



Report on the Feasibility and Implications of Separation from the UTSU

Prepared by the Officers of the Engineering Society

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1 Executive Summary

The Engineering Society has requested that the University of Toronto Students' Union (UTSU) immediately initiate a referendum asking full-time engineering undergraduates whether they wish to continue their membership in the UTSU. The UTSU has refused to conduct such a referendum. A detailed analysis of the functions of the UTSU reveals that their services and advocacy can feasibly be replicated at a similar or lower cost by the Engineering Society.

2 Introduction

2.1 Background

On February 20th, the Engineering Society Board of Directors approved a motion calling on the Students' Administrative Council of the University of Toronto which operates as and is hereafter referred to as the University of Toronto Students' Union (UTSU) to immediately take steps to pose a binding referendum question to full-time undergraduate engineering students asking whether they wish to continue their membership in the UTSU.

Furthermore, if such action is not taken by the UTSU prior to March 11, 2013, that motion authorized the Chief Returning Officer of the Engineering Society to conduct a referendum asking the same group of students whether they wish to terminate the fees collected by the University of Toronto on behalf of UTSU in favour of similar fees paid to the Engineering Society.

Subsequent to that motion, a letter sent to UTSU President Shaun Shepherd by Engineering Society President Rishi Maharaj¹ indicated the following criteria for an acceptable process to avert a Society-administered referendum:

1. The voters' list must be limited to current UTSU members registered in the Faculty of Applied Science and Engineering, that is, the mutual membership of the UTSU and the Engineering Society; and
2. It must pose a clear and unambiguous question asking voters to consent to continued membership in the UTSU and the privileges and obligations thereof; and
3. It must clearly enumerate the fees that would be continued or terminated based on the referendum's outcome; and
4. Its outcome must be binding upon the UTSU; and
5. It must be conducted in a fashion that a reasonable person would judge to be fair, transparent and accessible.

Recognizing that procedural and logistical difficulties may exist in holding such a referendum immediately, no demand was made that the referendum be held during the current academic session. Rather, it called upon the UTSU to undertake whatever actions are necessary under its bylaws, policies and procedures to *initiate* the process of holding such a referendum.

In a response dated February 27, 2013, the UTSU acknowledges the motion referred to above and indicated that "the UTSU will neither conduct nor assist with, nor does it consent to or

¹ "Notice of a motion concerning the UTSU." February 22, 2013. Appendix A.

authorise the Engineering Society to conduct, the referendum described in the Motion.”² The UTSU further writes that “the actions that you propose that the UTSU take run counter to the UTSU’s by-laws as well as its fiduciary obligations to its members.”

The purpose of this report is to clarify what the implications of a positive outcome of such a referendum would be, regardless of which body administers it. Concisely, it exists to answer the question of: “were the fees currently paid by engineering students to the UTSU to be directed instead to the Engineering Society, how would the services and representation received by engineering students be impacted?”

The goal of this report is *not* to enumerate the grievances that engineering students have with the UTSU; that has been done elsewhere. Rather it strives to present a credible overview of the issues surrounding the potential termination of fees collected on behalf of the UTSU from engineering students, also referred to “separation”.

2.2 Foundational Principles

Before addressing the question stated above, it is first necessary to acknowledge that it has been the long-standing and continued position of the UTSU that no such separation of membership as described is possible. In accordance with the “Position Statement on Separation” articulated in the Engineering Society’s report dated August 2010³, the Society continues to hold that:

As an organization founded on democratic principles in a democratic country, it is the continued position of the Engineering Society that as a natural constituency within the University of Toronto, engineering students have, and of a right ought to have, the moral and legal right to unilaterally separate themselves from any organization in which they hold membership, whether or not that organization's bylaws provide a process for such separation.

This report proceeds on the assumption that such a separation can take place provided that it is initiated by a fair, transparent and accessible democratic process. The goal of this report is not to prove this statement, but rather to examine the implications of such separation and demonstrate its feasibility.

2.3 Procedure

The collection of student society fees at the University of Toronto is done according to the University’s *Policy for Compulsory Non-Academic Incidental Fees*⁴. Under that policy, changes to incidental fees fall under the jurisdiction of the University Affairs Board of Governing Council. It is the opinion of the Engineering Society that the policy allows for fees to be changed on the basis of any fair, open and transparent referendum.

² “Letter to the Engineering Society.” February 27, 2013. Appendix A.

³ “A Framework for a New Relationship between the Engineering Society and the University of Toronto Students’ Union.” University of Toronto Engineering Society. August 27, 2010.

⁴

<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppsep232003.pdf>

3 Overview

3.1 Membership

The UTSU has approximately 47,000 members at the St. George and Mississauga campuses of the University of Toronto. Its fee-paying membership is comprised wholly of full-time students. As of September 2012, the membership of the Engineering Society consists of all undergraduate students registered in the Faculty of Applied Science and Engineering, including 4,654 full-time students and 803 part-time students for a total of almost 5,500 students.

The UTSU is incorporated as a not-for-profit corporation under the *Canada Corporations Act*, Part II. The Engineering Society is incorporated as a not-for-profit corporation under the *Ontario Corporations Act*.

3.2 Scale of Operations

According to the UTSU's audited financial statements for the fiscal year ended April 30, 2012, total revenues totalled approximately \$12 million⁵. This includes levies collected on behalf of and disbursed to third-party groups, health and dental insurance plan premiums and internally restricted funds. According to the operating budget for the same year, revenue received for operating purposes was approximately \$1.6 million⁶. This is reflective of the 'society' portion of the UTSU's compulsory non-academic incidental fee, plus revenues received in the course of operations.

For the fiscal year ended May 31, 2012, the total positive cash flows of the Engineering Society totalled approximately \$2 million⁷. Total revenues for operating purposes excluding internally restricted funds and levies collected on behalf of third-party groups were approximately \$1.3 million. The table below breaks down UTSU and Engineering Society revenues by type:

Type of revenue	UTSU	Engineering Society
General student fees	1,306,946	720,857
Third-party fee portions	1,755,871	88,739
Health and dental insurance premiums	7,715,001	N/A
General sales and advertising	415,367	643,636
TTC Metropass sales	727,837	N/A
Internally restricted funds	N/A	611,713
Miscellaneous	17,328	42,667
Total	\$11,938,350	\$2,107,612

Table 1 - Breakdown of revenues received in the fiscal year ended 2012.

It should be noted from the above that, exclusive of health and dental insurance, the scale of the operations undertaken by the Society is similar to the UTSU (general revenues of approximately one-half) even without taking into account that the Society has approximately

⁵ "Special General Meeting Agenda Package." University of Toronto Students' Union. Page 30. <http://filesadmin.cfsadmin.org/file/utsu/27dda6aef92acb7c172bffe0624e82a83e4aea21.pdf>

⁶ "2012-2013 Operating Budget." University of Toronto Students' Union. <http://filesadmin.cfsadmin.org/file/utsu/a3686d5520300e4f0e5a9fd68d167f7f46472d54.pdf>

⁷ "Audited Financial Statements for the Fiscal Year Ended May 31, 2012." University of Toronto Engineering Society. <http://content.skule.ca/governance/agmaudit2012.pdf>

one-ninth of the UTSU's membership. This is largely due to the Society's extensive commercial operations, including Engineering Stores, the Hard Hat Cafe and Suds (the last undergraduate student-operated establishment licensed to serve alcohol on the St. George campus).

The table below shows the exact compulsory non-academic incidental fees levied by both the UTSU and the Society in 2012-2013⁸. Refundable fees are indicated with an asterisk (*).

UTSU	Amount (per session)
Society portion	17.34
*Women's Centre	1.50
*Sexual Education & Peer Counseling Centre	0.25
*Downtown Legal Services	1.50
*Ontario Public Interest Research Group	0.50
*Orientation	0.50
*Blue Sky Solar Racing Car Team	0.13
*Day Care Subsidy	0.50
Wheelchair Accessibility Projects	1.00
Student Refugee Program	0.66
*Health Initiatives in Developing Countries	0.25
Foster Children Program	0.05
*U of T Environmental Resource Network	0.50
*BikeShare	0.25
*Students for Barrier Free Access	1.00
*Cinema Studies Students' Union	0.25
Canadian Federation of Students & CFS-Ontario	7.28
*Radical Roots	0.15
Student Commons	6.77
*Accident & Prescription Drug Insurance Plan	62.73
*Dental Insurance Plan	56.52
Total	159.63
Engineering Society	Amount (per session)
Society portion	23.52
Formula SAE Racing Team	2.75
Special Projects Levy	75.00
Human Powered Vehicle Design Team	1.25
Engineers Without Borders	1.25
*Endowment Fund	50.00
Robotics Association	1.25
Skule Night	1.95
Total	161.47

Table 2 - Fees levied by the Engineering Society and UTSU on a per-session basis, 2012-2013.

Based on the Society's full-time membership of 4,654, the additional amount payable to the Society in the event the 'society portion' of the UTSU fees was diverted would be approximately \$161,400. Furthermore, an administration fee is built into the cost of the health and dental plans. The sections below will examine whether it is feasible to replicate the functions of the UTSU within this budget.

⁸ "Compulsory Non-Academic Incidental Fees 2012-2013." University of Toronto. <http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Boards+and+Committees/University+Affairs+Board/2012-2013+Academic+Year/r0205.pdf>

4 Replication of UTSU Functions

A prerequisite for engineering students exiting the UTSU is that the functions of the UTSU be replicated in all substantial aspects by some organization that will remain accessible to engineering students. The Engineering Society would be best positioned to assume responsibility for most functions, including any that require the existence of a democratic structure. The functions of the UTSU can be grouped in three broad categories:

1. Services provided directly to students
2. Services provided to clubs and affiliated groups within the University community
3. Advocacy and representation

This section will address the feasibility and affordability of replicating each of the UTSU's functions.

4.1 Services provided directly to students

4.1.1 Health and dental insurance

The health and dental insurance plans are the cornerstone of the UTSU's portfolio of services, both in their value to students and their scale and complexity. There are two components to the cost of any such plan: the premiums paid to the insurance provider and administrative costs incurred by the society itself.

After inquiries with multiple providers of student health and dental insurance plans, reasonable assurances have been received that a plan with benefits identical to those currently provided under the UTSU's plan could be procured by the Engineering Society for its members without any escalation of premiums.

With regard to the cost of premiums, this report will address two concerns that were raised by the UTSU in a response to the report issued by the Trinity College Meeting⁹. The first is that insurance providers may place unsustainably low bids in an effort to secure new business. This is a valid concern, but given that non-profit providers who do not stand to gain from the Society's business have offered comparable quotes and that consultations with other student societies have not corroborated this claim, we find this concern to be without merit.

The second concern is that fundamental principles of insurance plans create economies of scale that a smaller organization than the UTSU would not be able to harness. This is a misconception stemming from the nature of the plan administered by the UTSU. The UTSU's insurance plans are, in essence, and as noted in the auditor's report for the fiscal year ended 2012, a scheme common in group insurance whereby the UTSU's premiums are based on the value of claims made by plan members in the previous year. If there is a surplus of premiums over claims, the net amount is either rolled over into the following year or refunded to the UTSU. Likewise, if there is a deficit of premiums over claims, the plan's members are responsible for rectifying the deficit through increased contributions in the following year. Thus, catastrophic events affecting a single member have a proportionately lower impact on the

⁹ "Response to Inaccuracies in Trinity Report." University of Toronto Students' Union. February 25, 2013. <http://www.facebook.com/notes/university-of-toronto-students-union-utsu/a-response-to-factual-inaccuracies-in-the-trinity-colleges-provisional-report/452687528137354>

group than they would in a smaller group plan. However, this applies only to the accidental death or dismemberment portion of the plan, which is functionally separate from the prescription and dental portions. Furthermore, it applies only to calamities involving a *single* member. The UTSU's plan is just as vulnerable to widespread calamities (such as pandemics) as any other plan would be regardless of size.

But most importantly, the UTSU's statement is only accurate with respect to the plan that they currently administer, where rates are determined entirely by previous years' claims. However, this is not the *only* type of insurance plan available. Other mechanisms of risk pooling beyond pooling among a specific plan's membership exist. Multiple insurance providers have stated that a group the size of the Society's membership would be eligible for rates comparable to those offered by the UTSU's plans, given that they are from the same demographic group. After consulting with an accredited actuary, we have determined that there is no mathematically sound reason why a group of the Society's members, assuming that they are a representative subset of the UTSU's members, would be subject to materially higher insurance premiums. Therefore, we consider this concern to be without merit.

The second aspect of this service is the administrative tasks that must be handled by the Society. The Society would be responsible for providing the insurance provider with lists of plan members, soliciting and collecting opt-out requests, providing a list of opt-outs to the insurance provider and processing refunds. Discussions have been undertaken with the Faculty of Applied Science and Engineering's *Freedom of Information and Protection of Privacy Act* officer to ensure that the Faculty would be able to provide plan member lists directly to the insurance provider without any need for the Society to obtain its own FIPPA officer, which would be difficult and expensive. It is the Society's view that the technical requirements for a web application to collect out-opt requests are straightforward and that such software could be procured at a minimal, one-time cost.

The most labour-intensive task associated with administration is the processing of opt-out refunds. Furthermore, it is beneficial to have a staff member that is intimately familiar with the details of the plans available to ensure that members can take full advantage of their coverage. The UTSU incurred a cost of \$385,034 in the fiscal year ended 2012 for administration of their insurance plans. Presuming that the Engineering Society collected an administration fee commensurate with that charged by the UTSU, it would amount to approximately \$40,000 annually. In our view, these funds are more than sufficient for the provision of labour, which would amount to approximately 0.5 full-time equivalents (FTEs), to satisfy the requirements noted above. The Society already has one full-time employee and numerous part-time employees and is confident that the addition of a Health & Dental Plan Coordinator is financially and logistically feasible.

4.1.2 TTC Metropasses and tokens

The UTSU currently functions as a vendor of TTC Post-Secondary Student Metropasses and TTC tokens. Unlike in the past when the UTSU was able to offer discounted Adult Metropasses through the Volume Incentive Program (VIP) at a lower price than the TTC itself, the creation of the Post-Secondary Student Metropass at a lower price has eliminated the value of this service. The walking distance from the doorstep of the Sandford Fleming Building to Queen's Park Subway Station, the nearest full-service TTC vendor, is approximately 500 metres, compared with a distance of approximately 400 metres to the UTSU's office assuming that one does not

cut through fields or buildings. The level of service provided at subway stations is comparable to or better than what is offered at the UTSU's office; notably, hours are greatly extended.

Therefore, we see no need for this service to be replicated.

Second, a special TTC Post-Secondary Student ID is required to purchase the discounted Post-Secondary Student Metropass. The TTC visits the St. George campus, allegedly at the behest of the UTSU, to allow students to sit for a photo and procure the ID without visiting Sherbourne Subway Station where it is normally available. Based on the fact that the TTC also visits campuses with membership numbers similar to the Society's, we are confident that alternate arrangements could be made in the event that engineering students were cut off the photo sessions.

4.1.3 UTSU Book Exchange

The UTSU offers a service whereby students can sell and purchase used books from one another. A modest fee is charged on top of the selling price of each book to cover overhead costs. The 2012-2013 Operating Budget lists the cost of operating the Book Exchange at \$3,500. Although the budget does not indicate how much revenue is received, one might reasonably assume that it is provided on a break-even basis.

Each engineering Discipline Club, of which there are nine representing the Faculty's nine undergraduate programs, hosts a "book smoker" each semester where students can buy and sell textbooks. Due to the nature of the engineering curriculum, these events are able to provide a comprehensive selection of engineering textbooks far in excess of any non-engineering textbook service. No fee is charged for the use of these services; overhead costs are covered by the funding the Engineering Society provides to each Discipline Club.

Therefore, we see no need for this service to be replicated.

4.1.4 Entertainment Discounts

The UTSU offers its members discounted movie passes and tickets to Canada's Wonderland, the CN Tower and various other attractions in the Greater Toronto Area through bulk purchasing. While this service has some value, we feel that it is relatively insubstantial in comparison to the social opportunities offered by the Engineering Society and other student groups within the University of Toronto. The Society is open to procuring similar discounts for its members if feasible, and has found instances of organizations of its size receiving comparable discounts.

However, the provision of off-campus recreational opportunities is a low priority for the Society, and we will not commit to replicating this service in the immediate future. That being said, the Society already operates a full-service retail store that could easily handle the sale of tickets without any additional overhead costs.

4.1.5 Food and Clothing Bank

The UTSU currently operates a food and clothing bank located in the Multi-Faith Centre. The Society recognizes that this is a valuable service to the University community and that it is not be feasible to replicate it. Were a separation between the members of the Society and the members of the UTSU to occur, the Society would pursue an agreement with the UTSU similar to those currently existing with the Association of Part-Time Undergraduate Students (APUS)

and the Graduate Students' Union (GSU) whereby Society members would continue to receive access to the Food and Clothing Bank in return for due financial compensation.

In fact, as a gesture of good faith and in recognition of the value this service has to the most hard-pressed members of the University community, in the event of separation the Society will commit to match the funding of \$2,500 annually provided by the UTSU to the Food and Clothing Bank even though its membership is substantially smaller.

4.1.6 Equity Garden

The UTSU Equity Garden is a project to provide locally grown foods while promoting food security and sustainability¹⁰. While this is an admirable project, we do not feel that it is substantial enough to commit to replicating it. However, the Society would like to explore the opportunity of working with the University of Toronto to create a community garden in or near the engineering precinct similar to those that exist on other University properties.

4.1.7 Individual Academic Endeavour Grants

The UTSU Individual Academic Endeavour Grant (IAE) is a \$100 per person grant available for students attending academic conferences. In 2012-2013, \$3,000 or approximately \$0.06 per UTSU member was allocated to the IAE. The Engineering Society recognizes the value of funding of this type and makes available a similar pool of funding, to subsidize 15% of the expenses related to conferences for academic or personal development, up to a maximum of \$200 per person or \$2,000 per club. In 2012-2013, \$15,000 or \$2.64 per member was allocated to this funding pool.

In recognition of the fact that Society members have benefited substantially from IAE and would lose access to it in the event of separation, the Society will commit to extend the terms of our own conference funding pool to 25% of total expenses up to a maximum of \$300 per person from a pool of at least \$20,000 were a diversion of UTSU membership fees to occur. It is our view that under such terms, Society members would not lose any value from the current situation. In fact, they would benefit from not having to apply separately to two different organizations.

4.1.8 Dollars for Daycare

The Dollars for Daycare program provides UTSU members with assistance with daycare expenses. It is funded through a designated portion of the UTSU fee (\$0.50/session) and administered through the Office of Admissions and Awards with the assistance of the UTSU and APUS. The Society recognizes the value of this service and its utility to a marginalized group of students. The Society has extensive experience working with the APSC Faculty Registrar and Admissions Office to fund and administer awards, bursaries and grants. The Society is represented on the Scholarships & Awards Committee of APSC Faculty Council and administers the income of an \$800,000 scholarship endowment annually in addition to voting on the allocation of all of the Faculty's scholarships. Furthermore, we rely on the Admissions Office to administer needs-based bursaries for our events, such as Orientation Week. In 2012, the Orientation Week bursary was \$90 of the total cost of \$95 up to a total of \$3,600. The Society is committed to financial accessibility.

¹⁰ <http://utsu.ca/section/1068>

Under the terms of a separation referendum administered by the Engineering Society, all UTSU designated fee portions would be preserved, subject to the condition of biannual renewal under the Engineering Society Constitution. We are confident that we can work with the Registrar's Office to administer a similar program to Dollars for Daycare in a fashion that preserves its benefit while being more convenient and accessible for engineering students by virtue of being integrated into existing APSC faculty processes for administration of needs-based grants.

4.1.9 Income Tax Clinics

The UTSU provides three services related to income tax returns:

1. Income tax clinics
2. Free income tax preparation through UFile.ca
3. Free income tax filing through UFile.ca

First, we note that online filing of income tax returns is always free under Canada Revenue Agency (CRA) policy for those claiming tuition or education amounts on their return regardless of the preparation service used, so (3) is not actually a UTSU service. Free income tax preparation for students is offered by other software providers, such as TurboTax which is offered by Intuit, so we do not deem (2) to provide any additional utility over the services already freely available to our members.

We recognize the value of (1) and would seek to replicate this as an Engineering Society service. The clinics are provided by volunteers, the monetary costs of this service are minimal (in the 2012-2013 UTSU Operating Budget, the cost is listed as \$1,000). We feel that it would be feasible for the Society to acquire the same volunteer training from the CRA that UTSU volunteers receive. Given the existing scope of technical workshops and seminars provided by the Society and its affiliated groups, income tax clinics would not be a major addition to the existing portfolio of services.

4.1.10 Exam De-stressors

UTSU currently hosts a program known as "UTSU's Got You" where they provide free snacks to students at various study locations around campus during the final exam period. This service is valuable and if engineering students ceased to be members of UTSU, one might reasonably expect that this service would no longer visit the Engineering and Computer Science Library in the Sandford Fleming Building.

The Society already provides reasonably-priced vending machines in the Sandford Fleming Atrium that are approximately one-half the cost of privately-operated machines. This is one of the primary late night study areas for engineering students as it is open 24 hours per day. If demand from our members exists we could easily replicate the free snacks aspect of "UTSU's Got You" through the additional funding that the Society would receive in the event of a separation of its membership from the UTSU. Since the Society already operates a cafeteria, we are able to purchase snacks at a lower cost than the UTSU would be able to.

4.1.11 Good Food Box

The UTSU has partnered with FoodShare, an independent organization, to allow members to order boxes of locally-grown organic produce through the UTSU office. There is no indication that the UTSU is able to deliver this service at a rate lower than the Society could by partnering with Good Food Box directly. However, additional office staffing would be required if this

became a front-desk service available at the Society's office. In the opinion of the authors, this service is not of sufficient value to merit the overhead costs that would be associated with it. However, replication is financially feasible if Society members determine through the Society's democratic governance processes that they would like to replicate the Good Food Box service.

4.1.12 Book Bursaries

The UTSU currently provides a needs-based book bursary to its members through its Bursary and Grants Committee. In 2012-2013, 32 students benefited from this program at a total cost of \$2,500 for an average of about \$78 per person and not quite \$0.06 per member. The Engineering Society proposes to allocate \$2,500 or \$0.44 per member to provide up to 25 bursaries of \$100 each to be administered through the APSC Registrar's Office. We feel that this represents a superior alternative to the service currently provided by the UTSU.

4.1.13 Office Services

The UTSU lists the following office services for members:

1. Photocopying and essay printing (\$0.02/page)
2. Free local outgoing faxes
3. Free local telephone calls

All of these services are valuable. With regard to (1), engineering students already have access to a print quota of at least 150 pages per term, per course from the Engineering Computing Facility, which is funded in part by the Engineering Society Special Levy Fund¹¹. Since all UTSU members are full-time students, engineering members of UTSU have access to a quota of, at minimum, 750 pages and at most 1,200 pages that is available 24 hours a day and by remote access. Students can also use the quota against colour printing on more limited terms. Thus, we find the UTSU's service to be redundant for engineering students.

As for (2), the Society will commit to provide this service in its office. There will be no additional cost as we already have all of the necessary equipment. The Society already provides access to (3) immediately outside of its office, 24 hours a day.

4.1.14 Free ISIC Card

The International Student Identity Card (ISIC) is a universal student ID that is provided to UTSU members for free by virtue of membership in the Canadian Federation of Students (CFS). For non-members, the ISIC card is available at a cost of \$20 from Travel CUTS.

After review of the discounts that can be obtained by virtue of an ISIC card, the authors were unable to find any major service providers that grant student discounts *exclusively* to ISIC holders. Major transportation providers such as VIA Rail and Greyhound provide an equivalent discount to all students with their institutional ID.

Thus, the Society does not view this service to be substantial enough to be replicated. However, if there is strong demand for it among members, subsidization of the purchase of individual ISIC cards can be explored.

¹¹

http://www.undergrad.engineering.utoronto.ca/Student_Life/Engineering_Computing_Facility/ECF_Printing/Printers_and_Paper_Quota.htm

4.1.15 Free UTSU handbooks

The UTSU provides a handbook/day-planner for free to its members. As noted in the response to the Trinity College Meeting issued by the UTSU⁶, the per-unit cost of this handbook after sponsorship revenue is \$1.61 per book. The Society already provides a similar handbook to its students. In our view, the Society's handbook is of superior value to engineering students because it contains the dates relevant to them from the Faculty's academic calendar and also contains engineering specific information about Faculty offices and computer labs. Furthermore, it is already provided at a lower cost, despite the lower volume. At a volume of 4,000, the Skule™ Planner is printed at a cost of \$0.37 per book after sponsorship revenue.

In fact, many students have noticed the superior paper and binding quality of the Society's planner and many non-engineering students visit our office to inquire about them. We do not verify membership before giving out planners as the cost to the Society is minimal. In the event of separation, we would continue this policy of accessibility to all U of T students.

4.1.16 Staffing

We anticipate that the increase in front-desk services provided by the Society will require the addition of a new staff member for receptionist duties. We propose to fill this need with the addition of 1.0 FTE to be filled through the University's work-study program, with half of the cost to be paid by the Society. We estimate this cost, at a rate of pay of \$10.25 per hour and 40 hours per week, to be not more than \$12,000 annually.

4.1.17 Summary

In summary, were the fees collected on behalf of the UTSU to be diverted to the Engineering Society, all of the substantive services provided by the UTSU to individual members could be replicated or improved with the following costs:

Service	Cost of replication (per year)		
	<i>From 'society' fee</i>	<i>From designated fee portions</i>	<i>From health and dental fees</i>
Health insurance			\$125.46 per student
Dental insurance			\$113.04 per student
Food and Clothing Bank	\$2,500		
Individual Academic Endeavour Grant	\$5,000		
Dollars for Daycare		\$1.00 per student	
Income Tax Clinics	\$1,000		
Exam De-stressors	\$500		
Book Bursaries	\$2,500		
Receptionist	\$12,000		
Total	\$23,500	\$1.00 per student	\$238.50 per student
Less: Funds diverted from UTSU	\$161,000	\$1.00 per student	\$238.50 per student
Surplus (deficit)	\$137,500	\$0	\$0

Table 3 - Costs of replicating UTSU individual member services

4.2 Services provided to clubs and affiliated groups

Before addressing the services provided by the UTSU in this regard, the full extent of the Engineering Society's club services should be described. The Society does not require Ulife affiliation for recognition, nor does it require a majority of club members to be members of the Society¹². Clubs must have at least 10 engineering members to qualify for affiliation. By setting the lowest reasonable thresholds for affiliation, the Society is able to affiliate 88 individual clubs, many of which would not be able to access funding or services otherwise since they are not eligible to affiliate with the UTSU. Forty-two (42) of the clubs affiliated with the Society are not eligible for affiliation with the UTSU.

In the 2012-2013 budget year, the Society allocated \$55,000 or \$10.08 per member to clubs and conference funding. In the same period, the UTSU allocated \$168,000 or \$3.57 per member to clubs and conference funding. Furthermore, the Society handles hundreds of room booking requests on behalf of Ulife and non-Ulife affiliated groups alike, greatly simplifying the process for them. The Society also hosts two clubs fairs, one during Orientation Week and one during Godiva Week, at no cost to participating clubs, unlike the UTSU Clubs Day which charges a fee for tables.

4.2.1 Clubs funding

As noted above, in 2012-2013, the UTSU allocated \$165,000 to clubs funding in its various rounds. Our records indicate that Society-affiliated clubs (which, recall, are not exclusively engineering clubs, but also include many campus-wide clubs) requested the following funds from the UTSU this year:

Club	UTSU Funding Request, 2012-2013
Mandarin Chinese Christian Fellowship	\$500
American Society of Mechanical Engineers, U of T Chapter	\$300
Chinese Engineering Students' Association	\$1,500
Canadian Society for Chemical Engineering	\$250
Club for Undergraduate Biomedical Engineering	\$500
Engineering Chinese Club	\$485
Engineers Without Borders	\$2,000
Eyes of Hope	\$400
Institute for Electrical and Electronics Engineers, U of T Chapter	\$2,500
iGEM	\$250
Ironsports Club	\$500
Korean Engineering Students' Association	\$250
National Society of Black Engineers, U of T Chapter	\$6,000
Rational Capital Investment Fund	\$105
Skule Orchestra	\$1,000
Solar House Design Team	\$500
Spark Design Club	\$1,500
Tales of Harmonia	\$100
Engineering Toastmasters	\$350
Space Design Competition	\$250

¹² "Policy on Affiliated Clubs." University of Toronto Engineering Society. http://skule.ca/wp-content/uploads/2012/09/Engsoc_policy_on_affiliated_clubs-June-20121.pdf

Total	\$19,240
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Table 4 - List of club funding requests to the UTSU, 2012

Note that these are funds requested, not funds received. These reflect our records as of fall 2012, so we acknowledge that more clubs may have subsequently applied for and received UTSU clubs funding in 2012-2013 than we have knowledge of. Thus, in the interests of making a generous and accurate estimate we will multiply the total above by a factor of 1.5 to give \$28,860. In addition to these 19 clubs, the Society was able to fund a further 34 clubs that were not eligible to apply for UTSU funding to a total of \$40,000 exclusive of conference funding.

It is evident that the scope of UTSU clubs funding, as it applies to Society-affiliated clubs, is substantially less than Society funding. We acknowledge that many large campus-wide clubs that Society members do benefit from receive substantial UTSU funding and may choose not to apply to the Society for affiliation or funding. Thus, in replicating the service offered by the UTSU, the Society should aim to not just equal the amount of \$26,480, but rather to increase it.

In the event of separation, the Society will set a clubs funding target of \$40,000 in addition to 2012-2013 allocation of \$40,000, for a total of \$80,000. In our opinion, this represents a superior alternative for both engineering-focused and campus-wide clubs.

4.2.2 Clubs printing

The UTSU currently offers 1,000 pages of free printing during the fall/winter sessions and 500 pages during the summer session to its affiliated groups. Although the provision of personal print quotas for engineering students had made such a service a low priority for the Society, in the event of separation we will commit to matching it by providing Engineering Computing Facility (ECF) accounts for all affiliated clubs with quotas of 1,500 pages at no cost.

It is our view that this would be a superior service since it would be available 24 hours per day and available by remote access. Assuming that every single affiliated club utilizes it to its fullest extent, and no volume discount over current rates can be negotiated with ECF, this would cost the Society a maximum of \$2,670 annually.

4.2.3 Rentals

The UTSU allows affiliated groups to rent barbeques, coffee urns and water barrels at no cost. The Society also rents a barbeque at no cost (other than fuel) to its affiliated groups. In the event of separation, we feel that the cost of acquiring coffee urns and water barrels for rental would be minimal and easily handled.

4.2.4 Mailboxes

The UTSU allows affiliated groups to have mail addressed to their office. The Society already provides an identical service.

4.2.5 Insurance

The Engineering Society does not currently provide insurance certificates for third-party events. After consultation with our existing corporate insurance provider we feel that it would be feasible to provide this service if there is demand. However, we are unable to offer a credible assessment of the potential cost.

4.2.6 Mailing lists

The UTSU provides affiliated clubs with access to their mailing lists upon approval of the Vice-President, Campus Life. It should be noted that these lists do *not* include the entirety of the UTSU's membership. The Society provides all affiliated groups with access to a weekly digest sent out to all undergraduate engineering students. Furthermore, by cooperation with our colleagues on the St. George Round Table, we can advertise events to the entire undergraduate student body when necessary.

4.2.7 Summary

The services provided by the UTSU to clubs and affiliated groups can be replicated and improved with the following annual costs:

Service	Cost of replication (per year)		
	<i>From 'society' fee</i>	<i>From designated fee portions</i>	<i>From health and dental fees</i>
Clubs funding	\$40,000		
Clubs printing	\$2,670		
Total	\$42,670		
Less: Surplus funds diverted from UTSU from Table 3	\$137,500		
Surplus (deficit)	\$94,830		

Table 5 - Cost of replicating UTSU services to clubs and affiliated groups

4.3 Advocacy and representation

Part of the UTSU's current mission is to advocate for its membership, University of Toronto full-time undergraduates, to the University administration, the municipal, provincial and federal governments and the broader community. Were engineering students to leave the UTSU, they would lose the ability to shape the future advocacy of the UTSU.

This report does not aim to offer a comprehensive position on the value of the UTSU's advocacy campaigns. Such an assessment would be inherently subjective and based in the individual political and social views of students, of which there exist a tremendous range. Rather, it will attempt to offer an objective assessment of what the UTSU *aims* to do, as well as a perspective on how the loss of UTSU membership could impact engineering students.

4.3.1 Representation to the Faculty of Applied Science and Engineering

First and foremost, it is necessary to note that the University body most relevant to engineering students is their own Faculty. Academics are the single, foremost concern of full-time students and the academic experience of engineering students, both inside the classroom (i.e. teaching quality, curriculum, instructional technology) and outside (study space, libraries, design spaces) is almost entirely within the Faculty's purview.

The UTSU does not currently engage formally with APSC, nor does it engage informally in any fashion that the authors are aware of. On the other hand, the Engineering Society is extensively involved in both the formal governance of the Faculty and informal consultation with instructors and administrators.

The academic governing body of the Faculty is Faculty Council. The Constitution of APSC Faculty Council lists the President and a designate from the executive of the Society as members of the Executive Committee, and representatives from each year of each program in engineering (37 in all) that are elected by the Society sit on the full Council¹³. Furthermore, the Society is responsible for appointing and overseeing student representatives to the Standing Committees of Council, including:

1. Undergraduate Curriculum Committee
2. Teaching Methods and Resources Committee
3. Scholarships and Awards Committee
4. Academic Appeals Board
5. Community Affairs and Gender Issues Committee
6. Examinations Committee

The Society's executive meets regularly with senior administrators in the Faculty, including:

1. Vice-Dean, Undergraduate
2. Faculty Registrar
3. Executive Director, Advancement
4. Director, Facilities and Infrastructure
5. Director, Dean's Office

The Society also liaises with relevant central administration personnel including Property Managers of engineering buildings, Caretaking staff, Campus Police, Building Patrol, and any and all stakeholders in the day-to-day operations of the Faculty. Further, at each external review of the Faculty the Society has met with the representatives of the Canadian Engineering Accreditation Board (CEAB) to provide the student perspective of the Faculty's curriculum.

The Society is responsible for the administration of its Temporary Special Levy Fund, which plays a large role in improving undergraduate education facilities and has spearheaded millions of dollars' worth of capital projects to improve the undergraduate engineering academic experience.

In the last year alone, the Society has played a key role in completely rewriting the Faculty Council Constitution (in which student representation was improved) and in working on the Planning Committee for Site 10, the new engineering building that will be constructed adjacent to Simcoe Hall. Some of the Society's advocacy accomplishments in recent years include:

- Elimination of exam viewing fees for engineering exams and review of cost-recovery fees charged by the Faculty Registrar
- Elimination of compulsory incidental fee for the Engineering Career Centre
- Expansion of counselling and academic advising services
- Creation of the first *complete*, non opt-out online examinations repository at the University of Toronto
- Elimination of 17 separate non-compliant compulsory non-tuition fees in ten different departments

¹³<http://www.engineering.utoronto.ca/Assets/AppSci+Digital+Assets/pdf/faculty+council+resources/Faculty+Council+Constitution.pdf>

- Expansion and improvement of study spaces in the Engineering and Computer Science Library
- Creation of new study spaces in the Bahen Centre for Information Technology
- Improved student representation on Faculty Council Standing Committees
- Introduction of 24/7 building access to the Sandford Fleming, Galbraith, Wallberg and Pratt buildings
- Secured access to disused space at 245 College Street for Society-affiliated clubs
- Increased access to non-OSM meeting spaces for student groups
- Supported the arms-length Office of the University Ombudsperson in submissions to Governing Council
- Successfully lobbied for the creation of the first administrative position in the Faculty solely focused on student experience
- Fought for and preserved an independent, student-run Orientation Week

As demonstrated above, the Society is not an advocacy-adverse organization; rather, we have been engaged for decades in working for the betterment of the student experience for our members in parallel to the work done by the UTSU.

4.3.2 Representation to University administration

The core piece of the UTSU's advocacy mandate is to represent its members to the University administration. In the response issued to the TCM, the UTSU enumerated many achievements of the last several years in regard to lobbying the University. Notable among these are the elimination of illegal ancillary fees, expanded access to student space and new prayer spaces. The Engineering Society applauds these achievements and would like to dispel the notion that separation of its members from the UTSU would weaken or harm UTSU advocacy in any way. We do not seek to separate engineers from the UTSU because we oppose the advocacy of the UTSU. In fact, it is our view that such a separation would only strengthen advocacy for common causes like student space, rapidly escalating tuition fees and quality of education by creating a stronger, independent voice in support of the same issues.

The current situation of widespread discontent among the UTSU's members weakens its advocacy; an independent Engineering Society that is aligned on issues of common interest with the UTSU can only work to improve student representation on campus.

We would also like to note being a divisional student society does not preclude the Society from engaging in advocacy to central administration. The Society has worked with student, faculty, staff and government-appointed members of Governing Council, the Office of the Vice-Provost, Students, the Office of Student Life, Hart House and many other central university bodies in the interest of its members and separation from the UTSU would only strength its ability and mandate to do so. The concerns of professional faculty students with respect to the University are often not only different from those of the UTSU, but can often be opposite, for example in regard to flat tuition fees. In such cases, membership in the UTSU does a disservice to their concerns.

Since advocacy of this nature is largely free of monetary cost, there is no question of "piggybacking" on costs incurred by the UTSU. However, if there are campaigns that have monetary costs that are valuable to the membership of the Society, we would not hesitate to contribute fully.

4.3.3 Representation to municipal, provincial and federal governments

It is unlikely that the Engineering Society would ever be able to feasibly engage in municipal, provincial or federal lobbying to any significant extent. That being said, we do not feel that the lost value of such advocacy from the UTSU would be substantial. Lobbying governments is and will remain primarily the purview of provincial and national organizations. The Society will be ready to contribute to the efforts of the central student unions or provincial or national student organizations as necessary and will entertain the prospect of joining provincial or federal student federations if directed by its membership.

5 Designated fee portions

Some concerns have arisen that a referendum on the termination of fees collected by the University on behalf of the UTSU will threaten the many student groups that rely on designated portions of the UTSU fees for their existence. To clarify, any referendum question posed by the Society will include the continuation of such fees as designated portions of the Engineering Society fee, subject to the provisions of the Society's Constitution and bylaws.

The Society has a long history of supporting third-party student organizations through designated fee portions and has several such fees of its own. We support and applaud the work of groups such as the Sexual Education Centre, the University of Toronto Environment Resource Network and Bikechain, to name but a few. However, it is also our long-standing position that such fees should exist only with the consent of those who pay them; thus, the continuation of such fees is subject to biannual referendum. The successes of student groups such as the Human Powered Vehicle Design Team under this regulatory framework assure us that it is not an onerous obligation for groups to undertake.

6 Conclusion

The amalgamation of Tables 4 and 5 shown below demonstrates that replication and indeed improvement of all of the UTSU's substantial services to individuals, groups and advocacy can be accomplished in a way that is fiscally prudent without the establishment of any fees additional to what students are now paying. In fact, we project that a substantial surplus may exist and that if estimates prove accurate, fees could be reduced in the future.

It is the opinion of the authors that this report demonstrates that separating engineering students from the membership of the UTSU is feasible, beneficial and prudent in all respects.

Service	Cost of replication (per year)		
	<i>From 'society' fee</i>	<i>From designated fee portions</i>	<i>From health and dental fees</i>
Health insurance			\$125.46 per student
Dental insurance			\$113.04 per student
Food and Clothing Bank	\$2,500		
Individual Academic Endeavour Grant	\$5,000		

Dollars for Daycare		\$1.00 per student	
Income Tax Clinics	\$1,000		
Exam De-stressors	\$500		
Book Bursaries	\$2,500		
Receptionist	\$12,000		
Clubs funding	\$40,000		
Clubs printing	\$2,670		
Total	\$66,170	\$1.00 per student	\$238.50 per student
Less: Funds diverted from UTSU	\$161,000	\$1.00 per student	\$238.50 per student
Surplus (deficit)	\$94,830	\$0	\$0

Table 6 - Total replication cost of UTSU services

7 Appendix A

Below is the correspondence between the Engineering Society and the UTSU relevant to this document:

1. "Notice of a motion to hold a referendum on the collection on behalf of the UTSU." Letter from Rishi Maharaj to Shaun Shepherd. February 15, 2013.
2. "Notice of a motion regarding the UTSU." Letter from Rishi Maharaj to Shaun Shepherd. February 22, 2013.
3. "Letter to the Engineering Society." Letter from Shaun Shepherd to Rishi Maharaj. February 27, 2013.



UNIVERSITY OF TORONTO
ENGINEERING SOCIETY

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

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February 15, 2013 – Delivered by hand

Mr. Shaun Shepherd

President

University of Toronto Students' Union

12 Hart House Circle

Toronto, ON

RE: Notice of a motion to hold a referendum on the collection of fees on behalf of the UTSU

Dear Mr. Shepherd:

This is an updated version of my previous letter, dated February 14, 2013. Please disregard the previous letter. This is to inform you that the Engineering Society Board of Directors will debate a motion to hold a referendum asking full-time Engineering Society members whether they wish to pay compulsory non-academic incidental fees to UTSU at its next meeting on February 20, 2013 at 7:00pm in the Galbraith Building, Room 303. The final agenda package is not yet available, however, the text of the motion as served to the membership of the Engineering Society this evening is reproduced in the attachment below.

You are invited to attend or send a representative. Under the Engineering Society Constitution, only members of the Society have the right to speak at Board meetings; however, I will ask the Chair to extend speaking rights to any representative of the UTSU.

Sincerely,

Rishi Maharaj

President

cc. Professor Jill Matus, Vice-Provost, Students
Professor Susan McCahan, Vice-Dean, Undergraduate, APSC
Engineering Society Board of Directors



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Motion to hold a referendum on the collection of fees on behalf of the Students' Administrative Council (SAC)

Motion to hold a referendum on the collection of fees on behalf of the Students' Administrative Council (SAC)

WHEREAS the full-time members of the Society are also members of SAC and whereas that the University of Toronto collects several compulsory non-academic incidental fees on behalf of SAC; and

WHEREAS the Society has examined the utility of SAC and its services several times in the last five years; and

WHEREAS it has been the ongoing position of the Society that our membership would be better served if SAC's functions in regard to our members were taken over by the Society; and

WHEREAS a list of recommendations to address these issues was presented to SAC on multiple occasions and were thoroughly rejected; and

WHEREAS the structure of SAC systematically discriminates against participation by our members through maximum course load requirements, the non-proportional makeup of the SAC Board of Directors and the use of anti-preferential (block) voting for director elections; and

WHEREAS the SAC Board of Directors recently voted unambiguously to not address any of the above issues; and

WHEREAS it is the mandate of the Society to work toward the interests of its members, particularly in the University community; and

WHEREAS it is the opinion of the Officers that all SAC services and functions that are relevant to our members, including but not limited to clubs funding, health and dental insurance, representation to the University, bursaries, and free clubs printing could be provided by the Society in fashion that is more beneficial to our members;

BE IT RESOLVED THAT the Engineering Society Board of Directors calls on the executive committee and Board of Directors of SAC to immediately initiate whatever steps are necessary under SAC bylaws



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and policies hold a referendum asking engineering students whether they wish to continue their membership in SAC; and

BE IT FURTHER RESOLVED THAT if the actions called for in the prior clause are not undertaken by Monday, March 11, 2013 the Board of Directors authorizes the Chief Returning Officer to conduct a referendum asking full-time members of the Society whether they wish for the University of Toronto to cease collection of compulsory non-academic incidental fees on behalf of SAC and increase Engineering Society fees accordingly, to be held during the upcoming Board of Directors elections, the final wording of such to be set by the CRO in consultation with the University of Toronto and the Officers; and

BE IT FURTHER RESOLVED THAT such a referendum will be conducted using the University's online election system for student societies; and

BE IT FURTHER RESOLVED THAT the Officers shall present to the Board a document justifying the logistical and procedural feasibility of implementing a positive result in either of the above referenda prior to the ratification or acceptance of such a result; and

BE IT FURTHER RESOLVED THAT the Engineering Society calls on the University of Toronto and SAC to recognize the democratic expression of its members' wishes in regard to student society membership and dues, provided such a referendum is conducted in a free and fair fashion.



University of Toronto Engineering Society

Association des Étudiants en Génie de l'Université de Toronto

Sandford Fleming B740, 10 King's College Road, Toronto ON Canada M5S 3G4
Telephone: (416) 978-2917 E-mail: engsoc@skule.ca
Facsimile: (416) 978-1245

February 22, 2013

Mr. Shaun Shepherd

President

Students' Administrative Council (o/a University of Toronto Students' Union)

12 Hart House Circle

Toronto, ON

RE: Notice of a motion regarding the UTSU

Dear Mr. Shepherd:

Further to my letter of February 15, this is to advise you that the motion outlined in that letter and attached below was approved by the Engineering Society Board of Directors by a unanimous vote on February 20, 2013. The main operative clause of that motion was:

BE IT RESOLVED THAT the Engineering Society Board of Directors calls on the executive committee and Board of Directors of SAC to immediately initiate whatever steps are necessary under SAC bylaws and policies hold a referendum asking engineering students whether they wish to continue their membership in SAC.

Thus, I urge you, your executive committee and the UTSU Board of Directors to immediately consider holding a referendum on this question. If amendments to your bylaws, policies or Charter for Referenda are necessary to hold such a referendum, I urge you to propose such amendments immediately.

Pursuant to this motion, the Engineering Society will not undertake any action if good faith efforts are made by the UTSU to pose a suitable referendum question to our mutual membership. As stated in the motion, I must receive a response from you by March 11, 2013 indicating what actions, if any, will be undertaken by the UTSU. Failing that, I will direct the Chief Returning Officer to conduct such a referendum himself.

It is the long-standing belief of the Engineering Society that our members have, and of a right ought to have, the ability to determine their membership in student societies unilaterally through a transparent and fair democratic process, to wit, a referendum. We call on the UTSU to provide such a process; if not, we will do whatever is necessary to provide it ourselves in a timely fashion. We have every desire to work

within the bylaws, policies and procedures of the UTSU, however if it is the position of the UTSU that no such process for a segment of the UTSU's membership to secede can ever exist, that the membership of the UTSU is by definition immutable, we do not accept that conclusion.

Any acceptable process must have, at the least, the following elements:

1. The voters' list must be limited to current UTSU members registered in the Faculty of Applied Science and Engineering, that is, the mutual membership of the UTSU and the Engineering Society; and
2. It must pose a clear and unambiguous question asking voters to consent to continued membership in the UTSU and the privileges and obligations thereof; and
3. It must clearly enumerate the fees that would be continued or terminated based on the referendum's outcome; and
4. Its outcome must be binding upon the UTSU; and
5. It must be conducted in a fashion that a reasonable person would judge to be fair, transparent and accessible.

It is my sincere hope that the UTSU will respect the clearly expressed desire of engineering students' to direct their own future within the UTSU and immediately initiate a process to hold a referendum as described above.

Sincerely,



Rishi Maharaj
President

cc. Professor Cheryl Misak, Vice-President and Provost
Professor Jill Matus, Vice-Provost, Students
Professor Susan McCahan, Vice-Dean, Undergraduate, APSC
Ms. Barbara McCann, Faculty Registrar, APSC
Engineering Society Council

encl. "Motion to hold a referendum on the collection of fees on behalf of the Students' Administrative Council (SAC)" – 2 pages

Motion to hold a referendum on the collection of fees on behalf of the Students' Administrative Council (SAC)

Motion to hold a referendum on the collection of fees on behalf of the Students' Administrative Council (SAC)

WHEREAS the full-time members of the Society are also members of SAC and whereas the University of Toronto collects several compulsory non-academic incidental fees on behalf of SAC; and

WHEREAS the Society has examined the utility of SAC and its services several times in the last five years; and

WHEREAS it has been the ongoing position of the Society that our membership would be better served if SAC's functions in regard to our members were taken over by the Society; and

WHEREAS a list of recommendations to address these issues was presented to SAC on multiple occasions and were thoroughly rejected; and

WHEREAS the structure of SAC systematically discriminates against participation by our members through maximum course load requirements, the non-proportional makeup of the SAC Board of Directors and the use of anti-preferential (block) voting for director elections; and

WHEREAS the SAC Board of Directors recently voted unambiguously to not address any of the above issues; and

WHEREAS it is the mandate of the Society to work toward the interests of its members, particularly in the University community; and

WHEREAS it is the opinion of the Officers that all SAC services and functions that are relevant to our members, including but not limited to clubs funding, health and dental insurance, representation to the University, bursaries, and free clubs printing could be provided by the Society in fashion that is more beneficial to our members;

BE IT RESOLVED THAT the Engineering Society Board of Directors calls on the executive committee and Board of Directors of SAC to immediately initiate whatever steps are necessary under SAC bylaws and policies hold a referendum asking engineering students whether they wish to continue their membership in SAC; and

BE IT FURTHER RESOLVED THAT if the actions called for in the prior clause are not undertaken by Monday, March 11, 2013 the Board of Directors authorizes the Chief Returning Officer to conduct a referendum asking full-time members of the Society whether they wish for the University of Toronto to cease collection of compulsory non-academic incidental fees on behalf of SAC and increase Engineering

Society fees accordingly, to be held during the upcoming Board of Directors elections, the final wording of such to be set by the CRO in consultation with the University of Toronto and the Officers; and

BE IT FURTHER RESOLVED THAT such a referendum will be conducted using the University's online election system for student societies; and

BE IT FURTHER RESOLVED THAT the Officers shall present to the Board a document justifying the logistical and procedural feasibility of implementing a positive result in either of the above referenda prior to the ratification or acceptance of such a result; and

BE IT FURTHER RESOLVED THAT the Engineering Society calls on the University of Toronto and SAC to recognize the democratic expression of its members' wishes in regard to student society membership and dues, provided such a referendum is conducted in a free and fair fashion.

Rishi Maharaj
President, University of Toronto Engineering Society
Sandford Fleming B740, 10 King's College Road
Toronto, ON M5S 34G

February 27, 2013

Dear Mr. Maharaj:

I write further to your letter dated February 14, 2013 (the "**Letter**"). In the Letter, you informed the University of Toronto Students' Union ("**UTSU**") that the Board of Directors of the University of Toronto Engineering Society (the "**Engineering Society**") "will debate a motion to hold a referendum asking full-time Engineering Society members whether they wish to continue their membership in the UTSU at its next meeting on February 20, 2013" (the "**Motion**"). Our understanding, furthermore, is that the Motion was passed at the Engineering Society's Board of Directors meeting that was held on February 20, 2013, and that it seeks to direct UTSU to hold a referendum concerning membership in UTSU. For ease of reference, we have attached the wording of the Motion at Appendix "A" hereto.

As you are aware, the membership of the UTSU is defined, by bylaw, as all full-time undergraduate students at the St. George and Mississauga campuses of the University of Toronto. The UTSU is mandated to uphold its bylaws and other applicable statutes governing and to act in the best interests of its membership, including all full-time undergraduate students enrolled in programs offered by the Faculty of Applied Science and Engineering. The UTSU takes very seriously its commitment to act in the best interests of its membership and in a democratic manner.

The Engineering Society has no authority to take actions that affect the membership of the UTSU, nor can it compel the UTSU to take actions redefining its membership. The Motion that was passed on February 20, 2013 is of no effect on the UTSU. Accordingly, the UTSU will neither conduct nor assist with, nor does it consent to or authorise the Engineering Society to conduct, the referendum described in the Motion. The actions that you propose that the UTSU take run counter to the UTSU's by-laws as well as its fiduciary obligations to its members, including full-time undergraduate students enrolled in programs offered by the Faculty of Applied Science and Engineering.

A 2008 court ruling pertaining to two student organisations at University of Toronto is very clear with respect to the jurisdiction over decisions about organisational membership. In *APUS v. UTMSU et al*¹, Justice Allen writes: "I accept APUS's position and conclude that it only makes sense that APUS's bylaws and referendum rules be applied to the matters of APUS membership and fees". Further, the ruling ascertains: "I am persuaded by APUS's argument that its rules and by-laws ought to have been followed in the preparation for and conduct of the referendum."

The proposal set out in the Motion to hold an independent referendum to determine the collection of the UTSU's fees is inconsistent with UTSU's Bylaws, the UTSU Charter for Referenda, and all other UTSU policy. UTSU Bylaw XII provides:

REFERENDA

A referendum of the members of the Union for the purposes of determining any question shall be conducted in accordance with Bylaw XII and the Charter for Referenda.

1. **Procedure**
 - a. Procedures for holding referenda shall be determined by the Charter for Referenda.
 - b. Notice of referenda shall be no less than fourteen (14) days of the referenda voting period.

¹ *Association of Part-Time Undergraduate Students of the University of Toronto v. University of Toronto Mississauga Students' Union et al.*
Court File No. CV-08-00353743-0000, Reasons for Judgment dated August 27, 2008. Ontario Superior Court of Justice.



- c. Referenda questions for schedule B and C referenda must be approved by the Board by three-quarters (3/4) of the Directors.
- d. Referenda shall be conducted in a secret ballot.
- e. If the referenda refer to an external organization, the Union shall work with respect to both the Union and external organization's by-laws and rules.

The Court continues in its ruling to provide that "...it is clear that changes to APUS's fees and membership can only be legitimately achieved with the consent of APUS and in accordance with APUS's constitution...I find that EPUS's/UTMSU's actions in holding a referendum and subsequently to UAB on those matters to be invalid".

To reiterate, the UTSU will neither assist with, nor does it authorize or consent to, the Engineering Society conducting on behalf of the UTSU a referendum related to its own membership and fees. Given the clear legal precedent on this matter and the clear process for holding referenda outlined in the UTSU by-laws and related policies, we object to your proposal to hold such a referendum and ask that you discontinue this process immediately in order to avoid the necessity to seek legal remedies.

In addition to the foregoing, the UTSU is concerned by your repeated and unfounded criticism of the conduct of UTSU and its officers. The UTSU further takes issue with your attempts to involve the university administration in the UTSU's internal affairs.

Rest assured that the UTSU will continue to represent and provide services for full-time undergraduate students enrolled in programs offered by the Faculty of Applied Science and Engineering as it does for all of its members. As you are aware, our organization has internal mechanisms in place for incorporating feedback and addressing any concerns that they may have. If you have any further questions or concerns about any particular issue regarding the UTSU, please direct those questions or concerns to my attention so that I can address them.

Sincerely,

Shaun Shepherd,
President

cc: Vice-President Internal and Services Corey Scott
University of Toronto Vice Provost, Students Jill Matus
University of Toronto Acting Director, Office of the Vice-Provost, Students David Newman
Vice-Dean Undergraduate Studies, Faculty of Applied Science and Engineering, Susan McCahan



Appendix "A"

MOTION

WHEREAS the full-time members of the Society are also members of SAC and whereas that the University of Toronto collects several compulsory non-academic incidental fees on behalf of SAC; and

WHEREAS the Society has examined the utility of SAC and its services several times in the last five years; and

WHEREAS it has been the ongoing position of the Society that our membership would be better served if SAC's functions in regard to our members were taken over by the Society; and

WHEREAS a list of recommendations to address these issues was presented to SAC on multiple occasions and were thoroughly rejected; and

WHEREAS the structure of SAC systematically discriminates against participation by our members through maximum course load requirements, the non-proportional makeup of the SAC Board of Directors and the use of anti-preferential (block) voting for director elections; and

WHEREAS the SAC Board of Directors recently voted unambiguously to not address any of the above issues; and

WHEREAS it is the mandate of the Society to work toward the interests of its members, particularly in the University community; and

WHEREAS it is the opinion of the Officers that all SAC services and functions that are relevant to our members, including but not limited to clubs funding, health and dental insurance, representation to the University, bursaries, and free clubs printing could be provided by the Society in fashion that is more beneficial to our members;

BE IT RESOLVED that the Engineering Society Board of Directors calls on the executive committee and Board of Directors of SAC to immediately take whatever steps are necessary under SAC bylaws and policies hold a referendum asking engineering students whether they wish to continue their membership in SAC; and

BE IT FURTHER RESOLVED that if the actions called for in the prior clause are not undertaken by Monday, March 11, 2013 the Board of Directors authorizes the Chief Returning Officer to conduct a referendum asking full-time members of the Society whether they wish for the University of Toronto to cease collection of compulsory non-academic incidental fees on behalf of SAC and increase Engineering Society fees accordingly, to be held during the upcoming Board of Directors elections, the final wording of such to be set by the CRO in consultation with the University of Toronto and the Officers; and

BE IT FURTHER RESOLVED that such a referendum will be conducted using the University's online election system for student societies; and

BE IT FURTHER RESOLVED that the Officers shall present to the Board a document justifying the logistical and procedural feasibility of implementing a positive result in either of the above referenda prior to the ratification or acceptance of such a result; and

BE IT FURTHER RESOLVED that the Engineering Society calls on the University of Toronto and SAC to recognize the democratic expression of its members' wishes in regard to student society membership and dues, provided such a referendum is conducted in a free and fair fashion.



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University of Toronto Students' Union
Local 98 of the Canadian Federation of Students



education is a right!