

## **Frequently Asked Questions concerning the Simon Fraser Student Society and the Canadian Federation of Students**

### **1. Did the Simon Fraser Student Society (SFSS) properly follow the notice procedures required for referendums on membership in the CFS?**

Yes. In a non-binding referendum vote conducted in March 2007, 78% of members of the SFSS who participated in the referendum voted in favour of leaving the CFS. This referendum was used to gauge the opinions of the membership and provide the SFSS Board of Directors with a mandate to act.

In Summer 2007, 2738 students, representing 10.57% of the SFSS membership, signed a petition requesting a referendum on continued membership in the CFS. That petition was delivered to the CFS on August 27 2007 along with a notice setting out the dates on which the referendum would be held, March 18-20 2008, as required by CFS by-laws (By-law I.6.b.iii) These dates were chosen to correspond with the general election of the SFSS, as is required by the SFSS by-laws.

On December 3, 2007, CFS Chairperson Amanda Aziz acknowledged the receipt of the petition and notice. The CFS never objected to the dates until February 2008.

### **2. Did the SFSS hold a valid referendum concerning membership in the Canadian Federation of Students?**

The SFSS worked tirelessly to ensure a fair vote for its members, in accordance with its by-laws and the CFS by-laws. While the SFSS did not and does not agree with the CFS interpretation of the relevant CFS membership by-laws, the SFSS attempted to comply with the process set out in those by-laws in the interests of facilitating cooperation with the CFS. It delivered a petition as required, gave notice as required, paid all of its membership dues as required and appointed two students to participate on the CFS Referendum Oversight Committee (ROC), the body established by the CFS by-law to oversee the referendum and composed of two appointees of the CFS and two appointees of the SFSS.

Although the CFS did not object to the dates of the referendum when it received notice in August 2007, its representatives on the ROC raised the issue in February 2008 and refused to recognize the dates of the referendum as set out in that notice on the grounds that the ROC had the right to pick the dates, not the SFSS. Nowhere in the CFS membership by-law (Bylaw I.6.f) does the ROC have the authority to set the date of a referendum vote. In fact, the CFS by-law specifically requires that the SFSS give notice of the dates on which the referendum was to be held at least 6 months prior to the vote, which the SFSS did. Nevertheless, in the month or so leading up to the referendum, the CFS took the position that

the ROC had the authority to select the dates and refused to recognize the process.

As early as November 2007, the SFSS presented the CFS with a proposed set of operating procedures aimed at ensuring that the ROC would function effectively. This included a proposal that stalemates on the four person ROC be resolved by an arbitrator. The CFS representatives refused to agree to the proposed procedures, including the proposal for arbitration. As a result, the ROC became deadlocked and was unable to run the referendum.

In recognition of the fact that the SFSS students had indicated that they wanted a referendum on the issue of membership when they voted in the 2007 referendum and signed the 2007 petition, the SFSS asked its Independent Electoral Committee to conduct the balloting when it became clear that the ROC could not or would not do it. The only other option the SFSS had was to cancel the referendum. However, the SFSS is confident that the vote was fair. Both parties campaigned actively and the CFS had agreed to the ballot question. In fact, it was the same question used by the ROC in the membership referendum at the University of Victoria Graduate Student Society.

There was a relatively high voter turnout and 67% of SFSS members who voted in the referendum voted in favour of leaving the CFS.

### **3. Did the CFS recognize the referendum?**

No. Despite the fact that the CFS actively participated in the referendum campaign, it refused to accept the results.

The CFS sent staff and volunteers to campus in March 2008 to campaign in the referendum. Prior to the official start of the referendum drive, CFS representatives, including then National Chairperson Amanda Aziz, conducted "Membership Outreach" initiatives. CFS representatives participated fully in referendum events, including public debates on the merit of the CFS for SFSS members.

A video of a debate between then national Chairperson Amanda Aziz and SFSS President Derrick Harder is available to watch on the SFU website: <http://www.lidc.sfu.ca/archive/sfss/cfs/>

The CFS also emailed a CFS referendum strategy to all CFS-BC members in early winter 2008. At no point in this document is there any suggestion that the CFS did not intend to participate in the referendum. If anything, this strategy document outlines precisely how the CFS planned to participate.

The CFS campaigned extensively on all three SFU campuses. This campaigning included:

- Out-of-province students, staff, and volunteers of the CFS flying to SFU to campaign;
- Leafleting, postering, distributing buttons, talking to students and participating in debates; and
- Observation of the voting process at every polling station.

On March 18, 19 and 20 2008, students voted at the three campuses of SFU. CFS representatives campaigned, mobilized supporters and observed the voting.

**4. Why was the Referendum Oversight Committee not in charge of counting the ballots of the referendum?**

The CFS participants on the ROC refused to participate. The IEC invited members of the ROC participate in counting the ballots, but the CFS representatives refused to do because they refused to recognize the validity of the referendum. The CFS representatives maintained that the vote should be held on any other days besides that which was set out in the notice, which was delivered in complete compliance with the CFS membership by-law.

**5. Did the SFSS campaign fairly in the referendum?**

Yes, the SFSS submitted all referendum materials to the ROC and IEC for approval and campaigned fairly. However, the CFS representatives on the ROC did not acknowledge receipt of, let alone approve, all materials in accordance with the agreed upon procedure and timeframe established by the ROC.

The SFSS relied on volunteers and its elected Board of Directors to campaign as fairly and transparently as possible in the referendum process. No permanent SFSS staff campaigned in the referendum.

The SFSS believes that, given the high voter turnout, students saw the process as legitimate, transparent and fair, and want that result recognized by the CFS.

**6. What was the result of the referendum?**

SFSS members voted 67% to leave the Canadian Federation of Students. 4490 students voted on the referendum question, representing 17.7% of the membership.

**7. Why did the SFSS go to court to have the referendum results recognized?**

It did so because the CFS refused to recognize the results of the referendum. As has been the case with other student societies in Canada who have attempted to leave the CFS, the SFSS anticipated that the CFS

would chose to litigate the referendum results rather than adhering to the democratic will of SFU students. It commenced the proceedings soon after the CFS indicated that it would not accept the results in the hope of having the issue resolved quickly.

**8. Was the referendum initiated by members of the Conservative Party?**

No. The SFSS is a non-partisan society, and it has no connections with any political party. In the referendum campaign, volunteer students from across the political spectrum with an array of partisan affiliations and, in many cases, no partisan affiliations campaigned in favour of leaving the CFS. The drive to leave the CFS was fueled by dissatisfaction with the CFS and not by any partisan affiliations.