



**Kwantlen University College Student Association
Council Meeting Agenda**

**Tuesday June 17, 2008 @ Noon
LANGLEY CAMPUS KSA – Location TBA**

- 1. Introductory Procedures**
- 2. Call to Order**
- 3. Introductions** (Attachment No. 1 - Page 2)
- 4. Adoption of the Agenda**
- 5. Adoption of Minutes**
- 6. Presentations to Council**
 - a. Presentation and Adoption of the Statement of Claim (to be distributed)
- 7. Unfinished Business**
 - a. Recording of Council Meetings (Mumford) (No. 2 - Page 3)
 - b. Hiring Procedure (Mumford) (No. 3 - Page 4)
 - c. Fall Semester By-Election (Mumford) (No. 4 - Page 5)
- 8. Appointments, Resignations, and Removals**
- 9. Reports of the Executive Board and the Chairperson** (*No written report received*)
- 10. Report of the General Manager** (*No written report received*)
- 11. Reports of Committees and Executives**
 - a. Director of Academic Affairs & Academic Issues (No. 5 - Page 6)
 - b. Director of Events and Student Life & Events Committee (No. 6 – Pages 7 – 8)
 - c. Director of External Affairs & SIAC (No. 7 – Pages 9 – 25)
 - d. Director of Finance & Finance Committee (No. 8 - Pages 26 – 27)
 - i. December 2007 Executive Spending Summary (to be distributed)
 - e. Director of Operations & Operations / Services Committee (No. 9 - Page 28)
 - f. Primary Appointments Committee
- 12. Reports of Campus Councils and Campus Directors**
 - a. Cloverdale-Newton Assembly / Council (*No written report received*)
 - b. Langley Campus Council (*No written report received*)
 - c. Richmond Campus Council (No. 10 – Pages 29 – 30)
 - d. Surrey Campus Council (No. 11 – Pages 31 – 34)
- 13. Reports of Commissions and Liaisons**
 - a. First Nations Liaison (*Vacant*)
 - b. International Students Liaison (*No written report received*)
 - c. Mature Students Liaison (*No written report received*)
 - d. Queer Students Liaison (*No written report received*)
 - e. Students of Colour Liaison (*Vacant*)
 - f. Students with Disabilities Liaison (No. 12 – Page 35)
 - g. Women's Liaison (*No written report received*)
- 14. Reports of Board of Governors and Education Council Representatives**
- 15. New Business on Notice**
- 16. Other Business**
 - a. CRAM-JAM Budget (Fehr) (No. 13 – Page 36)
 - b. CASA Report (Gregory) (No. 14 – Pages 37 – 40)
- 17. Next Meeting**
- 18. Adjournment**



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Item 3 - Attachment No. 1: Introductions

Prepared by: Titus Gregory

Voting Members of Council

Executive Board

Director of Academic Affairs.....	Ashley Fehr
Director of Events and Student Life.....	Trevor Loke
Director of External Affairs	Derek Robertson
Director of Finance	Steve Lee
Director of Operations and Chairperson of the Executive Board	Nathan Griffiths

Langley Campus

Langley Campus Director.....	Jennifer Mamchur
Langley Campus Representative	Jennifer Campbell
Langley Campus Representative	Matthew Szekeres

Newton-Cloverdale Campus

Newton-Cloverdale Campus Director	vacant
Newton-Cloverdale Campus Representative	vacant
Newton-Cloverdale Campus Representative	vacant

Richmond Campus

Richmond Campus Director	Kareem Elmassry
Richmond Campus Representative.....	Reena Bali
Richmond Campus Representative.....	Harjit Dhesi
Richmond Campus Representative.....	Vanessa Knight

Surrey Campus

Surrey Campus Director.....	Vy Trinh
Surrey Campus Representative	Emily Hampton
Surrey Campus Representative	vacant (3)

Non-Voting Members of Council

Liaisons

First Nations Liaison.....	vacant
International Students Liaison	Thinesh Balasubramaniam
Mature Students Liaison	Robert Kovacic
Students of Colour Liaison	vacant
Students with Disabilities Liaison	Ken McIntyre
Queer Liaison	Matthew DiMera
Women's Liaison.....	Sarah Williams

Other

Speaker.....	vacant
Ombudsperson	vacant
Board of Governors.....	Robert Mumford
Board of Governors.....	Derek Robertson
Education Council	Mohammad Kallas
Education Council	Steve Lee
Education Council	Ken McIntyre
Education Council	Derek Robertson



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Item 7(a) - Attachment No. 2: Recording of Council Meetings

Prepared by: Robert Mumford

***Note:** This item first appeared in the April 23, 2008 Council meeting agenda. At that meeting, the following motion was moved:*

COUNCIL:2008-04-23:40 MOTION

Loke / Fehr

Resolved, That all of Mumford's motions be postponed to the next meeting of Council so that Mumford can defend his motions in person.

CARRIED

The item then subsequently appeared on the May 13 and 27, 2008 Council meeting agendas. On both days, motions similar to 2008-04-23:40 were moved and carried to postpone or table the motions until Mr. Mumford arrived.

With the inconsistencies of minutes being made available 2 weeks after a Council meeting, and that it is my belief that there have been inappropriate comments made at council which are not being recorded within the minutes. I believe to ensure transparency that KSA members are allowed to record any and all KSA Council meetings. While it is true that the KSA is a private society, it is also true provincial law requires a student to pay membership fees to the KSA to attend Kwantlen. For these reason it is my opinion that the society must provide transparency when ever possible, and go beyond the requirements of a private organization.

Resolved, That KSA members are allowed to bring audio recording devices to any Council meetings, and are allowed to use them outside of in-camera.



**Kwantlen University College Student Association
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Item 7(b) - Attachment No. 3: Hiring Procedure

Prepared by: Robert Mumford

***Note:** This item first appeared in the April 23, 2008 Council meeting agenda. At that meeting, the following motion was moved:*

COUNCIL:2008-04-23:40 MOTION

Loke / Fehr

Resolved, That all of Mumford's motions be postponed to the next meeting of Council so that Mumford can defend his motions in person.

CARRIED

The item then subsequently appeared on the May 13 and 27, 2008 Council meeting agendas. On both days, motions similar to 2008-04-23:40 were moved and carried to postpone or table the motions until Mr. Mumford arrived.

It has become my opinion that the hiring procedures of the society are not being followed with the hiring of many staff members within the society. So it is for this reason I present the motion to ensure that in all future hiring of staff the procedures are followed. The only way for a procedure to be ignored in the hiring of a staff member is with the consent of council by resolution. However the Executive Committee may allow a procedure to be ignored if the position will only be filled for no longer then 30 days. The reason for this two level system is to ensure executive has say over short-term hiring of staff, for example the need for extra staff for an event. While permanent or long term hiring of staff fall within the Council as the hiring of such staff can be considered long term commitments of KSA resources and any removal of a procedure for any hiring should be open to all Council members, not just the executive. This motion should not be seen as an attempted to prevent the General Manager the ability to hire staff members as stated in Bylaw 17, but merely to ensure limitations to prevent conflict of interest whether it be real or preserved, and over all fairness in the hiring of all KSA staff members.

Resolved, That the Hiring Procedures of the KSA be mandatory in all hiring of staff, and no part of the policy may be exempted without first having Council approval by resolution that the procedure may be ignored with the hiring of certain staff positions; and,

Resolved, That the Executive may allow a hiring procedure to be ignored, when the length of the staff position will last no longer then 30 days.



**Kwantlen University College Student Association
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Item 7(c) - Attachment No. 4: Hiring Procedure

Prepared by: Robert Mumford

Note: This item first appeared in the April 23, 2008 Council meeting agenda. At that meeting, the following motion was moved:

COUNCIL:2008-04-23:40 MOTION

Loke / Fehr

Resolved, That all of Mumford's motions be postponed to the next meeting of Council so that Mumford can defend his motions in person.

CARRIED

The item then subsequently appeared on the May 13 and 27, 2008 Council meeting agendas. On both days, motions similar to 2008-04-23:40 were moved and carried to postpone or table the motions until Mr. Mumford arrived.

As many are aware I am currently on a referendum question for the fall by-election, I was promised at the March 13th Council meeting a response from the KSA lawyers to my referendum question, by the next meeting of Council. This promise was not upheld, and I was promised again this time directly by outgoing Chairman Laura Anderson that I would receive a response from the new KSA's new Chairman following the CFS referendum. As more than a week has passed signed the end of the referendum, and I have yet to receive a response to my referendum question, I would ask that Council to pass the following motion requiring Nathan Griffiths to present the official KSA response to my referendum no later then the next meeting of Council, along with a deadline to when my petition must be completed to ensure it appears in the fall by-election.

Resolved, That KSA Chairman and Director of Operations Nathan Griffiths be directed to present a response from the KSA lawyers by the next meeting of Council to the referendum question presented at the March 13th meeting of Council, in addition to the request made at the KSA Annual General Meeting on March 31st to if students can remain members of the KSA if the mandatory membership fee were to be reduced to zero;

Resolved, That KSA Chairman and Director of Operations Nathan Griffiths bring to the next meeting of Council the deadline for referendum petitions to ensure that the questions appear in the KSA fall by-election.



**Kwantlen University College Student Association
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Item 11(a) - Attachment No. 5: Director of Academic Affairs & Academic Committee Report

Prepared by: Ashley "Rose" Fehr

Current Academic Concerns, Advocacy and Internal Issues

Working on an academic appeal that seems to be quite minimal, but it's the only one on my plate. It's actually quite interesting, overall.

Education Council Update

Date of last education council meeting: same as last time

Date of next education council meeting: June 23 (last I heard)

Academic Committee Update and Recommended Motions

Date of last academic committee meeting: June 11, 2008

Date of next academic committee meeting: July 15, 2008

BIRT council rescinds the Canadian Millennium Scholarship Foundation Policy.

Other Business, Issues and Concerns

Overall I haven't been quiet as productive in the past few weeks as I have in the past. Or maybe I have, I just don't remember. Sorry. Oh! But I did represent the KSA at convocation on Thursday, June 5. It was awesome. Congratulations to all Kwantlen University College grads!



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Item 11(b) - Attachment No. 6: Director of Events & Events Committee Report (Pages 7 – 8)

Prepared by: Trevor James Loke

Hi everyone - I'm writing this up while I'm in Toronto. All in all, I've been out of the office for a two of the past three weeks, first for CFS National and then for my vacation. As David is going away for a while for his vacation it means we have a lot of work to do in regards to events.

I want to clear up some things regarding campus councils, my jobs and events staff. The jurisdictional issues are a bit unclear - who is responsible for what, etc... My opinion is that each group is responsible for the following:

Campus Councils

- planning events for their campus or for students from that campus
- assisting in large events at that campus
- budgetting for events and projects specific for that campus
- advising and receiving advice from the Director of Events and Student Life for all events

Director of Events and Student Life

- Bringing forward events and student life related motions to council
- Running the events and communications committee
- Planning events for the year
- Setting policies regarding events and student life

Events and Special Projects Manager / Events and Clubs Coordinator

- Responsible for clubs and volunteers
- Assisting the Director of Events and Student Life with events and clubs
- Carrying out events with the director and campus councils
- Maintaining the events website

There are a lot of other duties out there as well - but the point is that there is a lot of work that gets done regarding this. I think people tend to pass the ball on to the wrong people or just assume that a body will do work on an events without actually going through proper channels. I'm open to helping anyone regarding events or student life issues, so if you want to talk the best thing to do is to sit down with me and talk things over - I'm always ready and willing to meet with people if they have concerns.

Committee Update

The Events and Communications Committee met and decided not to approve the two goals sent to us. Instead we felt that approving and carrying out the Event and Student Life Strategy should be our goal for the year.

Our next meeting will be June 26th at Noon at the Cloverdale Campus

Kwantlen University College Student Association

<http://www.kusa.ca/>



Kwantlen University College Student Association Council Meeting Agenda

Completed Projects

David and Erin have been working very hard regarding Day Trips. The rafting trip is all ready to go; in addition we are postponing the camping trip until the spring because of time issues and booking. The work we have done regarding the trip will be saved until that time.

I met with Feldman and Associates Agents in Toronto to discuss contracts for the bands. I am awaiting the final approval for each of the bands. Once all contracts are signed we will issue a press release announcing Cram Jam to the public.

Ongoing Projects

Canada Day is approaching...the campus councils have picked up the ball on this event. I will be there to help at Cloverdale and Surrey Campuses on each day.

I am looking forward to seeing each of the campuses events plans so that we can sit down and discuss the details.

Other Work

For the most part I haven't really been doing any other week since the last meeting of council outside of my normal priorities, mostly because I've been away for nearly all of that time.



**Kwantlen University College Student Association
Council Meeting Agenda**

Tuesday, June 17, 2008

Item 11(c) - Attachment No. 7: Director of External Affairs & SIAC Report (Pages 9 – 25)

Prepared by: Derek “Denny Crane” Robertson

Canadian Federation of Students

CFS-BC Skills Development Weekend

The annual Skills development weekend for the CFS-BC will be taking place June 20th-22nd, in Kelowna. A number of representatives from the KSA will be in attendance for this informative weekend

Canadian Alliance of Student Associations

As per the motion passed at the last meeting of council, the Director of External Affairs, the Policy Analyst, and Richmond Representative all observed the Policy and Strategy Conference for CASA from June 1st – 7th, in Halifax. It was a very informative trip, and a marked contrast compared to the CFS. A further report shall be delivered per the conference policy.

Student Issues and Action Committee (SIAC)

SIAC has met twice since the last meeting of council. The first meeting was on May 29th, in Richmond. During the meeting we discussed the Canadian Blood Services policy, which was referred to SIAC for further discussion. The committee discussed the expired policy, and directed the Director of External Affairs and Policy Analyst to do further research on the blood policies of organizations throughout the world, and to expand the research to organ donation.

The Second meeting took place on June 12th, in Langley. During the meeting we took a look at the research which the Director of External Affairs had done on the different blood policies from around the world. After an extensive discussion, the committee gave direction the Director of External Affairs on what should be included in the policy. The Director of External Affairs was directed to draft the policy and present it to the next SIAC meeting. The committee also, briefly, got an update U-Pass, and passed a motion that unless otherwise stated, all future meetings of SIAC will take place on Surrey Campus.

Next Meeting of SIAC will take place Thursday June 28th, at 2pm, in Surrey

Lobbying

Submission to the Federal Minister of Industry

The KSA has made a submission to the Federal Minister of Industry regarding to the recently passed Bylaw amendments, which further toughens any attempts by Student Unions to defederate. A response by Richard Shaw, the Director General for Corporations Canada, has already been delivered to the Director of External Affairs.

Please find attached a copy of the submission. The response that was received will be distributed at the meeting.



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Other Business

Coalition of Students Against Student Cuts

After the drafting of this report, the Director of External Affairs, as well as a number of other KSA representatives attended a meeting on Friday in Vancouver. A further report shall be given at this meeting.

Other Students Unions

Although the Director of External Affairs has not formally met with representatives from other local schools, He has met informally with the Vice-President External for the AMS, and Vice-President Social for the UCFV SUS.

The Director of External Affairs for the KSA and the Vice-President External for the AMS had extensive talks on the flight back from Toronto, as well as, at the CASA conference. We plan to meet in a more formal capacity in the next little while to continue our bilateral talks.

The Director of External Affairs will beginning talks with the President and Vice-President Finance from the UCFV SUS will also be taking place shortly, on the topics of U-Pass, and other External issues.



**KWANTLEN
STUDENT
ASSOCIATION**

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**Submission to the Minister of Industry Regarding Certain
Amendments to the Bylaws of the Canadian Federation of
Students and the Canadian Federation of Students–Services**

June 2, 2008

The Kwantlen University College Student Association represents over 17,000 students enrolled at the four Greater Vancouver campuses of Kwantlen University College, soon to be Kwantlen Polytechnic University

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Appendix 3	Transcript, In Chambers Proceedings, <i>Canadian Federation of Students v. Kwantlen University College Student Association</i> (Supreme Court of British Columbia), March 20, 2008

Note: the affidavits filed by the various parties in *Canadian Federation of Students v. Kwantlen University College Student Association* can be obtained on the KSA's website at: <http://www.kusa.ca/cfsvsksa>

Submission to the Minister of Industry Regarding Certain Amendments to the Bylaws of the Canadian Federation of Students and the Canadian Federation of Students–Services

EXECUTIVE SUMMARY

The Canadian Federation of Students and the Canadian Federation of Students–Services (collectively “Federation”) are not-for-profit national student organizations, incorporated under Part II of the *Canada Corporations Act*. Their membership consists of two classes:

- (a) local student associations (which are voting members), and
- (b) the individual students who are members of these local student associations (who are all non-voting members of the Federation).

Currently, the Federation claims as members over eighty student associations across Canada, and over one-half million individual members. Membership dues are currently \$3.82 per student, per semester. These dues are collected by the post-secondary educational institution along with tuition and other ancillary fees, and are remitted to the Federation. In the 2005-06 academic year, the national Federation collected just over \$3,000,000 in dues from its student members.

Under the Federation Bylaws, a student association and its individual student members may join – or leave – the organization solely through a campus-wide student referendum. The rules surrounding these referendums are found in the Federation Bylaws. The Board of Directors of a local student association does not have the authority to withdraw from the Federation, or even to suspend making payments. The Federation considers its Bylaws to constitute a “binding contract” between itself and its member student associations, and has taken legal action against student associations that cease remitting membership dues to the Federation.

Unfortunately, the Federation has, over time, amended its Bylaws to sharply encumber students and student associations who wish to leave the national organization. In 1981, when the Federation was first founded, the Federation Bylaws simply stated that a member student association “may only withdraw its membership if its students approve withdrawal in a subsequent referendum.” Over time, however, additional restrictions were placed on student associations that wished to leave the Federation. By 1995, these rules included requirements that a member student association had to give

six months' notice to the Federation in advance of a referendum vote; that student representatives from other student associations would be granted the right to campaign in the referendum; and that the referendum itself would be overseen by a four-person Referendum Oversight Committee, consisting of two representatives of the Federation and two representatives of the member student association.

Due to these onerous requirements, very few student associations have attempted to hold referendums to leave the Federation in recent years. However, in the spring of 2008, four student associations held referendums to leave the Federation, including the Kwantlen Student Association (KSA). Three of these student associations (Simon Fraser Student Society, University of Victoria Graduate Students' Society, and Cape Breton University Students' Union) voted to leave the Federation, while a majority (56%) of the members of the KSA voted to continue their membership in the Federation.

In the wake of these membership losses, the Federation has responded by adopting, at a general meeting held on May 25, 2008, an amendment to its Bylaws that would dramatically increase its control over students and student associations who wish to leave the organization. This amendment would impose a number of radical changes to the process by which a student association can withdraw from the Federation. Among these changes:

- The dates of the referendum would be set by the Federation's National Executive.
- The referendum question, instead of being determined by the four-person Referendum Oversight Committee, would be set out in the Federation Bylaws.
- There would be a strict ban on "campaigning" outside of a "campaign period" of between seven and twenty-one days. The exact length of the "campaign period" would be determined by the Federation's National Executive. However, the distribution of "materials produced by the Federation that promote campaigns and services of the Federation" would not be subject to this ban.
- During the "campaign period," there would be a strict ban on distributing "campaign materials" other than those materials that have been pre-approved by the Referendum Oversight Committee. The Committee would be instructed to not approve materials that are "misleading, defamatory, or false," and would be responsible for removing "unapproved" campaign materials. (Again, "materials produced by the Federation that promote campaigns and services of the Federation" could be freely distributed without receiving the *imprimatur* of the Referendum Oversight Committee, since these are not considered to be campaign materials!)

- Polling clerks would not be appointed by a neutral authority; rather, the Federation and the member student association would each appoint one poll clerk at each voting station.

These changes to the referendum Bylaw represent a clear attempt to tilt the referendum 'playing field' further towards the side of the Federation. By empowering the Federation National Executive to set the dates of the referendum, the National Executive is given the opportunity to ensure that multiple referendums will not happen simultaneously, thus maximizing the effectiveness of the Federation's campaign team. The referendum question set out in the Bylaw amendment ("Are you in favour of continued membership in the Canadian Federation of Students?") is biased in favour of a pro-CFS vote, as voters are generally inclined to vote "yes" in referendums. The severe restrictions imposed on campaigning and on campaign materials is an affront to the principle of free speech, and the exception granted to "materials produced by the Federation that promote campaigns and services of the Federation" is designed to give the Federation the upper hand.

The impact of this amendment to the Federation's Bylaws cannot be overstated — if this amendment takes effect, it will be *nearly impossible* for students and student associations to leave the Federation.

Pursuant to section 155 (2) (c) of the *Canada Corporations Act*, no amendment to a federal corporation's Bylaws may "be enforced or acted upon" without the approval of the Minister of Industry. Moreover, the Federation's Bylaws themselves specifically provide that the approval of the Minister is required before any amendment to the Federation's Bylaws can "be enforced or acted upon."

The Kwantlen Student Association respectfully submits that the amendment to Bylaw I, section 6 of the Canadian Federation of Students and the Canadian Federation of Students-Services that was adopted on May 25, 2008 is oppressive and anti-democratic, and it should not be approved by the Minister of Industry.

Submission to the Minister of Industry Regarding Certain Amendments to the Bylaws of the Canadian Federation of Students and the Canadian Federation of Students-Services

I. BACKGROUND

1. Canadian Federation of Students (Corporation #1217003)

The Canadian Federation of Students (CFS) is a national not-for-profit organization that was incorporated on October 9, 1981 under Part II of the *Canada Corporations Act*. At the time of its creation, it was envisaged that the CFS, together with its provincial components, would constitute the sole organization in Canada (outside Québec) to represent Canadian students at the provincial and national level.

The CFS has not been without its share of controversies, however. In 1995, a number of student associations formed a competitor organization known as the Canadian Alliance of Student Associations (CASA), in part due to concerns that the rules that the Federation imposed on student associations trying to leave the organization were oppressive and undemocratic. Many student associations are not members of either the CFS or CASA. Currently, the CFS claims as members over eighty student associations across Canada, and over one-half million individual members.

CFS Bylaw I, section 1¹ summarizes the two classes of membership in the CFS:

1. Types of Memberships

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

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

Only member student associations have the right to attend and vote at general meetings of the CFS, or to participate in the election of the National Executive.

CFS membership dues are currently \$3.82 per student, per semester, and are indexed to inflation. In addition, the Federation has chartered provincial components in each province (e.g. Canadian Federation of Students – British Columbia Component) that collect their own membership fees. Student associations are responsible for collecting Federation membership fees, through the post-secondary institution, and remitting these fees to the Federation.

The Federation has taken legal action against student associations that have left the organization without following the Federation Bylaws. For example, the Acadia

¹ The current Bylaws of the Canadian Federation of Students are available at Appendix 1. The Bylaws of the Canadian Federation of Students-Services are virtually identical; the sole difference is that the word “Federation” is defined in the CFS-Services Bylaws as referring to CFS-Services, rather than CFS.

Students’ Union (representing students at Acadia University, Wolfville, Nova Scotia) held a referendum in 1996 to leave the Canadian Federation of Students (known as a “defederation referendum”), and students voted to leave the organization. The Federation immediately took the position that this defederation referendum was ‘invalid’ because the Acadia Students’ Union had held another referendum in 1995, and Federation Bylaws stipulate that a students’ union cannot hold two defederation referendums within a two year period of time. The Federation continued to claim the Acadia Students’ Union as a member and continued to bill the Acadia Students’ Union for membership fees, despite the fact that the Union was not participating in the Federation’s structures or benefiting from the Federation’s services. The Federation sued the Acadia Students’ Union in June 2002, demanding that the Union remit membership fees for the preceding seven years. This lawsuit was only resolved in December 2007, wherein the Federation agreed to drop the Acadia Students’ Union from its membership rolls pursuant to a settlement agreement.

There are a number of other instances where the Federation has disregarded successful referendums of student associations to leave the organization, including:

- Kwantlen Student Association, September 1991
- Northwest Community College Students’ Association, 1995
- Simon Fraser Student Society, March 2008
- Cape Breton University Students’ Union, March 2008

2. Canadian Federation of Students – Services (Corporation #1273671)

The Canadian Federation of Students – Services (CFS-Services) was formed at the same time as the CFS to act as the student services branch of the Federation. It is also a not-for-profit organization, incorporated under Part II of the *Canada Corporations Act*.

Although the CFS and CFS-Services are legally separate corporations, they function *de facto* as a single organization. Specifically:

- the two corporations have congruent memberships;
- the two corporations have virtually congruent Bylaws, standing resolutions, and policies;
- the Bylaws of the two corporations specify that a student association cannot join or leave one of the corporations without also joining or leaving the other;

- the two corporations have identical officers and directors;
- the staff of the two corporations work as a single unit out of one office;
- the staff of the two corporations are represented by a single union (CUPE 1282), and have a single Collective Agreement with their employer (which is listed in the Collective Agreement as being simply “Canadian Federation of Students”);
- the membership of the two corporations approve one, combined Federation budget, and only receive one single set of consolidated financial statements for the two corporations;
- the General Meetings and Board of Directors meetings of the two corporations are held simultaneously, and all resolutions that are adopted at these meetings are considered to be resolutions of *both* corporations.

Nonetheless, as CFS and CFS-Services are separate corporations, the Bylaw amendment that was approved on May 25, 2008 will be sent to Corporations Canada in duplicate, as amendments to the Bylaws of both corporations respectively.²

3. Kwantlen Student Association

The Kwantlen Student Association (KSA) is the student association that represents the 17,000 students at Kwantlen University College, in British Columbia, and is incorporated under the *Society Act* of British Columbia.

In September 2007, the KSA Council resolved to organize a referendum to defederate (i.e. withdraw) from the Federation. A petition was circulated amongst the membership, which was signed by over 22% of the membership, and notice was given to the Federation of the referendum, to take place on March 18 – 20, 2008. This referendum was timed to coincide with similar referendums initiated by the Simon Fraser Student Society and the University of Victoria Graduate Students’ Society, for the purposes of counteracting the substantial advantage that the Federation enjoys by virtue of being able to concentrate its campaigners (drawn from across the country) at a single campus.

At the time, the KSA was concerned about a number of aspects of the Federation’s Bylaws relating to defederation referendums, but nonetheless decided to try and work

² The Bylaw amendments that have been submitted to Corporations Canada by both CFS and CFS-Services can be found at: <http://www.studentunion.ca/historical/index.html>. Note that since 2003, the Bylaw amendments submitted to Corporations Canada by both corporations have been identical.

within the structure of the Federation’s Bylaws. The KSA appointed two representatives, who were not officers, directors, or employees of the KSA, to the four-person ‘Referendum Oversight Committee’ established under the Federation Bylaws. The Federation appointed the other two members of the Referendum Oversight Committee – one officer and one full-time employee of the Federation.

Unfortunately, but unsurprisingly, there were a number of problems with the Referendum Oversight Committee, including the following:

1. The Federation representatives on the Referendum Oversight Committee proposed the following referendum question on January 28, 2008, which the KSA representatives immediately rejected as being totally ridiculous:

Are you in favour of maintaining formal relations with the students who are members of the following students’ unions:

[thereafter followed the names of over 80 students’ unions]

YES or NO

The Federation representatives insisted that this question be on the ballot until February 27, 2008 – thirty days later, and just nineteen days before the referendum was to begin – when they proposed three alternative referendum questions:

1. **Are you in favour of the Kwantlen student body maintaining formal relations with student bodies at the following institutions:**

University of British Columbia –Okanagan, Camosun College, Capilano College, Vancouver Community College, Douglas College, Emily Carr Institute, Malaspina University College, College of New Caledonia, North Island College, Northwest Community College, Okanagan College, College of the Rockies, Selkirk College, Simon Fraser University, Thompson Rivers University, University of Victoria, Alberta College of Art and Design, University of Calgary, First Nations University of Canada, University of Regina, University of Saskatchewan, Brandon University, University of Manitoba, Collège universitaire de Saint-Boniface, University of Winnipeg, Algoma University, Atkinson College (York University), Brock University, Carleton University, La Cité collégiale, George Brown College, Glendon College, University of Guelph, Lakehead University, Laurentian University, McMaster University, Nipissing University, Ontario College of Art and Design, University of Ottawa, Queen’s University, Ryerson University, Saint Paul University, University of Toronto, Trent University, University of Western Ontario, Wilfrid Laurier University, University of Windsor, York University, Concordia University, Dawson College, McGill University, University of New Brunswick, Holland College, University of Prince Edward Island, Cape Breton University, Dalhousie University, University of King’s College, Mount Saint Vincent University, NSCAD University, Université Sainte-Anne, Grenfell College, Marine Institute, Memorial University of Newfoundland, College of the North Atlantic

through a democratic framework called the Canadian Federation of Students?

Yes OR No

2. Are you in favour of stopping the further fragmentation of Canada’s student movement through a democratic framework called the Canadian Federation of Students?

YES or NO

3. Are you in favour of continued membership in the Canadian Federation of Students?

YES or NO

2. The Federation representatives on the Referendum Oversight Committee insisted that the poll clerks for the referendum would be appointed by, and supervised directly by, the Referendum Oversight Committee, and rejected the proposal of the KSA representatives on the Committee that a neutral, third-party Chief Returning Officer should be appointed to supervise the polling. Since a great deal of coordination is required to organize a multi-day, multi-voting station referendum, this demand on the part of the Federation representatives was essentially unworkable.

Due to these issues, it became apparent to the KSA that the Referendum Oversight Committee process was not functioning. For this reason, KSA Council decided to retain a professional, third-party Chief Returning Officer to administer the defederation referendum. The Canadian Federation of Students responded by applying to the Supreme Court of British Columbia for an order prohibiting the defederation referendum from proceeding.³

In its application to the Supreme Court, the CFS said that one of the reasons why the referendum ought to be postponed was that the KSA had engaged in “pre-campaigning” – that is to say, campaigning prior the three-week official campaign period. The CFS also produced examples of alleged “inaccuracies” in the campaign materials that the KSA had been distributing. For example, a CFS affidavit claimed:

The Society campaign materials state that “the CFS regularly responds to anti-CFS sentiments in student newspaper and on student union blogs with legal threats and intimidation.” This is untrue. The CFS has never issued legal threats or engaged in intimidation in response to “anti-CFS sentiments.”⁴

³ The documents filed by both sides in this court case are available online at: www.kusa.ca/cfsvsksa

⁴ *Canadian Federation of Students v. Kwantlen University College Student Association*, Affidavit #1 of Lucy Watson, para. 36 (g).

The KSA insisted that all of its statements were true. With respect to the aforementioned complaint, a KSA affidavit stated:

I am advised by Mr. Joey Coleman, an employee of *Maclean’s* Magazine and verily believe that the CFS has attempted to have him and Ms. Erin Millar, both employees of *Maclean’s* magazine, terminated from working for *Macleans.ca*. Mr. Coleman and Ms. Millar have written news articles containing negative coverage of the CFS, and have expressed anti-CFS sentiments on their *Macleans.ca*-hosted weblogs.⁵

In reply, the CFS did not deny that it attempted to have Mr. Coleman and Ms. Millar terminated from their employment at *Maclean’s* Magazine, but simply insisted that such actions were in response to “inaccuracies in reporting with respect to the CFS.”⁶

During the course of the litigation, the CFS took the following position:

- (a) the KSA should be forbidden from campaigning *whatsoever* outside the three-week official campaign period;
- (b) the KSA should only be able to campaign during the official campaign period using materials that have been approved by the Referendum Oversight Committee; and
- (c) the Referendum Oversight Committee should use the standard of ‘truthfulness’ when deciding whether or not to approve campaign materials for use during the official campaign period.

In essence, the CFS attempted to forbid the KSA from accusing the CFS of violating the freedom of the press.

At trial, the Supreme Court of British Columbia rejected all of the arguments offered by the CFS. The Court ruled that a ban on “pre-campaigning” was contrary to democracy.⁷ The Court also rejected the argument that the Referendum Oversight Committee should refuse to approve campaign material on the mere basis that such material was, in its opinion, “inaccurate.”⁸ The Court further decided that the third-party, neutral elections

⁵ *Canadian Federation of Students v. Kwantlen University College Student Association*, Affidavit #1 of Titus Gregory, para. 31 (c).

⁶ *Canadian Federation of Students v. Kwantlen University College Student Association*, Affidavit #2 of Lucy Watson, para. 42.

⁷ Transcript, In Chambers Proceedings, *Canadian Federation of Students v. Kwantlen University College Student Association* (Supreme Court of British Columbia), March 14, 2008, page 8, lines 33-47 and page 33, lines 41-47. (Appendix 2)

⁸ Transcript, In Chambers Proceedings, *Canadian Federation of Students v. Kwantlen University College Student Association* (Supreme Court of British Columbia), March 20, 2008, page 28, lines 33-39. (Appendix 3)

authority retained by the KSA would be in charge of overseeing all aspects of the referendum, given the complete inability of the Referendum Oversight Committee to do so.⁹

It was therefore extremely surprising to discover that the Canadian Federation of Students has approved an amendment to its Bylaws that would solidify many of the defederation referendum rules that the Supreme Court of British Columbia had just rejected as anti-democratic.

⁹ *Ibid.*, page 26, lines 18-47. (Appendix 3)

II. TEXT OF THE CURRENT PROVISIONS OF THE BYLAWS

The provisions in the Bylaws of the Federation that govern defederation referendums can be found in Bylaw I, section 6. This section currently reads as follows:

6. **Vote on Defederating**

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

a. **Petition**

As per Bylaw I, 3. a.iii¹⁰ a petition calling for a referendum shall be signed by no less than ten percent (10%) of the individual members of the association and sent to the National Executive of the Federation.

b. **Notice**

- i. No vote on de-federating may be held between:
 - April 15 and September 15; and
 - December 15 and January 15.
- ii. Notice of a vote on defederating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
- iii. Notice of the vote must include the exact dates and times of voting.
- iv. In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date the ballots are mailed to the individual members;
- v. Failure to adhere to the notice provisions in Articles b.i. b.ii. and b.iii. shall invalidate the results of the vote.

c. **Campaigning**

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

d. **Voting**

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

¹⁰ This paragraph reads: "The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate a de-Federation referendum, as described in Article 7 of this Bylaw, by submitting to the National Executive of the Federation a petition, signed by not less than ten percent (10%) of the individual members of the association, calling for the referendum."

- ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) days, except in the case of voting being conducted at a general meeting.
- iii. In the event that polling is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.

e. Quorum

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

f. Administering the Campaign and Voting

Within three (3) months of the receipt of notice, a committee composed of two (2) members appointed by the Federation and two (2) members appointed by the member local shall be formed¹¹. The committee shall be responsible for:

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

g. Advance Remittance of Outstanding Membership Fees

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

h. Minimum Period Between De-Federation Votes

In addition to Articles a. to g, in order for a de-federation referendum to take place, a member local association may not have held a de-federation referendum within the previous twenty-four (24) months.

This clause may be waived, by a two-thirds majority vote of the National Executive, if the procedures of the de-federation referendum are questionable in the extreme.

i. Minimum Period Between Federation and De-Federation Votes

In addition to Articles a. to h, in order for a de-federation referendum to proceed, a member local association may not have held a referendum to join the Federation within the previous twenty-four (24) months. This clause may be waived, by a two-thirds majority vote of the National Executive.

III. TEXT OF THE BYLAW AMENDMENTS

The amendment that was approved at the May 25, 2008 general meeting of the Canadian Federation of Students [-Services]¹² reads as follows:

Be it resolved that Bylaw 1, section 6, be amended to read as follows:

6. Referendum on Continued Membership

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

a. Petition

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

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

b. Schedule

- i. Within 90 days of receipt of the petition described in Bylaw I, Section 6.a, the National Executive will review the petition to determine if it is in order and, if it is, will consult with the member student association to schedule a referendum to be conducted not less than 60 days and not more than 90 days following, notwithstanding the provisions in Section 6.b.ii and subject to the following conditions:

- there shall be no fewer than two (2) and no greater than five (5) days of voting; and

- there shall be no less than seven (7) days and no greater than 21 days for campaigning, during which classes are in session, immediately preceding and during voting.

- ii. No vote on continued membership may be held between:

- April 15 and September 15; and

- December 15 and January 15.

- iii. No referendum on continuing membership shall take place without compliance with Sections 6.b.i and 6.b.ii.

c. Referendum Oversight Committee

The referendum will be administered by a four (4) person Referendum Oversight Committee composed of two (2) members appointed by the National Executive

¹² As previously noted, the CFS and CFS-Services hold joint general meetings; this resolution is thus considered to be a resolution to amend both the Bylaws of the Canadian Federation of Students and the Bylaws of the Canadian Federation of Students-Services.

¹¹ This committee has generally been known as the "Referendum Oversight Committee."

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

- i. establishing the notice requirement for the referendum in accordance with Section 6.d of this Bylaw and ensuring that notice is posted;
- ii. approving all campaign materials in accordance with Section 6.f of this Bylaw and removing campaign materials that have not been approved;
- iii. deciding the number and location of polling stations;
- iv. setting the hours of voting in accordance with Section 6.g.ii of this Bylaw;
- v. overseeing all aspects of the voting;
- vi. tabulating the votes cast;
- vii. adjudicating all appeals;
- viii. establishing all other rules and regulations for the vote.

d. Notice of Referendum

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

e. Campaigning

- i. The member local association, the individual members from the member local association and the Federation shall not engage in any campaigning¹³ outside of the campaign period.
- ii. Only individual member and representatives of the member local association, representatives of the Federation and individual members and representatives of Federation member local associations shall be permitted to participate in the campaign.

f. Campaign Materials

- i. Campaign materials shall include all materials developed specifically for the referendum campaign.
- ii. Materials produced by the Federation that promote campaigns and services of the Federation shall not be considered as campaign materials unless they include specific content about the referendum.
- iii. The Federation website shall not be considered a campaign material unless it includes specific content about the referendum.

¹³ Note that there is a distinction made here between “campaigning” and “campaign materials.” The word “campaigning” is extremely broad, and can include person-to-person verbal communication and the establishment of websites.

- iv. The Federation’s annual report, financial statements, research and submissions to government shall not be considered a campaign material.
- v. Campaign materials shall not be misleading, defamatory or false.

g. Voting and Tabulation

- i. Voting shall be conducted at voting stations or, subject to the agreement of the Referendum Oversight Committee, by mail-out ballot.
- ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) and no more than five (5) days, except in the case of voting being conducted at a general meeting. In the event that voting is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.
- iii. Unless mutually agreed otherwise by the member local association and the Federation, the referendum question shall be: “Are you in favour of continued membership in the Canadian Federation of Students?”
- iv. The member local association and the Federation shall each be permitted to appoint one (1) poll clerk for each polling station.¹⁴
- v. The member local association and the Federation shall each be permitted to appoint one (1) poll scrutineer to oversee the counting of ballots.

h. Quorum

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

i. Appeals

Any appeals of the referendum results or rulings by the referendum Oversight Committee shall be adjudicated by an appeals committee (the “Appeals Committee”) composed of one (1) member appointed by the member local association and one (1) member appointed by the Federation, neither of whom are members of the Oversight Committee.

j. Advance Remittance of Outstanding Membership Fees

In addition to required compliance with Sections 6a. to i. and l. to n., in order for a referendum on continued membership to proceed, a member local association must remit all outstanding Federation membership fees not less than six (6) weeks prior to the first day of voting.

k. Minimum Period Between Continued Membership Votes

In addition to required compliance with Sections 6 a. to j. and l., in order for a referendum on continued membership to take place, a member local association may not have held a referendum on continued membership within the previous

¹⁴ We are advised that during the recent (February 2008) referendum of the Dawson Student Union to *join* the Canadian Federation of Students, the Federation-appointed poll clerks included Federation executives and staff.

twenty-four (24) months, unless waived, by a two-thirds (2/3rds) majority vote of the National Executive.

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

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

IV. ANALYSIS OF THE BYLAW AMENDMENTS

1. Wording of the Petition

The Federation Bylaws require that a petition be signed by ten percent (10%) of the individual members of the local student association and delivered to the head office of the Federation before a defederation referendum can proceed. However, the May 25, 2008 amendment adds the following requirement:

The petition shall be worded as follows: "We, the undersigned, petition the National Executive of the Canadian Federation of Students to conduct a referendum on the issue of continued membership in the Canadian Federation of Students."¹⁵

We submit that this provision places far too much power in the hands of the National Executive of the Federation. In 1981, when the Federation was founded, the Bylaws did not contain any rules concerning defederation referendums, beyond the mere requirement that a referendum be held.¹⁶ The Bylaws of the local student association applied to any referendum to join or leave the national organization. In fact, in a recent court case, a referendum of a local student association (the University of Saskatchewan Students' Union) to join the Federation was nullified by the courts due to violations of the Bylaws of the local student association.¹⁷

The wording of the May 25, 2008 amendment to the Bylaws of the Federation provides that the National Executive (i.e. the Board of Directors) of the Federation will "conduct" all defederation referendums. We submit that the National Executive is in a conflict of interest with respect to a referendum to leave the Federation. The yearly dues of a local

¹⁵ Bylaw I, section 6 (a) of the May 25, 2008 amendment.

¹⁶ Bylaw I, section 2 (a) (iii) and Bylaw I, section 3 (a) (i) of the 1981 Bylaws. Available online at: <http://www.studentunion.ca/historical/1981-10-cfs-bylaws.pdf>.

¹⁷ *Canadian Federation of Students v. Mowat* [2007 SKCA 90]. Available online at: <http://www.canlii.org/en/sk/skca/doc/2007/2007skca90/2007skca90.html>.

student association can be as high as \$320,000 per year¹⁸, and any 'loss' of a local student association would have a significant negative financial and political impact on the Federation.

2. Determination of the Dates of the Referendum

Under the current Bylaws of the Federation, the dates and times of a defederation referendum are set out in the official notice of referendum, which must be delivered to the National Executive of the Federation six months in advance of the vote. These dates are subject to a number of restrictions set out in the Bylaws of the Federation (no referendum may take place between April 15 and September 15, or between December 15 and January 15, and there must be at least two days of voting).

The May 25, 2008 amendment to the Bylaws provides that the dates of the defederation referendum will be set by the *National Executive* of the Federation, as per Section 6 (b) (i):

- i. Within 90 days of receipt of the petition described in Bylaw I, Section 6.a, the National Executive will review the petition to determine if it is in order and, if it is, will consult with the member student association to schedule a referendum to be conducted not less than 60 days and not more than 90 days following, notwithstanding the provisions in Section 6.b.ii and subject to the following conditions:
 - there shall be no fewer than two (2) and no greater than five (5) days of voting; and
 - there shall be no less than seven (7) days and no greater than 21 days for campaigning, during which classes are in session, immediately preceding and during voting.

There are two primary reasons why granting the National Executive of the Federation unilateral power to set the dates of a defederation referendum is anti-democratic and oppressive to the Federation's members.

First, the National Executive of the Federation is not necessarily familiar with local issues of relevance to students at a particular post-secondary institution. Different post-secondary institutions have different academic schedules and events. A local student association may wish to schedule a defederation referendum to occur alongside its annual general elections.

The second reason for rejecting this amendment is far more important, and goes to the heart of the deeply political motivations that lie behind this amendment. Unlike most local student association referendums, where campaigning is restricted to the members of the local student association itself, referendums to join or leave the Federation are

¹⁸ Canadian Federation of Students [-Services], 2007-2008 Revised Budget, Schedule 1 (annual membership fees of the University of Toronto Students' Union). Available at: <http://www.studentunion.ca/cfs/ngmdocs/2007/2007-11-cteagendas-reports.pdf>. Note that this does not include provincial Federation dues.

subject to must less stringent restrictions, as laid out in Federation Bylaw I, section 6 (c) (ii):

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

The Federation has taken advantage of this unique provision in its Bylaws to flood the campuses of local student associations seeking to leave the national organization with its supporters. These supporters include members of the National Executive of the Federation, Federation staff, and executives and staff of loyalist member student associations. For example, we estimate that there were approximately 50 Federation supporters at Simon Fraser University, 25 Federation supporters at the University of Victoria, and 20 Federation supporters at Kwantlen University College – mostly flown in from Ontario – to contest the defederation referendums of those student associations in March/April 2008¹⁹. The resources associated with such campaigns are vastly larger than the resources that are spent in most local student association referendums, which are normally contested exclusively by volunteers.

The purpose²⁰, and effect, of this provision in the Federation’s Bylaws is to enable the Federation to leverage its considerable human resources when contesting defederation referendums. The human resources that the Federation is able to concentrate at a single student association are far greater than the human resources of almost any local student association. For this reason, a number of student associations have scheduled their defederation referendums to occur simultaneously²¹, so as to partially offset the extraordinary resource advantage that the Federation has when contesting defederation referendums. In our opinion, the clear purpose of the May 25, 2008 amendment to the Federation Bylaws that grants the National Executive of the Federation the power to unilaterally set the dates of a defederation referendum is designed to foil any such strategy that any group of student associations might attempt to undertake.

Given the fact that the Federation Bylaws concerning defederation are already heavily weighted in favour of the Federation, the KSA respectfully submits that this amendment to the Bylaws of the Federation should not be approved.

¹⁹ These include the executives and staff of the Federation, of Federation provincial components, and of Federation-loyal student associations. Thus, the costs associated with these referendum campaigns are divided amongst a large number of organizations.

²⁰ *Canadian Federation of Students v. Kwantlen University College Student Association*, Affidavit #2 of Lucy Watson, para. 33.

²¹ In addition to the most recent referendums of the Simon Fraser Student Society, the University of Victoria Graduate Students’ Society, and the Kwantlen Student Association, there were a number of instances where multiple student association held defederation referendums simultaneously in the early 1990s.

3. Ban on “Pre-Campaigning”

(a) Imposition of a Ban on “Pre-Campaigning”

The Federation Bylaws concerning defederation referendums specify that the Referendum Oversight Committee shall establish an official campaign period of at least fourteen days, including the dates of voting.²² However, the current Bylaws do not contain any restrictions on campaigning *prior* to the beginning of the campaign period.

The May 25, 2008 amendment to the Federation Bylaws includes the following provisions that (purport to) ban all forms of campaigning prior to the official campaign period:

e. Campaigning

- i. The member local association, the individual members from the member local association and the Federation shall not engage in any campaigning outside of the campaign period.

The amendment, however, allows for exceptions in the case of *Federation-produced* materials:

f. Campaign Materials

....

- ii. Materials produced by the Federation that promote campaigns and services of the Federation shall not be considered as campaign materials unless they include specific content about the referendum.
- iii. The Federation website shall not be considered a campaign material unless it includes specific content about the referendum.
- iv. The Federation’s annual report, financial statements, research and submissions to government shall not be considered a campaign material.

As previously noted, the Federation has considerable resources available to its disposal – its own National Executive and staff, plus many executives and employees of loyalist student associations. When a local student association holds a defederation referendum, dozens of these individuals are flown to the local student association to shore up support for the Federation. However, these resources can only be deployed for a limited period of time; after all, these individuals have responsibilities at home. The Federation’s political advantage over its critics is thus strengthened by restricting the

²² Bylaw I, section 6 (c) (i).

political speech that can be “permitted” to be undertaken prior to the official campaign period.

The exception for Federation–produced materials promoting the campaigns and services of the Federation only exacerbates this advantage. The Federation exists to campaign and to provide services to its members; any promotion of these campaigns and services necessarily improves the profile of the Federation amongst its individual members.²³

(b) Canadian Federation of Students v. Kwantlen University College Student Association

In the case of the Spring 2008 Kwantlen Student Association (KSA) defederation referendum, the Referendum Oversight Committee established a fourteen day campaign period, plus the week of voting itself. Shortly before the KSA referendum, however, the Federation filed an application before the Supreme Court of British Columbia requesting an order that the defederation referendum, originally scheduled for March 18-20, 2008, be postponed to the Fall of 2008, on the grounds, *inter alia*, that the KSA had been “pre-campaigning,” that is, campaigning before the beginning of the official campaign period.

On consideration of the evidence, the Court ruled that the Federation Bylaws did not prohibit “pre-campaigning.” However, the Court did not merely rule that “pre-campaigning” did not violate the Federation Bylaws, but made it quite clear that such a ban would be inherently contrary to democratic principles:

But before that [the beginning of the official campaign period] happens, people can say what they want; it's a free country.²⁴

....

What you -- but don't you have to focus on -- once you've got a referendum, then there is sort of a restricted -- in the sense that there are rules that apply to the campaigning that goes on for the two weeks, but anything that goes on before that [the official campaign period] is just -- isn't that just fair game? Isn't that just democracy?²⁵

It is these democratic principles that the May 25, 2008 amendment to the Federation Bylaws seeks to violate.

²³ The Federation shortly increased its production of “materials promoting the campaigns and services of the Federation” in British Columbia after it became clear that a number of student associations would be holding defederation referendums in the near future.

²⁴ Transcript, In Chambers Proceedings, *Canadian Federation of Students v. Kwantlen University College Student Association* (Supreme Court of British Columbia), March 14, 2008, page 27, lines 3-4. (Appendix 2)

²⁵ *Ibid.*, page 8, lines 40-47. (Appendix 2)

(c) Pacific Press v. Attorney General of British Columbia (2000 BCSC 0248)

In the case *Pacific Press v. Attorney General of British Columbia* (2000 BCSC 0248)²⁶, the Supreme Court of British Columbia struck down a provision in the *Election Act*²⁷ of British Columbia that restricted third-party election expenses *during* a campaign period for a provincial election or by-election. The legislation prohibited persons and organizations, other than candidates and political parties, from spending more than \$5,000 *during* an official campaign period on advertising designed to support or oppose a candidate or a political party.

In its analysis of the relevant sections of the *Election Act*, the Court found that the relevant sections contravened the “freedom of expression” and “freedom of association” provisions in the *Canadian Charter of Rights and Freedoms*, and were not saved by section 1 of the *Charter*. The Court determined that the Government of British Columbia was unable to prove that these restrictions on third-party speech were reasonable or necessary.

It should be noted that the Court’s decision in this case referenced referendums as well as elections.

It should be further noted that the restrictions imposed in the impugned sections of the *Election Act* were *substantially less restrictive* than the restrictions imposed by the May 25, 2008 amendment to the Federation Bylaws, as shown in this table:

Regulation	Certain portions of Part 11 of the <i>Election Act</i> of British Columbia restricting campaign expenditures by third parties, which were struck down by the Supreme Court of British Columbia	Ban on “Pre-Campaigning” in the Federation Bylaws, part of May 25, 2008 amendment to the Federation Bylaws
Non-financial campaigning limit	No restrictions	Absolute ban (outside of the campaign period)
Monetary campaign spending limit	\$5,000 for third parties; larger expenses for political parties	\$0 outside of the campaign period; no restrictions during the campaign period (note: Federation National Executive

²⁶ Available online at: <http://www.canlii.org/en/bc/bcsc/doc/2000/2000bcsc248/2000bcsc248.html>.

²⁷ The version of the *Election Act*, as it read in 1995 before being struck down by the Courts, is available online at: http://www.leg.bc.ca/1995/3rd_read/gov28-3.htm.

		determines the length of the campaign period)
Applicability	During the campaign period	For an indefinite period of time preceding the campaign period
Enforcement	Independent, non-partisan Chief Electoral Officer, selected by the Legislative Assembly upon the <i>unanimous</i> recommendation of an all-party legislative committee	Partisan Referendum Oversight Committee, which may be evenly split or 100% pro-CFS, depending on the stance of the local student association
Exception to the rule	Expenditures for the purpose of gaining support for views held by the individual or organization on an issue of public policy	Materials produced by the Federation that promote campaigns and services of the Federation

(d) *Libman v. Québec (Attorney General)* [1997] 3 S.C.R. 569

In the case *Libman v. Québec (Attorney General)*²⁸, the Supreme Court of Canada determined that certain sections of the *Referendum Act* of Québec were contrary to the *Canadian Charter of Rights and Freedoms*. These sections required that individuals who wished to participate in a referendum campaign for a given option were required to join or affiliate to a national “Vote Yes” or “Vote No” campaign committee; individuals who did not do so were prohibited from incurring referendum campaign expenses, with a few exceptions.

The restrictions imposed by the impugned sections of the *Referendum Act* were *substantially less restrictive* than the restrictions imposed by the May 25, 2008 amendment to the Federation Bylaws, and yet were struck down by the Supreme Court of Canada.

4. Ban on “Misleading, Defamatory, or False” Campaign Materials— as Determined by the Referendum Oversight Committee

Section 6 (f) (v) of the May 25, 2008 amendment to the Federation Bylaws states: “Campaign materials shall not be misleading, defamatory, or false.”

Surely all parties would agree that misleading, defamatory, or false campaign materials should have no place in a referendum campaign. However, the key question is: Who defines what constitutes “misleading, defamatory, or false” campaign materials? Under

²⁸ Available online at: <http://www.canlii.org/en/ca/scc/doc/1997/1997canlii326/1997canlii326.html>.

the May 25, 2008 amendment to the Federation Bylaws, this falls to the Referendum Oversight Committee. The Referendum Oversight Committee is tasked with “approving all campaign materials” and “removing campaign materials that have not been approved.” Thus, no campaign materials can be distributed unless the Referendum Oversight Committee certifies that the materials in question are not “misleading, defamatory, or false.”

As anyone who follows municipal, provincial, or federal politics can easily surmise, however, there are usually ‘multiple versions’ of the truth during a defederation referendum. This was borne out in the recent Kwantlen Student Association referendum. In the court case *Canadian Federation of Students v. Kwantlen University College Student Association*, the CFS accused the KSA of producing quite a number of false statements²⁹, and insisted that the referendum be postponed to the Fall of 2008 for this reason. The KSA responded to each and every one of the CFS’ accusations, and both parties prepared to defend their respective positions before the Court. For example, as previously mentioned, the KSA produced materials stating that the CFS intimidated journalists that covered the CFS in a negative light, based, in part, on the efforts of the CFS to terminate the employment of two *Maclean’s* Magazine employees, and the two parties disagreed as to whether or not this was a legitimate action on the part of the CFS.

The judge, however, refused to even look at the submissions of the two parties with respect to the truthfulness of the KSA’s statements, insisting that these sorts of disputes are political in nature and not for the courts to get involved.³⁰ Later, when the Court was asked to create the Referendum Rules for the defederation referendum (due to the inability of the Referendum Oversight Committee to do so), the Court explicitly refused the request of counsel for the CFS to add any provisions to the Referendum Rules that would ban defamatory statements.³¹

It could be argued that since this rule applies equally to materials produced by both sides (pro-CFS and anti-CFS), and would be interpreted by a Referendum Oversight Committee containing representation from both the CFS and the local student

²⁹ The arguments of the CFS can be found in the Affidavit #1 of Lucy Watson, para. 36. The responses of the KSA can be found in the Affidavit #1 of Titus Gregory, para. 23-33. The counter-response of the CFS can be found in the Affidavit #2 of Lucy Watson, para. 37-42. All of these affidavits are available at: <http://www.kusa.ca/cfsvsksa>.

³⁰ Transcript, In Chambers Proceedings, *Canadian Federation of Students v. Kwantlen University College Student Association* (Supreme Court of British Columbia), March 14, 2008, page 34. (Appendix 2)

³¹ Transcript, In Chambers Proceedings, *Canadian Federation of Students v. Kwantlen University College Student Association* (Supreme Court of British Columbia), March 20, 2008, page 28, lines 23-39. (Appendix 3)

association, the rule itself is unbiased. We submit that there are four counter-arguments to this argument:

1. First, imposing content-based restrictions of any sort on referendum campaigns is contrary to the principle of freedom of speech, regardless of how effectively the rule is administered. A defederation referendum, by its very nature, brings into focus facts that are in dispute; in fact, these disputed facts may be the most important issues in the campaign. To exclude these disputed facts and insist that the referendum only focus on facts to which all parties are in agreement constitutes censorship.
2. Second, prohibiting the distribution of campaign materials containing 'disputed facts' from a referendum campaign is not neutral, but would in most cases benefit the pro-CFS side. In the recent Kwantlen Student Association defederation referendum, the Federation largely campaigned using materials that contained facts that are not in dispute. No one disputes that the Federation is a national student organization that lobbies the federal and provincial governments; that the Federation provides various services to its members; or that the Federation supports reduced tuition fees and improvements to the student financial aid system. This is the side of the Federation that is 'out in the open.' In contrast, the anti-CFS side focused on the 'dark underbelly' of the Federation, pointing out the Federation's violations of the autonomy of its member student associations, its intimidation towards journalists, and its questionable financial dealings. These are disputed facts.
3. Third, the body responsible for determining whether campaign materials contain "misleading," "defamatory," or "false" information – the Referendum Oversight Committee – is not necessarily bi-partisan. Under the Federation Bylaws, a referendum can be initiated by a petition of individual members even without the support of the elected leadership of the student association. It is entirely possible that the Referendum Oversight Committee could consist solely of pro-CFS partisans, in which case anti-Federation campaign materials could only be approved if they conform to the Federation's particular version of the truth.

This is not merely a speculative concern. During the recent (February 2008) referendum of the Dawson Student Union (representing students at Dawson College, Montréal, Québec) to *join* the Federation, the Referendum Oversight Committee consisted entirely of persons who were supportive of membership in the Federation. The President of the Dawson Student Union, who campaigned vigorously in favour of membership in the Federation, was one of the two Dawson Student Union representatives on the Committee. One of the two Federation representatives on the Committee was seen both campaigning and

acting as a poll clerk in the Referendum. Given this situation, it is not entirely surprising that the Committee did not approve *any* of the campaign materials submitted by the "Vote No" campaign.³²

4. Fourth, defamation is illegal. Any person (including the Federation) who has been defamed by any campaign material can seek relief with the Courts. If desired, such relief can be obtained on a priority basis. The KSA submits that the Courts are far more qualified, and far less biased, than Referendum Oversight Committees to make such determinations.

Given all of the above reasons, the KSA submits that the May 25, 2008 amendment to the Federation Bylaws should not be approved by the Minister of Industry.

V. CONCLUSION

The *Canada Corporations Act* contains a number of critical protections for members of not-for-profit corporations; one of these is the provision that Bylaw amendments do not take effect without the approval of the Minister of Industry. This protection is particularly important for organizations such as the Federation that have imposed significant barriers for members that wish to leave the organization. This protection is also particularly important for organizations such as the Federation that are funded by students at Canadian public post-secondary educational institutions, who have no individual say in their membership in the Federation.

In our submission, the KSA has referenced a number of court cases where the courts have struck down provincial legislation restriction freedom of speech during provincial elections and referendums, on the grounds that such restrictions contravened the *Canadian Charter of Rights and Freedoms*. The Canadian Federation of Students, as a private corporation, is not subject to the *Charter*. However, the CFS functions as a quasi-public institution by virtue of the fact that its student members have no individual say in their membership; all students at CFS-affiliated public post-secondary educational institutions are required to pay fees to the Federation. For this reason, we submit that the Minister of Industry should apply strict scrutiny to the May 25, 2008 amendment to the Federation Bylaws.

The Kwantlen Student Association has committed to working constructively with the Federation over the coming years. We participated in their most recent general meeting; we are seeking to restore our representation on the CFS-British Columbia Executive

³² *Canadian Federation of Students v. Kwantlen University College Student Association*, Affidavit #1 of Titus Gregory, para. 22.

Committee; we are ensuring that our members have access to Federation student services. However, the May 25, 2008 amendment to the Federation Bylaws would preclude our members—or the members any other student association—from ever having any substantive opportunity to determine whether or not they wish to continue their membership in the Federation. For this reason, it is absolutely critical that the Minister of Industry exercise his powers under the *Canada Corporations Act* to deny approval to this amendment.



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Tuesday, June 17, 2008

Item 11(d) - Attachment No. 8: Director of Finance & Committee Report (Pages 26 – 27)

Prepared by: Steven Lee

Current Financial and Budgetary Considerations

The new budget format is still being worked on and a draft of it will come to Finance Committee this week.

The post-audit memorandums of the past few years are being examined with an eye towards making the appropriate regulation changes and to also ensure that changes already in place are being adhered to. *The first draft of these changes will be coming to the Finance Committee this week.* We will be meeting with Farris and the auditors to discuss them further and we should be able to publically release both the 2006 and 2007 post audit memorandums in July.

I have drafted some changes to the Regulations to fill a gap that I reported to the last meeting of Council about, regarding sick leave for elected officials. I'm going to be looking at bringing forward some recommendations regarding the types of leaves allowed for elected officials. *A draft of these changes will be coming to the Finance Committee this week.*

My work on reviewing the fees of other student unions continues to do up an updated comparison of fees. This secondary information will inform changes being proposed for our own fee structure – as has been discussed at the Finance Committee over the past few months (in spite of the referendum that was just held). *The results of this secondary research will come to the Finance Committee in July.*

I reported to the last meeting of Council that I had a few preliminary discussions with the General Manager and the Financial Administrator on how we will proceed with implementation of the referendum that was just passed and how we can improve upon and amend the structure that will be in place this fall. We have not yet had a chance to meet again but will do so in mid-July.

The General Manager reports that the new online HR system should be soon ready for launch. With this system, people will log in to an online database when they submit their hours. More information on this system to come – the General Manager will arrange to have everyone trained on this system before it is officially launched.

Resolved Financial and Budgetary Considerations

Nothing has been recently resolved.

Future Financial and Budgetary Considerations

I currently have nothing new on the horizon.

KSA Sustainability Update

Nothing new to report.



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Advertising, Promotions and Website Update

My work scanning agendas and minutes has continued. I went to the external locker about a week ago to get what I thought would be one box containing agendas & minutes from the period of 1997 – 2000, but instead found three boxes. So I have had to revise my deadline for having this project completed from end of June to end of July.

To this end, I now have a multi-media computer at my desk that will assist me in the archival work I have been doing. It will also allow me to do video editing. Upon my return in July I will be doing a lot of work in July and August on completing our online archive and doing up some cool summary documents >>> documents that outline the history of the KSA and pulls information from the online archive.

The summary of spending that I was requested to do will be distributed at the Council meeting.

Finance Committee Update and Recommended Motions

Date of last finance committee meeting: April 24, 2008 @ 3:00 pm

Date of next finance committee meeting: June 16, 2008 @ 3:00 pm, Richmond Campus

I am told that members of the committee currently include: Harj, Reena & Derek.

Other Business, Issues and Concerns

I am on vacation from Tuesday, June 24, 2008 until Sunday, July 15, 2008. I will be back in the office on July 16. *I will have access to wireless internet on a daily basis and will be doing some work while overseas as we will have a few days at sea where I will have nothing to do.*

I have been back in the office doing regular hours again, as well as continuing a lot of work from home. Now that I have a computer in the office, I will be doing a lot of work there. I am also maintaining a tally of hours worked as part of my work blog on the KSA forums:

<http://forums.kusa.ca/index.php?topic=16.0>

I apologize to Council for not having the summary of spending work completed sooner – the delays were mainly due to illness, for which I have provided documentation to the General Manager (and more recently, to Council via e-mail). I have not yet seen the motion to suspend, but the General Manager informed me that Council had suspended me for three days without pay, and cut my hours to 15 hours per week. There was a provision I was told, that if I had come to the last meeting of Council with the summary the motion would have been rescinded at that meeting.

Further, I must note that, as per Section X, Article 2.7, all suspensions or warnings are to be in writing with a letter being drafted by the Chairperson. To date, I have not received any letters or communication from the Chairperson regarding any concerns with my performance, nor have I received any letters / communication regarding the motions moved by Council on May 13 and 27, 2008.



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Tuesday, June 17, 2008

Item 11(e) - Attachment No. 9: Director of Operations & Services Committee Report (Page 28)

Prepared by: Nathan Griffiths

Current Operations and Services Update

- Ordered the next set of KSA condoms
- KSA Products
- Schmoozing with Gallivan
- KSA coupon book

Future Operations and Services under Consideration

Using the TV's in the Grassroots Lounge and fitness room to promotion KSA services, events and campaigns via a continues power point slide show.

Placing free photocopy machines in KSA lounges. Students could photocopy for free on one side of paper, while the other side has ads from outside organizes to pay for the service.

Services Committee Update and Recommended Motions

Date of last Services Committee Meeting: June 3, 2008 at 3:30pm

Date of next Services Committee Meeting:

Other Business, Issues and Concerns



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Tuesday, June 17, 2008

Item 12(c) - Attachment No. 10: Richmond Campus Council Report (Pages 29 – 30)

Prepared by: Reena Bali

Richmond Campus Council 2008 (Tentative) Events Plan

Weekly Events:

- **Movie Nights**
 - o Will commence in September → All movies will be borrowed for free, perhaps we will change around movies with SCC/LCC
- **Canucks Nights**
 - o Start showing Canucks game when they are on, have posters advertising that we show Canucks games → promotes the KSA Lounge!
- **Activism Day** (Beginning June 11, 2008)
 - o Table in the Rotunda, outside of the KSA Student Lounge, filled with pamphlets and flyers from different organizations, supporting active causes that students might be interested in. This event will tentatively take place from 10am to 2pm

Month	Date	Event Title	Event Description	Budgeted Money
May	13	Summer Bash	Give out free sundaes and pop to students and promote KSA services	\$225
June	11	Activism Day	Vanessa in charge, will occur once a week .	\$0
June	23	Canada Day Celebrations With ECC	Celebrating Canada Day	\$900
July	15-17?	Summer Fest at the KSA Lounge	Tables set up in front of KSA, give out freezes, promote the lounge and perhaps have movies playing.	\$100
Aug	4	Summer Send Off	Give out left over ice cream/ freezes and maybe have giveaway bags with KSA pens, highlighters, etc. <i>Maybe have a pancake breakfast?</i>	TBA
Sept	2	Movie Nights	Will commence	TBA
Sept	9-11?	Welcome Week	With ECC, welcoming students back to school!	\$1200
Sept	26	Cram Jam	Concert	



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Sept	?	Eid Event	Celebrating Eid! Multicultural event	\$200
Oct	13-16?	Mid Semester Mania	Promote the KSA and give out free food!	\$800
Oct	28-30?	Diwali Event	Celebrating Diwali! Multicultural event!	\$300
Oct	TBA	2 nd Annual Pool Tournament	Pool Tournament	\$450
Oct	29	Halloween Costume Ball	ECC is putting on this event with RCC and it will be licensed!	n/a
Nov	?	Remembrance Day Event	To pay tribute to all the veterans and lives lost in war.	TBA (<i>not sure if we need to buy anything</i>)
Nov	17-20?	Winter Bash (TBA event depending on how much money we have left in the budget)	Last big event of the year. Promoting the KSA and giving out free food.	\$500 (<i>Depends on how much money we have left</i>)
Nov	24-27?	2 nd Annual Bake Sale for Cause	Have a bake sale raising money towards a cause, (food bank)	TBA
Dec	6	Memorial For Victims of L'Ecole Polytechnique à Montréal	Perhaps work with the KFA	TBA
Dec	3-7	Winter Send Off	Wishing students a wonderful winter break! (maybe free food, KSA pens/pencils available if they need them to write exams with)	TBA (with left over money)



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Tuesday, June 17, 2008

Item 12(d) - Attachment No. 11: Surrey Campus Council Report (Pages 31 – 34)

Prepared by: Emily Hampton

Hi Everyone,

To clear up any confusion before Council on Tuesday, I thought I would let everyone know why SCC requested that all authority for amendments be delegated to the 'Director of Finance in consultation with the official acting as Surrey Campus Council Director'.

Here is why:

1. Campus Councils submit their budget requests to the Director of Finance and also approve their own budgets. This is part of each year's budget process. But, SCC doesn't have even three voting members to make quorum to pass its budget. It makes sense for budget-related
2. It gives SCC a secure budget focus and less room for it to be changed on a whim and disrupt all the planning that's been done and is being done.
3. It reinforces the balance between money and activity that is written into the the KSA's bylaws about Campus Councils.

SCC (including SCC support staff) have gone through a planning process for making life better for Surrey students. Each Campus Council is given a certain amount of responsibility.

Just because SCC doesn't have enough reps and officers to officially meet right now, doesn't mean it shouldn't be allowed to function like every other Campus Council. The KSA at its highest level supports the idea of a multi-campus school and student government. SCC is an important part of that, DIRECTLY representing over 5,500 students.

Please consider before casting your vote!!

Updated SCC Report...

The Campus is quiet, but our office is the exact opposite. Our new office space should be coming in a few weeks so we have been putting together ideas to move the XBOX into the lounge and how we are going to equip it to make the office seem open and inviting for students.

Our next event will be the Canada Day BBQ. SCC hope's that this event will be big enough to draw at least 500 students. Kari, Victoria and myself have been making planning tools for various lounge events and entertainment (see the budget and events for SCC document attached)and are looking forward to meeting our goal of being the most active campus –Events wise, because we believe this will bring us closer to the student body.

As Acting Surrey Campus Director, I have attended a few meetings of SIAC and Operations committee meetings but have not been able to attend many of the Council meetings because of

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my current class schedule and lack of a vehicle. I ask that Council consider moving meetings to Surrey campus because of its central location.

I have been in contact with the Adopt-A-Street program coordinator about our commitment to clean up the street once each year. I have also made it a priority to work with the other campus councils and their Directors to be in close contact for events work and promotions. After the June event I hope to make our promotional bags a multi-campus effort with updated flyers from each campus included in all of them. I thank everyone who came out and helped out with our first event – The Early Risers Pancake Breakfast, although it did not run as smoothly as I had hoped, it was a great success and a great learning experience that helps us to continuously build better campus council activities.

Attached for approval from council is a budget for SCC till December 2008 and an events calendar for SCC specifically. Please be advised that the budget and outline for these events may change slightly as time progresses to meet the needs of our campus student body. SCC look forward to seeing you all at the next council meeting in Surrey, and we thank you for all your support during this role transition.

Be it resolved that the following SCC budget and events, Be it further resolved council delegates amendment authority to the Director of Finance , in consultation with the official acting as Surrey Campus Council Director.

SURREY CAMPUS COUNCIL BUDGET JANUARY 08 – DECEMBER 08

SCC Line	Description	Projected	Actual	Total Use %		
S000	Previous Purchases	0	58.45			
S001	Pancake Breakfast	450.00	330.85	73.52%	6.71%	
S0002	Canada Day SCC	1,225.00		0.00%	18.28%	
20003	SCC student requests	500.00		0.00%	7.46%	
S0004	Lounge Entertainment	2,000.00		0.00%	29.84%	
S0005	Fall Welcome Week	800.00		0.00%	11.94%	
S0006	Fall Breakfast Event	350.00		0.00%	5.22%	
S0007	Remembrance Day expenditures	150.00		0.00%	2.24%	
S0008	Winter Event	350.00		0.00%	5.22%	
S0009	Contingency Fund	877.31		0.00%	13.09%	
S998	Total Expenditures	6,702.31	330.85	4.94%		
S999	Total Allocated	6,702.31	6,702.31	100.00%		
<p><i>Note: Release of campus council funds is generally available for disbursement by trimester system, as per Director (Finance).</i></p>						

Events Outline



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July 2008

- Open Mic nights in the oasis lounge begin
- Philosophers café begins
- Movie afternoons begins
- Variety Children's Charity donations drive and tabling.
- Adopt a street program cleaning.

August 2008

- Open Mic nights and various local bands play in the lounge
- DDR competition
- YPP (Young Parents Program) Donations Drive.

September 2008

- Welcome Week Event
- "Get to know the KSA" info session in the lounge (to be done prior bi-election nominations, to attract students to run.)
- Time change but continuation of the lounge entertainment including live bands and open mike nights.
- Poetry readings in the lounge.

October 2008

- Fall Breakfast Event
- Fall BBQ event
- Continuation of poetry readings, movies and open mike nights in the café bi-weekly.
- DDR Competition

November 2008

- YPP(Young Parents Program) Donations Drive
- Hockey Games shown in the Lounge (Hopefully with Beer) and a Hockey Pool for staff (money goes to Charity of your choice if you win!)
- Have a Veteran speaker visit the lounge.
- Have Poppy Jars on campus for donations
- Buy a Wreath from the Legion for the KSA.

December 2008

- Children's Toy Drive
- Canned food drive



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- Winter Event
- Lounge open Mic nights continue!

“Be it resolved that council release funds from line item “New Equipment” not exceeding \$100.00, for the purchase of dishes to be used in the staff room at Surrey campus”.

Please note SCC “student requests” is to pay for additions to services already offered specifically asked for by students.



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Item 13(f) - Attachment No. 12: Students with Disabilities Report (Page 35)

Prepared by: Ken McIntyre

Current Projects and Activities

The main focus of my activities has been on the development of a general pamphlet that will be distributed at Surrey Campus Council's BBQ Canada Day event. After the pamphlet is completed it will also be able to be used as a general advertising tool for the Students with Disabilities Liaison and commission.

Completed Projects and Activities

I just started in this portfolio and hope to have some completed projects soon.

Projects and Activities under Consideration

Not very many resources currently exist in the Students with Disabilities inventory to make available to students. Research into what external information sources I can obtain for distribution and having on hand will be my next area of focus. I will also be looking into setting up a meeting with the Kwantlen Disability Services department to see if they can assist in an awareness campaign about depression and stress.

Liaison Commission Update and Motions

There is none at this time.

Other Business, Issues and Concerns

I still need to get business cards and my voicemail setup.



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Tuesday, June 17, 2008

Item 14(a) - Attachment No. 13: CRAM JAM Budget (Page 36)

Prepared by: Ashley Fehr

BIRT the budget for Cram Jam be reduced to \$5,300 with the fund allocation as follows:

Security	\$500
Alcohol.....	\$600
Production	\$2000
Bands	\$1500
Supplies (cups)	\$100
Contingency	\$600
Total	\$5,300



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Tuesday, June 17, 2008

Item 14(a) - Attachment No. 13: CASA Report (Pages 37 – 40)

Prepared by: Titus Gregory

See attached.



Kwantlen Student Association
CASA Policy and Strategy Conference 2008 Report
 (Titus Gregory, Policy Analyst)

Introduction

This is my report to Council on my attendance as a Kwantlen Student Association observing delegate to the Policy and Strategy Conference of the Canadian Alliance of Student Associations (CASA), held at St. Mary's University, Halifax, June 2 – 6, 2008. Like all conference reports, this report is reflective of my own experiences (both at the CASA conference and at previous CFS conferences) and biases. Note that due to jet lag and illness, I was unable to attend the Opening Plenary, the Growth Management and Alumni Strategy workshop, or the Committees, so I am unable to comment on these aspects of the conference.

“Bridging the Great Divide”

A great divide exists in the student movement in Canada between ‘CFS schools’ and ‘CASA schools.’¹ This became very apparent while in attendance at the CASA conference. At the national level, CASA-affiliated students’ unions and CFS-affiliated students’ unions do not engage in dialogue with each other.² The CFS knows very little about CASA, and CASA knows very little about the CFS. Both organizations engage in research and advocacy work quite independently of each other. At the CASA conference, I spent a fair bit of time educating CASA delegates about the CFS and its activities (both positive and negative).

Policy Development

CASA spent a fair bit of time discussing policy issues at this conference. This included three external speakers:

- the hon. Monte Solberg, federal minister responsible for the Canada Student Loan Program (which will be administering the Canada Student Grant Program that was announced in the 2008 budget);
- Barbara Glover, the Director-General of the Canada Student Loan Program;
- Kevin Chapman, the Director of Student Assistance, Nova Scotia

I found the speech from Mr. Chapman to be particularly interesting and inspiring. He described in detail a number of positive developments in student financial assistance in Nova Scotia. He also emphasized that ‘advocacy works’ in achieving positive results, crediting ANSSA (Alliance of Nova Scotia Student Associations, CASA’s provincial partner in Nova Scotia, which represents the great majority of Nova Scotia students) with achieving these results.

¹ In addition, most Québec students’ unions are not affiliated to either CFS or CASA, due to a number of political and linguistic reasons.

² The Canadian Congress of Student Associations [CCSA] used to provide that sort of opportunity for dialogue, prior to its sabotage by a small band of particularly Machiavellian CFS acolytes a few years ago.

Tuition Fees Research

CASA has adopted a number of policies (<http://www.casa.ca/policystatements.asp>) on post-secondary education subjects, one of which is tuition fees. CASA's policy is to oppose all tuition fee increases. CASA does not currently have any policy setting out at what level tuition fees ought to be set.³ CASA also believes that tuition fees are a provincial issue, and so does not directly lobby against tuition fee increases *per se*, but instead advocates for increased federal grants to the provinces. CASA also advocates for a Pan-Canadian Accord on Post-Secondary Education, which would set Canada-wide standards on tuition fees, but has not determined exactly what these standards would be.

A workshop was held for the purpose of setting CASA's policy and research goals for the year, facilitated by Policy and Research Officer Lisa Fry. The Alma Mater Society (AMS) and the Graduate Student Society of UBC lobbied hard to conduct further research on tuition fees, but ultimately these efforts were in vain, as CASA decided against conducting research on tuition fees.⁴ Arguments offered against conducting research on tuition fees included:

- tuition fees are a provincial issue;
- CASA should be lobbying for greater accessibility to education, not for reduced tuition fees (implying that these issues are not related);
- CASA would lose respectability if it were to call for reduced tuition fees.

CASA is therefore stuck in the position of calling for nationally-regulated tuition fee levels without (1) prioritizing research on the issue or (2) having policy as to what these tuition fee levels should be...

This seems very wrong-headed, in my view. The regulation of tuition fees constitutes a form of universal, up-front student financial assistance. It is not as effective as needs- or income-based financial assistance (like the Millennium Bursary or its replacement, the Canada Student Grant Program) in guaranteeing access to post-secondary education. Nonetheless, tuition fees constitute a tangible, up-front financial barrier to post-secondary education. Tuition fees, student loans, targeted student financial assistance, and direct government funding are all intimately related to each other, and for CASA to shun conducting research on the subject is unfortunate.

Campaigns

CASA does not have any ongoing public campaigns. The organization used to conduct public campaigns every year, but this was suspended at the previous conference. However, CASA will conduct a comprehensive public campaign for every federal election. In general, it seemed as though public campaigns are an area of weakness for CASA.

Strategic Discussions

CASA held a number of workshops throughout the conference to discuss various issues affecting CASA's strategic direction. These included:

³ For reference purposes, CFS policy is that tuition fees ought to be zero.

⁴ Note that CASA may conduct some research on tuition fees as a part of its work on refining its policy on a Pan-Canadian Accord on Post-Secondary Education, but tuition fees *per se* are not a CASA research priority.

- developing a mission statement for CASA (a Global Ends Statement was ultimately adopted, with the assistance of our own Derek Robertson);
- discussing alternate sources of revenue for CASA, such as seeking government grants and corporate sponsorships of CASA conferences (both ideas were ultimately rejected);
- discussing altering the CASA voting structure (a committee was established to discuss the subject and present a report in several months' time);
- discussing ways of reaching out to CASA alumni.

These discussions were very interesting, and are wholly unlike what the CFS has ever engaged in at its various meetings. Overall, I was quite impressed at CASA's commitment to open discussion of important issues facing the organization, both internal and external.

Governance Style

Due to the small number of delegates, the relaxed schedule, the organization's exclusive focus on post-secondary education (to the exclusion of foreign policy debates, etc.), and the relative non-politicization of the delegates, CASA was able to openly and frankly discuss a number of issues of importance to the organization. Minority voices were heard, not suppressed. It did not appear as though the candidates for Chair, Secretary, and Treasurer were pre-selected by the national office staff. The CASA leadership seemed felicitously ignorant of the tactics used by the CFS backroom operators to maintain their power and control over the organization.

My one criticism of CASA's governance style is that one of the workshop facilitators facilitated his workshop in a clearly biased manner. (Even then, there was no comparison to the dictatorial tactics used by some CFS meeting 'facilitators.')

I believe that the 'easy in, easy out' policy of CASA (referendums are not required to enter or leave the organization, and CASA has never sued a students' union to force it to remain a part of CASA) contributed to this relatively open environment, since the organization is forced to consider the opinions of the minority (or even of a single students' union), or suffer the financial and political consequences.

General Accommodations

The residence facilities, meeting rooms, and food were all of good quality.

Entertainment / Social Activities

CASA organized a number of social activities for the benefit of the delegates. These consisted of two formal dinners, a sailing trip, a California kickball game, a tour of the Alexander Keith's brewery, a tour of historic Citadel Hill, and a musical dinner theatre⁵. These events allowed delegates an opportunity to interact with one another in a less formal setting, and hear entertaining and salacious (if, perhaps, apocryphal) tales about one individual known only as "Duncan's Mother." However, the total number and cost of these social events seemed exorbitant, given CASA's status as a student-funded organization dedicated to advancing accessibility to post-secondary education.

⁵ "Mairi's Bestfriend's Wedding," Grafton Street Dinner Theatre. Highly recommended! Visit: <http://www.graftonstdinnertheatre.com/>