate that there is nothing unique or specific about this particular current campaign.

ML: Okay, could you just sort of outline briefly the chronology, I mean so I have the start of December 2006 and it goes from there.

LW: Yes, so December 2006, there was a motion passed by the executive committee of CFS British Columbia that speaks to the further development and implementation of a membership awareness strategy that, let me just provide you with a bit of a synopsis here, that meetings be sought with appropriate member local boards regarding the implementation of the campaigns and services and membership awareness strategy, and also meetings with constituency groups regarding the implementation of the Federation's campaign services and membership awareness campaign strategy, and in early January 2007 there were a series of meetings that were held to discuss what this campaign should look like, what images to use, what messaging to be using and the domain name was purchased in March 2007. The transit shelter ads were purchased in a number of different regions in May and that included Castlegar, Nelson, Victoria, Kamloops, Nanaimo, Price George, Penticton, Salmon Arm, Vancouver. Let me just see if I'm missing one here, no that

looks right; and then posters were produced in mid-summer 2007, and distributed late summer to the various member local associations in the province.

ML: Okay.

KG: So is it your position that the IAMCFS campaign by CFS-BC is in no way designed to inform electors about the upcoming referendum?

LW: Yes.

BL: Yeah.

LW: That the sole purpose of the IAMCFS campaign is to promote membership awareness about the Canadian Federation of Students, Canadian Federation of Students-British Columbia, and that is in no way targeted to, or was in no way developed to speak specifically to students at Simon Fraser.

KG: Are there specifics on materials that you received that, that outline that it was a campaign by CFS-BC and not CFS?

LW: Well it was the Executive Committee of the Canadian Federation of Students British Columbia that passed this motion. Is that what you mean?

KG: No, I'm more talking about the specifics of the campaign because from what I have seen of the materials it is unclear whether they are campaign materials of CFS or CFS-BC, and so I was just wondering is there anything on the materials that you were looking at that indicate it's just a campaign of CFS-BC, is that name on there?

LW: You know what, I don't have anything in front of me right now. I'd have to have another look.

KG: Okay.

LW: Yeah.

KG: I guess I'll just raise my concern here that I understand the logistics of, that this is a membership awareness campaign designed starting in 2006, I guess I would draw a distinction between a membership awareness campaign which speaks of new membership awareness and one which speaks to have greater influence than that. It's in my personal opinion that this campaign seeks to have more influence than that. Now there may not be specifics on the material that outline a position to be undertaken for the upcoming referendum whenever that is, but that the, the effect of having

these materials from the Skytrain especially in the Lower Mainland through the buses, distributed on campus by activists who are speaking about the referendum and using materials regarding the referendum and entertaining students mentioning that this is about the referendum campaign when they hand over the material that is not explicitly about membership awareness.

LW: We disagree.

KG: Okay but this, but the issue I'm raising here on behalf of the SFSS then is that individuals who are distributing these materials are referencing the Referendum while distributing the materials. It's not an issue of raising awareness of individual students, individual membership in CFS or CFS, BC to be explicit. It's about talking about the upcoming referendum and that the materials are being distributed on campus under the auspices of an upcoming referendum.

LW: Well, I think, I think there are two issues that are been confused here. What we have...what we have raised as a concerns with regards to the materials produced by the SFSS is not...is specific to their content. That the materials speak very specifically to the referendum and to a vote that is coming up on continued membership in the Canadian Federation of Students and encouraging students to vote a particular way. That content appears nowhere in any of the Canadian Federation of Students/Canadian Federation of Students-British Columbia campaign materials that have appeared on campus to date. And I think that's the distinction that we are making that if, for example, that the We Ride materials included a statement at the bottom that encouraged students to vote to continue membership in the Canadian Federation of Students, which is the organization that has brought this campaign to you etc., etc. we would be hard pressed to take the position that that was not in any way associated with this specific vote that's coming up. However, none of the materials actually do that they were not developed specifically for the referendum or with the referendum in mind...

KG: But they're being used for that purpose?

LW: That's the distinction that I'm making here. If you want, if what you're wanting to have is a discussion about use of materials then let's have that discussion. What we have put on the table is content in the materials.

KG: I thought we were discussing the logic or the validity of having a pre-campaign period. According to the lawyer's letter of February 27th it says the CFS's position is that there shall not be a pre-campaign period.

LW: Right.

- KG: I'm just arguing that there are materials produced that are being used for membership awareness campaigns for CFS-BC that are being used for a campaign material by individuals putting forward that position. I guess I'm arguing that if it's the position that the Canadian Federation of Students or Canadian Federation of Students-BC that there not be a pre-campaign period that hasn't been followed by representatives of Canadian Federation of Students or Canadian Federation of Students-BC.
- LW: Well I think we would all acknowledge that we would be hard pressed to censor what it is people are talking about in advance of this referendum. You only have to read The Peak to know that this a hot topic on campus and that everybody is talking about it, but the fact that the SFSS has launched a formal, recognizable, identifiable campaign that speaks directly to a vote that is coming up is the issue that we have concerns with. We understand that we can't in anyway muzzle or prevent students from talking about the issues and the fact that a vote is coming up it's, it's a hot topic as I said and it's one that people are very interested in. We have no ability to control what people are talking about on the ground, what we do have the ability to do is ensure that neither the Canadian Federation of Students nor the SFSS engage in a concerted campaign supported by material that is designed to influence vote before we actually enter into a campaign period.
- KG: So, do we have that ability seeing as it happened now on both sides? And I have to leave in five minutes.
- LW: We in no way concede that the Canadian Federation of Students has produced any materials that speak specifically to this referendum.
- KG: What you said is a concerted campaign supported by materials designed to influence votes. What I'm suggesting on behalf of the SFSS that individuals are using campaign materials meant for membership awareness, to, to support their position on the upcoming referendum.
- LW: Does it say anywhere in those materials...?
- KG: Let me be very clear, it is that the individuals who are campaigning in favour of the Canadian Federation Students are using membership awareness materials not designed for that to engage in the referendum.
- LW: And we argue that those materials are not the issue that we're putting on the table.
- KG: I think that's not taking place.

- BL: I mean I think there's, there's an issue here, I mean students could use any number of materials in order to promote their points of view on a referendum whether they be Simon Fraser Student Society materials, whether they be materials from other students unions, whether they be Canadian Federation Students materials. I think what we're trying to distinguish between are materials that are produced for member awareness or for any other purpose and materials that are specifically produced to influence the way students are going to vote in this referendum.
- KG: But on that point then, I mean if I got the materials sounded in my head let me know. I was looking at the, the 'We want out' posters and the ones I just took a quick look at don't reference the voting in any way. They don't say 'vote on this.' They don't reference the date or a time for that. They simply...
- LW: But 'We want out' of what? When? In response to what? Right, like I said, you know, I think that, any, anybody who reads the Peak or looks at those posters understands instantly what is being asked of them, which is to vote against continued membership in the Canadian Federation of Students once they're presented with a ballot.
- ML: I hear what you're saying Lucy but I honestly think that on the flipside of that coin comes up what Kyle was just saying that you, you can say the exact same thing about the IAMCFS materials.
- LW: I, I don't see how. I honestly don't see how.
- KG: Lucy, have you seen both sets of materials?
- LW: Both sets of what materials?
- KG: The IAMCFS campaign membership awareness material and the 'We want out' materials produced by the SFSS?
- LW: Yes.
- KG: The, the "We want out" materials seemed to have a fairly similar image to them than the IAMCFS membership awareness material. So, I guess by the same logic if someone's reading the Peak and sees these materials as being a reference to potential referendum on continued membership in CFS, they would see the IAMCFS materials, which are continually being put up on the campus as reference to a particular position on that membership awareness.
- LW: Which makes it even more problematic that the SFSS have engaged in this campaign. If your point is that SFSS' materials are, are reinforcing a point

and that's to encourage people to vote to withdraw from the Canadian Federation of Students and that because they have mimicked materials that predated those then that makes it an even more serious transgression on the part of the SFSS as far as we are concerned.

KG: I guess we'll have to continue this discussion at the next meeting because I honestly have to run.

LW: Okay, no we've, we've met our time here, so what's, so in terms of the next meeting do you have any thoughts?

ML: Do you want to try for another one this week or...?

LW: That, that would be certainly our preference.

BL: Yeah, that would be my preference.

KG: I really have an incredibly busy week, so I understand the preference of the three of you, but I'd have to look at my schedule.

LW: Okay, that's, that's fair. Look at your schedule, get back to us, let us know. We are quite flexible and we can also meet in the evening if that's easier.

BL: Yeah.

KG: Okay. We can have this discussion by email. Do you want to propose a date that I can at least look at?

LW: Okay, why don't I, why don't we send that around by email?

KG: That would be great.

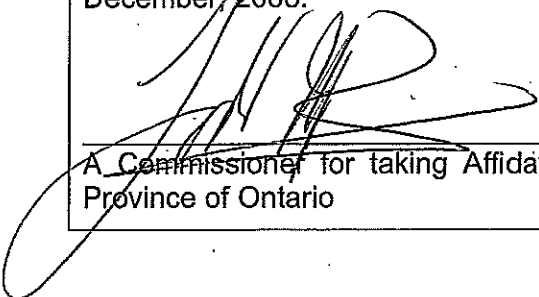
LW: Okay, have a good class.

KG: See you guys.

LW: Talk to you soon.

BL: Bye.

This is Exhibit "H" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-03-12

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

ML: Are you there, Lucy?

LW: I am.

ML: Are you there, Ben?

BL: I am.

KG: Hello.

LW: Hi!

KG: How are you?

BL: Hey.

LW: Good job.

ML: That this phone works at any given time is amazing.

LW: If you hear rustling, I'm just trying to sort all of my documents out because there are a lot....

ML: I know what you mean.

KG: Fair enough.

LW: Okay, okay. Alright. So, I did not circulate a draft agenda because I figured that we were just resuming from where we left off. Was it two days ago?

ML: Yesterday.

KG: Yesterday.

LW: Oh! It's yesterday, okay, excellent. Does that make sense?

KG: That's fine by me.

LW: In terms of materials and inquiries and such that we've received?

KG: Yeah.

ML: Yeah.

LW: Okay.

ML: Just to be clear on time, we're going till 2:30, right?

LW: Yeah. So, okay, where did we leave off? The handouts, is that right?

KG: Yes.

LW: So 'take back your campus' on the front side and then the three options for the reverse side. Does that sound right? The CFS strength in numbers weaknesses in collective action, this handout says \$430,000?

ML: Sorry, I'm just working off electronic file names.

LW: Okay, okay, oh! Sorryso New Flyer 1, New Flyer 2, New Flyer 3...

ML: Thank you.

LW: ...and "take back" front, does that sound right?

ML: Okay, any concerns?

BL: Well, I think we had quickly skipped it yesterday. It does have again a website link on it, as do most materials and I know the website wasn't really submitted...

ML: We can put the website off to the side because obviously if the website was fine then it wouldn't be an issue.

KG: The website was submitted yesterday by Garth as a link to the website.

LW: Oh! It was submitted?

KG: Yeah.

LW: Okay, we should add that to our list, sorry I didn't notice that.

KG: Yeah.

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- LW: Okay. I have an objection to some of the content in New Flyer 1. I'm a bit confused about our process here. Am I identifying what I'm objecting to in particular at this point or no? That's what we're putting in writing?
- ML: Right now we're just, I think we were just identifying, which materials we have a problem with. We were going to go through and find the ones that we're all okay on and then we will go back through the ones with the problems and do more specific discussion, I thought that's where we were at.
- LW: Got that.
- BL: Okay.
- LW: That makes sense. I just wanted to clarify for my own mind.
- BL: Yeah.
- LW: So, I have concerns with some of the content in New Flyer 1, concerns with some of the content in New Flyer 3 and let me just look at New Flyer 2. Oh! Okay, I have concern with some of the content in New Flyer 2.
- ML: Okay, so that's, that's all of the, that's all the new flyers?
- LW: Yes.
- KG: Okay. So, did we do the handbill that says 'takes back your campus'? It's got two images of it. It's called 'take back-front'? Or was that the same email?
- BL: Yeah, I thought that was going to be the, I thought that was a common front and then each of those...
- KG: Oh! Got you.
- BL: ...flyers were a back for some of them.
- KG: Okay, is the front fine?
- ML: Not counting the website.
- LW: Okay, yeah, it's a tough one right? Because the, the statement 'take back your campus' would imply to the reader that there was something to take back. Yeah, I wouldn't mind flagging it for this discussion.
- KG: Okay.

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BL: Okay, so I think the next item submitted was the cartoon poster of the individual I guess being blindfolded while voting?

LW: That was submitted on the 4th, right?

BL: Yeah, that was also submitted on the 4th.

KG: Yes.

BL: So I have an issue with this one.

LW: Okay.

KG: Okay, next there is a button from Andrew Ferguson called Button. pdf.

LW: Let me just look at that. Yeah, I don't think I have that printed off. Is that, it's the same design as the, the "logo" on the posters we've approved, right?

BL: Yeah.

ML: It looks like it.

LW: It's "Vote Yes".

ML: CFS

LW: Yeah. It has CFS with a little checkmark, is that right?

BL: Yeah.

LW: Okay, yeah that's fine with me.

BL: I have no issues.

KG: Ben, anything?

BL: No, it's good with me.

KG: Yeah, I'm fine.

ML: I'm fine.

LW: Okay. Okay so then both Andrew and Garth submitted things on the 7th, right?

- BL: I think we're on the 5th right now.
- LW: The tiggles, the wondercats...?
- KG: Then this New Flyer 1.
- LW: ...and New Flyer 1.
- BL: So is this just, is this like a...?
- ML: It's a small revision.
- BL: Okay.
- ML: I was just comparing the two of them.
- LW: Yeah, they changed the word "lost" to "misused" is what I found.
- ML: So students' collective financial power, it's under that one that the change was made?
- LW: Yeah, okay--so I still object to that.
- ML: Okay.
- LW: Tiggles ... let me just read it again.
- BL: The only item I kind of object to on this poster is the small text at the bottom about buying Tiggles some treats with all the money you'll save because I know there are a number, well, you know, I guess it depends on, on what the question is that's asked...
- LW: What do you mean? Which question?
- LW: Well, it's the nature of, you know, if, if the...
- ML: Do you want to flag it for later, Ben?
- BL: Yeah, I think we should just flag it for later.
- LW: Ben, did you answer that?
- BL: Yeah, we should flag this for later.

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- LW: Do you want to flag it? Okay, oh! And you know what, sorry, it wasn't material that was submitted by Ferguson--it was a question.
- ML: Yeah.
- LW: Where is that? What's the question? I've got status of no materials and approval process.
- KG: I was having some Internet problems yesterday so I'm, I'm trying to get to it right now but...
- LW: I printed some of this stuff off. Let me see if I can find it. It's...
- ML: What day was it?
- LW: The 7th, okay. Okay, I think this is the one, the 7th. "Over the course of the last few days a large number, a large variety and quantity of No side or we want out materials have appeared or in some cases reappeared on campus. I'm emailing to ask if these materials have been approved by the Referendum Oversight Committee and if so, for the criteria for approval. I look forward to your response, sincerely, Andrew Ferguson." So how do we want to respond to that?
- KG: Well, I think it's fair to say that we can send an e-mail saying we are in the process of approving materials as we speak or I mean is it, is it that when a campaign or campaign side asks a question, we will tell them yes or no whether an individual piece of material has been approved because I mean there is material everywhere on campus right now from both sides. So I'm wondering if we should send an email back with some generic response saying we are approving material as we speak? Because it doesn't specify, in Andrew's email here on the 7th, what particular materials he's concerned about so I'm not sure as to what materials have been approved for what he's asking about this point.
- LW: So I guess on that, I guess when he sent it on the 7th we hadn't, we hadn't approved any materials, right? Because we hadn't even started talking about...
- KG: They were on our agenda as of March 3rd, but we hadn't approved any yet.
- LW: Sorry, what was that? Say it again.
- KG: They were on our agenda as of March 3rd, but we haven't approved any yet.

- LW: So I think it would be fair to say that the Oversight Committee has commenced the process of reviewing and approving materials submitted to the Committee yesterday and it's an ongoing process and then if he wants more details, he can ask for it, "I'm emailing to ask if these materials have been approved by the referendum and if so what's the criteria for approval". So I would say, now Kyall...is this something you're willing to take on?
- KG: I can respond a little bit today. I started responding to one of those other emails and I've saved it as a draft for now because it wasn't sending for one thing, just because I wanted to let him know the answer to the question he had about the rules.
- LW: Yeah, so why don't you, you've still got that decision, that overview of decisions that we made in that document, so you could cut, maybe copy and paste the section that speaks specifically to material criteria and send that to him, and if that doesn't satisfy, he can let us know.
- KG: Yeah.
- LW: Okay, that's good, so that's... Kyall.
- KG: Okay and the next one we have the registration. We have CFS brochure.
- LW: What day was that?
- KG: That's March 9th.
- LW: Oh! I think there was no, I thought there were more no posters submitted on the 7th.
- KG: Sorry I skipped over those.
- LW: I know, that's okay, that's okay. I find them, are you going through his emails, is that what you're doing? Yes, I find it a bit hard. In the Gmail account...just looking at it on the screen to follow.
- KG: Just click on the top, there's newer and older buttons, so I'm just going progressively newer. Up in the top right-hand corner underneath sign out. Are you on it right now Lucy?
- LW: Yeah, yeah.
- KG: The newer and then the number and then older. So just get to the one we're on.

LW: Yeah.

KG: Then newer when we're going on to the next one.

LW: Oh! Interesting. Okay, that's cool. Okay, so we're on Lemons?

KG: Yeah.

LW: We object.

KG: Okay, then there is the CFS, wasting our money, it's called volunteer.jpeg?

BL: Hold on a second. Okay.

LW: You there Ben?

BL: Yeah, yeah I'm sorry. I'm looking at it now.

LW: Yeah, I object.

KG: Okay. Next we have the series of posters starting with 'I want out,' there's 333A and then there's another four.

LW: Can you, I just have them printed off, is it, like can we go through it like.

KG: Okay, so I've got 33A it's four people standing on a ____13:26____.

LW: Okay, let me have a look.....[ringing sounds] Sorry, I keep forgetting that that is the new ring on my phone. This one's fine with the exception of the website of course.

BL: Right. Yeah I don't have any objection to this one.

KG: Okay, next one we'll go is I want out Christa, it's a woman in a red shirt. I want out of the CFS because there's a better way.

LW: Yes, I object. Now, these are confusing right because they change the language in the quotes in the next round.

KG: Okay. So, maybe for the purposes of this one and I believe it's the one with Phil on it, we can just delay those until the next round.

LW: Yeah and Rufus and the _____ people I think. They all changed.

KG: Then there's finally there is a new flyer four.

LW: Which makes me wonder if Rufus actually said that, but okay.

KG: Sorry go ahead.

LW: I'm just kidding.

BL: I'd like to meet this talking dog.

LW: Well, first there's flow chart PDF.

ML: Hang on a second, sorry. Did they change, did we get all new ones for the "I want out". I thought it was just a single...

KG: No there were three, there are three possibly four of them...

ML: Okay, it was just those four, okay.

KG: Yeah, we can do those later in the meeting.

ML: Yeah, I just opened up all the ones that I have so I couldn't remember.

KG: Okay.

LW: So, what's this, so the flow chart. Okay, I have to admit I have not read this closely.

KG: Okay.

BL: Sorry, I'm just trying to find this...

LW: Okay...

BL: Oh! There it is.

LW: I'm trying to follow it.

LW: Are you doing typos?

KG: Yeah, we're not going to be comfortable.

LW: I know...I just got that too.

ML: Somebody was talking, was asking me an English question today. So it's, we're saying it this way because it's third person, you know, or something

like that like I have a done this since the 8th grade, please don't ask me that. I just know what it's supposed to say.

LW: There are, there are like two points that I object to in this, but...

ML: We'll put a flag and then we'll...

KG: Okay, and finally from that email there is new flyerfour.PDF.

LW: This is the referendum question's what?

BL: Yeah.

KG: Yeah.

LW: Now, I'm a bit confused about this one I have to admit because it doesn't, this seems like a more administrative document, it is not campaign material.

ML: It's the, I think it's the backside of like the same with new Flyers 1 to 3?

LW: Oh! Is it?

ML: I'm assuming so, but I just judging by the name. The 'take back' front, is the front of new Flyers 1, 2, and 3, I assume it's the front of new Flyer 4.

LW: Okay. I guess I would object to this and, and not because of its quote/unquote campaign content, but because I think it will confuse people with regards to what process is being followed here. So, similar to what we've discussed in the past about the role of the Oversight Committee in overseeing this referendum, I think because these questions 1 through 5 are questions that the Simon Fraser Student Society is putting forward from what I understand. So I would object to it on that basis.

KG: Okay. So the next email is from March 7th? No, I'm sorry .. March 9th CFS_brochure...?

LW: This is brochure, I don't have a copy...

BL: So this is, this is the one with a letter inside?

LW: Yes, the tri-fold.

BL: Okay.

- LW: Well, let me just dig around here. I have no objection but will note that in saying I have no objection it does not, should not in anyway be interpreted as condoning the dates, which is internal to our discussions.
- ML: Just making a note of that.
- LW: Yeah.
- KG: I do have an objection on that.
- LW: Okay.
- BL: Okay.
- KG: Okay. Does anyone know what we are at next? I'm just having Internet trouble.
- LW: Yeah, there was another question from Andrew, let me just look here and I just have...
- KG: That might be the one I've started replying to, oh no it's not! There's quite a few, never mind.
- LW: Addition of names I think it's called. Okay, do you want me to just read it quickly to you? He's adding names to the list of people who wish to or may participate in the campaign and then he says also "would you prefer that I wait and submit a list at the end or beginning of each day assuming there were changes and people approach me to be included in the campaign or would you prefer me to continue sending names immediately?"
- KG: Sorry Lucy, there is another one before that.
- LW: Oh, there was? Sorry...
- KG: From March 10th from Garth, there is a poster with a man and a bat and then the revised ones.
- LW: Let's have a look here. I certainly object to this to, to the stuff here.
- BL: Yeah.
- KG: Okay, and the revised ones.

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- LW: Sorry, let me just...okay so, no objection to the lunette people. We want out because they don't know how to party, that's...I guess their opinion. So, I'm okay with them on that, Ben?
- BL: Yeah, I'm okay with that one, I'm just reading and I say, and I'm not, who is this, Christa...?
- ML: I'm okay with lunettes.
- KG: Yeah, I'm okay with lunettes, yeah.
- LW: Okay, and then I'm on Christa here...
- ML: Okay.
- LW: ...and the changes I think we can benefit from working with all students not just CFS because there's a better way. I've no objection to that. There's nothing inaccurate about it.
- BL: I also have no objection.
- ML: Okay, I'm okay.
- LW: What's next? Phil Boutros. I want out because I like this school, _____...
- BL: I don't have an issue with this one.
- LW: I guess I'm okay with Phil. I think it's somewhat confusing, but...
- KG: Okay, I'm okay with it.
- ML: I'm okay, Ben?
- BL: Yeah, fine.
- LW: I'm not okay with Rufus. "CFS shenanigans" is what I object to.
- KG: Okay. Ben?
- ML: We got it so we can come back to it later.
- KG: So the next one is additional volunteers for the campaign and the question from Andrew, "would you prefer that I wait and submit a list at the end or beginning of each day assuming there are changes, as people approach me to ask to include in the campaign or would you prefer me to continue the

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same, sending names immediately?" I can send back an email to Andrew, what's our response.

LW: I, just in very practical terms it would be easier if we just to have a comprehensive list, rather than, you know, one, two, three, four emails throughout the day with one name, but I'm easy on it, I don't think it makes...

ML: The easiest way is he could say with assuming you get volunteers everyday, once a day email us with the whole list, we just referred back to the last topic, I'm sure he can keep the list.

KG: Yeah, I think Mike's suggestion works. Ben, any thoughts?

BL: Yeah, I just think on, yeah on a daily basis if there are new individuals.

LW: Yeah, okay, and so if there is, from day-to-day if either side if there is no change maybe with the exception of people not participating then they don't have to submit it.

ML: Yeah, yeah, whenever there's a change, he sends us a whole new list.

LW: Yeah. That sounds good, that sounds fine to me. Kyall, do you want to do that or do you want one of us to do it?

KG: No I can do that I'm just making a note that I have a do it.

LW: Okay, okay that's cool.

KG: The next one is from Andrew again, it's a CFS myth and fact dot PDF.

LW: Wait a second... Okay.

BL: I don't have an issue with this.

ML: I have to read it, wait a second.

KG: Yeah, we're just reading it right now. Yeah I have an objection to page 2 so I'll note my objection.

LW: Which one is page 2?

KG: I'm sorry the second page in it, and it starts at ... it's number 3 that I have objection to.

LW: Okay, so, I see...okay.

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- ML: Number 2.
- KG: I said number 3.
- ML: Three.
- LW: Okay.
- KG: Sorry I'm trying to pull my weight here. We have an email from John Bannister of CUPE 3338, called incident report on March 10th.
- LW: Oh! Yeah. Okay, let me just find that, okay.
- KG: Now, it's my understanding of what's going on on campus is that these, these yellow posters have been removed, but it's just the case of the Independent Electoral Committee has fined the individual that did that...
- ML: That was a different poster.
- KG: Okay, different poster.
- ML: It's the original one that was, it was the yellow thing and the original, these were the original like a teal coloured paper and then they shifted to yellow.
- LW: Can you, what was the...what was the content?
- KG: Of the email?
- LW: No, no, no of these posters.
- KG: Just a second, Mike is just grabbing them.
- LW: Sure.
- KG: I'll try to get some more materials on my screen here.
- LW: Okay, that's March 10th. Who is Mr. Cotu?
- KG: I don't know that name.
- LW: Is that, I wonder if that's not the facilities management or something? How did this end up with us? I guess that's what I'm trying to figure out.
- ML: I'm not sure.

- LW: Or may be...
- BL: It looks like we were cc'd on it as well as the Independent Electoral Commission.
- LW: Where do you see that?
- BL: That's in the header information.
- KG: Do you know who Mr. Cotu is?
- ML: He's somewhere high up in I think either its finance or facilities and administration.
- LW: Oh! Okay.
- ML: He's a university official. Oh! No, he might be head of security.
- LW: Oh! Okay. I'm not sure.
- ML: I've got the poster here now by the way if you...
- LW: Oh! You do okay what if so, what's the content?
- ML: It's 8.5 by 14. This is the old version. I'm pretty sure there was no change in content. They just changed the color to yellow and the top of it says that "the SFSS is working against our interest!". Then it says in smaller text, "the SFSS is trying to tell us that we don't need to work with other students through the Canadian Federation of Students to get good services and campaigns. They say we can do it alone. In bold it says, "if working alone was better why bother having a Simon Fraser Student Society." Regular text. "If everyone thought the same way as the SFSS Executive there would be: No tuition fee cap. No. National Student Grant. No. ISIC card. No Student Movement. Then there is a big black box at the bottom, "tell the SFSS that dividing the students is a bad idea." Tell the SFSS to stay in The Canadians Federation of Students that's what it says.
- LW: Mike, are you able to scan that? Is that too big a hassle and forward it to us?
- ML: I can do it now, but probably we've...
- LW: You know, oh! No, not right now, don't worry about doing it now. I just mean at some point so I can add it to my records.

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- ML: Yeah.
- LW: Okay.
- ML: I know that John has complained about this. I know that it happened at least once in the precious week the same posters on the different color they just didn't submit the official complaint.
- LW: So maybe, what I would suggest we do is send an email to both Garth Yule and Andrew Ferguson letting them know that Cupe 3338 has registered a complaint about materials being posted where are they saying on their, on their window, doors and boards, and doors and boards.
- ML: It's on their door, like it was stapled to a wooden door and things like that which is something that everybody gets rather sticky about.
- LW: Yeah, no doubt...and alerting them, alerting both Yule and Ferguson to this incident, not necessarily going into details, because I don't think we necessarily have to provide that to them, but just asking them to ensure that neither of their sides engages in this type of activity or is aware of the fact that there are certain areas that are, that are acceptable for posting. I don't, I certainly don't think we can place blame, but maybe as a general, I don't know, email about posting etiquette.
- BL: Yeah, yeah.
- KG: So I guess we'll ask a fairly straightforward question, is it fair to ask Andrew Ferguson if he knows of anybody that has been registered with the campaign team that has put this up because it's, I would say it's fairly logical that this is put up by someone who would be in favor of voting yes in the referendum.
- LW: I don't have any objection asking him.
- ML: Obviously, we should know that, I've not received it by, from anybody in terms of approval, we had checked with the IEC and they've never seen this poster either.
- LW: Yeah, okay, no I don't have an objection to asking.
- KG: Okay, sounds good. So, the next email I have is CFS leaflet international which I've had a hell of a time trying to download, but I think I just got it finally...there we go.
- LW: Now, when I tried to download this, I had the same problem ...

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- KG: Yeah, I got it now, do you want me to just give you an overview of what it is. Lucy or Ben do you have it?
- BL: I have it as well.
- LW: I have it open on my screen, I just can't print it.
- KG: Oh! Okay, yeah, I can do the same, I can open and I have to try to print again. Okay, so there is a YESCFS.CA which we haven't approved anything of that yet so maybe we can put this website aside.
- LW: Yes, and that has been submitted right, the website I've got a record, a note that it was, but I don't have a date beside it.
- KG: It has been submitted. I thought it was submitted, but I do not see the email on the gmail account.
- BL: Yeah, give me a second I...
- LW: Maybe is it rolled into another request or something?
- KG: Oh! Sorry there, it's email 10 and first submitted on March 10th and it's on the myth and fact email, so it was in fact submitted.
- LW: Oh! Okay, so it's March 10th. Okay, so we can go back to that.
- ML: Okay.
- LW: I have no objection to this. Let me just have a look here. Yeah, no, I don't have an objection to that.
- BL: Yeah. No I read it. I don't have any objection.
- KG: Aside from the website, I don't have any objection.
- ML: Yeah, same with me.
- LW: Okay that was submitted on the 10th right?
- BL: Yeah.
- LW: Okay.
- KG: So, so I guess we have another list of e-mails from Andrew, I'm sorry not list of e-mails, list of individuals. I think he made a spelling mistake, it's Jeremy Salter, not Jeremy Slater, is that correct?

- LW: I don't know. You want to ask him?
- KG: Yeah, I'll ask him. I'll make a note of asking him that and I think we have, March 10, official complaint regarding materials approval. You guys have that e-mail?
- LW: Let me just, yeah, I should print that. Yeah okay got it.
- KG: Okay. So he's complaining in general about the delay in reviewing it. "It's my understanding that I must provide a request for approximately 5 pm and receive a response as part of the formal clearance of complaints process. So please remind what additional steps are required at the time or if this letter will suffice. Finally, I'm yet to receive copy of the rules for this referendum."
- LW: That's probably, that's a bigger, the second part, a bigger issue and one we should address. Do we want to provide people with a copy of...we reformat this overview decisions made document but we should have something for people, once they're registered right?
- ML: I'd be okay with just the overview of decisions document, I mean a little bit of reformatting wouldn't hurt anything but no need to go all out.
- KG: They won't need this thing in like, a CYMK printed press, hand delivered copies right.
- LW: Okay, I'll restrain myself.
- KG: Let's spend less time doing it than more time.
- LW: Okay, so why don't I, I'll just put it in a slightly different format so it's, you know, clearly for public consumption and then, and we should...so why don't I endeavor to do that, this afternoon/this evening Kyall.
- KG: Okay.
- BL: We'll include any decisions made, since that document was prepared right?
- LW: Yeah. Yeah, I'll just go through the minutes.
- KG: Okay.
- LW: Okay, and that will obviously answer his question about the complaints process.

ML: Yeah, I think so.

LW: Right, so if he wants to reformulate his complaint and submit it he can do that.

KG: So do you want to reply to them with that exact language Lucy?

LW: Sure, and I'll attach the overview document.

KG: Yes.

ML: Okay.

LW: Just give me one second if I can make a note here.

KG: Okay the next e-mail is March 11th this is the one that I started a draft response, ahead, of having a meeting but just have the draft state there, if you guys are okay with it I'll send it. Its an email from Andrew Ferguson and it's about that, he is saying basically, he has submitted a number of materials that have a particular content, he wants to re-use the content wonders if its necessary that all materials be submitted. I have included in the e-mail response the decision we made, we shall approve all campaign specific materials prior to distribution. Are you guys okay with that language?

LW: Yeah.

BL: Yeah.

KG: Ben?

BL: Yeah.

KG: Okay, I'm pressing send.

LW: I can send this from here?

KG: Yeah, you can press send on there that's fine with me.

LW: Your message has been sent....here we go.

KG: Okay.

BL: Are you in the wireless network there?

- KG: Yeah, it's campus-wide and it's, it's really messed up right now. For some reason I can't get it in my office, I can't get it here, it's not working very well.
- BL: That's sucks.
- KG: Okay, next email is from March 11th from Garth addressed to Summer MacFadyen, Shamus Reid and ROC members. It was a complaint about the conduct of Tiffany Kalanj and a particular comment she's making while campaigning. I know she's registered as the 'yes' side. Garth's request is to please ask Tiffany to tone down her aggression. If the situation does not change immediately he'll register harassment complaints with CUPE 15 and CUPE BC as well as ejecting her from campus. So we probably don't want that. Do you two know her or should I request from Andrew that request? I can take that one.
- LW: I, I definitely know Tiffany, but I think it should go through Andrew as the, as the 'Yes Committee' Chair because this is a 'Yes Committee' issue right? Presumably...because she's one of the campaigners?
- KG: Okay. Is there any particular language that you want me to put in that email?
- BL: We should, I think we should use, I mean I would use the language that Garth has provided that you should ensure that campaigners who have registered with the 'Yes Campaign,' you know, are respectful, etc.
- KG: Okay.
- LW: Did you say 'respectable' or 'respectful'?
- BL: Respectful.
- LW: Okay.
- BL: You should be respectable as well.
- LW: Okay. You can see why I'm asking that...
- KG: I'll do that.
- LW: Okay.
- KG: Now, we're getting close, we have three left. Now we have an email that is the, the translation of the Chinese Button from Garth Yule...

LW: Yeah. Saw that.

KG: <Chinese> and you guys can read that email, it says, 'Hey ho! Lets go'

BL: Yeah.

LW: Yeah. Yeah, I just wanted it in writing so we had a record of it, so that's, I'm totally fine with that.

BL: Yeah, I'm fine with that.

ML: Okay. Ben, you're okay with it?

BL: Yeah.

LW: Yeah.

ML: Oh! We've got, we're okay on that button then?

KG: I'm sending out emails anyway, I'll send that to Garth letting him know about that one, okay. So now, two more to go. We got one this morning from Garth. It's a poster of bearded men and called 'BAMF wants out of the CFS'.

BL: I just want to say there are at least two men in this poster who don't have beards.

LW: I noticed that too.

ML: I will just note this is the Beard and Mustache Fellowship. I happen to be a member of the Fellowship and we, we appreciate beards as much as grow them. We are open to all persons of all genders with or without beards.

BL: I see.

KG: I should join this group.

ML: We meet every other Friday in the pub usually.

KG: Okay, any concerns with this poster?

LW: Yes. And it's not beard-related.

KG: Okay and, oh! Shoot email just went down.

ML: I might have that next one.

KG: Okay, Mike's going to see if he has the next one on the screen.

ML: I was trying to pull some of these up independently, so we have one that's presumably, called I Want Out Chelsea ...

LW: Yes, I have an objection to that.

BL: As do I.

ML: You do?

LW: Yes.

BL: Yeah.

LW: For some reason it is not letting me download these.

KG: I think it's because of images.

LW: So do I...

KG: You need to right click them? Right click them or... right click them to save the image...

LW: Okay. I'll do that.

KG: Okay. Okay so where do we going from here? Do we go back and start approving, okay the other thing is, we did receive the I-went-out, the I-want-out, or we-want-out website?

BL: Alright, the website. So do we want to quickly look at the websites now?

LW: Okay.

KG: Sure, so should we try go to those websites and then discuss it that way?

LW: Where is it we, wewantout...?

KG: ...out.ca

BL: So, I know, I've seen it before, so I do have an objection.

KG: Okay.

LW: Let me just, I think here, oh, I do too.

- ML: So are we at the point now I guess basically that we're going to be going through specific objections. I was trying to start shifting gears.
- BL: Yeah, well I'm wondering if, given the amount of time we have left, I think we've done a good job of going through the materials and, and approving, you know, obviously we've approved a number of materials, but in terms of some of the objections I have, I think it might be worthwhile to sort of compile, to be able to go through and actually compile...
- LW: Ben, you cut out...
- BL: Sorry.
- LW: That's okay.
- BL: I think it will worthwhile to, to go through and review the materials because I think there are certain items of objection that appear in multiple materials and might need to be addressed in kind of a larger conversation and there are others that are more specific and I haven't yet had a chance to sort of compile those objections in writing...
- ML: Okay.
- BL: ...to help with the discussion, so.
- LW: Okay, now one of... Oh! One of the things, one of the rules that we've agreed to is that the onus is on the author of the materials. So how do we want to proceed? Do we want to just state what language has been challenged very matter-of-factly and ask the author to either provide an explanation as to why they used that language or to amend the language? Or how, I'm just not sure what information we're looking for from the authors of these materials because we've very clearly stated that the onus is on them to make any corrections and not on us to start wordsmithing other people's materials, right?
- BL: Yeah.
- LW: So how do you see that unfolding?
- ML: Well, what I'm wondering is because, because, we only got a few minutes left and Kyall and I were talking about our schedules it looks unlikely that we're going to be able to mutually find time to meet tomorrow or Friday.
- LW: Okay.

- ML: That pretty much takes us back around to Monday. So if we wanted to each put down our specific objections...
- LW: Okay.
- ML: ...then we can send them out to each other and we'll know where we are and then we might have a sense about some things could be handled by, you know, just sending back to the authors, some things we need to have a discussion about, sort of, let us evaluate the context of the situation.
- LW: Okay, so when should we, what are you proposing in terms of turn around time? Can we try to get that done by...?
- KG: I think we should try to, here's my opinion, I think we should try to get our concerns into email by tomorrow, tomorrow noon. You know what, it doesn't really matter tomorrow noon because I am booked the entire day.
- LW: Tomorrow at noon it might be tight for me.
- BL: Yeah.
- KG: Sorry?
- LW: Tomorrow at noon will definitely be tight for me.
- KG: Right, so...
- ML: At the end of the day?
- KG: ...by tomorrow at the end of day and then we can maybe read them over and then try to have a discussion via email Friday, does that work?
- LW: Yeah.
- BL: Yeah, now I'm not at my computer all the time as you may have noticed, so I mean, discussion via email to a certain degree. I'm not sure how much we're going to be able to sort of if we're going back and forth by email when people are in front of their computers versus the times they're not in front of the computers...
- ML: I, you know, because on Friday I'm largely going to be busy most of day, so I wouldn't be able to keep up with, you know, major discussion here along with the usual lot of, lot of the stuff that comes in so...

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- BL: But I guess we can put certain things out there via email and then at least we have a bit more of basis for our discussion on Monday.
- ML: Yeah, there might be very specific, you know, if we look at something that we all thought something that looked apparent and obvious, we could suggest that if there's no objection, we could dispense with some of the, you know, stuff that's looked apparently easy but for anything that looked thorny or even just convoluted.
- KG: Just cause, I have to take off here but there is one more website we could look at right now, if people are okay with that and that's the yescfs.ca website, which I noticed is live so....
- BL: It would appear to be....
- LW: Let me just get there. Okay, so the letter is the same. The only new content I see here from the leaflet is the description about Simon Fraser...
- ML: Yeah.
- LW: ...and that little... I think that message, let me just compare that, the message looks the same...
- ML: Excuse me.
- LW: ...yes the letter is same, I think. I'd have to look through it more slowly, but just scanning it looks the same language as the leaflet. Now I guess the question is if there is an objection to the leaflet is that the language or the new language here that is objected...?
- KG: Yeah I have an objection to the page 'victories and successes.'
- LW: Okay.
- KG: So maybe what I will do is I'll put my objection in the email by the end of day tomorrow.
- BL: Yeah.
- KG: Okay, so yeah, I have to take off here. I just need to...
- LW: All right, that sounds good. So email exchange by tomorrow afternoon, further discussion if possible by email Friday. Is that right?
- ML: Yeah.

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KG: Yeah.

LW: Okay, all right that sounds good.

ML: Then our regular meeting is on Monday?

LW: Yes.

ML: Okay.

LW: Okay, great, thanks.

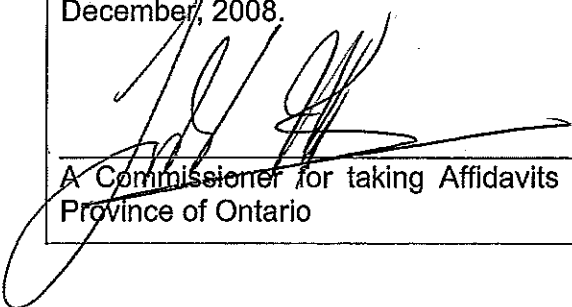
BL: Thanks.

KG: Okay.

LW: Okay, bye.

BL: Bye.

This is Exhibit "1" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-03-17

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

ML: Hello?

BL: Hey, you there?

ML: Hey Ben, okay, hang on a second, we're going to do a little phone voodoo.

BL: Okay.

ML: Are you there, Ben?

BL: I am.

ML: Lucy?

LW: Yes, here.

KG: Hello.

LW: Hey Kyall, how's it going?

KG: Good

ML: Victory.

LW: Alright, so both Ben and I have a bit of a time restriction or time restraints, which is that we have to go at 1:30.

KG: Okay. I've got, all the items I've got here numbered in a folder for myself to keep on track so...

LW: Excellent.

BL: Okay.

LW: Alright.

ML: Okay.

LW: So folks got the agenda that I emailed, I think it was last night?

Male: Yeah.

LW: So there are a couple of changes. I realized when I was going through it that it's not, there are a couple of things that we've actually agreed that need to come off the agenda and there are some items Kyall that you had flagged that need to go on.

KG: Go ahead.

LW: So why don't we go through that right now? So in terms of, so the process for approving campaign materials was actually supposed to be process for dealing with unapproved campaign materials which I think we will cover off in part under complaints...

KG: Yeah.

LW: ...and then the criteria for participation in the referendum campaign also falls under complaints. We talked at the last meeting about how that's, that's a pretty all-encompassing clause.

KG: Yeah.

LW: Mike, you had said something else about end of campaign period?

KG: Yeah, where should we do that? Under, maybe the end of three?

LW: Sure.

KG: Okay.

LW: Then Kyall you had a couple of questions that you threw out there about materials and...

KG: Yeah so I guess those will be under four.

LW: Yeah, yeah.

KG: I'll write Karl's issues. I'll have to read my email.

LW: Okay, yeah I printed them off and so I could also keep track of them. So that, so those are notes that I had for the agenda. Does that sound a bit comprehensive?

KG: Sounds fine to me, yeah.

LW: Okay.

BL: Yeah.

LW: Did you have a chance to look at the minutes?

ML: Yeah, I've given March 11th, okay.

KG: March of 11th I was fine with, March 12th I, just let me read over one more time.

ML: It says a number of things on March 12th.

LW: Right.

ML: I just don't have time to review to make sure this is all the stuff that we did.

LW: Alright.

ML: I'm not saying it isn't, it's just I really haven't had a chance to look.

BL: Yeah.

LW: You know, and it's a good idea for you to look it over because I may have missed something. It's a fairly lengthy list. So why don't you do that and we can revisit it at our next meeting?

KG: Okay fine, 11th is fine and the 12th...

LW: Okay. Yes, but the 11th is cool?

KG: Yeah, 11th is cool, but...

LW: Okay and we'll hold off on the 12th. Excellent, okay, so referendum protocol, there are a few things that are outstanding here. I guess the first or the most recent issue that we've dealt with is the complaints language and it was in two parts. The first email, sorry, let me just find it. The first part is I think you're in agreement with and Mike you had some additional language to add to it?

ML: Sounds vaguely familiar.

LW: It's the clause that states "all alleged violations of the bylaws or referendum rules shall be investigated and ruled upon. Complaints must

include blah, blah, blah". No complaint will be considered unless it's submitted to our email address and received within 24 hours and then you had proposed some language around having a meeting with the, with the complainants.

ML: Obviously I like that language.

LW: Ben and I had a chance to talk about it quickly when you, when you submitted it and we're both fine with, including the language about having a meeting. I'm, I'm not crazy about the language "hearing", so I'm wondering if we can just change that to "meeting", so it says a "meeting will be scheduled within one week". I just don't want people to get the wrong impression about...

KG: So that we, we understand the intent of it is that we'll receive representations at that time.

LW: Yeah, yeah so I'm totally fine with all of your language. I would just prefer to swap out "hearing" with "meeting".

ML: Yeah it's cool.

LW: Okay. So can I...can I make a note of that in the minutes that that's approved with that amendment from you?

ML: Yeah, that's fine. I was going to say read it out, but we're on a time constraint so let's go ahead.

LW: Okay, and obviously if something jumps out when the minutes come out just flag it and we can go back and revisit.

ML: Yeah, yeah.

LW: The second clause was the one that you both expressed a bit of concern about for, for different reasons I think and that was about penalties specifically, which obviously is somewhat trickier terrain.

KG: Yeah, I honestly, I understand that we need to have a discussion about penalties and it's best to have something in writing, but I'm thinking ahead further on the agenda where we actually have the complaints. I don't know how the language that we proposed gives us the ability to do any implementation of those, of those penalties. So, my feeling right now is that we have some very generic language in it that says that this committee will, will set out a penalty as a, you know, as the decision of the committee, something very basic that gives us the leeway to make those decisions. I don't think putting a whole bunch of language into it

help's us solve any of the particular issues that we've got further down the agenda.

LW: So maybe saying something like "the Committee reserves the right to assess a penalty depending on the nature of violation"?

KG: Yeah. What do you guys think?

BL: I'm not opposed to it.

LW: Yeah.

BL: I kind of like having more specific language, and I guess the issue you've taken with the language right now is that it basically says that the Committee shall assign a penalty that, but perhaps if the language included was more of a, a penalty assigned by the committee may include or shall consider or something like that.

KG: I guess Ben, what I'm worried about is that putting that language in holds us to actually making those penalty assessments, and I'm not sure if we're capable of doing that at this point. Meaning I don't...given some of the complaints that are received, my read of the proposed penalty language is that we would be asking for X results from them from our penalty policy and I don't think we're going to be at the position of asking for those results at this point, which is why I think a little vaguer language at this point, I'm repeating myself, it allows us a little bit of leeway here.

BL: Leeway to, I mean I gather you're considering specific complaints, so I'm just wondering if in your mind there is some sort of penalty that we might assign in relation to those complaints that is not set out here, that you're thinking of or I'm just trying to get at, what's missing from this language or what should be included, or why it needs to be more general...

KG: I think it's not that it's something missing it's that I think it commits us to do certain actions that I would say that we've had the inability at this point to commit ourselves to the policies we've laid down for both sides, and that further entrenching ourselves in those kind of commitments that I don't see us likely to uphold looks bad. I think that's what I'm getting at, that we have a specific policy that all campaign materials should be approved that hasn't been followed by both sides, and we haven't set the penalty on that matter, and I guess the fact though were not assessing penalties based on our rules, so I don't want to see a language something that we haven't done. You know what, you know what I'm saying that I don't want to see on paper more of a commitment to something that we in fact haven't been following through on.

- LW: Well, that's part of the problem with developing rules in the middle of, you know, a process where people are engaged in a campaign. Why don't... I'm not opposed for the time being to language something along the lines of, the Committee reserves the right to assign penalties as it sees fit and then having discussions.
- KG: Yeah, I guess really when we get to the penalties, we can have a better discussion, we can perhaps expand on that language.
- LW: Yeah.
- KG: I'm fine with that, but I just... I don't want to be setup to be put in the position where now, we have to go back and say, "Okay, so what have we done wrong according to the new language, we put in place?" Then, we are going to have to go on a assess penalties retroactively at this point, which I think it's a little bit unfair to both sides.
- ML: I have an additional concern that came up which is as much that I want to be very careful and make sure that we are assessing penalties in compliance with the bylaws, and that gets a little bit fuzzier because the bylaws to my mind spell out pretty strictly what it is that we can't do. So that's why I would like some more time to think about this and to maybe have the openness to look at the penalties in each circumstance and not tie our hands in something that lies beyond our capacities.
- LW: Okay.
- BL: You're comfortable with the language that's been agreed to so far Michael?
- ML: More or less, I mean I still can't entirely envision what the penalties would be, but because we're all operating on the assumption that we're operating within the bylaws and that's just where my concern comes up.
- LW: But, it seems to me pretty obvious that from a complaints process flows penalties, you know, you can't simply have a complaint process without a penalty or those complaints are virtually useless. People are basically just recording their thoughts for our consideration and then, you know, no, there is no recourse which...
- ML: Where in the bylaws does it say that we have the ability to specifically say, that we have the ability to penalize. It does have a, you know, to adjudicate all appeals. So for example if unapproved material go up, somebody let's say, you know, where side A posts the non-approved material, side B complains, that would be an appeal. We would hear the appeal, we will say, "Yes, you know what that's right," and then we would

instruct side A to say that, "No, take this down," and then we could go from there.

LW: Right and that's a penalty right?

ML: Yes, if you want to look at that as a penalty, it's just that, we can operate within whatever powers we've been granted. So I think that's where our powers to penalize sit. I mean obviously there are specific cases of this that we'll touch on today, but I think the situations are really starting to sort themselves out, the ones that we've received specifically. But we can get to that when we get to those points.

LW: Yeah.

ML: So for the time being I'm happy with what's there with this.

LW: That we reserve the right?

ML: Yeah.

LW: Okay, and the only thing that I would flag and I'm sure you share this concern is that, any penalties we assess have to be fairly applied to both sides or all sides. That would be my only caveat, but I'm confident that you share that position...

ML: You know, like I said before, I think we agree that all the penalties are proportional, whatever we can do, you know, proportionality is the guide.

LW: Yeah.

ML: So...

KG: Yeah, I don't mean to hold this up for anything, I think maybe, maybe just for what I'm proposing for right now is to carry on to the meeting and to perhaps when we get to the complaints, we can talk about what we are feeling for penalty based on what we propose for both sets of language and go from there, and I have no problem retroactively approaching the penalty language at that point, but I think I want to hear discussions on those actual complaints to kind of guide what we're doing.

LW: Right, okay, well, let's include that language for now and then we can go back and refine it later if we so choose.

KG: Sure.

BL: Sounds good.

- LW: Okay, so that sort of covers off complaints for now. We had proposed, we had sent some proposals for poll clerks, for ballot boxes etc., and you had indicated that you wanted to wait until we resolve the issue of the poll clerks. We had asked at that point for some additional information about what language or clause in the agreement specifically people were referencing and you were going to go back and try to get that for us. Have you had any success?
- ML: We didn't, but I can run and get a copy right now if you really want, I don't know if it's a...
- LW: Why, you know what, why don't you just...if you want to grab a copy and throw it into an email and just send us the specific clause, that would be fine too and we can look at that after the meeting.
- ML: I'll take a note. Okay.
- LW: Alright, and then I think that, now I guess we haven't talked at all about appeals.
- KG: Appeals to which issue?
- LW: To our...to how we apply the rules in making decisions about certain issues. So if we make a decision on, you know, a particular set of materials and we say that it should not be allowed because of this and this...What mechanism if any, should be instituted to allow for that individual or individuals to appeal our decision or ruling? Now, this is something that the bylaws speak to with regards to votes to join the organization, it does not set out a specific appeals process for vote on continued membership. And so what I would maybe suggest unless you have some, some ideas or some proposals, is that we not, at this point, implement any appeals process. There are obviously legal avenues that are available to anybody if they so choose, if they disagree with our rulings. So I would suggest that we not establish an appeals process at this point.
- ML: I'm okay with not establishing a process. The only thing is that, if somebody does come with an appeal to us, we are responsible for adjudicating it, so we would have to sort of deal with it when it arose. But I'm okay with dealing with those as they come up.
- LW: Yeah.
- KG: Yeah, I'm fine with that.

LW: Okay, so we won't, we'll just cross that off. Okay, and then Mike, you sent that email about campaign period ... which I can't find. Mike do you remember what your...?

ML: Yeah, just a minute, I got the, the general gist of it.

LW: Okay.

ML: Voting is coming down, you know, tomorrow and ending on Thursday. If we want to have a discussion about either ending the campaign period today effectively let everybody know by email that it's done or if we'd rather go to basically 7:30pm on Thursday.

LW: Okay. So the Canadian Federation of Students have communicated to their [SFSS] legal counsel that it's our position that the Referendum Oversight Committee has yet to establish voting dates and that the Canadian Federation of Students are participating in this process on a without prejudice basis.

ML: Yeah.

LW: So, I guess all we can say to this issue is that the Canadian Federation of Students will continue to campaign throughout this period on a without prejudice basis but that it's our position that the process that's unfolding in terms of the voting dates, campaign period, and such is internal to the Simon Fraser Students Society and the Independent Electoral Commission.

ML: Okay.

KG: Okay. Guess that's that on that.

LW: Okay, let me just move more papers here. Does that bring us to the end of the protocol issues that are outstanding at this point that we think, we can work through?

KG: You know, I was just looking.... Maybe I'll just throw out really quick and you guys along with I believe Amanda Aziz and Shamus Reid got emails from J. J. McCullough, with the specifics for what's happening this week, coming up in terms of the polling.

LW: Right.

ML: Of course we want, the Simon Fraser Student Society wants to make sure that the CFS is properly represented in this process both in terms of the

scrutineer in the discussion of security, in Oversight during the counting process and so on and so forth. Have you had a chance to look at those?

LW: Yes, and our position is the same as what I've just stated, that that's a process that's internal to the Simon Fraser Students Society that the Canadian Federation of Students is not recognizing it, but it's our position that the IEC and the Simon Fraser Students Society are usurping the authority and the jurisdiction of the Referendum Oversight Committee...

ML: Yes, okay.

LW: ...and we'll put something in writing to that effect and send that and make sure that you get a copy of that for sure.

ML: I know what you're saying here, but one thing will just say is that I think it's the position from the Simon Fraser Student Society that the CFS ignores this at its own peril and I don't think by, you know, sending people to watch what's going on you would be participating without prejudice anymore as in what you've been doing up until now which is participation without prejudice. So if you wanted to have assurances on the count or concerns, you know, to make sure that the process is fair that this would be the best way to get that information would be by being present and I know nobody here would in any way have an issue with what's been proposed by the IEC on this front.

LW: So noted.

KG: So I think we're ready to go to campaign materials.

LW: Okay, that means I have to open up my email here.

KG: I spent a little bit of time organizing them this morning so do you mind if I just lead this Lucy since I've got it ready to go?

LW: Yeah, yeah for sure.

KG: Okay. So, okay so maybe or everybody, I'm just going to go through all the emails that we received in reverse sequential order since our last meeting.

LW: Sounds good.

KG: Okay, first email up is from Andrew Ferguson it's titled enquiry as to whether there is no campaign and the email basically asks whether there is a registered no campaign and he wanted a response by 6pm on March 13th.

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- LW: When was that sent?
- KG: March 13, 10:06pm. Oh! Sorry we received this at 10:06pm and he wanted a response by 6:00pm Friday.
- LW: Okay.
- KG: I don't see anywhere in our policy that says we disclose any information that the ROC received from either side. So I don't think that it's appropriate for us to let anybody know, I mean I guess we can say yes we received materials from a Yes campaign or a No campaign, but is it really our jurisdiction to inform people of what we've received or not?
- ML: I'd actually say that it is.
- LW: Yeah, because the reality is they could, they could file a formal complaint if they wish to but they can't unless they know and vice versa, right?
- KG: Yeah.
- LW: Like if the No side had registered and wanted to ask us if the Yes side had submitted their forms they could do that, but I don't think, I don't think we should be providing any information other than that. I think it should be a simple "yes, we are in receipt" or "no, we are not in receipt" but I don't think we should...
- ML: People do ultimately have the right to check in on the registered campaigners issue because if somebody wants to complain, if this person is a registered campaigner...
- LW: Yeah, yeah like I don't, I don't think that we in any way should release the names of campaigners unless we would see a specific complaint or query about the status of a particular individual and at that point that would be, that information would be included in our response as a committee.
- KG: Yeah.
- LW: Okay, so let me just get this down, so Ferguson...
- KG: Okay, so then what is our response to this?
- LW: He's just simply asking that, sorry I thought I'd printed all this stuff off. He's simply asking if they are registered.
- ML: Wondering whether anybody has registered and the simple answer is no.

- LW: Yeah. So, so, now Kyall, are you up for continuing to answer some of these questions?
- KG: Yes.
- LW: Okay, so yes, I think the, simple answer is no we are not in receipt of a registration form from the No side, or the No side has not registered.
- KG: Yeah, I can do that.
- LW: That should be a simple one.
- KG: Okay. Next email. We got only 12 plus attachments, so we'll get through these as fast I can. There's an email from Kerry Penner, who is a student here apparently, on Friday March 14th, 9:38 PM. Titled 'CFS volunteers showing up in classrooms.' Dear Elections Office, please note my objection to having Vote Yes CFS volunteers coming into classrooms. It's my lecture time I don't want it to be wasted by non-SFS Students furthering their political agenda.' Do we give a response to this?
- LW: Well it's within, maybe we should say, the only requirement is that instructor grant permission and they can speak before or during class time depending on the outcome of that discussion but...
- KG: Okay, well I think, I think I agree with that...
- LW: Like that's more an issue because classroom speeches are permitted that's more an issue that they should be taking up with their instructor.
- ML: Yeah I seem to come down on that side of it too.
- LW: Yeah.
- KG: Right, so let's move on. Ben, you're in agreement with that?
- BL: Totally.
- KG: Number three, okay. Oh! We had an email from JJ which talked about that number...okay now the next thing we received was, was a list of objections from Ben and I assume Lucy as well for any further discussion on this two-page spreadsheet here?
- LW: Okay, let me, no...nothing to add and we also obviously got your comments about some of the Yes side materials. So I think at this point what we should simply do is, as we discussed, put the onus on the authors of these materials to either make changes that they feel will comply with

the, with the concerns that are being raised or allow them an opportunity to ask for more information and at that point we could give it and leave it in their hands.

KG: Okay. So what's the best way for us to do that? Forward our complaints or opposition to those people or, or what? What's the best way to let them know, in other words?

LW: I think, I think in written form so it's clear to them. So just flagging which material in particular or which clause or which sentence or phrase in particular we have flagged and have a concern with for, and the reason for that concern, that it's factually incorrect, potentially defamatory, ask them to review the language and come back to us with either revised language or an explanation for their choice of words or turn of phrase.

KG: Okay, want to take this on....

LW: Now that might be a slightly more onerous task. Do you want ...?

ML: I can do it.

LW: Okay, because Ben and I, like I feel like they are sort of taking on that, the bulk of the...

KG: I have to, I have to be a little more strict with myself. I've got a lot to do in the next week-and-a-half so...

LW: Yeah, so Mike, if you want to do it that's cool, if not, I don't mind taking it on and circulating a draft.

ML: No, I can, do you want a draft circulated or are we okay to go ahead and communicate the issues? I mean, what I expect them to do is produce everything by email and then just, you know, pass that off to the people and there might be people here with who I can go through and point to the specific items.

LW: Yeah, yeah, no that's fine, that's fine.

BL: Yeah, that sounds fine.

Male: Okay, let's go on number four. We have referendum defamation complaint. Defamation complaint from Shamus Reid, Sunday, March 16th and it's an attachment that you'll have trouble opening unless you rename it. It's...

LW: Oh, I wondered about that. Okay...

- ML: Add a .doc on the end of it...
- KG: Yeah, if you rename it, it will open...
- LW: Got you.
- KG: Now it's quite a lengthy letter. He could have saved those 1600 words and used them in my homework assignment, that would help, but basically it's regarding an email that Maegan Thomas forwarded with one sentence in it, by Maegan Thomas. So first I guess what I'll just state bluntly, I don't think we have the authority to do anything about emails being circulated. I mean, if it was explicitly defamatory I guess we can raise that to be raised as the complaint which Shamus is doing but I've a really hard time reading this, this email as defamatory and understand that the, in Shamus' letter he said that he's had a conversation with Christopher Mulvena regarding the issue. Shamus is calling for us to communicate with Maegan Thomas, request an apology and that the apology should state certain things and that the ROC send an email, I don't know to whom, clearing him, Shamus, of any and all wrongdoing. The...
- LW: You know what, I haven't had a chance to read through, this is a lot longer than I thought, but...
- ML: Some of the points that might help deal with it quickly.
- LW: Yeah.
- ML: One is that, if I, if I recall correctly we put down the language that all complaints have to be sent in within 24 hours.
- LW: Yeah.
- ML: This happened on March 12th the complaint is dated March 16th.
- LW: But how, where have we distributed this protocol that we have developed so far? I'm a bit worried about holding up and, and this just isn't about Shamus Reid's complaint but about any at this point till we start circulating these rules. People don't know necessarily that we've set that up, right?
- ML: I thought we'd circulated it. I had a conversation with Andrew Ferguson on Thursday last week and he was asking for this, just to make sure he had an update on what he had, what he had received so far what he saw in terms of posted outline of decisions the last time we did that. Which is posted here at the office...

LW: Yeah.

ML: ...he was going to email and ask for another one. I don't, I haven't seen an email yet from him on that. The other point I was going to make that also addresses this is that on page 19 of The Peak that came out today, there is a story, it's about half a page, there's an ad on the rest of page but it's the only news item on the page saying "E-mail accusing CFS of libel retracted by author" and that relates to exactly the Mulvena email that Maegan Thomas forwarded. There's three pictures: there's Christopher Mulvena's picture, Maegan Thomas's picture and Shamus Reid's picture in a row.

LW: Oh my God! Seriously?

ML: It lays this out and just explains who people are and...

LW: That's bizarre.

ML: ...what Chris referred to having spoken to The Peak about this so that's about as, as public as I think it could be...

LW: So where did this email go out to? It went out to...?

KG: Well here, I'll just, let me just read this in there. I think it actually shows where she sent it.

LW: The Board of Directors and Forum email list...

KG: Yeah, it went to... actually it doesn't say on Shamus's email.

LW: These pink leaflets, what, what are those, which ones are those?

ML: They are pink leaflets containing certain defamatory content that were circulated regarding staff of the Simon Fraser Students Society.

LW: Okay, so hence his concern about being accused of distributing them...?

BL: Well, I feel that, aside from the specifics of this email, this kind of flags a larger issue in which, if at any point there's some, whether it's a material, whether it's the content, conduct that an individual has allegedly undertaken or any of that, that the first point of contact should be the Referendum Oversight Committee. If somebody says, you know, if somebody sees something being distributed in a class that shouldn't be distributed we should be the first point of contact and this email should not, you know, these allegations should not start circulating among...

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LW: Yeah.

BL: ...anybody else because then you see what happens. Things tend to snowball and that sort thing and that it's much easier for us to deal with it if hasn't suddenly become this public issue which is something the newspapers and some of the other places where it's gotten way bigger than it would have been if there had been a complaint submitted to this committee and we were able to deal with it, you know, in due course.

LW: Yeah, it didn't need to explode like this.

ML: I understand what you're saying there. I just think that's something that we just, we can't control. People are going to talk, there's going to be email, I'm not on Facebook, but I don't even want to go there and figure out what's being talked about right now, because I'm sure my head would just explode at that point, that if people want something to be done officially in regards to it, you're absolutely right, they have to bring it here to us to do that but... because I don't think Maegan Thomas is looking for any action from us on the subject, that there is nothing we can really do in this regard to her original email having started it off. As for Shamus' thing, if you guys want to take time to look it over and see if we want address it later or for the moment I still look at the timeliness issue of it.

LW: I would, yeah I wouldn't mind having a chance to look through this more closely.

ML: Okay.

LW: Yeah, is that okay if we just sort of put it on hold for now?

KG: Let's keep going through, because you guys are on a real tight timeframe, so I'll keep trying to pull ahead here.

LW: Okay.

KG: Okay. Next one is called volunteers, campaigners, from Andrew Ferguson, Sunday, March 16th, 02:24 pm. "Dear members of ROC, I wish to confirm that the list of campaigners I had submitted is confidential and will not be provided to, or discussed with anyone other than members of the oversight committee, please confirm that is the case at your earliest convenience."

LW: So, I think to that we respond by saying, yes, the list is confidential. However if there is a complaint filed against one of your campaigners, we will, at some point, have to confirm that they are indeed a registered campaigner, right? Like if there is a complaint filed, we're going to have to acknowledge to the complainant that the person they're complaining

about is in fact a registered campaigner. But other than that, I don't disagree with them, I don't think we should be providing this list to anybody or circulating it or...

BL: Yeah.

LW: Does that make sense?

ML: I know what you're saying; I disagree. I see that we have some duty to ensure that people know who are the registered campaigners and if people want to enquire about who is or isn't a campaigner that there is no reason why they shouldn't have this list. I mean it's, these people are doing things publicly with respect to the referendum, so if somebody does it for example, let's say somebody is campaigning in the hallway and they are telling students to vote one way or the other and if somebody comes up and says, "What's your name?" And they refuse to give it, somebody from our side has no power to compel them to present identification or to otherwise identify themselves. Their only recourse would be to call campus security and then you're going to start to get into, you know, we don't want to deal with issues of trespassing or things like that. Also I know the university has got concerns about, you know, how we deal with issues, who are, you know, not SFU students but if somebody did have concerns about somebody acting in the hallway, they would at least be able to obtain names from us to figure out a little bit more if this person is valid or not.

BL: Well, I don't see how that in anyway... I mean if you had a list of names and an individual still refuses to give you their name, then I'm not sure how that helps at all right, I mean...

LW: Yeah that point, the person who is concerned about someone else's activities submits, I guess a description to us and we try to figure out who they are talking about if they appear on this list.

KG: Yeah, I don't...

LW: But here's what my concern is. There are all sorts of different ways to participate in the campaign, some include standing in a hallway, handing out fliers and, and some are a lot lower key than that and I don't think that it's necessarily our right or our responsibility to provide this list to the general public. It was always my understanding that it was intended for our own internal use to ensure that we had a handle on who is participating in this campaign on campus, and in the event we needed to contact that person, we had a liaison who could immediately get in touch with that individual in the event there is a problem or concern or an issue we wanted to discuss with them.

- ML: Yeah I just, because it's something we never dealt with before...
- LW: But it would be...
- ML: I didn't hear that at the time that we, that we discussed it.
- LW: ...but would you ask a candidate who is on their campaign team and then release that publicly?
- ML: I'm sorry, I don't quite understand the question.
- LW: Would you ask a candidate, an individual candidate say in a student society election to provide a list of who is participating in a campaign and assisting them and then release that publicly?
- ML: Yes that's required here as a matter of fact because any time that any person puts it on somebody's campaign, is considered an expense and they'll be charged a fair market value. So, basically it's the intent that you do your campaign on your own because your expenses are limited to 50 bucks.
- LW: Yeah.
- ML: So, in practice yes it's all, it's all disclosable.
- LW: But that's only if they reach a certain point in terms of contribution, right?
- ML: Well, the idea is that you have to declare it and by declaring it, it's public.
- LW: At the end of the campaign.
- ML: It gets declared as it's ongoing in practice because people are producing materials and things like that. So the expectation is that if somebody put in a hour for you on Saturday, you're going to tell them, they did an hour for you on Saturday.
- LW: So people are actually updating that as they go along?
- ML: I'm not saying that that's how it actually works, but that's the intent.
- LW: Okay, got you.
- KG: I guess I can probably speak to where I think Andrew may have had a concern, I had a discussion with Clea Moray who's the incoming President of the GSS regarding the participation of Nathan Lane who I know from

the past, and we had a discussion of whether he was registered and I informed her that no he wasn't registered as an official campaigner. So, and I can't tell you what happened with that information whether, Clea said she ran into Nathan, so I don't know what their conversation was, but I guess the issue is Andrew is looking to see whether it's confidential. I hope I didn't violate that confidentiality by saying a person was not on the list, but I didn't disclose who was on the list so.

LW: Right, and yes sorry just to clarify, I don't have an issue with answering that question, is so and so registered on a list because in order to formulate the complaint potentially one could require that information...

ML: Yeah.

LW: ...because that also in some respects dictates what the complainant will look like and say. So I don't, I don't necessarily take issue with that. Well you know what, maybe we should ask Andrew what the concern is. Is he worried that... is he asking if we're going to post the list of everybody's name on the student society website? Maybe we should try and figure out what it is he's trying to, he's trying to determine here?

KG: Yeah I think, I think that I agree with you, I don't actually know what the...

LW: Yeah.

KG: ...what the issue is, so I can take that upon myself to ask.

LW: Okay, why don't we find out, and then we can sort of figure out what our, what our final position on it is?

KG: Okay. Okay, next we have some more materials to be approved here, an email from Andrew, March 16th 2:45 pm the file is called CFS-posters-2. As I stated in my email from yesterday these are the not the same posters that are on campus. These ones have XXXXXXXX across the top and the ones that are posted on campus have dates on them, and I guess we had asked for the same materials that are being used to be submitted to us so these are in fact not the same materials...

LW: Oh! Okay, I was confused about what you're talking about. Okay, that makes sense. Did he put in, did he not put in, I thought in the first set of materials that he submitted he said that he may include the dates like...

KG: Well, I'll read you the email here. My apologies for not forwarding this message, okay.

- LW: But one of his very first submissions...
- BL: Yeah.
- LW: Yeah here. It was from, let me just find the date here, March 9th, please find attached... Oh! No, there he included dates I thought I read somewhere that he said he hadn't included dates on that first set of posters but he may include dates...where is that...Andrew. I can't find it. Okay so, but regardless what we should do is ask him for a copy of the version that has dates.
- ML: Yes, yeah.
- BL: Yeah, yeah.
- LW: Do you know, do you guys know which email I'm talking about here?
- KG: Not the one you're referring to... I couldn't speak to whether it's there or not, I can't get internet access. I'm just going off my own files here.
- ML: Yes, I faintly recollect the email that you're talking about.
- KG: I will, I will ask him for that information.
- LW: Okay, but we should all, we should get a copy. You're going to ask him for copy of these posters with the dates on them? Because we're also supposed to retain the final version right, so...
- BL: Yeah.
- ML: It's also, I'll put this out now, these are the posters, the ones with the dates are the ones that I've seen posted around UniverCity. So perhaps he could address that.
- LW: Okay, Kyall do you want to include that as a note, that we've seen, that those referendum posters that have been posted at UniverCity and they're not supposed to be. Could he ensure they're removed?
- KG: Yeah, I will ensure that. Just making notes for myself.
- LW: Yeah.
- KG: Okay. Next is additional volunteers.
- LW: Who is this is from...

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- KG: This is from Andrew Ferguson, it lists Patrick Barbosa and Emily Shelton as new campaign volunteers.
- ML: I think I actually got the message he was sending out originally but...
- KG: I never got it...
- LW: It looks like a bunch of...
- KG: I've requested that he, from our decision, that we should be receiving a total, a total list, maybe I'll request that again.
- LW: Yeah.
- ML: Yeah, that would be good.
- KG: Okay. Next is complaint regarding Mr. Harding's letters. Again from Andrew sent March 16th, 03:11pm and it is a request that Mr. Harding, Kevin Harding SFSS staff member write a letter and send his comments on ... Okay, and it's an email to SFSS Board of Directors and forum.
- LW: Okay, so at this point, do we want to, do we want to ask...?
- ML: Again, timeliness this is the first thing I would throw out on this because this one is even further out of, this is, it is a week after the fact.
- BL: Yeah, I just want to clarify though that when we're talking about time lines, we're talking about when the complainant became aware that an event had occurred, not when the actual event occurred, because an event might occur that Andrew Ferguson doesn't know about and then he finds out about it...
- ML: I believe it's 24 hours, within 24 hours of the alleged violation. I'm pretty sure that's what it was, but I don't have it the 'No'.
- KG: I guess, well, I have two issues. One is that Kevin Harding is not registered as a campaigner. Two, we don't have any authority to address what emails are sent over these two lists. Three, I don't have access to contact information for Kevin Harding because he is not a campaigner.
- ML: I'd also point out that the complaint is incomplete...
- LW: What's that Mike?
- ML: I would view the complaint as incomplete because what Andrew Ferguson is saying is, he says here that, he quotes two lines from Kevin's email and

he says Mr. Harding's complaints about Andrew Bratton are categorically false and defamatory, not to request action, but all we have is Andrew is saying that they're categorically false and defamatory. Defamation is something that I think, you know, ultimately lies outside of scope of this body, but as for categorically false, he's got... Andrew Ferguson has no way to specifically say what Andrew Bratton did, I'm sure if Andrew Bratton was aggrieved of the process, Andrew Bratton could send us an email letting us know that he didn't do it, or Andrew Ferguson could include a statement from Mr. Bratton saying that he did not do this.

LW: Well, I have a couple of concerns about this, about what I've just heard. The first is that because Kevin Harding isn't registered on a campaign team that he is not held to the same standards as everybody else and that's, it's certainly not the intention of rules or bylaws simply because you don't have your name on a list, it does not mean that you're carved out of any obligation of following those rules or bylaws, right?

ML: Yeah, I agree.

LW: Otherwise, why are people submitting names on a list if that means they're held to a higher degree in terms of standards right, of conducts?

KG: We both agree.

LW: Okay, so the other issue is with respect to these emails that are going out, this is the second complaint we've had about an email going out on, what looks like the Board of Directors and the forum email list. There's clearly, clearly campaigning happening on these lists, so...

ML: Again Lucy, I have to, I have to interrupt because this, the email I'm quite aware of the email which was sent out and it has nothing to do with the Federation, Mr. Patel who is the member of the forum put out materials related to the election of the SFSS executive, which had some very serious issues, and which ultimately were, was ruled that way by the electoral commission here and Kevin was addressing those and...

LW: So this leaflet, this flier I guess it's described as, has, has no bearing, it speaks not at all to the question of membership.

ML: It's nothing to do with the referendum question; it's entirely about the actions of the SFSS executive and discussing voting for candidates for that position, both positions.

LW: Interesting, okay.

ML: I'm quite aware of the leaflets.

- LW: Okay, so that's interesting. So then this doesn't necessarily fall within our purview...
- ML: Yeah.
- LW: ...if it is not referendum related, I guess the issue probably here is that because there is this campaign on continuing membership within the Canadian Federation of Students and there is an employee of the Canadian Federation of Students-BC has been accused of doing something that I guess Andrew Ferguson thought that this should be considered by us, but maybe what our response is, that this material is not related to these referendum questions, this is an issue more appropriate to I guess the IEC, that's the body that's governing the elections.
- ML: Yes.
- LW: Does that sound right?
- KG: From what I've heard in the last five minutes, that sounds fine, I can let him know the exact statement.
- LW: Okay. Can I flag something for our next meeting, which is the use of the Simon Fraser forum and Board of Directors email list. I don't necessarily have an opinion formed at this point, don't make that assumption, but I think we should have a discussion about email lists and how they're being used because the reality is some people have access to them, some people don't but it seems like this, these lists have the potential to be used and information disseminated to some fairly widely. We need to figure out what our role is, if any...
- ML: Yeah.
- LW: ...in reviewing content or dealing with complaints about content.
- ML: Just so everybody knows, I'm fairly certain that forum is an open list. I believe board is as well.
- LW: So anybody, anybody can get on there.
- ML: Anybody can send.
- LW: Anybody can send.
- ML: Yeah. The purpose of forum is its members of forum, the purpose of the Board is it's members of the Board, but they're not wholly closed lists.

- LW: Right, okay.
- KG: I understand you guys have to leave at 01:30.
- LW: We do, where are we at here?
- KG: Okay, we've got three more sets of materials to approve by Andrew Ferguson.
- LW: Okay, and what...
- KG: We haven't got some of those other things yet.
- LW: Was that a Chinese flier?
- ML: Yeah, Chinese flier and two sets of posters.
- KG: Two sets of posters, and we also have the complaints from last week, I guess it's not been submitted in writing because we didn't have complaint language at that point about the advertisement that was by the Camosun College Student Society and the...
- ML: There is more, there is more this weekend...
- KG: There are more complaints this week.
- ML: Just in terms of process by the way I'll note that all the stuff that came in from Andrew today I have objections to.
- LW: Okay, including the Chinese flier?
- ML: Yes, especially the Chinese flier.
- LW: Sorry, Mike was that a yes?
- ML: Yeah.
- LW: Okay.
- ML: Chinese flier, so one thing I can point out right now without getting into specifics is that once again the local's name is wrong, and I have actually very serious issues about the local's name being wrong on this. Also, I think it would be very useful if we're going to talk about it, I would like a translation.

LW: Kyall, do you want to fire out an email to him asking for translations?

KG: Yes, I can do that.

LW: Okay, and sorry who, we do, we are not in receipt of a written complaint about...

KG: No, that was a verbal complaint, so I'll have to ask him to submit a written complaint.

LW: Yeah, okay. Alright, alright we should run, but what in terms of our next meeting what are your schedules like, or do you want to just exchange emails or how do you want to proceed?

KG: We can exchange emails, I'll tell you upfront this is the longest week of my life this year, so I'm really, really crunched for time.

LW: Okay, so we will try to be as flexible as possible, why don't you start the ball rolling and just let us know, reschedule it for more time and work around it.

KG: Yes, okay.

LW: Okay, thanks.

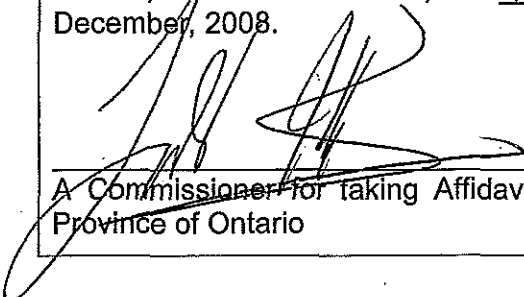
ML: Sounds good.

LW: Bye.

BL: Bye-bye.

LW: Thanks.

This is Exhibit "J" referred to in the Affidavit of Lucy Watson sworn before me at the City of Ottawa, Province of Ontario, this 15th day of December, 2008.



A Commissioner for taking Affidavits for the Province of Ontario

23-ROC-Meeting-2008-03-28

Kyall Glennie	Simon Fraser Student Society Representative
Michael Letourneau	Simon Fraser Student Society Representative
Ben Lewis	Canadian Federation of Students' Representative
Lucy Watson	Canadian Federation of Students' Representative

LW: Did you guys get the draft agenda I sent out?

ML: Yup.

KG: Ya.

LW: Great... Were there, are there any changes that you wanted to make?

ML: Could we move approval of referendum results to the top of the agenda... maybe right after two, approval of minutes.

LW: Right after two?

ML: Yeah.

LW: Yeah, I have no objection to that.

BL: Move seven up to right up after two?

ML: Yeah.

LW: Okay, alright, and I don't have any further changes. Do you have anything else?

BL: No, it looks, it otherwise looks good to me.

LW: Okay, is that good?

ML: Yeah.

LW: Okay, so minutes, we've postponed approving the March 12th and March 17th minutes. You just wanted to have another look at them.

ML: I'm okay with the exception that on the, the second page is actually blank and it didn't happen in January or in Nanaimo. That doesn't matter, but otherwise the actual content of the rest of it is fine.

LW: Weird, I don't have a page two!

ML: My does. It could just be a Word thing.

LW: Yeah.

ML: I've got to, mine, you do it on a Mac, I get a different font.

LW: Oh weird, okay.

ML: Yeah, I don't know what happened.

LW: Okay I'll save it as a PDF, so that doesn't happen. So Kyal anything on the 12th and the 17th?

KG: No, I'm fine with it.

LW: Okay and Ben, you're okay?

BL: Yeah.

LW: Okay, so I will just note that as approved. Alright, okay so number seven, item seven, this is your item, Mike.

ML: Oh, March 17th, do we, are we good with that one? We just did March 12th?

LW: Oh! Sorry, sorry. I thought we were doing both.

ML: So March 17th.

LW: Okay, so March 17th. I thought we were doing them together, okay.

ML: So, yeah and I, I'm good with both, yeah.

LW: Okay.

ML: Okay.

LW: Alright.

ML: Okay, so, you got the spreadsheet that I sent through?

LW: Yes.

ML: Okay, so those are the results of the vote that was conducted last week and I guess now I'm just putting them out there for the Committee to see and to adopt them as the results of the defederation referendum.

LW: Okay, we kind of anticipated that's what you were going to put forward and so we've actually got some comments that we would like to read into the record with respect to this issue.

ML: Okay.

LW: So why don't I, why don't we make those comments and then if you want to have a discussion about it or introduce a motion or whatever we can do that at that time.

ML: Yes.

LW: So, we've made these comments previously but given your interest in putting forward a formal motion, we want to state the following and have it noted on the record.

ML: Sure.

LW: We understand that the Society has taken a position that the vote held on March 18th to 20th 2008 constitutes a binding and effective referendum on membership in the Canadian Federation of Students. It's been our position throughout this process that the vote on March 18th to 20th was conducted outside of the jurisdiction and procedures and bylaws of the Canadian Federation of Students and the Referendum Oversight Committee. For this and other reasons made known to the Society and this Committee through discussions here at our meetings and correspondence from legal counsel, this vote was not in accordance with the bylaws and accordingly cannot be and is not a valid and binding referendum. We want to make it clear that the Canadian Federation of Students will not recognize the validity of the March 18th to 20th poll and we will not approve or recognize the vote results in any fashion. And finally we want to make it clear that we're committed to the process set out in the Canadian Federation of Students bylaws and we'll continue to meet as a Committee in order to implement a referendum in accordance with the bylaws on continued membership in the Federation.

ML: Okay. Is that the end?

LW: That is the end.

ML: Okay, anything else that you've got, if you want to send those along by email at least, you know, that way you make sure that everyone's got the, the wording of that.

LW: Yeah.

ML: It would be a reasonable idea.

LW: Yes, absolutely.

ML: Okay, I mean just to sort of to say, you know, we're anticipating that but I just wanted to say that we just had to do it. Okay. So are we done with that?

KG: No, I guess we can, was the goal to perhaps vote on the motion here?

ML: I don't think so...

KG: Okay.

ML: The vote would have been split. I'm, you know, pretty much done at this point. Are you done Kyall?

LG: Yeah.

ML: Okay, so we're going to end the meeting now.

LW: Okay.

ML: You guys have a good day.

LW: Okay, you too.

BL: You too.

LW: Thanks.

ML: Right.

LW: Bye.

BL: Bye.