

PGSS membership in the Canadian Federation of Students

Executive Summary

31 October 2013

History

The PGSS joined the Canadian Federation of Students, a Canada-wide federation of student associations, in 1993. Over the years, PGSS members developed concerns about CFS' transparency, accountability, and activities, and on October 19, 2009 submitted a petition to CFS asking to hold a referendum of PGSS members on whether PGSS should remain a member of CFS. CFS requires such a referendum for an association to cease being a member.

According to CFS' bylaws, CFS had 90 days, or until January 17, 2010, to set the dates of the referendum in consultation with PGSS. PGSS explicitly requested a four-day referendum due to the geographical distribution of postgraduate students and the requirement for votes to be cast by paper ballot. This request arose out of PGSS' concern that a shorter referendum would not meet the quorum necessary to be recognized by the CFS. As CFS had not yet set the dates of the referendum as of January 25, 2010, the PGSS then filed court proceedings for a safeguard order to ensure the referendum would take place. On February 2, 2010, one day before the hearing, CFS' attorneys wrote to PGSS' attorneys announcing that CFS had unilaterally set the referendum dates as March 31, 2010 and April 1, 2010.

Starting January 2010, PGSS repeatedly requested that CFS provide the names and contact information of its appointments to the Referendum Oversight Committee (ROC), which is responsible for the organization of the referendum. CFS did not inform PGSS of the identity of its ROC members until March 4, 2010, one day after PGSS Council passed a motion to hold a referendum over four days from March 29-April 1, 2010 in the event the ROC could not reach an agreement.

CFS' ROC members consistently argued that the ROC did not have the power to set the dates and duration of the referendum, while PGSS' ROC members argued that the ROC had that power. Indeed, on May 26, 2008 CFS ROC member Lucy Watson had signed an affidavit in a case opposing the Simon Fraser Student Society and the CFS regarding the validity of a referendum on continued membership which reads as follows:

“Because the Petition [of Simon Fraser University dated August 2007] did not specify a date for the Referendum, in accordance with the CFS Bylaws and the longstanding practice and custom of the Canadian Federation of Students, setting the date for the Referendum is a matter for the Oversight Committee.”

While PGSS suggested a three day referendum in an effort to reach an agreement while ensuring the referendum would have a chance of meeting quorum, CFS' ROC members

claimed again that the ROC had no power to set the dates. Given the deadlock, PGSS held a four-day referendum from March 29-April 1, 2010. The results were 86% in favor of withdrawing from the CFS, with 869 PGSS members participating. CFS has consistently refused to recognize the results of this referendum, and the matter is currently before the courts, with PGSS seeking a declaration that it is no longer a member of the CFS.

Context

During Fall 2009, eleven other student associations submitted similar petitions calling for a referendum on continued membership in the CFS:

- a) Concordia Student Union;
- b) Graduate Student Association of Concordia;
- c) Dawson Student Union;
- d) Society of Graduate Students at Western Ontario University;
- e) Carleton University Students' Association;
- f) Trent Central Student Association;
- g) University of Victoria's Student Society;
- h) Graduate Students' Association of the University of Calgary
- i) University of Regina Students' Union;
- j) Alberta College of Art and Design Student's Association;
- k) University of Guelph Central Students' Association;

Having been told that their petitions were not in order, the University of Guelph Central Students' Association and the University of Victoria's Student Society successfully obtained court orders for referenda to take place, the results of both of which were in favor of leaving the CFS. Having been told that they could not hold referenda due to an alleged by-law change limiting the number of referenda held at a given time, both the Concordia Student Union and the Graduate Students Association of Concordia held referenda, the results of both of which were in favor of leaving the CFS. The CFS did not recognize the results of either referendum and the matter is currently before the Superior Court of Quebec. The Graduate Students Association of the University of Calgary held a referendum in early 2010, the results of which were in favor of withdrawing from the CFS and were not recognized by the CFS. Three associations held referenda in favor of remaining in the CFS, while others were told their petitions were not in order

and did not hold referenda.

In 2013, students from several associations, including the University of Toronto Graduate Students Union and the Capilano Students Union, have submitted petitions asking for referenda to be held on the question of continued membership in the CFS.

Recent Developments

PGSS' Board of Directors and Executive Committee have followed the progress of PGSS' legal proceedings over the years. Recently, a change in legal counsel was made and PGSS' proceedings were amended. The new proceedings can be viewed [here](#).

Council should know that PGSS was made aware on October 11, 2013 that a group of individual PGSS members have submitted a new petition asking CFS to hold a referendum of PGSS members on the question of PGSS membership in the CFS.

Council should be aware that a substantial amount of money is at stake in this case and expect frequent updates about this case in light of recent developments.

The PGSS Board and Executive Committee expect to work closely with Council on matters related to CFS as developments unfold.