



UNIVERSITY OF TORONTO  
ENGINEERING SOCIETY

Sandford Fleming B740, 10 King's College Road, Toronto ON Canada M5S 3G4

Telephone: (416) 978-2917

Facsimile: (416) 978-1245

E-mail: [engsoc@skule.ca](mailto:engsoc@skule.ca)

Website: [www.skule.ca](http://www.skule.ca)

November 14<sup>th</sup>, 2013

Prof. Jill Matus, Vice-Provost, Students and First-Entry Divisions

Prof. Joe Desloges (Chair)

Prof. Donald Ainslie

Prof. Graham White

Prof. Linda White

Faculty Summit members,

I am writing in response to the University of Toronto Students' Union's (UTSU) letter dated November 1<sup>st</sup>, in which they responded to the October 29<sup>th</sup> letter from the Trinity College Meeting (TCM).

### **Communication with the UTSU**

To begin, the UTSU has claimed, "we often first hear of issues in the Varsity or through being carbon-copied on letters addressed to members of the University staff," also mentioning that at this year's meetings between their executive and the executives of divisional societies, "formal complaints and identification of issues were rarely raised. This has been a trend over the last two years." This is a deliberate misrepresentation of years of past attempts to engage the UTSU through their own processes to address our concerns.

The UTSU has conveniently ignored the fact that *three* years ago, the Engineering Society submitted a report to the UTSU outlining what we believed were the sources of widespread student dissatisfaction with the UTSU. A joint committee of EngSoc and UTSU executives met on several occasions throughout the 2010-2011 academic year to discuss how to address these longstanding issues through collaborative reform. This was done at the request of University staff after the EngSoc Council voted in favour of holding a referendum on fee diversion in February 2010. Throughout this process, the UTSU either rejected EngSoc's recommendations outright, or claimed that it would look into them through the Policy and Procedures or Elections and Referenda Committees (which they did not). The UTSU did not take any steps to meaningfully address our concerns, which were, in broad strokes: transparency and accountability; electoral processes and democratic reform; duplication of services; and operating efficiency, among others. More about this process may be found in our submission to Governing Council dated June 10<sup>th</sup>.

As a result, we moved forward with our referendum process and are now asking the University to honour the results of our referendum, which showed overwhelming student support for fee diversion (95% voting in favour, with 30% turnout).



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It is important to note that members of the UTSU executive were present at the 2010 meeting where our Council first voted to put a referendum question to students, and at the Board of Directors meeting in 2013 where the motion to hold this year's referendum was again carried unanimously. They did not attempt to speak against fee diversion, opting instead to only submit letters indicating they believed the process itself was illegal (which we disagree with). They also refused to participate in the referendum itself even after we changed our election rules to allow non-EngSoc members to campaign (though it is telling that not a single engineering student took it upon themselves to register a "no" campaign either). They continue to refuse to send their President to the Summit meetings, and did not make a written submission to the Summit until TCM suggested that the refusal to place Mr. Pierre Harfouche's motions on their Annual General Meeting agenda may constitute undemocratic conduct under the University's *Policy for Compulsory Non-Academic Incidental Fees*, possibly resulting in a withholding of fees by the administration.

It is clear that the UTSU would like to us work through their unfair and exclusionary processes, while actively seeking to undermine and delegitimize all other processes by their own non-participation. The UTSU continues to ask for meetings and "collaboration" but remains as unwilling as ever to make any substantial change to their organization in order to address concerns which have been validated by referenda. Further meetings between EngSoc and the UTSU will not be necessary or useful.

### **Democratic Processes**

It is also clear from the recent Summit meetings that the UTSU is an outlier among student societies with regards to democratic processes. In response to Mr. Harfouche's motions, they claim that they cannot act in contravention of their bylaws, but no other student society makes it so difficult for members to *change* bylaws. That is why Mr. Harfouche's motions were submitted as "directives" and not outright bylaw changes. It is important to note, as well, that Mr. Harfouche is the official representative of engineering students to the UTSU, as determined through their own electoral processes.

To change a bylaw at the UTSU, the change must be approved by the Policy and Procedures Committee, and then by a 75% vote in favour at the Board of Directors. Only then can a bylaw change even be *considered* at the Annual General Meeting.

For comparison, to change a bylaw at EngSoc, any member may submit a motion for consideration by the Board of Directors, where a 2/3rds vote in favour is needed to approve the change. As an alternative, any member may submit a motion directly to the agenda of the Annual General Meeting, where a 2/3rds vote in favour is needed to approve a bylaw change. All bylaw



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changes require eventual approval at the Annual General Meeting, allowing the membership to overrule the Board.

It is our position that there should exist at least one avenue by which bylaw amendments may be initiated and decided upon by the membership. Otherwise, every time a discrepancy arises between the wishes of the membership and the executive, the process fails.

I would also like to point out that one of the motions ruled out of order specifically concerned the UTSU's position at the Summit. Since the UTSU has rejected member input on their position at the Summit, their position should therefore be seen by the University administration as self-interested personal opinion, unlike the positions of EngSoc, TCM, and VUSAC representatives, which are backed by referenda.

The new Canada Not-for-profit Corporations Act states, in Part 10:

*152. (1) Unless the articles, the by-laws or a unanimous member agreement otherwise provides, the directors may, by resolution, make, amend or repeal any by-laws that regulate the activities or affairs of the corporation, except in respect of matters referred to in subsection 197(1).*

...

*(6) A member entitled to vote at an annual meeting of members may, in accordance with section 163, make a proposal to make, amend or repeal a by-law.*

There is no requirement in the new Act that a Board of Directors or a Board committee *must* review member proposals. This is a requirement imposed by the UTSU in its own bylaws. At the October 24<sup>th</sup> meeting of the Policy and Procedures Committee, a motion was passed to refer bylaw changes to the AGM – specifically, changes to bring the UTSU's bylaws in line with requirements of the new Act. The UTSU has chosen not to remove its self-imposed requirement to vet member proposals before its Annual General Meeting, even though they have already examined what changes they need to make to their bylaws in order to comply with the new Act. This is yet another refusal to address one of many longstanding concerns with their democratic processes.

### **Electoral Fairness**

We cannot have any productive discussion regarding the UTSU's bylaws or Board structure without first addressing the issue of electoral fairness. UTSU executive and Board candidates continue to be elected on "slates", running cooperatively as one large team. Therefore, many Board members owe their position to the campaigning efforts of the executive whom they are supposed to hold accountable. It is easy to see why this is an undesirable situation - this is, of



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course, the same Board that is supposed to review member-submitted bylaw changes which may go against the interests of the executive.

This slate of incumbents also counts on the support of campaign volunteers who are not even U of T students, but rather, are [veteran student politicians](#) involved with the Canadian Federation of Students (CFS) at the national and provincial levels. There is [photographic evidence](#) of this dating back three years. During the recent by-election for the UTSU's Vice-President External, one of the individuals campaigning outside my office (for the only candidate) was a former multi-term executive of the UTSU, is a current executive of APUS, and a current staff member of the Ryerson Students' Union (which is affiliated with the CFS). The involvement of groups external to the University (especially a national political lobby group like the CFS) in UTSU elections is an undue influence on the Union which distorts election results and prevents the UTSU from representing the will of its actual membership.

### **Clubs**

UTSU representatives at the Summit have alluded to the possibility that fee diversion may result in less funding for campus-wide clubs. This is not the case. Since the Engineering Society does not spend over half its budget on salaries as the UTSU does, fee diversion will allow us to *increase* clubs funding, because we operate more efficiently – in fact, we will double our club funding pool from \$40,000 to \$80,000 annually. We will be able to provide greater funding to engineering clubs while simultaneously absolving the UTSU of the responsibility to fund those clubs. Campus-wide groups which have at least ten engineering students are eligible to apply for affiliation with EngSoc, and will then be able to benefit from our increased clubs funding pool. More about our ability to replace the UTSU's services may be found in our submission to Governing Council dated June 10<sup>th</sup>

### **Conclusion**

I would like to reiterate that the Engineering Society continues to believe that no amount of democratic reform to the UTSU will be a suitable alternative to fee diversion. Democratic reform may make the UTSU fair, but it will certainly not make it relevant or useful. Democratic reform will not stop the UTSU from spending over half its budget on salaries, or increase the quality of their services to be better than those already provided to engineering students by EngSoc.

As long as engineering students know that they can obtain better services at less cost through EngSoc than the UTSU, we will continue to ask the University to absolve our membership of the responsibility to pay fees to an organization that is not useful to us, and to divert those fees to an organization that is better-suited to provide services to our membership – even if this requires a policy change.



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Our referendum only addressed the question of fees - we continue to be open to exploring different structures of governance which will allow the interests of engineering students to be well-represented in the University's decision-making processes.

Thank you for continued efforts on this issue.

Regards,

Mauricio Curbelo  
President, University of Toronto Engineering Society

cc. Prof. Cheryl Regehr, Vice-President & Provost  
Prof. Mark McGowan  
Mr. David Newman