

The Continuing Saga of CIMN and Student Union

This past Sunday, Prince Edward Island's only campus/community broadcaster found its fiscal stability threatened by a Student Council driven by personal politics and partisan vendettas. It is perhaps unsurprising in an environment so charged with emotion and so empty of actual factual information that the Council voted to suspend funding for the station while at the same time professing continued support for the eventual goal of going FM.

The case of CIMN could have a national impact if the volunteers at the station are unable to find some other sources of funding. The Canadian Radio Television and Telecommunications Commission (CRTC), in what could be considered an uncharacteristically generous decision, has allowed University of Prince Edward Island Student Radio Inc, the not-for-profit company which operates CIMN, to begin FM broadcasting before having sufficient funds to employ a full time station manager.

The meeting began at roughly 7:00 pm Sunday evening. The student executive, apparently anticipating trouble from the unruly hoards of CIMN supporters, had asked that campus security be present in case things got out of hand. The executive also immediately moved to close the meeting to visitors, so that the students who had shown up to see democracy in action would be forced to leave. As the campus police edged closer, perhaps anticipating civil disobedience from the anxious volunteers, the council narrowly voted to keep the meeting open. With that, the meeting immediately moved to the next item on the agenda, simply called CIMN.

After several years of getting organized, CIMN-FM was granted permission to go FM last year by the CRTC. The station has been operating as an AM station since the 1970s. In 1982, accord to records of the Student Union, council voted to incorporate a not for profit company called "UPEI Student Radio," and ownership of the

equipment and license to broadcast was transferred to the new company. This particular piece of information is vitally important, for it is the main reason why the members of the executive moved to shut down the station, but at the same time may be the only reason the station may survive.

After dispensing with the motion to close the meeting, the Speaker of the student council recognized Fidel Murphy, Vice-President External, who put forward the motion to cut all funding to CIMN for the following budget year. Murphy, and the president-elect, Chris Burns, then moved to the centre of the room, set up a podium, and began to



CIMN volunteer Lorne Caborn hosting his show "The Chronic"

present their case. Like a badly parodied episode of *Law and Order*, they presented fact after damning fact, in their minds proving CIMN's guilt, when in truth, most of what concerned these counsellors was easily explained by a quick examination of the CRTC regulations, the Broadcast Act, the Companies Act of PEI, or often enough, the Student Union's own archives.

The core of the "case" revolves around the actual management structure of the station, who controls the license, and why CIMN is both incorporated as a company and registered as a sub-organization under the Student Union's constitution, with a completely different set of by-laws. The CIMN Radio society, legally, is a department of the company which is the Student Union, and for the last few years, CIMN has operated under this organizational structure. The Board of UPEI Student

Radio, as described in the document registered with the Attorney General of PEI, is comprised of the four executive of the Student Union. The CIMN Radio constitution states that it is the VPI, VPF, Station Manager, a volunteer, and member at large. To further complicate things, the Board which is to manage the station under section 7B of the Promise of Performance approved by the CRTC is structured completely differently from either of these two.

Murphy and Burns maintained that CIMN's management had misled the Student Union and the CRTC by submitting fraudulent documents.

Murphy stated that the Executive

of the Student Union had no idea that they were members of the Board of UPEI Student Radio, and were concerned about liability. They stated that the Union had not been informed of the true cost and scope of change which was associated with going FM, and to top it all off, UPEI Student Radio required that all Board members be Canadian, and that "just isn't the way we do things in this country."

Sometime in the late 80s and early 90s, something curious happened with many student and community organizations all across this great country of ours. Records were lost or destroyed. Rationales were forgotten, and long term goals set aside. Both student unions and radio stations did this, many also driving themselves deeply into debt at the same time. At some point around the turn of the decade, for some reason, most people involved with UPEI SU and CIMN

forgot about the incorporated organization called UPEI Student Radio, or set it aside, and effectively managed it as a sub-organization, or department of the Union. It was not totally forgotten, however, because the Station Managers of CIMN continued to submit license applications under the name UPEI Student Radio, until on June 8, 1995, the organization was granted an FM license.

Immediately following Murphy and Burns' presentation, Melissa Buote - the Station Manager -- and Wayne Mason presented the facts as known them. The CRTC demands an all Canadian Board, thus the restrictions. The CRTC application said "the station will be run in such and such a way," and a general meeting of UPEI Student Radio was scheduled to make those changes on Monday. After those changes the station would be in compliance with its Promise of Performance. The station maintained that last year's station manager had submitted reports to the Student Union executive at least once a month, and Melissa produced a letter from last year's President of the Student Union, written to the CRTC, stating that the Union would pay to for the station to go FM. I pointed out that the Student Union's own archives showed that the Student Union had created UPEI Student Radio, and if the Student Union Executive hadn't know that it was on the Board of UPEI Student Radio, then they had a staff or record keeping problem they need to fix, and besides, not-for-profit company Board members are generally not held liable in the same way a private company Board may be.

Murphy and Burns fought back angrily. The Red Book, the briefing and business plan created by CIMN to reassure UPEI Student Union of the legal and fiscal soundness of the FM plan, had become a weapon used to shut the station down. Unfortunately, the Red Book contained references to a copy of the CIMN Radio constitution, and the new Station Manager was not as familiar with the ins and outs of the legal situation as Amanda Hill, the former station manager who resigned in protest in January. Murphy and Burns stated it was clear that CIMN was misleading the Union, and was hiding the nature of their