

Judicial Board
of the Students' Society of McGill University

BETWEEN

Rebecca TACOMA
(the Respondent)

and

Zach NEWBURGH
and
Brendan STEVEN
(the Petitioners)

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I. Overview

1. The present case concerns respecting the Chief Electoral Officer's (the Respondent) constitutional jurisdiction to interpret her bylaws. The *Students' Society of McGill University Constitution (Constitution)* gives the Respondent the power to make binding decisions concerning the interpretation of the electoral By-laws and relevant sections of the *Constitution*. As the aforementioned legislation is silent or vague on many electoral matters, for example, the use of social media in campaigning, the Respondent had to exercise this jurisdiction throughout the Fall 2011 Referenda Period.
2. The Respondent reasonably exercised her jurisdiction. She was guided by her underlying philosophy of allowing information to disseminate across campus as much as possible to ensure that SSMU members have access to as much information as possible when voting. Her decisions, although they may not have been correct in the biased eyes of the Petitioners, were made with the utmost respect for the principle of impartiality as enshrined in the SSMU Constitution.
3. This decision equally concerns the stability of the student electoral process. Extensive resources go into the organization and execution of referenda and elections. Requiring the organization of another question referendum will unfairly burden Elections SSMU. Furthermore, overturning a vote could

seriously compromise the SSMU electorate's view of the value of voting. They may be less motivated to do so in future referenda or elections.

II. Statement of Facts

4. The Respondent is the Chief Electoral Officer of Elections SSMU. She was appointed by Newburgh, in his capacity as SSMU President, following selection criteria based on, among other considerations, her experience with student elections.

Pre-campaign communications between the Respondent and the Petitioners.

5. In an exchange of e-mails beginning on October 18, 2011 and October 29, 2011 (Appendix A-1) Petitioner Steven (Steven) showed interest in forming a "No" campaign committee. The Respondent provided him with all the necessary information and opportunities to do so. Despite his initial interest, he never actually formed the campaign committee.
6. Petitioner Newburgh (Newburgh) arranged via another e-mail to meet the Respondent during her office hours on October 27, 2011 (Appendix A-2). Newburgh, according to the email, was seeking access to the referendum petition kit submitted by QPIRG. The Respondent granted him access to the kit.
7. During the meeting on October 27, 2011, Newburgh stated to the Respondent that he was trying to ensure that QPIRG would fail. He further stated that the QPIRG question would not make it on the ballot.

He also stated that he was not worried because he predicted that not enough students would vote to reach quorum (15% of the SSMU membership, per art 25.7 of the *Constitution*).

8. During the October 27th meeting, the Respondent reminded Newburgh that, per art. 12.1.1. of *By-law Book I*, he had the option of forming a "No" campaign committee. He stated to the Respondent that he was not interested in doing so, because he wanted to ensure the question was shot down with as little effort as possible.

Referendum questions.

9. The QPIRG and CKUT referenda questions are identical (Appendix A-5). Both are similarly structured, with similar purposes.
10. The Respondent approved the QPIRG referendum question, which was drafted and presented by QPIRG – McGill. This process was conducted according to the rules on student-initiated referendum questions included.
11. SSMU legislative council, in conformity with the rules for SSMU-initiated referendum, passed the CKUT referendum question in a motion during the October 13, 2011 meeting. (see Appendix A-8). Thus, both the Respondent and the legislative council separately approved the constitutionality of a referendum question of this nature.

Communications during the campaign and following the referendum vote.

12. The Respondent sanctioned the QPIRG "Yes" campaign committee three times during the campaign period. The first sanction occurred on

November 1, 2011 (Appendix A3, page 1), the second on November 1, 2011 (Appendix A-3, page 2), and the third on November 2, 2011 (Appendix A-3, page 3).

13. During the campaign period, the Respondent and Newburgh exchanged e-mails regarding Newburgh's concerns about campaigning done by the QPIRG "Yes" campaign committee. E-mails were exchanged between October 31, 2011 and November 11, 2011 (Appendix A-4). Each of these submissions was taken under serious consideration by the Respondent. The Respondent in most cases replied directly to each of Newburgh's e-mails.

14. Where multiple e-mails were sent by Newburgh in a short timeframe, she chose to respond to the last e-mail that had been received, acknowledging in that message that all the previous email petitions had been received and considered. Thus was the case in a series of emails between the Respondent and Newburgh (Petitioners' factum, at para 75). In that instance, the Respondent, contrary to the Petitioners' submission, had not ignored any of the emails. It was a response to his four e-mails sent in a short-time frame. As the fourth e-mail is the one to which the Respondent's reply was sent, she reasonably assumed that she did not have to explicitly say it was a reply. She did feel it was necessary to explicitly communicate that his previous three e-mails had been read and considered as well.

15. The results of the Fall Referenda 2011 were announced via listserv email to all SSMU members on the evening of November 10, 2011 (Appendix A-6).

III. Argument

1. The QPIRG Referendum Question is Constitutional.

16. As the QPIRG referendum question pertains to just one issue, QPIRG's existence, it is constitutionally valid. According to art 25.2 of the *Constitution*, any referendum question, "shall deal with one, and only one, **issue**. (emphasis added)" Adam Wheeler, as the "Yes" campaign committee chair for QPIRG, expressed to the Respondent during various meetings that if fees are opt-optable on Minerva, QPIRG would be unable to continue to exist due to a lack of funding. QPIRG stated that the fee-levy system was necessarily connected to QPIRG's existence. This connection was so close according to QPIRG that it would have been impossible to write a referendum question without the inclusion of the fee-levy system. Based on these representations by QPIRG, the Respondent concluded that the proposed question contained a single issue, and that, as a result, the question was constitutionally valid.

17. The Respondent was able to reasonably rely on QPIRG's representations concerning the interconnection of the various elements of the single issue. Given QPIRG's intimate understanding of the relationship between the fee-levy system and the organization's financial status, there was

reasonable grounds for the respondent to defer to QPIRG's representations. Further, it is not within the CEO's jurisdiction to pass judgment on such issues and would therefore be unreasonable for a CEO to do so.

18. If the Respondent had been unable to rely on QPIRG's representations, she would not have had the necessary resources to determine with any accuracy whether the elements of the issue were connected. The Respondent did not have access to accurate and detailed enough information about the economic status and inner financial workings of QPIRG to determine whether QPIRG's view is truly supported. It would also be difficult to determine what financial instability is in the first place, as it is not as if an exact threshold exists for a student group to merit this status.

19. The referendum question concerning QPIRG is clear, and thus is in accordance with art 25.3 of the SSMU *Constitution*. The question clearly stated that a "Yes" vote meant that QPIRG would continue to be a recognized activity supported through a fee-levy system opt-outable through QPIRG itself. It was also clearly explained that a "No" vote meant that QPIRG would no longer be recognized as a student activity supported by students fees (Appendix A-5 for the full question). By clearly outlining the consequences of both a "Yes" and "No" vote, voting SSMU members were able to easily grasp the consequences of their vote.

20. The question clearly states the present status of the fee. It makes it abundantly clear that the fee is currently opt-outable on the Minerva system. It does not imply that the fee is currently opt-outable through QPIRG, as is argued by the Petitioners (see Petitioner's factum, at para 29). This distinction is clearly demonstrated by the following excerpts from the QPIRG referendum question (Appendix A-5):

*"Whereas McGill University took over QPIRG's opt-out process **in 2007** without consulting QPIRG or McGill students and created their own online opt-out system via the Minerva website;"*

*"Whereas the placement of QPIRG's fee on the Minerva opt-out system **has** put QPIRG's finances in a position of increasingly unmanageable financial instability; (Emphasis added)"*

The questions thus clearly states that since 2007 the opt-process has been operating through Minerva, and not through QPIRG itself.

2. The Respondent correctly permitted certain Campus Endorsements made during the campaigning period.

21. The Respondent was correct in not sanctioning the SSMU's support of QPIRG. Art 12.1 of *By-Law Book I* declares that "[SSMU] Council may pass a motion forming a "Yes" or "No" Committee, and not both, for accepted referenda questions." It necessarily follows that Council would have to take a stance on the referendum in question, as they are only allowed to approve either a "Yes" or "No" committee. Thus, Council was fully within

their rights to choose to endorse QPIRG (and CKUT), and did not even exercise their full right to form a "Yes" campaign committee in continuation of their decision to endorse.

22. Given the institutional link between the AUS and the SSMU, AUS was also within their rights to endorse the QPIRG "Yes" campaign committee. Art 12.3.1 of *By-Law Book I* states that no organization external of SSMU may be directly or indirectly involved in the activities of a Yes or No campaign. The AUS is not external to SSMU, but rather a close partner society. This closeness is evidenced by the number of AUS representatives that currently occupy positions on SSMU Council: the VP External, three of the Arts Representatives to SSMU and three of the Arts Senators. Thus, they are within their rights to show explicit support of "Yes" committees.

23. None of the elections bylaws restrict participation in referenda campaigns to students not involved in any student groups. None of the by-laws pertaining to campaigning state that a student cannot be involved in student politics, nor that any member of a campaign must forgo their political responsibilities, such as participating in meetings. Consequently, the participation by various members sitting on the QPIRG "Yes" campaign committee in either the AUS or the legislative council is an irrelevant concern.

24. Where the by-laws have wanted to disallow members of a campaign from engaging in certain student activities, they have been explicit. For

example, art 16.4 of *By-law Book I-2* states that campaign committee members with programming and broadcasting responsibilities, as well as those with editorial duties with the *McGill Tribune*, or the *Daily Publication Society* must refrain from carrying-out such duties for the whole of the campaign period. If it were expected that SSMU council or departmental association members were required to forgo certain responsibilities during the campaign period, this would have similarly been specifically mentioned.

25. The Respondent is under no obligation to ensure that SSMU's legislative council follows proper procedure concerning conflicts of interest. If certain members are required to openly state conflict of interest to the chair of the committee before the meeting begins, as detailed in art 4.2 of the SSMU Policy Manuel, Conflict of Interest Policy, than it is the responsibility of Council to enforce those own rules of practice. Any failure in the enforcement of these rules cannot be prejudicial to the Respondent.

26. The emails sent through the CKUT listserv (see Petitioner factum at para 62 and annex C-7) were not unsolicited, as they were sent through a listserv. The by-laws do not permit the sending of unsolicited support emails. Emails received through a listserv, unlike general "spam" emails, are only received because individuals have willingly signed up to receive any and all emails from that listserv. More specifically, members of the CKUT listserv are willingly signing-up to receive updates and news from CKUT. As a radio station, it seems quite obvious that one of their driving

purposes is to provide news, and of course, commentary on this news. It follows that SSMU-members signing up should be aware of CKUT's purpose. As such, just because a SSMU and listserv member does not agree with how CKUT chooses to comment on the news does not at all mean that this news is unsolicited mail. As the Petitioners' witness Eliana has stated, "I am interested in hearing CKUT's positions regarding many issues on campus." This is exactly what CKUT provided her with when they communicated their stance on the QPIRG referendum question.

3. The Respondent reasonably determined that QPIRG did not receive external support

27. The Respondent's interpretation of all her elections by-laws must be given a level of deference. Where an administrator with a level of expertise is making a decision within her jurisdiction, it must be given a high level of deference. This principle is affirmed by the Supreme Court of Canada in a number of cases (see e.g. *Pushpanathan v. Canada (Minister of Citizenship and Immigration)*, *Law Society of New Brunswick v. Ryan*, and *Canada (Director of Investigation and Research) v. Southam Inc.*, [1997] 1 S.C.R. 748). As has been stated, the Respondent was selected for her position in part because of her experience organizing student elections at McGill. Consequently, her interpretation of her by-laws must be upheld unless the Judicial Board were to find those interpretations were clearly unreasonable.

i. Meaning of "external"

28. The Respondent reasonably interpreted the definition of the term "external" in art 12.3.1 of *By-law Book I-10*. No definition is given in any of the by-laws concerning the definition of "external". The Respondent interpreted this article to mean that any group that was largely made up of or coordinated by SSMU members, or one that was directly involved in SSMU by sending representatives to SSMU councils was not external to SSMU because of their direct involvement in the SSMU community. This interpretation was made based on her past experience with student elections.

29. Both Kanata and IRC fell outside the reasonable definition of "external." Kanata is a student support indigenous studies community that produces an undergraduate student-led academic journal at McGill. Therefore, its membership and leaders are largely made up of SSMU members. The IRC is completely made up of SSMU members, with one member of the IRC sitting on the First-Year Council of SSMU. Thus, both groups are able to provide their explicit support to referendum campaign committees.

30. IRC did not violate of any elections by-laws by sending an email through its listserv. As has been stated about (see *infra*, at para 28), listserv emails are by their nature not unsolicited messages. The IRC is made of elected members, and the students who elected these members are expecting to be informed of the decisions made during IRC meetings. It

would be unnatural for them not to make this decision known to their members over their regular listserv e-mails, and preventing them from doing so would be unreasonable.

ii. Student Media.

31. It is unreasonable for the elections by-laws to be read as requiring the Respondent to control content within student newspapers. The office of the CEO does not have the power implicitly or explicitly in the by-laws to control what is, and what is not, published in various papers by various editors. No reasonable interpretation of any by-law could mean the CEO would be expected to have such a high degree of power over the media.
32. The Respondent reasonably ensured that campaign committees adhered to the by-laws concerning the papers. In several meetings with the QPIRG (and CKUT) "Yes" campaign committees, she reminded them of the contents of art 16.9 of *By-law Book I* in that both the *McGill Tribune* and the *Daily Publication Society* are permitted to express non-neutral attitudes towards referenda, but that members of campaign committees are not allowed to make contributions to these papers during the campaign period (art 16.4 of *By-law Book I-10*), and that they are to do their very best remind all and any of their supporters that it would constitute external support if non-SSMU members or external groups wrote submissions regarding an affirmation of a campaign committee (art 12.3 of *By-law Book I-10*)

iii. Meaning of “receiving”

33. The Respondent reasonably concluded that the QPIRG “Yes” campaign committee should not be sanctioned for unknowing support appearing in the papers. Art 12.3.2 of *By-law Book I-10* requires that a campaign committee “receive” assistance from an outside person or organization. The word “received” implies that the campaign committees would have had to consciously accept this help. If outside members do write to the papers concerning their support to an unknowing campaign committee, this is not in accordance with art 12.3 of *By-law Book I-10*. However, it would not be fair for campaign committees to be sanctioned for support that was not sought or consciously accepted by them, as it was not a breach of electoral law that they could reasonably be expected to control. This is especially pertinent to the case of QPIRG, where their existence affects many more people than just SSMU members. No evidence has been presented suggesting that QPIRG had “received” any such support.

iv. Policy Concerns.

34. When evaluating the reasonableness of the Respondent’s interpretation of the By-laws, the Judicial Board must consider the pragmatic consequences of the interpretations submitted by the Petitioners. Some by-laws, such as art 12.3.1, are difficult to enforce. The CEO is held solely responsible for the supervision of adherence to the by-laws during elections. As such, placing too high of a burden might result in placing an unrealistic burden

on the CEO. Rather, as long as appropriate effort is put in, as it was, then not much more can be expected unless the article in question is flagged by the legislative council as one that needs to be reviewed, and as one that possibly needs amendment.

35. In light of this, it can be recognized that the Petitioners are mistakenly asserting that the Respondent decided art 12.3.1 of *By-law Book I-10* to be unworthy of respect and "ridiculous" (as seen in section 52 of their factum). Rather, her use of the word "ridiculous" was referring to the Petitioners' absurd belief that she should be capable of fully enforcing this by-law.
36. The Respondent communicated orally to the QPIRG (and CKUT) "Yes" campaign committees, that while it might have been done differently in the past, she did not constitute the presence of campaign support in Facebook statuses and Facebook pictures to be considered campaigning.
37. This is a reasonable and fair application of the concept of campaigning because, as the CEO is only one person and does not have every individual affected by this referendum on Facebook, it would be highly unrealistic for her to be able to monitor all statuses and pictures appearing on Facebook.
38. This interpretation was consistently applied throughout the campaign period. As such, the Petitioners inclusion of annex C2 and C8 are not of any relevance to the case.

4. The Respondent respected the rules of natural justice.

39. The Respondent demonstrated nothing but impartiality in regards to QPIRG. The decision made about what to appear on the "No" ballot does not demonstrate bias towards QPIRG. Rather, it is demonstrative of the Respondent's concerted effort to ensure that the numerous violations of art 16.16 in *By-law Book I* did not go unnoticed. Art 16.16, like art 12.3.1 (explained in par 26) is difficult to enforce, and the Respondent was doing her best to ensure that all voters were aware of the illegal participation in campaign activities by non-campaign committee members.
40. This decision came after much discussion between the SSMU President, Maggie Knight, and the Respondent, as elections fall under the President's Portfolio.
41. The Respondent also made public the first two sanctions of the QPIRG "Yes" campaign committee members via listserv email (Appendix A-7). As detailed by art 18.4 in *By-law Book I*, The Respondent has the discretion to implement various forms of sanctioning. Therefore it does not follow that all sanctions have to include public censure.
42. Considering this, the Respondent exercised her discretion and chose not to make the third sanction public (Appendix A3, page 3 for full details on the sanction). She came to this decision because it is a technical error, and thus only deserved a minor sanction. The actual sending out of the

QPIRG endorsement on the CKUT listserv was not illegal, it was just that it was sent from an e-mail address of a non-SSMU CKUT member.

43. The Petitioners claim in para 74 of their factum that "submissions should be considered with due diligence [by the CEO]." This implies that this was not the case. The Petitioners have no grounds to this claim. The Petitioners did not share every stage of the deliberation process with the Petitioners, but the Respondent did, when necessary, deliberate with her colleagues Tara Mehta (Deputy Returning Officer), Joanna Yung (Elections Coordinator), and with SSMU President, Maggie Knight, to consider all submissions as well as taking the time to consider them based on her consistently-applied interpretation of the by-laws and *Constitution*.
44. The Respondent is in no way bound to give written reasoning for all her decisions during the campaign period. For the first few emails the Respondent received from Newburgh she did, but as she began to receive increasingly more emails as campaign period progressed, it was unrealistic for her to devote her time to providing such lengthy written reasoning for all her decisions during such a demanding time and when other important electoral duties take precedent.
45. However, this does not mean that she did not continue to consider all that was submitted by Newburgh. The Respondent's decision to discontinue written reasoning was also highly based on President Maggie's Knight's reminder that it was not part of her responsibilities.

46. The Respondent was in no way trying to discourage further interaction with Newburgh when she invited him to her office hours instead of providing him with a written response. As is detailed in para 2 of the Statement of Facts, Newburgh had willingly attended her office hours before. Further, Newburgh and the Respondent worked together the preceding year when Newburgh was SSMU President and the Respondent was Elections Coordinator. Given their previous work interactions, the Respondent reasonably determined that he would not misinterpret such a statement.

IV. Conclusion

47. Considering that the Petitioners' petition should be understood as a means to further the interests expressed in the Statements of Facts, and considering that these interests have duly poisoned their interpretation of the legislation to suit personal goals, it follows that the Petitioners' disagreement with the Respondent's interpretation and application of the electoral By-laws and relevant sections of the *Constitution* in no way constitute that she acted unreasonably or with bias in her capacity as Chief Electoral Officer of Elections SSMU.

48. As such, the Respondent respectfully requests that the referendum results as received on November 10, 2011 are not overturned so that the voices

of all SSMU members who voted will remain justly heard and the jurisdiction of the Respondent be respected.

V. Appendix

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A-1

Date: 10/25/2011 [04:22:26 PM]
From: Chief Electoral Officer – Elections McGill <elections@ssmu.mcgill.ca>
To: Brendan Steven <brendan.steven@mail.mcgill.ca>
Subject: RE: [ELECTIONS] Referendum Questions and Campaign Committees

Hi Brendan,

My office hours are from 10:05–11:30am tomorrow morning, as well as from 2:15–3:15pm in the afternoon. I highly encourage you to drop by if you would like to form a campaign committee because there is a lot of information I will have to share.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Brendan Steven <brendan.steven@mail.mcgill.ca>:

Hi Rebecca,

Unfortunately I read this email too late, but unfortunately I would have been unable to attend your office hours anyways due to another appointment. When is your next set of office hours?

Best,
Brendan

From: Chief Electoral Officer – Elections McGill [elections@ssmu.mcgill.ca]
Sent: October 20, 2011 8:01 PM
To: Brendan Steven
Subject: RE: [ELECTIONS] Referendum Questions and Campaign Committees

Hi Brendan,

I apologize for my late reply. The petition to create a campaign committee is attached. The petition is due at the beginning of the campaign period (Oct. 31st) or at anytime during the campaign period. However, you cannot begin to campaign until your petition has been approved by myself. You will want to drop in during my office hours on Monday (10:05am–11:30am) so we can discuss the information that was shared during the meeting on Tuesday, as it was quite important. You will probably want to get an idea of everything that was discussed before Monday by looking at all the by-laws regarding campaigning and referendum committees in By-Law Book 1. This can be found on the SSMU website, under the 'about us' tab, and then by clicking on 'constitution and by-laws.'

Let me know if you have any pressing questions before then.

Best,

A-1

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Brendan Steven <brendan.steven@mail.mcgill.ca>:

Hi Rebecca,

I unfortunately missed the meeting due to another appointment. If you would be so kind, please email me any materials that were handed out at the meeting.

As well, if there is a template petition sheet for signing up a "No" Committee, I would appreciate it if you please sent it to me.

- Brendan

From: Chief Electoral Officer - Elections McGill [elections@ssmu.mcgill.ca]
Sent: October 18, 2011 12:49 PM
To: Brendan Steven
Subject: RE: [ELECTIONS] Referendum Questions and Campaign Committees

Hi Brendan,

The meeting is at 5:00pm in room 403 of the Shatner Building. It is for anyone who wishes to start a "Yes" or "No" campaign committee for one of the below referendum questions.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Brendan Steven <brendan.steven@mail.mcgill.ca>:

Hi Rebecca,

What time is the meeting at?

- Brendan

From: elections [ELECTIONS@LISTS.MCGILL.CA] on behalf of Chief Electoral Officer - Elections McGill [elections@ssmu.mcgill.ca]
Sent: October 16, 2011 10:01 AM
To: ELECTIONS@LISTS.MCGILL.CA

A-1

Subject: [ELECTIONS] Referendum Questions and Campaign Committees

Hi Everyone,

Below please find the accepted questions for the Fall Referendum Period. You will all have to opportunity to vote on these questions during the polling period of November 4th to November 10th.

Furthermore, As members of SSMU, you have to right to form a "Yes" or "No" campaign committee in regards to these referendum questions. If you are interested in forming such a committee, please e-mail me as soon as possible as a meeting has been planned for this Tuesday.

QPIRG (Quebec Public Interest Research Group) Referendum Question:

Whereas the Quebec Public Interest Research Group at McGill (QPIRG) is one of 200 PIRGs in the United States and Canada, and has been incorporated as a not-for-profit organization since 1989;

Whereas QPIRG provides vital resources, funding and meeting space that enable students and community groups to conduct research and launch a diversity of environmental and social justice initiatives;

Whereas QPIRG connects campus and community through annual event series for McGill students (e.g., Rad Frosh, Culture Shock, Social Justice Days) and through numerous working groups (e.g., Greening McGill, Campus Crops, Women of Diverse Origins);

Whereas McGill students voted to grant QPIRG its initial fee levy in 1988, and QPIRG subsequently created its own fee refund process for students who wanted to ?opt out?;

Whereas McGill University took over QPIRG?s opt-out process in 2007 without consulting QPIRG or McGill students and created their own online opt-out system via the Minerva website;

Whereas McGill undergraduate students voted in the Fall 2007 General Assembly to ?put an end to the online opt-out system [?] such that campus groups shall be in charge of their own opt-out processes?;

Whereas the placement of QPIRG?s fee on the Minerva opt-out system has put QPIRG?s finances in a position of increasingly unmanageable financial instability, thereby interfering with QPIRG?s capacity to serve the McGill and Montreal communities;

Whereas a ?yes? vote on the following question shall mean that QPIRG continue receiving the undergraduate fee-levy, with refunds administered by QPIRG instead of the externally imposed Minerva opt-out system, and that students retain their right to receive a full fee refund;

Do you support QPIRG continuing as a recognized student activity supported by a fee of \$3.75 per semester for undergraduate students,

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which is not opt-outable on the Minerva online opt-out system but is instead fully refundable directly through QPIRG, with the understanding that a majority ?no? vote will result in the termination of all undergraduate fee-levy funding to QPIRG?

Radio CKUT Referendum Question:

Whereas, Radio CKUT is licensed by the Canadian Radio-television and Telecommunications Commission as a campus-community radio station to broadcast at 90.3 on the FM band to the greater Montreal area;

Whereas, CKUT became an independent student activity in 1988 and has served the McGill and Montreal communities 24 hours a day 365 days a year, on FM radio and the Internet;

Whereas, McGill undergraduate students have supported CKUT with a fee of \$4.00 each semester since 1988, and whereas any student who pays said fee is automatically a member of CKUT, with all the rights and privileges pursuant thereto;

Whereas, prior to 2007 CKUT?s fee was refundable at the premises of CKUT; Whereas, the placement of CKUT?s fee on the Minerva online opt-out system in 2007 has continuously depleted the financial resources of CKUT, thereby interfering with the ability of CKUT to serve the McGill and Montreal communities;

Whereas, in Fall 2007 a General Assembly of the SSMU passed a motion mandating the SSMU to take every reasonable action to put an end to the online opt-out system created by the University such that campus groups shall be in charge of their own opt-out processes;

Whereas, CKUT employs McGill undergraduate students, and includes McGill undergraduate student representatives on its Board of Directors, Steering Committee and Programming Committee, and provides internships and research opportunities for student members related to their academic fields;

Whereas, all undergraduate student members may participate in CKUT?s annual general assembly, which is the highest governing body of CKUT;

Whereas, McGill undergraduate student members may participate in the activities and governance of CKUT as listeners, programmers, technicians, and receive training at CKUT in various aspects of radio production;

Whereas, CKUT is consistently voted as the #1 or #2 Radio Station in the Mirror?s Best of Montreal Readers Poll;

Do you support CKUT continuing as a recognized student activity supported by a fee of \$4.00 per semester for full-time undergraduate students, which is not opt-outable on the Minerva online opt-out system but is fully refundable directly through CKUT, with the understanding that a majority ?no? vote will result in the termination

A-1

of all undergraduate funding to CKUT?

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

A-2

Date: 10/27/2011 [04:41:57 PM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: CONFIDENTIAL

Hi Zach,

I will be able to drop it off with Pauline at the start of the meeting, but depending on how long you plan to meet I might not be able to stay and take the petition with me again. However, I could just make arrangements for Pauline to keep it in a safe place and pick it up on Monday. I'll see you tomorrow.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,
Thanks very much for letting me meet with you yesterday. I have an appointment to review the membership list on Monday at 2:30pm with Pauline Gervais. Would you be free to accompany me with the petition for the QPIRG Referendum Question? If not, would you be willing to leave the petition with Pauline, so that I can access it then? Looking forward to hearing from you!

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University
Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: elections@ssmu.mcgill.ca
To: zach.newburgh@mail.mcgill.ca
Subject: Re: CONFIDENTIAL
Date: Tue, 25 Oct 2011 20:38:33 +0000

Hi Zach,

Yes, it has been nice to run into you and I hope you are having an enjoyable semester. I have office hours tomorrow from 10:05am-11:30am in the morning, and then from 2:15pm-3:15pm in the afternoon. You can feel free to come anytime around then and have access to the petition. However, I think it would be best if you just looked at it in the actual elections office. If I allowed members of the society to take the petition and bring it elsewhere, I cannot be sure if any changes

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are being made to the petition while it is not in my possession. I am not suggesting that you would do such a thing, but rather this is just a general rule. I hope you understand, and I will probably be seeing you tomorrow.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,
I hope that this email finds you well. It was nice running into you a few times this semester. That said, I am writing to request access to the petition that established the QPIRG Referendum Question that will be coming up for a vote this November. Please let me know when I can drop by to pick it up. I am looking forward to hearing from you.

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com
NOTICE OF CONFIDENTIALITY:
This communication is intended only for the party to whom it is addressed and contains confidential information. Any other delivery, distribution, copying or disclosure of this email of the information contained herein is strictly prohibited by law. If you have received this communication in error, please notify the sender immediately by return electronic mail and destroy this message.
AVIS DE CONFIDENTIALITÉ :Ce message est confidentiel et est à l'usage exclusif du destinataire. Toute autre personne est par la présente avisée qu'il lui et l'information qu'il contient est strictement interdit de le diffuser, distribuer ou reproduire par loi. Si vous avez reçu ce message par erreur, veuillez nous en aviser immédiatement par retour de courrier électronique et détruire ce message.

**Official Notice of Sanction
Fall 2011 SSMU Referendum**

This is an official notice that **QPIRG “Yes” Committee** has been issued a sanction for **violating by-law 12.3 as non-Society members were indirectly involved in the campaign and supported the committee by writing letters of support posted on the QPIRG “Yes” Committee website (<http://qiprgves.ca.s105360.gridserver.com/letters/#start>)** on **November 1st, 2011**. The committee has 48 hours to remove 50 QPIRG “Yes” campaign posters signed by the CEO and return them to CEO as proof. In addition, a public censure will be ensue. This will not be accompanied by a financial sanction

Rebecca Tacoma, Chief Electoral Officer

**Official Notice of Sanction
Fall 2011 SSMU Referendum**

This is an official notice that **QPIRG “Yes” Committee** has been issued a sanction for **violating by-law 12.3.1 as Samir Shaheen-Hussain showed his explicit support of the committee with direct mention to his affiliation with an organization outside of SSMU (the No One Is Illegal campaign)**. This sanction was issued **November 1st, 2011**. The committee has 48 hours to remove 25 QPIRG “Yes” campaign posters signed by the CEO and return them to CEO as proof. In addition, a public censure will be ensue. This will not be accompanied by a financial sanction. **It must be noted that another sanction of similar severity could result in the closure of the referendum committee or nullification of the referendum question (see by-law 12.3.2)**

Rebecca Tacoma, Chief Electoral Officer

**Official Notice of Sanction
Fall 2011 SSMU Referendum**

This is an official notice that **the QPIRG “Yes” Committee** has been issued a sanction for violation of by-law 12.3, as **Caitlin Manicom, a non-member of the society, showed her support by sending out a CKUT listserv with endorsement for the QPIRG “Yes” Committee. While the endorsement of CKUT is legal, this endorsement must be carried out only by the CKUT members who are members of the society.** This sanction took place on **November 2nd, 2011.** This sanction is not accompanied by public censure, but comes with an economic penalty of ten dollars.

Rebecca Tacoma, Chief Electoral Officer

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Date: 11/11/2011 [11:38:49 AM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: Infractions Supporting the QPIRG Referendum Question

Hi Zach,

As I mentioned before, I am not particularly keen on getting into a debate about this because I do not feel that I have to explain each of my decisions, although I do have reasons for all the decisions that I have made. Keeping this in mind, if you would like further clarification on anything you can feel free to drop in during my office hours.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

Thank you for your response; though I find the content problematic on several accounts.

- 1) What do you constitute as an organization external to the SSMU if not one that is a separate legal entity?
- 2) CKUT's endorsement is one from both its "Board and staff" (<http://www.mcgilldaily.com/2011/11/11400/>). Since the endorsement is written in the collective ("staff"), this includes its broadcasters. Otherwise, who besides CKUT staff are broadcasting?
- 3) Indeed, 16.9 allows the McGill Daily and McGill Tribune to take positions on referenda; however, this clause does not negate Bylaws 12.3 and 12.3.1, which cover matters unrelated to 16.9.
- 4) Is it not sufficient for the Yes Committee to get the word out through means that do not violate the Bylaws? QPIRG seems to have engaged with several legal forms of campaigning - handbills, posters, website, buttons, Facebook events, Facebook profile pictures, YouTube videos, letters to campus media from SSMU groups (Queer McGill, Plate Club, etc.) and members of the Yes Committee, and editorials from campus newspapers. These surely seem sufficient to me to get the word out.

I hope that you will reconsider your position on the egregious number of infractions committed by the Yes Committee in support of the QPIRG Referendum Question.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

| From: elections@ssmu.mcgill.ca

A-4

To: zach.newburgh@mail.mcgill.ca
Subject: RE: Infractions Supporting the QPIRG Referendum Question
Date: Thu, 10 Nov 2011 18:42:45 +0000

Hi Zach,

Thank you for sharing your concerns. As I stated in one of my previous e-mails, there are many ways to interpret the by-laws. I have chosen to interpret them in a way that is conducive to allowing information to freely circulate throughout campus. It is not that I am ignoring infractions, it is simply that many of the events that you deem to be infractions do not necessarily have to be considered that way.

For example, I do not consider an organization to be external to SSMU simply because they are a separate legal entity, as the concepts are not necessarily synonymous--one (the latter) is much more specific than the other. Rather, I do not believe the IRC to be a external to SSMU because according to the FYC constitution, one member of the IRC sits on the SSMU FYC council, making them a part of the workings of SSMU. The same sort of logic can be used for manner of the other groups you consider to be external to SSMU.

In regards to your claim about CKUT, just because CKUT as a whole chooses to endorse QPIRG does not mean that the individuals who are on campaign committees, are "broadcasting." A violation of section 16.4 would entail that they continue their on-air duties during the campaigning period. That is significantly different than the group as a whole choosing to endorse a campaign committee, which they are at liberty to do.

I would like to make a few further distinctions. The Tribune and Daily are exempt from having to remain neutral in regards to referenda (see by-law 16.9). As a result, the editors are at liberty to include what they want in the papers. If people who are not part of the society are writing in about why they feel QPIRG or CKUT are important on campus, this is a freedom of expression, not support to the campaign committees themselves. It would be a little on the ridiculous side for Elections McGill to attempt to attempt to control what is written in the papers.

All of this to say that I am not looking to start a debate about any of this. I was simply hoping to clarify for you why I may not take the same stance as you have on different events that have occurred throughout campaigning. I do not feel that I have to explain myself for every decision that I make, but I thought it would be helpful for you in this case.

Lastly, I would like to touch on a point that you brought up in your previous e-mail. Of course we both know why the by-laws exist--to run a fair campaign period. However, if the by-laws are interpreted in a manner that is so strict that campaign committees can barely get the word out, and other campus groups cannot stand in solidarity with them if they see fit, or stand against them if they so choose, then what is the point of having a campaign period? Just something to think about.

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I appreciate your diligence in sharing information that you found relevant to campaigning.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

H Rebecca,

I have not yet received a response from you; nevertheless, I am writing to inform you of further infractions committed in support of the QPIRG Referendum Question.

As you know, Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees."1) Ed Hudson participated in the campaign to support the QPIRG Referendum Question in his endorsement included in today's edition of the McGill Daily (<http://www.mcgilldaily.com/2011/11/11400/>). Ed Hudson received his PhD from McGill University in 2010, and is therefore not a member of the Society. With this in mind, Article 12.3.1 of Bylaw I-1 states, "No organization external to SSMU may be directly or indirectly involved in the activities of the 'Yes' and 'No' committees and the implicit or explicit support of said committees." The Yes Committee has already been censured for having violated this clause in the Bylaws, and it has been accused of a breach since then on several occasions. Nevertheless, the Yes Committee continues to violate the aforementioned Bylaw in the following instances:2) Featured in today's edition of the McGill Daily is an endorsement of the activities of the Yes Committee by QPIRG-McGill. Since QPIRG is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), QPIRG-McGill is an organization external to the SSMU (<http://www.mcgilldaily.com/2011/11/11400/>). 3) Featured in today's edition of the McGill Daily is an endorsement of the activities of the Yes Committee by CKUT. Since CKUT is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), CKUT is an organization external to the SSMU (<http://www.mcgilldaily.com/2011/11/11400/>).4) Featured in today's edition of the McGill Daily is an endorsement of the activities of the Yes Committee by the Filipino Solidarity Collective, which is a working group of QPIRG. Since QPIRG is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), the Filipino Solidarity Collective is an organization external to the SSMU (<http://www.mcgilldaily.com/2011/11/11400/>). Additionally, I will

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remind you of the following Bylaws:5) Bylaw I-1, Article 16.3: "No member of a club or service or media organization may use his or her position in order to aid his or her campaign." 6) Bylaw I-1, Article 16.4: "During the campaign period, all candidates and members of referendum committees with an on-air position shall forgo their programming and broadcasting responsibilities. Likewise, all candidates and members of referendum committees who have editorial duties, including contributions, with either the McGill Tribune or the Daily Publication Society shall refrain from fulfilling those duties during the campaign period."I hereby charge the staff and members of the CKUT Board with the violation of Bylaw I-1, Articles 16.3 and 16.4. Evidence of this can be found in today's edition of the McGill Daily wherein the staff and members of the CKUT Board endorse the QPIRG Referendum Question. Since CKUT has continued broadcasting, an endorsement from its staff means that not all members of referendum committees with on-air positions have forgone their programming and broadcasting responsibilities. These are serious violations of the Bylaws, which now bring us up to a total count of 63 infractions. I trust that you will handle these violations appropriately.Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: zach.newburgh@mail.mcgill.ca
To: elections@ssmu.mcgill.ca
Subject: Infractions Supporting the QPIRG Referendum Question
Date: Wed, 9 Nov 2011 21:55:15 -0500

Hi Rebecca,

Thank you for your response from earlier today. I am writing to inform you of further infractions committed in support of the QPIRG Referendum Question.

As you know, Article 12.3.1 of Bylaw I-1 states, "No organization external to SSMU may be directly or indirectly involved in the activities of the 'Yes' and 'No' committees and the implicit or explicit support of said committees." The Yes Committee has already been censured for having violated this clause, and it has been accused of a breach since then on several occasions. Nevertheless, the Yes Committee continues to violate the aforementioned Bylaw in the following instance:

1) The Inter-Residence Council (hereinafter "IRC") recently sent an

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email through its listserv announcing its endorsement of the QPIRG Referendum Question and encouraging students to vote in favour of it. Unlike the First Year Council, the IRC is a function of the McGill University Residence System (<http://www.mcgill.ca/students/housing/downtown-undergrad/life/council/#irc>). Since McGill University is a separate legal entity from the SSMU under the Royal Charter, the IRC is an organization external to the SSMU (email attached).

Additionally, Bylaw I-1, Article 16.7.5 states, "Candidates may not send unsolicited electronic mail for the purpose of campaigning," which is preceded by Article 16.1: "All provisions in this article shall apply equally, where possible, to both candidates and referendum committees."

2) The IRC recently sent an email through its listserv announcing its endorsement of the QPIRG Referendum Question and encouraging students to vote in favour of the Question (email attached). With this in mind, the profile pictures of the President and Vice-President (Internal) of the IRC indicate that they are involved in the activities of the Yes Committee (attached). That said, since the emails of first year students are automatically signed up to the IRC email listserv - with no opportunity to opt-out - this case constitutes a situation in which members of the Yes Committee sent unsolicited electronic mail for the purpose of campaigning. These are serious violations of the Bylaws, which now bring us up to a total count of 57 infractions. If this referendum question is not disqualified due to the unprecedented number and quality of infractions that its supporters have committed, I am curious to know why bylaws regarding referenda and campaigning were established in the first place.

I trust that you will handle these infractions appropriately.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

A-4

Date: 11/09/2011 [10:07:03 AM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: QPIRG Yes Committee Violations

Hi Zach,

Thank you for sharing, I continue to take the time to consider everything that is sent to me.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

Thanks for your response. I am writing to inform you of further infractions committed by the Yes Committee in support of the QPIRG Referendum Question.

As you know, Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees." 1) Linda McQuaig participated in the campaign to support the QPIRG Referendum Question in her endorsement included in this week's edition of the McGill Tribune (<http://www.mcgilltribune.com/opinion/letter-to-the-editor-1.2687561#.TrnHQmDvgUw>). Linda McQuaig is a columnist for the Toronto Star and author of several books, and is therefore not a member of the Society.

2) Max Silverman participated in the campaign to support the QPIRG Referendum Question in his endorsement included in this week's edition of the McGill Tribune (<http://www.mcgilltribune.com/opinion/letter-to-the-editor-1.2687582#.TrnHNmDvgUw>). Max Silverman was a two-term Vice-President (External) of SSMU from 2006-2008, and is no longer a member of the Society.

3) Martin Lukacs participated in the campaign to support the QPIRG Referendum Question in his endorsement included in this week's edition of the McGill Tribune (<http://www.mcgilltribune.com/opinion/letter-to-the-editor-1.2687567#.TrnHQ2DvgUw>). Martin Lukacs graduated in 2008, and is therefore, not a member of the Society.

With this in mind, Article 12.3.1 of Bylaw I-1 states, "No organization external to SSMU may be directly or indirectly involved in the activities of the 'Yes' and 'No' committees and the implicit or explicit support of said committees." The Yes Committee has already been censured for having violated this clause in the Bylaws, and it has been accused of a breach since then on 6 November 2011. Nevertheless, the Yes Committee continues to violate the aforementioned Bylaw in the following instances: 4) Featured in this week's edition of the McGill Tribune is an endorsement of the activities of the Yes Committee by the Montreal Media Co-op, which is a working group of QPIRG. Since QPIRG is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), the Montreal Media Co-op is an organization external to the SSMU (<http://www.mcgilltribune.com/opinion/letter-to-the-editor-1.2687567#.TrnHQ2DvgUw>). 5) KANATA is a working group of QPIRG and participated in the campaign to support the QPIRG Referendum Question. Since QPIRG is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), KANATA is an organization

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external to the SSMU (attached).

6) The Arts Undergraduate Society (hereinafter "AUS") of McGill University recently passed a motion to endorse the QPIRG Referendum Question. Since the AUS is a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Act Respecting the Accreditation and Financing of Students' Associations (A-3.01), the AUS is an organization external to the SSMU (attached). These are serious violations of the Bylaws, which now brings us up to a total count of 55 infractions. I trust that you will handle these breaches appropriately. Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: elections@ssmu.mcgill.ca
To: zach.newburgh@mail.mcgill.ca
Subject: Re: QPIRG Yes Committee Violations
Date: Tue, 8 Nov 2011 23:21:01 +0000

Hi Zach,

Thanks for your email. As always, I have taken the time to consider everything that has been sent to me.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

I hope that you had a nice weekend. With that said, I am writing to inform you of further infractions committed by the Yes Committee in support of the QPIRG Referendum Question.

As you know, Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees."

1) Samantha Cook participated in the campaign to support the QPIRG Referendum Question in a post made on Facebook (attached). Samantha Cook was the Vice-President (Clubs & Services) of SSMU in 2008-2009, and is no longer a member of the Society.

Additionally, I will remind you of the following Bylaws:

2) Bylaw I-1, Article 16.3: "No member of a club or service or media organization may use his or her position in order to aid his or her

campaign."

3) Bylaw I-1, Article 16.4: "During the campaign period, all candidates and members of referendum committees with an on-air position shall forgo their programming and broadcasting responsibilities. Likewise, all candidates and members of referendum committees who have editorial duties, including contributions, with either the McGill Tribune or the Daily Publication Society shall refrain from fulfilling those duties during the campaign period."

Considering that editorial duties involve administrative duties, as is contained within the McGill Daily and McGill Tribune constitutions and bylaws (TVMcGill's Constitution/Bylaws are not accessible online), I hereby charge Ellie Marshall, President of TVMcGill, and the Yes Committee with the violation of Bylaw I-1, Articles 16.3 and 16.4. Evidence of this is attached, as Ellie is shown holding her business card, which denotes her as TVMcGill's President, while in the TVMcGill office. Not coincidentally, TVMcGill's profile picture on Facebook is supportive of the QPIRG Referendum Question (attached). There is no doubt that the latter "aids" the Yes Committee's campaign, especially when adding the following to the post:

"VOTING IS NOW OPEN FOR THE REFERENDUMS [sic] ABOUT OUR FRIENDS CKUT-FM AND QPIRG. VOTE YES TO SUPPORT OUR CAMPUS AND OUR COMMUNITY" (TVMcGill.png).

With this in mind, Article 12.3.1 of Bylaw I-1 states, "No organization external to SSMU may be directly or indirectly involved in the activities of the 'Yes' and 'No' committees and the implicit or explicit support of said committees." The Yes Committee has already been censured for having violated this clause in the Bylaws, and it has been accused of a breach since then on 6 November 2011. Nevertheless, the Yes Committee continues to violate the aforementioned Bylaw in the following instances:

4) Featured in today's edition of the McGill Daily is an endorsement of the activities of the Yes Committee by the Montreal Media Co-op, which is a working group of QPIRG. Since QPIRG is considered a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Association Respecting the Accreditation and Financing of Students' Associations (A-3.01), the Montreal Media Co-op is an organization external to the SSMU (<http://www.mcgilldaily.com/2011/11/letters-21/>).

5) Featured in today's edition of the McGill Daily is an endorsement of the activities of the Yes Committee by Greening McGill, which is a working group of QPIRG. Since QPIRG is considered a separate legal entity from the SSMU under the Quebec Companies Act (C-38) and the Association Respecting the Accreditation and Financing of Students' Associations (A-3.01), the Greening McGill is an organization external to the SSMU (<http://www.mcgilldaily.com/2011/11/letters-21/>).

I will repeat that this presents several problems, considering that the McGill Daily is both a print and online publication. The print version will be in stands across campus until this coming Thursday, while the online version will remain accessible ad infinitum. I consider this a serious breach of the Bylaws, which now brings us up to a total count of 49 infractions.

I trust that you will handle these infractions appropriately.

A-4

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

A-4

Date: 11/06/2011 [10:12:50 AM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: [ELECTIONS] Referendum Campaigning

Hi Zach,

Thank you for your e-mail. I continue to read and consider all that is sent to me and take action where I feel it is necessary.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,
Just a brief message to inform you that the Yes Committee continues to violate Bylaw 12.3.1, in that its members continue to advertise the endorsement of the QPIRG Referendum Question by groups external to SSMU (<http://www.facebook.com/event.php?eid=302340519777434>). Please view the attached document. I will consider this the 44th infraction committed by the Yes Committee.
Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University
Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: elections@ssmu.mcgill.ca
To: ELECTIONS@LISTS.MCGILL.CA
Subject: [ELECTIONS] Referendum Campaigning
Date: Thu, 3 Nov 2011 01:31:31 +0000

Hi Everyone,

The campaign period for the fall referendum has begun! More information will be sent out soon regarding voting that begins this Friday, but in the meantime please be made aware:

The QPIRG "Yes" Committee has been issued a sanction for violating by-law 12.3.1 as an outside individual showed his explicit support of the committee with direct mention to his affiliation with an organization outside of SSMU (the No One Is Illegal campaign).

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The QPIRG "Yes" Committee has been issued a sanction for violating by-law 12.3 as non-Society members were indirectly involved in the campaign and supported the committee by writing letters of support posted on the QPIRG "Yes" Committee's website.

Should anyone notice any illegal campaigning occurring please send us an e-mail at elections@ssmu.mcgill.ca. Illegal campaigning is anything that is not in accordance with the by-laws, such as campaigning done by anyone who is not part of an approved campaign committee. The by-laws can be accessed at:

<http://ssmu.mcgill.ca/about-us/who-we-are/consitution-and-bylaws/>

Bonjour à tous,

La campagne pour le référendum d'automne a commencé! Plus de détails sur la période de vote qui commence vendredi vous seront communiqués bientôt, mais en attendant, veuillez prendre note des informations suivantes :

Le comité du "Oui" de QPIRG a écopé d'une sanction pour avoir violé le règlement 12.3 parce qu'un membre extérieur ayant manifesté son appui avec une mention directe de son affiliation avec un membre du QPIRG à l'AEUM (la campagne Personne n'est illégal).

Le comité du "Non" de QPIRG a écopé d'une sanction pour avoir violé le règlement 12.3 parce que des membres ne faisant pas partie du groupe étaient indirectement impliqués dans la campagne et ont appuyé le comité en écrivant des lettres qui ont été publiées sur le site web de QPIRG.

Si vous découvrez des actes illégaux durant la campagne, nous vous prions de nous envoyer un courriel à elections@ssmu.mcgill.ca. Les actes illégaux sont ceux qui ne respectent pas les règlements comme faire de la campagne qui n'a pas été préalablement approuvée par le comité des campagnes. Les règlements sont disponibles sur le site web suivant :

<http://ssmu.mcgill.ca/about-us/who-we-are/consitution-and-bylaws/>

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

A-4

Date: 11/05/2011 [11:36:51 PM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: QPIRG Yes Committee Infractions

Hi Zach,

Thank you for sharing. As always, I have carefully read and considered your e-mail.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

Thanks for your response. I am writing to make you aware of another infraction, which I overlooked. Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees." 1) Paul Dewar participated in the campaign to support the QPIRG Referendum Question in his endorsement included in this week's edition of the McGill Tribune (<http://www.mcgilltribune.com/opinion/letter-to-the-editor-1.2677440#.TrVu1uvvgUw>). Paul Dewar is an NDP MP for the riding of Ottawa Centre, and therefore, is not a member of the Society. I will repeat that this presents several problems, considering that the McGill Tribune is both a print and online publication. The print version will be in stands across campus until this coming Tuesday, while the online version will remain accessible ad infinitum. I consider this a serious breach of the Bylaws, which now brings us up to a total count of 43 infractions.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

Date: Fri, 4 Nov 2011 19:07:30 -0400
From: elections@ssmu.mcgill.ca
To: zach.newburgh@mail.mcgill.ca
Subject: Re: QPIRG Yes Committee Infractions

Hi Zach,

I apologize that I was not able to respond to your e-mails yesterday right away. Thank you for sharing. As always, I have carefully read and considered all that has been sent my way and taken action where I

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believe appropriate. Please take this email to apply to your three earlier e-mails as well.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

Although I have not yet received a response from the several emails that I sent to you yesterday, I am writing to inform you of further infractions committed in support of the QPIRG Referendum Question. Article 16.2 of Bylaw I-1 states, "No officer, director, or employee of SSMU or of a school, faculty or departmental association may use his or her position and any benefits associated with it in order to aid in his or her campaign," which is qualified by the preceding article, "All provisions in this article shall apply equally, where possible, to both candidates and referendum committees."

1) Carol Fraser, Vice-President (Clubs & Services), whether conscious or not, continues to benefit from the influence associated with her position to influence others to support the activities of the Yes Committee. Attached, you will find a post made by her on her Facebook wall, which encourages members to vote in favour of the QPIRG Referendum Question.

2) Shyam Patel, Director and Vice-President (Finance & Operations), is using the influence associated with his position to influence others to support the activities of the Yes Committee, which is displayed in his profile picture on Facebook (attached).

3) Matthew Crawford-Appignanesi, Director and Senator, is consciously using the influence associated with his positions to influence others to support the activities of the Yes Committee. Attached, you will find posts from members of the Yes Committee touting the endorsement of the "Arts Senator," Matthew Crawford-Appignanesi, through their publicization of his note "Student Politics Soapboxing" (<http://www.facebook.com/notes/matthew-crawford-appignanesi/student-politics-soapboxing/282672485097939>).

4) Jamie Burnett, Arts Representative, used the influence associated with his position to influence others to support the activities of the Yes Committee. Attached, you will find a post that he made encouraging others to adopt the position of the "Arts Senator," Matthew Crawford-Appignanesi.

Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees."

5) Sebastian Ronderos-Morgan, although not a member of the Society,

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is actively involved in the activities of the Yes Committee
(<http://www.facebook.com/sronderosmorgan>).

6) Max Zidel, although not a member of the Society, is actively
involved in the activities of the Yes Committee (attached).

7) Morgan Pudwell, Vice-President of the Concordia Student Union,
and therefore, not a member of the Society, is actively involved in
the activities of the Yes Committee (attached).

While already disappointed that none of the violating actions listed
in my previous emails have ceased, I am appalled that new
infractions continue to be committed on a daily basis; thus bringing
our total count up to 42 separate infractions. Astounding.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

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Date: 11/03/2011 [12:46:59 PM]
From: Chief Electoral Officer - Elections McGill <elections@ssmu.mcgill.ca>
To: Zach Newburgh <zach.newburgh@mail.mcgill.ca>
Subject: RE: QPIRG Yes Committee Violations

Hi Zach,

Thanks for sharing those.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

Thanks for your reply.

I am glad to hear that action has been taken. That said, while I recognize your authority to interpret the Bylaws as you please, I will nevertheless consider the infractions involving Profile Pictures on Facebook as breaches since they are a form of campaigning/promoting a cause; however, this is not the reason for which I am writing to you - I am writing to inform you of a further infractions.

As you know, Article 16.2 of Bylaw I-1 states, "No officer, director, or employee of SSMU or of a school, faculty or departmental association may use his or her position and any benefits associated with it in order to aid in his or her campaign," which is qualified by the preceding article, "All provisions in this article shall apply equally, where possible, to both candidates and referendum committees."

1) Matthew Crawford-Appignanesi, Director and Arts Representative, whether conscious or not, is benefitting from the influence associated with his positions to influence others to support the activities of the Yes Committee (attached).

2) Adam Winer, Director and Clubs & Services Representative, whether conscious or not, is benefitting from the influence associated with his positions to influence others to support the activities of the Yes Committee (attached).

This brings our total count up to 23 infractions.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: elections@ssmu.mcgill.ca
To: zach.newburgh@mail.mcgill.ca
Subject: RE: QPIRG Yes Committee Violations
Date: Wed, 2 Nov 2011 21:21:18 +0000

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Hi Zach,

Thank you for both your e-mails. I have taken action where I found it appropriate.

As for profile pictures, let me suffice it to say that as you are undoubtedly aware, there are multitudes of ways the by-laws can be interpreted, and this is the manner in which I feel is best. I do recognize that is a break of precedent, but to this best of my knowledge I am not bound by the decisions of previous CEOs.

As for your previous allegations, the ones which I chose to take action on have not persisted.

I am appreciative of you keeping an eye out for illegal campaigning. That said, as the by-laws can be interpreted in different ways, the case sometimes arises where the interpretations I am choosing to apply across the board do not match with the way others would like the by-laws to be interpreted, sometimes because they are interpreting the by-laws to serve a certain purpose, while I am trying to remain as neutral as possible. I am only pointing this out so you can understand that while I am considering everything you have sent, just as I do the mail of others, it does not necessarily follow that I choose to act on all of it.

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca, Thanks for your response. I am confused as to why changing one's profile pictures is not considered campaigning, as the latter both (a) informs and (b) promotes items that are contained within. It is not my place to suggest what positions you should take on legal/illegal activities, but I consider the interpretation shared in your email to be problematic, especially cognizant of the millions of individuals, organizations, and corporations that use their profile pictures to campaign for a cause, whatever the cause may be. Additionally, this a serious break with precedent.

With this in mind, I am writing to inform you that all of the actions listed in my previous email have persisted through today, which leaves us with only 50% of the total campaign period left. The only exceptions to note are allegations 9 and 14. That said, I am writing to inform you of a further infraction of which I became aware this morning. As you know, Article 16.2 of Bylaw I-1 states, "No officer, director, or employee of SSMU or of a school, faculty

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or departmental association may use his or her position and any benefits associated with it in order to aid in his or her campaign," which is qualified by the preceding article, "All provisions in this article shall apply equally, where possible, to both candidates and referendum committees." Therefore, I regret to inform you that Maggie Knight, President, used her position to influence others to support the activities of the Yes Committee by stating, "If CKUT ceased to exist, that would be a huge blow to the Montreal community and a lot of students on campus that are very actively involved in radio production. We don't have a journalism school ... CKUT is the McGill school of radio in its own way...As far as QPIRG goes ... they have a lot of groups involved in a lot of causes, [and] many are dear to the heart of lots of students. It's not only activism based on campus but also activism linked to the direct community."

(Ronchetti, C, "Referendum period opens with ballot on CKUT and QPIRG," McGill Tribune, November 1, 2011, News:

<http://www.mcgilltribune.com/news/referendum-period-opens-with-ballot-on-ckut-and-qpirg-1.2677505?pagereq=2#.TrBptevvgUw>) This presents several problems, considering that the McGill Tribune is both a print and online publication. The print version will be in stands across campus until next Tuesday, while the online version will remain accessible ad infinitum. I am unsure of how this can be regulated now that the infraction has been committed, but the use of her influence will remain flaunted in the faces of students throughout both the campaign and voting periods. I consider this a serious breach, which should be considered in light of the 16 infractions listed in my original email - an unprecedented figure committed (surprisingly) by highly-involved individuals to support a group that has run several referendum campaigns in the past.

All the best,
Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

From: elections@ssmu.mcgill.ca
To: zach.newburgh@mail.mcgill.ca
Subject: Re: QPIRG Yes Committee Violations
Date: Tue, 1 Nov 2011 20:55:18 +0000

Hi Zach,

Thank you for sharing that.

1) I agree it is illegal, action has been taken.

2)-11) I know it has been interpreted differently in the past, but in our information meeting for campaign committee chairs and I made it clear that I do not believe profile picture changes to be considered online campaigning. I am interpreting online campaigning as the

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creation of facebook groups, facebook events, facebook pages, and orinviting facebook friends to said groups, while profile pictures are considered simply individual expression.

12) I agree it is illegal, action has been taken.

13)-16) I think I explained myself above. Even though they are in position of authority in the Society, the above standard has to be applied to them equally. (Basically their individual rights have to be acknowledged in regards to the above interpretation).

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Quoting Zach Newburgh <zach.newburgh@mail.mcgill.ca>:

Hi Rebecca,

It was nice to see you today. That said, I am writing to inform you of 16 infractions committed by the Yes Committee in support of the QPIRG Referendum Question.

1) Article 12.3 of Bylaw I-1 states, "Only members of the Society may be directly or indirectly involved in any way whatsoever in the activities of the 'Yes' or 'No' committees and the implicit or explicit support of said committees." On the Yes Committee website, letters of support are contained, but none of the authors are members of the Society

(<http://qipirgyes.ca.s105360.gridserver.com/letters/#start>).

In congruence with the aforementioned, and in Article 16.15, which states that "Campaign activities may only be carried out by members of the Society," the following individuals who are not members of the Society are involved in campaign activities:

2) Andrea Figueroa (<http://www.facebook.com/andrea.f.rojas?ref=pb>)3) Caitlin Manicom

(<http://www.facebook.com/profile.php?id=13617928&ref=pb>)4) Jessica

Blair (<http://www.facebook.com/profile.php?id=514443927&sk=wall>)5)

Lainey Lumps

(<http://www.facebook.com/profile.php?id=13618547&ref=pb>)6) Leo

Archila

(<http://www.facebook.com/profile.php?id=100000663464917&ref=pb>)7)

Noé Ricardo

Arteaga Santos (<http://www.facebook.com/noearteaga?ref=pb>)8) Ratpick

DeDauw (<http://www.facebook.com/pccybercomputer?ref=pb>)9) Sami Fink

(<http://www.facebook.com/profile.php?id=1228740097&ref=pb>)10) Sarah

Woolf (<http://www.facebook.com/sarah.a.wolf?ref=pb>)11) Simone Lucas

(<http://www.facebook.com/simone.r.lucas?ref=pb>)

12) Article 12.3.1 of Bylaw I-1 states, "No organization external to SSMU may be directly or indirectly involved in the activities of the "Yes" and "No" committees and the implicit or explicit support of

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said committees." On the Yes Committee website, a letter of support is listed, which was authored by the founder of the Indigenous Peoples Solidarity Movement (IPSM) who is also credited as an organizer of the No One Is Illegal Campaign (<http://qipirgyes.ca.s105360.gridserver.com/letters/#SAMIR>). Both of these organizations are external to the SSMU, as they have been incorporated separately as legal entities either through QPIRG or not. My understanding is the latter, as they are working groups that derive funding from the former. If they are incorporated through QPIRG and not on their own, it must be noted that while affiliated with the SSMU, QPIRG is an organization external to the SSMU, as it was also separately incorporated, existing as a separate legal entity under the Quebec Companies Act (C-38). In short, it is therefore an organization external to the SSMU, even if it is affiliated as an Independent Student Group.

Article 16.2 of Bylaw I-1 states, "No officer, director, or employee of SSMU or of a school, faculty or departmental association may use his or her position and any benefits associated with it in order to aid in his or her campaign," which is qualified by the preceding article, "All provisions in this article shall apply equally, where possible, to both candidates and referendum committees."

13) Carol Fraser, Vice-President (Clubs & Services), whether conscious or not, is benefitting from the influence associated with her position to influence others to support the activities of the Yes Committee (<http://www.facebook.com/thefrase?ref=pb>).

14) Matthew Crawford-Appignanesi, Director and Arts Representative, whether conscious or not, is benefitting from the influence associated with his positions to influence others to support the activities of the Yes Committee (<http://www.facebook.com/profile.php?id=100000797680033&ref=pb>).

15) Adam Winer, Director and Clubs & Services Representative, whether conscious or not, is benefitting from the influence associated with his positions to influence others to support the activities of the Yes Committee (<http://www.facebook.com/profile.php?id=506460597>).

16) Micha Stettin, Arts Representative, whether conscious or not, is benefitting from the influence associated with his position to influence others to support the activities of the Yes Committee (<http://www.facebook.com/Micha.Aron.Stettin?ref=pb>).

As you are already well-aware, Article 12.3.2 of Bylaw I-1 states, "Any referendum committee believed by the CEO to have received assistance, either direct or indirect, from an outside person(s) or organization(s) shall be subject to sanction up to and including: public censure, closure of the Referendum committee and/or nullification of the referendum." Further, Article 18.4 articulates, "The CEO has the discretion to disqualify, withhold reimbursement from, or officially reprimand/censure a candidate or referendum committee in addition to declaring an election or referendum invalid for any infraction of the elector by-laws, depending on the severity of the offence."

I take very seriously the 16 infractions committed by the Yes Committee in support of the QPIRG Referendum Question, which were committed in the first day of the campaign period - equal to 25% of the total time allotted to campaigning.

QPIRG has existed since 1980 and has run three (3) referendum

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campaigns since 2006, and several others before then. Its Board of Directors consists of three (3) current/former SSMU Councillors, two (2) current/former SSMU Senators, one (1) former candidate for SSMU President, and former McGill Daily editors and contributors. Additionally, those named in infractions are current and former SSMU Executives, Directors, Councillors, Senators, in addition to a former coordinator of QPIRG.

These individuals who have committed an unprecedented number of violations in their support of the QPIRG Referendum Question are no strangers to referenda and the way in which the SSMU operates. Therefore, I trust that you will render a judgment that reflects the violations committed.

Zach

Zach Newburgh
Candidate for Bachelor of Arts, McGill University

Middle East Studies (Honours), International Relations

514.516.5424 | zach.newburgh@hotmail.com

Official Notice of SSMU Fall Referendum Results 2011

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Electoral Timeline

Last Council for Notice of Motion for Council-Initiated Questions: **September 29th**

Last Council for Approval of Council-Initiated Questions: **October 13th**

Deadline for Submission of Student-Initiated Referenda: **October 14th**

Meeting for Committee Chairs: **October 18th**

Campaign Period: **October 31st–November 9th**

Polling Period: **November 4th–November 10th**

CKUT Existence Question

Whereas, Radio CKUT is licensed by the Canadian Radio-television and Telecommunications Commission as a campus-community radio station to broadcast at 90.3 on the FM band to the greater Montreal area;

Whereas, CKUT became an independent student activity in 1988 and has served the McGill and Montreal communities 24 hours a day 365 days a year, on FM radio and the Internet;

Whereas, McGill undergraduate students have supported CKUT with a fee of \$4.00 each semester since 1988, and whereas any student who pays said fee is automatically a member of CKUT, with all the rights and privileges pursuant thereto;

Whereas, prior to 2007 CKUT's fee was refundable at the premises of CKUT;

Whereas, the placement of CKUT's fee on the Minerva online opt-out system in 2007 has continuously depleted the financial resources of CKUT, thereby interfering with the ability of CKUT to serve the McGill and Montreal communities;

Whereas, in Fall 2007 a General Assembly of the SSMU passed a motion mandating the SSMU to take every reasonable action to put an end to the online opt-out system created by the University such that campus groups shall be in charge of their own opt-out processes;

Whereas, CKUT employs McGill undergraduate students, and includes McGill undergraduate student representatives on its Board of Directors, Steering Committee and Programming Committee, and provides internships and research opportunities for student members related to

their academic fields;

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Whereas, all undergraduate student members may participate in CKUT's annual general assembly, which is the highest governing body of CKUT;

Whereas, McGill undergraduate student members may participate in the activities and governance of CKUT as listeners, programmers, technicians, and receive training at CKUT in various aspects of radio production;

Whereas, CKUT is consistently voted as the #1 or #2 Radio Station in the Mirror's Best of Montreal Readers Poll;

Do you support CKUT continuing as a recognized student activity supported by a fee of \$4.00 per semester for full-time undergraduate students, which is not opt-outable on the Minerva online opt-out system but is fully refundable directly through CKUT, with the understanding that a majority "no" vote will result in the termination of all undergraduate funding to CKUT?

QPIRG Existence Question

Whereas the Quebec Public Interest Research Group at McGill (QPIRG) is one of 200 PIRGs in the United States and Canada, and has been incorporated as a not-for-profit organization since 1989;

Whereas QPIRG provides vital resources, funding and meeting space that enable students and community groups to conduct research and launch a diversity of environmental and social justice initiatives;

Whereas QPIRG connects campus and community through annual event series for McGill students (e.g., Rad Frosh, Culture Shock, Social Justice Days) and through numerous working groups (e.g., Greening McGill, Campus Crops, Women of Diverse Origins);

Whereas McGill students voted to grant QPIRG its initial fee levy in 1988, and QPIRG subsequently created its own fee refund process for students who wanted to "opt out";

Whereas McGill University took over QPIRG's opt-out process in 2007 without consulting QPIRG or McGill students and created their own online opt-out system via the Minerva website;

Whereas McGill undergraduate students voted in the Fall 2007 General Assembly to "put an end to the online opt-out system [...] such that campus groups shall be in charge of their own opt-out processes";

Whereas the placement of QPIRG's fee on the Minerva opt-out system has put QPIRG's finances in a position of increasingly unmanageable financial instability, thereby interfering with QPIRG's capacity to serve the McGill and Montreal communities;

Whereas a “yes” vote on the following question shall mean that QPIRG continue receiving the undergraduate fee-levy, with refunds administered by QPIRG instead of the externally imposed Minerva opt-out system, and that students retain their right to receive a full fee refund;

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Do you support QPIRG continuing as a recognized student activity supported by a fee of \$3.75 per semester for undergraduate students, which is not opt-outable on the Minerva online opt-out system but is instead fully refundable directly through QPIRG, with the understanding that a majority “no” vote will result in the termination of all undergraduate fee-levy funding to QPIRG?

Detailed Results

Total Votes cast: 5245 (24.7% of SSMU members)

CKUT Existence Question: YES

No	1082 (20.6%)
Yes	3792 (72.3%)
No Opinion	371 (7.1%)

QPIRG Existence Question: YES

No	1497 (28.5%)
Yes	3442 (65.6%)
No Opinion	306 (5.8%)

Date: 11/10/2011 [06:01:55 PM]
From: Chief Electoral Officer – Elections McGill <elections@ssmu.mcgill.ca>
To: elections <elections@lists.mcgill.ca>
Subject: REFERENDUM RESULTS!

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Hi Everyone,

The voting period has come to an end. We had an amazing voter turnout with 24.7% of the undergraduate student body voting in the SSMU referendum! Good job everyone!

The results are below:

Total Votes cast: 5245

CKUT Existence Question: YES

No	1082 (20.6%)
Yes	3792 (72.3%)
No Opinion	371 (7.1%)

QPIRG Existence Question: YES

No	1497 (28.5%)
Yes	3442 (65.6%)
No Opinion	306 (5.8%)

Once again—thanks for voting!

Best,

Rebecca Tacoma
CEO
Elections McGill
Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

Date: 11/02/2011 [09:31:31 PM]
From: Chief Electoral Officer – Elections McGill <elections@ssmu.mcgill.ca>
To: elections <elections@lists.mcgill.ca>
Subject: Referendum Campaigning

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Hi Everyone,

The campaign period for the fall referendum has begun! More information will be sent out soon regarding voting that begins this Friday, but in the meantime please be made aware:

The QPIRG "Yes" Committee has been issued a sanction for violating by-law 12.3.1 as an outside individual showed his explicit support of the committee with direct mention to his affiliation with an organization outside of SSMU (the No One Is Illegal campaign).

The QPIRG "Yes" Committee has been issued a sanction for violating by-law 12.3 as non-Society members were indirectly involved in the campaign and supported the committee by writing letters of support posted on the QPIRG "Yes" Committee's website.

Should anyone notice any illegal campaigning occurring please send us an e-mail at elections@ssmu.mcgill.ca. Illegal campaigning is anything that is not in accordance with the by-laws, such as campaigning done by anyone who is not part of an approved campaign committee. The by-laws can be accessed at:

<http://ssmu.mcgill.ca/about-us/who-we-are/consitution-and-bylaws/>

Bonjour à tous,

La campagne pour le référendum d'automne a commencé! Plus de détails sur la période de vote qui commence vendredi vous seront communiqués bientôt, mais en attendant, veuillez prendre note des informations suivantes :

Le comité du "Oui" de QPIRG a écopé d'une sanction pour avoir violé le règlement 12.3.1 parce qu'un membre extérieur ayant manifesté son appui au comité avec une mention directe de son affiliation avec un organisme extérieur à l'AÉUM (la campagne Personne n'est illégal).

Le comité du "Oui" de QPIRG a écopé d'une sanction pour avoir violé le règlement 12.3 parce que des membres ne faisant pas partie du groupe étaient indirectement impliqués dans la campagne et ont appuyé le comité en rédigeant des lettres qui ont été publiées sur le site web du comité du "Oui" de QPIRG.

Si vous découvrez des actes illégaux durant la campagne, nous vous prions de nous envoyer un courriel à elections@ssmu.mcgill.ca. Les actes illégaux sont ceux qui ne respectent pas les règlements comme faire de la campagne qui n'a pas été préalablement approuvée par le comité des campagnes. Les règlements sont disponibles sur le site web suivant :

<http://ssmu.mcgill.ca/about-us/who-we-are/consitution-and-bylaws/>

Best,

Rebecca Tacoma
CEO
Elections McGill

Shatner Building Room 405
514-398-6474
elections@ssmu.mcgill.ca

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Resolution Regarding CKUT Existence Referendum

Whereas, Radio CKUT is licensed by the Canadian Radio-television and Telecommunications Commission as a campus-community radio station to broadcast at 90.3 on the FM band to the greater Montreal area;

Whereas, CKUT became an independent student activity in 1988 and has served the McGill and Montreal communities 24 hours a day 365 days a year, on FM radio and the Internet;

Whereas, McGill undergraduate students have supported CKUT with a fee of \$4.00 each semester since 1988, and whereas any student who pays said fee is automatically a member of CKUT, with all the rights and privileges pursuant thereto;

Whereas, prior to 2007 CKUT's fee was refundable at the premises of CKUT;

Whereas, the placement of CKUT's fee on the Minerva online opt-out system in 2007 has continuously depleted the financial resources of CKUT, thereby interfering with the ability of CKUT to serve the McGill and Montreal communities;

Whereas, in Fall 2007 a General Assembly of the SSMU passed a motion mandating the SSMU to take every reasonable action to put an end to the online opt-out system created by the University such that campus groups shall be in charge of their own opt-out processes;

Whereas, CKUT employs McGill undergraduate students, and includes McGill undergraduate student representatives on its Board of Directors, Steering Committee and Programming Committee, and provides internships and research opportunities for student members related to their academic fields;

Whereas, all undergraduate student members may participate in CKUT's annual general assembly, which is the highest governing body of CKUT;

Whereas, McGill undergraduate student members may participate in the activities and governance of CKUT as listeners, programmers, technicians, and receive training at CKUT in various aspects of radio production;

Whereas, CKUT is consistently voted as the #1 or #2 Radio Station in the Mirror's Best of Montreal Readers Poll;

Do you support CKUT continuing as a recognized student activity supported by a fee of \$4.00 per semester for full-time undergraduate students, which is not opt-outable on the Minerva online opt-out system but is fully refundable directly through CKUT, with the understanding that a majority "no" vote will result in the termination of all undergraduate funding to CKUT?



Students' Society of McGill University
Association étudiante de l'Université McGill

Office of the Speakers
Bureau de Présidents du Conseil

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Moved by:

Carol Ellen Fraser, VP Clubs and Services
Shyam Patel, VP Finance and Operations
Radney Jean-Claude, Social Work Representative
Micha Stettin, Arts Representative
Zhizhen Qin, Science Representative

List of Witnesses and Exhibitions

<u>Witnesses</u>	
Maggie Knight	SSMU President
Adam Wheeler	Chair of QPIRG "Yes" Campaign Committee
Niko Block	Chair of CKUT "Yes" Campaign Committee

Based on the discussion at the preliminary meeting on January 18, 2012, it is understood that this list is not comprehensive and witnesses may be added.