

March 15, 2006

Steven H. Lee, Kwantlen Student, 100-025-323

Board of Governors, Kwantlen University College  
12666 - 72<sup>nd</sup> Avenue  
Surrey, BC V3W 2M8

Dear Board Members,

I am writing this letter to ask you to, as per sections (1)(b), (19) and (21) of the College and Institute Act of British Columbia, to not collect or remit the student fee increase that was supposedly passed in the recent Spring 2006 Kwantlen Student Association (KSA) General Election held in January 2006 by the KSA.

Specifically, section (19)(1)(b) states that:

“the student society has been designated by regulation and the amount of the student society fees has been approved by a majority of the members of the student society who voted in a referendum of that student society.”

Currently, it is under dispute whether or not a majority of the members of the student society voted in a properly convened referendum of the KSA.

You will find attached the first report of the KSA Ombudsperson which essentially deems the Spring 2006 KSA as being null and void.

Furthermore, comments made by the Ombudsperson under the topic heading “Appeal #4” of his report states that there are a number of other investigations related to the election that were submitted to the Ombudsperson under the general authority of the Ombudsperson. It is believed that once released, the findings of those outstanding investigations will further prove this election’s nullity.

During the Spring 2005 KSA General Election, when Kwantlen administration ceased to recognize the previous board, and subsequently changed the locks of the Association offices, effectively handing power over to the students who had the highest number of

votes in that election, Mr. Skip Triplet stated in an April 30, 2005 e-mail to the Board of Governors that the administration acted in this manner because the situation was in dispute, and that in absence of a ruling from a court of law, "*Kwantlen must rely on the best information available, which is the letter received from the KSA Ombudsperson.*" This e-mail is attached for your information.

There is a large group of students who are planning legal action over the a number of situations regarding the KSA, including the issues surrounding the Spring 2006 General Election as outlined here today.

If Kwantlen were to collect and remit the new fees, and a court were to later find the referendum and election that approved those fees to be illegitimate, then the KSA and Kwantlen would have to issue refunds to those students for fees paid over and above the old KSA fee schedule. As such, based on the Ombudsperson's findings, two options appear to be available:

1. Kwantlen should to stick to the old KSA fee schedule until a Court of Law rules otherwise; *or*
2. to simply hold whatever amount that is over and above what the KSA used to charge in trust until the court makes a ruling.

It may also be prudent for Kwantlen to cease recognizing the students who claim to have been elected in the Spring 2006 KSA General Election until such time as a Court of Law decides on the matters surrounding this election, and remain a neutral body from this time forward.

Respectfully submitted,

Steven H. Lee, Kwantlen Student, 100-025-323

[Print - Close Window](#)

From Skip Triplett Sat Apr 30 15:57:40 2005

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**Subject:** [board] KSA Dispute

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**X-Priority:** 3 (Normal)

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**Reply-to:** Skip Triplett <Skip.Triplett@kwantlen.ca>

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**From:** "Skip Triplett" <Skip.Triplett@kwantlen.ca>

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**Sender:** Kwantlen Domino Server <KwantlenAdminServer@kwantlen.ca>

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**To:** "Steve Lee" <steveleenow@yahoo.com>

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Board members, A story appeared in today's Sun entitled, "SURREY: Democracy takes a new twist at Kwantlen College".

<http://www.canada.com/vancouver/vancouvernews/news/westcoastnews/story.html?id=f5cc1f>

Here's the fuller story:

On February 24 and 25, 2005, the Kwantlen University College Student Association ("KSA") held a general election. Two months later the election results have remained unresolved. It is important that Kwantlen University College administration be aware of the identity of the KSA representatives as, among other things, Kwantlen has

business arrangements with the KSA and must know who is authorized to make decisions on behalf of the KSA with respect to the subject premises.

On April 27, 2005, Kwantlen received a letter from the KSA Ombudsperson

confirming the results of the general election and identifying those individuals who are the duly elected representatives of the KSA.

Kwantlen has been advised that certain members of the KSA deny that the individuals identified in the KSA Ombudsperson's letter are the duly elected representatives of the KSA. It is not Kwantlen's role to be the arbiter of any such dispute. It is an internal matter for the KSA. Kwantlen encourages the parties in dispute to take appropriate legal action to resolve the dispute. Kwantlen will recognize those individuals who are ultimately determined by a qualified authority to be the proper representatives of the KSA. In the meantime, Kwantlen must rely on the best information available, which is the letter received from the KSA Ombudsperson.

As you know, the Kwantlen Student Association is a tenant of ours and we changed the locks on the instructions of people whom we believe - on the basis of the best information available to us - to be their legal representatives. Both sides have now engaged separate law firms to represent them in their dispute with each other over the election results. We hope they will quickly come to an agreement.

Skip

Leslie (Skip) Triplett, President

Tel: 604 599 2080 | Fax: 604 599 2235

Kwantlen I Definitively Undergraduate

Board Of Governors Mailing List

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From ombuds@myksa.ca Fri Feb 3 00:58:50 2006

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**X-Apparently-To:** steveleenow@yahoo.com via 206.190.49.22; Fri, 03 Feb 2006 01:22:57 -0800

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**Date:** Fri, 3 Feb 2006 00:58:50 -0800

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**From:** ombuds@myksa.ca

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**To:** elections@myksa.ca, amar\_randhawa@shaw.ca, speaker@myksa.ca

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**Subject:** Final Report of the Ombudsperson on Election Appeals

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**Message-ID:** <025343264e01827f733aeeb26680fc75@myksa.ca>

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To: Mr. Amar Randhawa and members of the KSA Board of Directors

Attached to this message is my final report on Election Appeals for the 2006 KSA General Election. It is in Microsoft Word format. When you go to open the file, it will ask for a password. Just choose to open read-only and the file will open without a password. You only need the password to modify it

Please be aware that the release of this report does not make the results official. As per the KSA Regulations, a properly constituted meeting of Council needs to take place. At this meeting Council must consider the recommendations I have made in this report. Only after Council has considered my report, can the new Board take office.

This Council meeting must be called using the proper procedures by the Speaker (Chair) of Council such as notice of meeting, and distribution of agendas as laid out in the KSA Bylaws and Regulations.

-Paul Browning  
Ombudsperson  
Kwantlen University College Student Association

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#### Attachments

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Files:

 [KSA\\_Ombudsperson\\_\\_\\_Elections\\_Report\\_\\_\\_February\\_2\\_2006\\_\\_\\_Final.doc](#) (117k)

# **Ombudsperson Final Report on Election Appeals**

**February 2, 2005**

## ***Summary***

This report is in response to several election appeals submitted to me over the course of the Kwantlen University College Student Association (KSA) elections held in January 2006. In this report I will respond to the various appeals in the order that they were received, describing my findings with respect to the appeal and any recommendations based on those findings.

While I strongly urge Council to accept all my recommendations in this report, I will be clearly numbering my recommendations to ensure their severability in the event that Council does not choose to accept my entire report. I do not recommend that Council take such an action, yet I recognize that a decision by Council to act on some of my recommendations is preferable to a decision to reject all recommendations.

Prior to continuing, I would also like to make a disclaimer that I am not a lawyer, and in making this report, do not purport to be practicing law. Therefore, this report should not be considered as legal advice. I am acting in the role of Ombudsperson as laid out in the Bylaws and Regulations of the KSA.

Finally, in this document, I make references to both the KSA Council and the KSA Board of Directors. This is due to the fact that the old and new versions of the bylaws use different terminology. I am making reference to the same body, and use these terms interchangeably. Either term means the body that is considered the Board of Directors of the KSA under the BC Society Act.

## ***Grounds for appeal to Ombudsperson***

Prior to considering specific appeals, I will start by referring to the grounds under which I am permitted to consider elections appeals. Part of Section X, Article 11 (10) of the KSA regulations outline the procedure that the Ombudsperson must follow when considering an appeal. These are:

*“The Ombudsperson is not to directly consider the merits of the original matter when considering an appeal, but rather examine the process and rules relating to the decision. In particular, the onus of proof is upon the appellant to demonstrate that the Chief Returning Officer or the Elections Committee erred in some material way in their original decision. The failure of the Chief Returning Officer or the Elections Committee to strictly abide by any given rule shall not be sufficient, in and of itself, to establish the merits of an appeal: a material effect in the result of the election must be established. The Ombudsperson shall deliver a written report to the Board regarding his or her judgment, and any recommendations thereto.”*

## **Appeal #1 (Ombudsperson's Numbering)**

Appeal Submitted by: Steven Lee

Appeal Submitted on: January 20<sup>th</sup>, 2005

Appeal Related To: Decision of Elections Committee on January 16<sup>th</sup>, 2006 concerning Mr. Lee's appeal to the committee of the Chief Returning Officer's (CRO's) decision to not permit him to run in the election.

### ***Allegations and Findings:***

In claiming that the CRO or Elections committee erred in a material way in their original decision, the appellant makes several contentions.

These are:

- 1) That when the CRO met with the Elections Committee on January 16<sup>th</sup>, 2006 he did not properly present Mr. Lee's complaint and arguments to the committee for consideration.

In arguing this appeal, Mr. Lee makes several points. Firstly, he points to the fact that Section IV, Article 1 (8) of both the old and new versions of the KSA Regulations (the versions in effect before and after January 6<sup>th</sup>, 2006) prohibit KSA committee meetings from being held outside Kwantlen University College (KUC) campuses. He also points out that the new version of the regulations also contains the words, "unless decided otherwise by a two-thirds (2/3) resolution of the committee."

With respect to the meeting held on January 16<sup>th</sup>, 2006, he points to the minutes of the meeting which identify the location of the meeting as being held at 4547 Fleming Street in Vancouver, an address which is clearly not a campus of KUC. It is pointed out that under Section X, Article 4 (2) of the new version of the regulations, if the election is contracted out to an outside entity then the electoral section of the regulations is suspended with election to be governed in a manner decided by the outside entity, with the provisos that the outside organization must try to adhere to the electoral section of the regulations as much as possible. However, he correctly points out that this clause only refers to the electoral section of the regulations and not to other parts of the regulations such as the generic section related to committees. Therefore, he argues that in the absence of evidence of a motion passed by a two-thirds majority vote at a meeting of the committee held on-campus, a violation of the regulations occurred. On this, I concur. However, despite it being improper to hold the meeting off-campus, I do not find that this had a material effect on the election and so, I do not consider the proceedings of the meeting to be invalid based on this particular violation. However, I will make a recommendation to the KSA Board of Directors (Council) for future Elections Committees:

**Recommendation #1: That Council clearly inform future Elections Committees that committee meetings must be held on campus.**

The second point that Mr. Lee makes relates to the process that the CRO used for verifying candidates. He refers to an e-mail sent to him by the CRO on January 15<sup>th</sup>, 2006 which reads:

*“Steve,*

*I am in the process of verifying all candidates eligibility and you are indeed a current student, however, the board of directors has submitted minutes of a general meeting of September 29<sup>th</sup>, at which your membership rights, along with others, was revoked. I am unable to accept your nomination due to this information.*

*I am not able to get involved with the merits and/or legitimacy of this meeting. The Chair of the board, Aaron Takhar, provided me with this information, along with other documents, when I was first hired. I was hired to conduct a fair election with a given set of regulations and bylaws I am unable to get involved in whats seems to be an ongoing disagreement.*

*If you wish, please seek appeal of this matter through the appropriate route.”*

Mr. Lee refers in his appeal to Section X, Article 5(2)(v), (vi), and (vii) of the KSA Regulations which give the responsibility for verifying eligibility to the elections committee and alleges that the CRO acted in violation of the regulations in verifying eligibility by himself.

However, reference must be made here to Section X, Article 4 (2) of the new KSA regulations which do give the outside entity (in this case Mr. Randhawa) latitude in administering the election. Therefore, while it would have been prudent for the elections committee to verify the eligibility, I conclude that no violation of procedure occurred in this case.

Mr. Lee then makes the point that “the Elections Committee never discussed the points that I had made in my official appeal.” The evidence for this is said to be due to the fact that the minutes “do not give any indication as to whether or not the CRO and his committee examined and discussed any of the issues I had brought up in my appeal.” It is also pointed out that standard KSA practice is to provide such detail in minutes. Furthermore, after receiving this appeal from Mr. Lee, I forwarded a copy of it to the CRO and informed him that he was entitled to give a written response if he chose. I received no such response.

After examining the minutes of the January 16<sup>th</sup>, 2006 meeting of the Elections Committee, along with Mr. Lee's original complaint, I conclude that the committee did indeed not discuss the points made in Mr. Lee's official appeal. This, I conclude is a serious violation of due process and one that indeed had a material effect on the election.

Therefore, in order to ensure this due process I will examine the points made in Mr. Lee's appeal to the elections committee. While I realize that the regulations call for the Ombudsperson to not consider the merits of the original appeal, but rather the process and rules that were followed, given the fact that the original process prevented proper consideration of the matter under appeal, I must now examine the original appeal.

The first allegation that Mr. Lee makes in his original appeal is related to the CRO's unilateral action of deciding on candidate's eligibility. On this matter, I make the same conclusion as above and conclude that no violation occurred due to the new Section X, Article 4 (2) giving latitude to the external entity (in this case, the CRO – Amar Randhawa)

The second allegation made relates to the September 29<sup>th</sup>, 2005 Special General Meeting being out of order and legally invalid. Here, he makes reference to a report I wrote on October 28<sup>th</sup>, 2005, in which I concluded that for various reasons the decisions made at the SGM were invalid. I recognize that at a meeting of the KSA Board of Directors held later that day, a motion to accept my report was defeated. However, in my duty as Ombudsperson to consider all matters referred to me in an impartial way, I still hold to my findings that the SGM was invalid. Here, I would like to refer to an excerpt from a judicial ruling made concerning last years KSA election. Specifically, Mr. Justice Maczko stated that, "The Council is not bound by the Regulations to act on the report or recommendations of the Ombudsperson, but it is bound to abide by the regulations." I would interpret this to also mean that logically, if the Board is required to abide by the regulations, it is also required to abide by the KSA Bylaws under which the SGM was held, along with the BC Society Act. Therefore, I cannot simply change my conclusion as Ombudsperson solely based on the Board's decision on whether to act on my previous recommendations.

Therefore, I conclude that as the SGM was invalid, Mr. Lee was entitled to run in the elections and that not permitting him to run did indeed have a material effect on the election.

In light of this, I make the following recommendation

**Recommendation #2: That the election for the specific position that Mr. Lee was nominated for be declared null and void and that a new election for this position be held as soon as possible. Candidates for this new election shall be limited to the candidates that were previously nominated for the position**

**(those that ran in the vote that is considered null and void), in addition to Mr. Lee.**

However, given my conclusion that the September 29<sup>th</sup>, 2005 SGM is invalid, this also casts doubt on the entire election process. The invalidity of this SGM also implies that the old bylaws are still in effect.

This election was conducted based on the new bylaws and in several ways constituted a violation of the existing bylaws. Examples of these violations are, but are not limited to:

a) Use of new positions

Changes were made to both the titles and job descriptions of the elected positions. While some comparisons can be made regarding certain positions, other positions appear to have been eliminated such as the Director of Academic Affairs, or given greatly reduced powers (such as Campus Representatives – Changed to At-Large members of Campus Councils). The election was clearly conducted on the basis of the new positions being the positions that candidates were to be elected to.

b) Timing of election

The existing bylaws stated that elections were to take place in the month of February with the new Council taking office on April 1<sup>st</sup>. However, the new bylaws mandate that the election be held no later than January 31<sup>st</sup>, with the new board taking office no later than February 10<sup>th</sup>. Clearly, holding the election as per the timing laid out in the new bylaws is a violation of the requirements of the existing bylaws.

Therefore, I must conclude that, the holding of this election was a violation of the existing bylaws that I have already concluded are still in effect. In light of this, I make the following recommendation

**Recommendation #3: That Council declare this election to be null and void and that Council subsequently proceed to hold an election according to the rules laid out in the existing bylaws. Should my recommendations be adopted in their entirety, this recommendation shall logically have precedence over recommendation #2. However, since both recommendations are based on the SGM being invalid, if the entire election is declared null and void, Mr. Lee should still be allowed to run in any subsequent election.**

I realize that recommendations 2 and 3 are contradictory in that should the election be declared null and void, there would be no need to hold a separate election for the position that Mr. Lee was originally nominated for. However, as mentioned earlier, I am still making these separate recommendations in the event

that Council chooses, against my urging to not accept one or more of these recommendations.

The next allegation that Mr. Lee makes is that no Special Resolution was filed with the BC Registrar of Societies concerning the removal of his membership rights. He makes reference to Section 66 of the BC Society Act, specifically, Section 66 (3) which reads:

“A special resolution, other than one changing the number of directors or removing a director, does not take effect until it is filed with the registrar.”

The existing KSA Bylaws (which were clearly in effect at the time of the SGM) require that expulsion of a member from the society requires a Special Resolution. While Section 66 (3) makes an exception for resolutions removing directors, the Special Resolution at the September 29<sup>th</sup>, 2005 SGM went further than just removing Mr. Lee (and other individuals) as directors, but was intended to expel him from the society, thereby removing all membership rights.

Based on previous conversations with the Chairperson of the Executive Board, it is apparent that the resolution to expel members was not filed with the registrar and that, in his opinion, such a filing was not necessary.

Therefore, I conclude that even if the September 29<sup>th</sup>, 2005 SGM were valid, the expulsion of Mr. Lee is not yet of any force or effect since it has not been filed with the registrar. This is a further reason why the CRO and Election Committee's decision not to accept the nomination of Mr. Lee was incorrect. However, given my conclusion above that the whole election was invalid and should be declared null and void, this is a moot point. Nevertheless, should Council choose not to accept my recommendation to declare the election null and void, I would like to reiterate my Recommendation #2 above.

The fourth allegation made by Mr. Lee is that he meets the definition for KSA membership under both the existing and new bylaws. Specifically, both sets of bylaws define a KSA member as someone who is enrolled in at least one credit course at KUC, or continuing education course, or other program at KUC as approved by the society members through Ordinary Resolution. The old bylaws also state that a member must have paid society fees for the current or immediately previous KUC semester. The new bylaws don't make reference to fees but further define members as including those enrolled in at least one credit course in the immediately preceding semester, in addition to students currently enrolled who are already considered members.

I agree with Mr. Lee's assertion that he meets the criteria for membership under both sets of bylaws. However, both the existing and new KSA bylaws do provide for the expulsion of members from the society. Therefore, I do not consider the fact the mere

fact that Steve is a registered student and that KUC may have collected KSA fees from him to indicate that he is a member of the society.

However, while I do not agree that Mr. Lee's fourth allegation indicates that he is a continued member of the society, my above conclusions on the invalidity of the SGM and the failure to file a Special Resolution removing him as a member do indicate that he continues to be a member of the society.

2) That student numbers of all candidates were not sufficiently vetted by the CRO

In arguing this point, Mr. Lee claims that despite telling Ms. Rita Dhaliwal that he had properly vetted and checked the student numbers of every single candidate to ensure that they were members of the student society, this did not happen because Jason Atwal, who was not enrolled as a student in either the current or immediately preceding semester was allowed to run.

Mr. Lee also points out that Ms. Rita Dhaliwal was not allowed to run despite being granted honorary membership status, which is permitted under the new bylaws. The CRO had argued that such status was obtained too late and that, since the ballots had already been printed, it would not be possible for her to run.

On these issues, I make several conclusions. Firstly, I conclude that the CRO and/or elections committee do indeed appear to not have properly vetted the student numbers of all candidates. I consider this to have had a material effect on the election in at least one case, and possibly more. Secondly, I conclude that, as per my above conclusion that the new bylaws are invalid, the granting of honorary membership so as to allow a non-student to run in the election is also invalid. Thirdly, if the new bylaws were valid, it is quite reasonable that after a certain point in the election process, it should not be possible to grant individuals honorary membership status. Indeed, I would argue that since Ms. Dhaliwal was not a member of the society at the deadline for receipt of nominations, that her nomination should indeed be considered invalid. Other candidates could have legitimately argued that allowing her to subsequently have the Board declare her an honorary member was unfair to their candidacy. Given the above, I make the following recommendation:

**Recommendation #4: That Council determine, or cause to be determined the eligibility of all candidates nominated to run in this election. In the case that any candidates are found ineligible, a new election should be held for the position in question. Only those candidates previously nominated and verified as being eligible at the time of the close of nominations should appear on the ballot.**

**Appeal #2 (Ombudsperson's Numbering)**

Appeal Submitted by: Rob Mumford

Appeal Submitted on: January 23rd, 2006

Appeal Related To: Decision of the CRO to not investigate allegation that the Chairperson of the Executive Board's refusal to provide Mr. Mumford access to minutes of society meetings was an electoral violation since it prevented criticism of the actions of the RAF party

***Allegations and Findings:***

The appellant points to the CRO's refusal to investigate the matter of access to KSA minutes on the grounds that it is not within his mandate to ensure a fair election. Mr. Mumford agrees with this conclusion by the CRO but proceeds to ask me to consider the merits of the original matter. Given the fact that the Ombudsperson must only consider matters of rules and process and not the merits of the original matter, Mr. Mumford's concurrence with the conclusion of the CRO forces me to dismiss his appeal.

**Appeal #3 (Ombudsperson's Numbering)**

Appeal Submitted by: Nathan Griffiths

Appeal Submitted on: January 23rd, 2006

Appeal Related To: Decision of CRO and/or Elections Committee to allow students to vote for Campus Council positions outside their own campuses.

***Allegations and Findings:***

The appellant argues that it hinders the representative function of the KSA to have Campus Council positions elected by students outside their respective campuses. He suggests that students should only be allowed to run for Campus Council positions on their own campuses. While Mr. Griffiths makes a theoretical argument for the election of Campus Council positions by students at their respective campuses, this complaint does not reference a violation of procedure or rules by the CRO and/or Elections Committee with regard to this matter. Rather, it is a complaint on an "original matter." This is not within the purview of the Ombudsperson with respect to elections appeals. Therefore, I am required to dismiss this appeal.

**Appeal #4 (Ombudsperson's Numbering)**

Appeal Submitted by: Steven Lee

Appeal Submitted on: January 23rd, 2006

Appeal Related To: Violations of KSA policies and procedures, along with violations of principles of procedural fairness and equity.

***Allegations and Findings:***

The appellant outlines several different reasons why he believes that the election should be considered invalid. In the introduction to this appeal, Mr. Lee says that "This letter may serve as an addendum to complaints number 12 and 13, as well as an addendum to complaint number 1 regarding the validity of the Fall 2005 KSA Special General

Meeting, held on September 29, 2005. However, the appellant does not address if, and how, the CRO and/or Elections Committee erred procedurally in their handling of these matters. Such information is required for an appeal to the Ombudsperson. I do recognize however that, some of the issues mentioned in this letter involve actions taken by other bodies prior to the election such as the KSA Board of Directors.

I also notice though that nearly all of the contentions made in this letter are also brought up in Mr. Lee's final appeal, which does do a better job of conforming to the requirements for Election appeals to the Ombudsperson. Given this fact, I decline to investigate this appeal as an Election Appeal. Please refer to my rulings on Appeal #5 below for my conclusions on issues that may have also been brought up in this appeal.

However, given that this appeal was submitted as an addendum to earlier complaints that were made to the Ombudsperson, this letter will be investigated shortly, along with other complaints that have been submitted by Mr. Lee. However, these investigations will be conducted under the general authority of the Ombudsperson to investigate complaints within the KSA, as opposed to under the appeals to the Ombudsperson section of the electoral regulations.

#### **Appeal #5 (Ombudsperson's Numbering)**

Appeal Submitted by: Mat Huff

Appeal Submitted on: January 29th, 2006

Appeal Related To: Decisions of Elections Committee on appeals previously submitted by Mr. Huff.

#### ***Allegations and Findings:***

The appellant argues that the issues discussed in his complaints to the Elections Committee had more of a material impact on the election than they were given credit. I consider this appeal to be revisiting the original appeal, as opposed to pointing to a procedural violation on the part of the committee. Ultimately, it is part of the committee's consideration of an original appeal to determine how much of a material impact an occurrence has on the election. Therefore, I dismiss this appeal.

#### **Appeal #6 (Ombudsperson's Numbering)**

Appeal Submitted by: Steven Lee

Appeal Submitted on: January 29th, 2006

Appeal Related To: Decisions of Elections Committee posted online on January 26<sup>th</sup>, 2006 between 4:30pm and 6:30pm.

#### ***Allegations and Findings:***

The appellant argues that the elections committee erred in its rulings by failing to take into account the severity of the allegations presented to it and by its own violations of the KSA Bylaws and Regulations.

In claiming that in making these errors the committee erred in a material way in their original decision, the appellant makes several contentions.

These are:

- 1) That the meeting of the Elections Committee was out of order due to the fact that no notice of it was given, no agendas posted or distributed to any interested parties and that the meeting was held off campus.

With regard to the above allegation, my first conclusion is based on a conclusion I made earlier in this report, with regard to a complaint by Mr. Lee concerning an earlier meeting of the Elections Committee. Specifically, I reached a conclusion on page 2 of this report with regard to meetings being held off campus and made a recommendation to the Board of Directors. The same conclusion and recommendation applies with respect to this complaint.

However, further allegations have also been made in this appeal, namely that no notice of the Elections Committee meeting was given, and that no agenda were posted or distributed to any interested parties and that the meeting was held off campus.

Here, I would like to refer to Section IV, Article 1 (3) of the KSA Regulations which states that, "Notice for all committee meetings shall be issued publicly by each committees chair no less than forty-eight (48) hours before a meeting. Should this fail to occur, the failure shall be noted in the minutes." Furthermore, Article 1 (5) of the Regulations states that, "The meetings of all standing and ad hoc committees shall be open to the public, unless otherwise specified in the Regulations, or unless the committee decides otherwise by a Two-thirds (2/3) Resolution." Section IV, Article 6 (1) of the Regulations places the Elections Committee under the category of standing committees. No mention is given in the regulations of an agenda being required to be posted in advance.

Based on these clauses in the regulations, I conclude that the Elections Committee did indeed err in not issuing notice at least forty-eight hours in advance of the meeting. I am unable to conclude that the meeting was not open to the public because I have no evidence to prove that had a non-committee member shown up to the meeting they would not have been admitted. Still, a violation did occur with due to the non-issuance of notice. Furthermore, no note exists in the minutes of the fact that such notice did not occur as is required by the regulations.

However, given the fact that the regulations specifically require a failure to give notice to be noted in the minutes, I would argue that this section of the regulations

is meant to imply that that committee meeting can go ahead, albeit with such notification given in the minutes. Personally, I consider this to be bad practice but due to the wording, I am unable to conclude that the mere holding of the meeting with less than forty eight hours notice renders it invalid. Yes, failing to note it in the minutes was also a violation, but one that I consider minor

Nonetheless, I make the following recommendation to Council:

**Recommendation #5: That Council advise future Elections Committees that meetings must be held on Kwantlen University College campuses, in accordance with the Regulations.**

2) That Section X, Article 4(2) of the new Regulations is invalid:

Mr. Lee argues that this section which gives latitude to an outside entity to deviate from the Electoral regulations in running an election for the KSA is a violation of both the old and new KSA bylaws.

Firstly, he makes reference to Article 8 (9) (iv) of the old bylaws and Article 7 (9) (iv) of the new bylaws state that a general election shall, "...have other such rules as set out in the Regulations. He argues that Section X, Article 4(2) of the regulations is out of order due to the above bylaw articles. I disagree. The Board has essentially passed a regulation in accordance with the authority it has under the bylaws. If it chooses to write in to the regulations, circumstances under which certain clauses are inapplicable, that is its prerogative. What would be out of order is clauses in the regulations that violate, or authorize the violation of the bylaws.

Secondly, he refers to Article 8 (10) of the old bylaws and Article 7 (10) of the new bylaws which state that, "Notwithstanding any other Bylaw herein, Regulations relating to Elections shall not be amended between December 31 and the Annual General Meeting of the Society, except by an Ordinary Resolution." Based on this clause, he argues that Section X, Article 4(2) of the regulations is out of order. I concur. Since this section was added to the regulations on January 6<sup>th</sup>, 2006, it is of no force or effect.

As a result, I am required to revisit any instances mentioned earlier in this report where I have made reference to this Section of the regulations. First, with respect to my conclusion on page 2 of this report concerning the holding of elections committee meetings off campus, since I concluded that this section was not applicable, my conclusion remains the same.

Next, with regard to my analysis on page 3 regarding the CRO's actions in validating candidates as opposed to the Elections Committee, here I must change my findings. With this Section considered of no force or effect, I find that the CRO did indeed by unilaterally verifying the eligibility of candidates as opposed

to referring this to the Elections Committee. In light of this it is necessary to ensure that the eligibility of candidates by properly verified. The correct remedy for this, in my opinion, is what I have already proposed in Recommendation #4 above.

- 3) That the contact information for the Ombudsperson continues to be not easily found, making it difficult for candidates or other students who want to complain to actually do so. Mr. Lee argues that there is no contact information for the Ombudsperson on the website of the society, that the CRO did not provide contact information for the Ombudsperson when he instructed individuals to contact the Ombudsperson if they had further complaints/appeals/concerns, and that there is insufficient signage on campus of how to contact the Ombudsperson. He also points out that while the Ombudsperson contacted candidates by e-mail with his name, e-mail address, and phone number, this is of no help to general students who may have wanted to complain. Finally, he mentions that when the Ombudsperson took office there was contact information on the website, and brochures, and signage on most campuses in prominent areas.

I concur, and would agree that better information on how to contact the Ombudsperson needs to be provided. I also agree that this may have caused general students to be unable to contact the Ombudsperson. However, I do not consider that there is sufficient evidence on this point to prove that this had a material effect substantial enough to warrant invalidating the election. Nonetheless, I make the following recommendation to Council:

**Recommendation #6: That Council ensure that sufficient information is provided to the KSA membership on how to contact the Ombudsperson, including but not limited to contact information on the society website, and signage in prominent locations on all campuses. Furthermore, for future elections, the CRO, and/or Elections Committee should be advised to provide contact information on how to contact the Ombudsperson in their notices.**

- 4) That the conflict of interest complaint filed by Steven Lee regarding the conduct of Mr. Kulvir Gill was not investigated properly by the Elections Committee.

Mr. Lee argues that the committee erred in its investigation in four ways, namely that:

- a) They did not seem to ask for the video Kulvir had
- b) They asked for a written response and did not interview him in person – interviewing him in person would have helped assess his guilt in terms of how he responded to the questions
- c) They did not seek to interview security or facilities in Richmond to see if any record existed of letting people into the KSA offices during the election; *and*
- d) They did not seem to weigh all the evidence provided to them

I will examine each of these allegations individually:

- a) Firstly, it is claimed that they did not seem to ask for the video Mr. Gill had. I concur. It appears as if the committee did not ask for the video that Mr. Gill claimed showed security allowing a random student access to the Richmond Campus Director's office.

Since this is a key point in proving that it is relatively easy to gain access to the office, I conclude that it would have been prudent for the committee to request to see this video. Furthermore, in my opinion, the existence, or non-existence of this video does have a material effect on the issue under consideration in the appeal – namely whether the Campus Director's office was used to store campaign materials for a given slate.

- b) Secondly, it is claimed that the committee erred by not interviewing Mr. Gill in person and that interviewing him in person would have helped assess his guilt in terms of how he responded to the questions.

I disagree. While it may have been appropriate for the committee to interview Mr. Gill in person, the committee does have discretion in how it should conduct its investigation. Conducting an investigation by way of written communication is a legitimate option, and one that the committee chose to exercise at this time. I do not consider that a procedural error was made by the committee.

- c) Thirdly, it is claimed that they did not seek to interview security or facilities in Richmond to see if any record existed of letting people into the KSA offices during the election.

Since Mr. Gill claims to have evidence of security letting an individual into the Richmond Campus Directors office during the election, I conclude that it would have been prudent for the committee to contact security or facilities in order to ascertain whether this actually occurred. Whether or not a random student was allowed in to the office by security does indeed have a material effect on the issue under consideration in this appeal. Therefore, I conclude, especially given that they did not ask to see Mr. Gill's video, that the committee erred by not contacting security or facilities to ascertain the truthfulness of Mr. Gill's claims.

- d) Fourthly, it is claimed that the committee erred by not considering all the evidence provided to them

On this issue, I partially disagree. From reading the minutes of the Elections Committee meeting, I conclude that the evidence submitted in Mr. Lee's original complaint was considered. Nevertheless, as mentioned above, I do

conclude that the issue of evidence of a random student entering the office was not properly looked into.

Putting all of my conclusions on this matter together, I do conclude that the committee erred in a material way by not properly following up on the response Mr. Gill gave regarding evidence that a random student entered the Richmond Campus Directors Office.

Furthermore, I conclude that had Mr. Gill indeed left the materials in the office, that this would have been a campaign violation. In my opinion, since this would have been used as a temporary storage space, it would have been a minor violation, warranting a warning. However, since the inside of the locked office was not visible to potential voters, I do not consider this to have had a material effect on the election and so, given the criteria under which the Ombudsperson may intervene in the election, am unable to investigate the original matter further.

However, I do make the following recommendation to Council:

**Recommendation #7: That Council advise future CRO's and Elections Committees to ensure that candidates are to be clearly made aware of the fact that KSA office space cannot be used for partisan campaign purposes of candidates as per Section X, Article 5 of the KSA Regulations which reads that:**

*5. Conflict of Interest*

*i. Candidates shall not use the materials or resources of the Society, including, but not limited to, office supplies, photocopiers, phones, faxes, computers, and printers. This prohibition does not apply to materials and resources available to Society members generally, such as free phones.*

*ii. Candidates shall not use the Societys offices for any purpose related to elections, including, but not limited to, the use of such offices as campaign offices and for the creation or storage of campaign materials, display of campaign materials, campaigning, and campaign meetings.*

5) That the election was poorly advertised

Mr. Lee claims here that proper advertising for the election was not carried out and makes references to inaccuracies in the response of the Elections Committee to previous complaints on this matter.

I am forced to dismiss this appeal for several reasons. Firstly, he does make reference to alleged inaccuracies in the response of the Elections Committee to previous complaints and indeed provides refutations to decisions of the Elections Committee. Unfortunately, I am not permitted to examine questions of fact related to the original appeal. Rather, I am restricted to examining whether the committee

erred materially in examining the original appeal with respect to rules and procedure, which I am unable to conclude.

Secondly, in parts of this section, Mr. Lee makes reference to complaints that he has previously submitted to me under the general authority of the Ombudsperson to conduct investigations. These were submitted separately from the election complaints and even though complaints were submitted during the election period as addendums to these original complaints, it is not appropriate to mix and match the election and non election complaints which I am investigating under different criteria. Please be advised though that I will have final reports out under these non-election complaints and associated addendums as soon as possible.

- 6) That the Election Results were not properly recorded by the CRO and the Elections Committee

Mr. Lee argues that the KSA Regulations were violated, specifically Section X, Article 10 (3) (xi) of the new KSA regulations which read:

*“The Chief Returning Officer shall present a written report on the ballot counting along with the results of the count to the Elections Committee. This report shall include a record of the daily returns from each polling station, indicating how many ballots were cast in total and for each candidate at each polling station on each day.”*

It is argued that this clause was violated because the results posted online do not indicate posted returns from each polling station, do not indicate how many ballots were cast in total, do not indicate how many ballots were cast in total for each candidate at each polling station on each day, and do not include counts for the number of spoiled or blank ballots as cast towards individual candidates.

On this point I disagree. This is because it is mentioned on the KSA website that, Official results will breakdown candidates results from each campus on each voting days.” Since the results posted online are unofficial, no violation of the Regulations has yet occurred.

However, in this part of his appeal, Mr. Lee also makes reference to the Elections Committees denial of a request for a recount from Mr. Mat Huff of the Student Movement Party in an appeal submitted to the committee. The reason given by the committee for refusing to hold a recount was that, “A recount is very time consuming and costly. Only if a large majority of candidates requested a valid reason for a recount would one occur. There is yet to be any valid reason for a recount.”

Mr. Lee argues that based on inconsistencies within the results, and given the concern that some people have regarding how trustworthy the results are, a valid reason exists for a recount. However, as mentioned earlier, the role of the

Ombudsperson is to look at issues of process with regard to how the Elections Committee handled the original complaint. Given that the elections committee ruled based on the information submitted to it at the time, I am unable to find such a violation of process.

The KSA regulations also give no guidelines for valid criteria for a recount so I am unable to evaluate the committee's decision based on their following of such guidelines. Ultimately, appropriate criteria for a recount is at the discretion of the committee. Of course, in the event of an extremely close result, it would be a valid reason to hold a recount and be, in my view, a clear violation of procedural fairness not to go ahead. However, given the margin of victory of the candidates, and the referendum question, coupled with the evidence available to the committee when they initially considered the appeal, I do not find such a violation.

Based on the above reasons, I dismiss the appeal of the decision not to hold a recount, but make the following recommendation to council.

**Recommendation #8: That Council establish clear criteria and guidelines in the KSA Regulations for the holding of recounts of ballots in KSA elections.**

- 7) Mr. Lee argues that the new bylaws violate the spirit of the KSA Constitution in terms of how one is elected to campus council positions, and how one votes for Campus Council positions.

This argument is based on the fact that the new bylaws eliminated certain references to Campus Council members and voters for Campus Council positions having to be from their respective campuses.

The article of the KSA constitution that he makes reference to is Article 1 (k) of the Constitution which states that one of the purposes of the society is to "preserve, protect, and enhance the concept of a multi-campus institution." In my opinion, this clause, in and of itself does not bind the society to require in its bylaws that Campus Council members be elected from specific campuses. Rather, it is a general statement of principle that refers to how the KSA should act in its activities with regard to post-secondary educational institutions, specifically Kwantlen University College. Specifically, it implies the KSA being opposed to KUC being turned into a single campus institution. It does not, in my view, impose any particular model on the structure of the KSA Board of Directors.

He then goes on to make reference to the definition of Campus Council in the bylaws which states that, "'**Campus Council**' shall mean a democratically elected constituency of the society at an individual campus of the Kwantlen University College, and shall have those powers and duties as stipulated in these Bylaws and the Regulations." He argues that not restricting candidates and voters

for Campus Council positions to students at their respective campuses is a violation of this clause. I do not concur. Indeed, in past KSA elections voters for liaison positions such as Mature Students Liaison, and Students with Disabilities Liaison have run or voted for these positions, even if they haven't self identified with that group.

He also points out that given the change, the CRO should have made clear potential candidates of the rule change. With this I concur.

I also agree that it is counter to the principle of local representation for Campus Council candidates and voters to be from outside their campuses.

Therefore, I make the following recommendations to Council:

**Recommendation #9: That Council seek to amend the KSA Bylaws at a General Meeting in accordance with proper procedure to require that Campus Council members and voters for Campus Council positions be from their respective campuses. In the short term, Council should amend the KSA Regulations to add a clause requiring that Campus Councils members and voters for Campus Council position be from their respective campuses. Furthermore, future CRO's and Elections committees should ensure that any changes of this nature are reported to potential candidates, by way of measures such as describing the changes in the nomination packages.**

Of course, as with many of my recommendations, the amendments to the bylaws and regulations set out are moot, if my main recommendation is followed and the entire election is declared invalid, and re-run under the old bylaws, which I consider to still be in effect.

- 8) That there were further incidents and threats of intimidation not covered by complaint #4. (complaint made by Mat Huff to the Elections Committee)

In response to the Elections Committee's dismissal of this complaint by Mr. Huff, Mr. Lee makes reference to alleged further incidents and threats of intimidation.

He makes reference to an alleged incident between CSI candidate Lisa Coan and RAF candidate Joey Atwal and includes an anonymous comment posted on his website.

Firstly, with respect to the Election Committee's handling of complaint #4, since it appeared to the committee to be an isolated incident at the time, I do not conclude that the committee erred in a material way in its proceedings.

As for the later complaints, it is generally not the role of the Ombudsperson to look into new incidents. However, I do realize that the committee has held what it

claims to be its final meeting. Therefore, I will consider the new information in this instance as it appears to be the final recourse.

Concerning the alleged incident between Ms. Coan and Mr. Atwal. Unfortunately, since I have no evidence that would conclusively prove the occurrence of this incident as stated by the complainant. The only witness, other than Ms. Coan was Ms. Christine McLellan, who only saw the tail end of the argument and did not know what they were arguing about until she was informed later by Ms. Coan. Therefore, I am unable to determine conclusively that any wrongdoing occurred. Nevertheless, I would warn all candidates in this and any future KSA elections that harassment, intimidation, violence, or threats of these activities is not tolerated.

As per the posting on Mr. Lee's website, I agree that it is highly inappropriate and if proven would be considered to be a serious violation of both election rules, and other KSA policies and procedures. Unfortunately, since I am unable to determine the source of this posting, I cannot assign blame to any particular individual. Nonetheless, I would issue the same warning as mentioned in my previous paragraph.

- 9) The next argument made is that little or nothing was done to ensure the integrity of the polling stations on each campus.

Here, Mr. Lee is appealing the decision of the Elections committee in complaint #8 submitted by Mat Huff, and complaint #9 submitted by Stephanie Little concerning the integrity of polling stations.

Given the information submitted to the committee at the time of the initial appeal, I am unable to conclude that the committee erred in a material way in its handling of the original complaint.

Mr. Lee also submits new examples of various alleged violations by both election officials and candidates with respect to the integrity of the polling station, arguing that these collectively indicate a general compromising of the integrity of the polling stations. I agree that on the face, such violations would indicate a serious compromise of the integrity of the polling stations.

However, given the limited scope for appeals to the Ombudsperson that requires that it be proven that the CRO and/or Elections Committee erred in a materially way in the process of making a previous decision, I am unable to intervene in this matter. The new allegations mentioned above should have been submitted to the Elections Committee as soon as possible after they occurred. After the committee had ruled on these matters, appeals to me on them would then have been acceptable. Given these circumstances, I dismiss this appeal.

- 10) The next part of Mr. Lee's appeal makes reference to their being no word on, whether or not expense reports were submitted on time, if they were reviewed by the CRO and the Elections Committee, and if they were under the limits which were either set by Council, or the committee.

Firstly, Mr. Lee points to clauses in the regulations that require expense reports to be submitted. Specifically, he makes reference to Section X, Article 6 & 7 of the regulations. Specifically, these require the Elections Committee to set a spending limit by January 1<sup>st</sup>, and that each candidate or slate must submit an expense report to the committee within 48 hours after the official campaign period.

Mr. Lee argues that while the minutes of the Elections Committee do say that the committee has received all expense reports and deemed them to be valid, this is not enough. He believes that more detailed information should be given such as whether they were submitted on time, whether the CRO and Elections Committee actually reviewed them, and whether they were under the spending limits. He also points to a previous CRO's report that provides a thorough breakdown of each candidate's spending.

However, in my opinion the statement by the elections committee that they deemed them to be valid does, in the absence of further qualification imply that they were submitted on time, and under the spending limits. Furthermore by stating that the committee "deemed" them to be valid, this implies that the committee did indeed imply that the committee examined their contents. Yes, it is indeed true that a previous CRO did indeed provide more detail, but in the absence of specific guidance in the regulations or bylaws, I do not believe that this binds future CRO's and/or Elections Committees.

Another point that Mr. Lee makes is that there is no record to show who authorized the spending limit for this election. According to the regulations, such an increase must be approved by the Elections Committee by January 1<sup>st</sup>. Mr. Lee points out that there is no evidence available such as Elections Committee minutes to prove that such a meeting did happen. He also argues, and I concur, that spending limits do have a material effect on the election. Furthermore, he argues that since this year's spending limit was substantially higher than previous years, and that it would be inappropriate if a body other than the Elections Committee such as Council had authorized the increase. I also agree with this assertion. Given that the higher spending limit has great potential to give certain candidates an unfair advantage over others based on financial resources, I make the following recommendation

**Recommendation #10: That Council direct the Elections Committee to identify whether it set the spending limit, and that if so, it produce minutes of that meeting. If the Elections Committee did not set the spending limit and/or if Council or another body set the spending limit in violation of the**

**regulations, that this election be declared invalid and that a new election be held as soon as possible.**

- 11) Next, Mr. Lee alleges that members of the new KSA Board of Directors from the RAF party have already taken office on the Richmond Campus. Specifically, he points to the reorganization of the Campus Representative's Office and the posting of office hours for the new elected officials on the door. He argues that this is a clear violation of electoral procedures and that any candidate and their slate found to have taken office before the results are official should be disqualified from the election.

In the course of my investigation, I discovered that office hours for individuals who are the new Richmond campus elected officials have indeed been posted. However, with the exception of Kulvir Gill, who has already been acting as Campus Director for several months, all of the individuals titles do not correspond to the positions that they were supposedly elected to. Therefore, I am unable to determine if they have indeed taken office as elected officials, or have just been given staff hours at the Richmond campus.

In light of this, I am unable to conclude that these individuals have taken office in violation of the electoral procedures. However, I would strongly caution them that if they have done so, they should vacate the office immediately, and ensure, in consultation with the Campus Director that their office hours are removed.

- 12) Finally, Mr. Lee argues that the process for dealing with complaints is either not understood by the CRO or is deliberately not being followed by the CRO.

Here, Mr. Lee refers to the CRO's e-mail of January 26<sup>th</sup>, 2006 which states that,

"Attention: All election committee rulings have been posted online as of 8pm January 26. All complaints and responses can also be viewed. Please be advised that the deadline for appeals to the ombudsperson, if necessary, is January 29 at 8pm. The deadline for the ombudsperson to respond to all complaints is February 1. After the ombudsperson is finished I shall release a final report on the election.

Thank you to all candidates!

Cheers,

Amar Randhawa"

Mr. Lee points to the requirement in the regulations that the Board must consider the report of the Ombudsperson on the elections. I agree that this requirement must be followed. The CRO is entitled to issue a final election report but this may be overridden by Council if they are following the recommendations of the Ombudsperson. So to clarify, upon the release of this report, the election results

do not become binding. The CRO's final report on the election, along with the Ombudsperson's report must then be brought to a proper meeting of Council, as set out in the KSA Bylaws and Regulations. Council must then consider any recommendations of the Ombudsperson. Only once it has done that are the election results binding.

Conclusion: In conclusion, my main finding in considering all of the above complaints from various individuals is that this election should be declared null and void due to the invalidity of the new bylaws. Since, I consider the old bylaws to be still in effect, a new election should be held according to the procedures laid out under the old bylaws.

Nevertheless, despite this overarching macro violation that I have found, I have also found several other violations and/or examples of bad practice that would apply even if the new bylaws were valid. Where I have found these I have still made recommendations in case Council chooses not to accept my main recommendation of declaring the election null and void. As mentioned earlier, I do not encourage Council to take such an action but still consider it superior to rejecting all of the recommendations in this report.

I will finishing off by listing once again all of the recommendations made in this report:

**Recommendation #1: That Council clearly inform future Elections Committees that committee meetings must be held on campus.**

**Recommendation #2: That the election for the specific position that Mr. Lee was nominated for be declared null and void and that a new election for this position be held as soon as possible. Candidates for this new election shall be limited to the candidates that were previously nominated for the position (those that ran in the vote that is considered null and void), in addition to Mr. Lee.**

**Recommendation #3: That Council declare this election to be null and void and that Council subsequently proceed to hold an election according to the rules laid out in the existing bylaws. Should my recommendations be adopted in their entirety, this recommendation shall logically have precedence over recommendation #2. However, since both recommendations are based on the SGM being invalid, if the entire election is declared null and void, Mr. Lee should still be allowed to run in any subsequent election.**

**Recommendation #4: That Council determine, or cause to be determined the eligibility of all candidates nominated to run in this election. In the case that any candidates are found ineligible, a new election should be held for the position in question. Only those candidates previously nominated and verified as being eligible at the time of the close of nominations should appear on the ballot.**

**Recommendation #5: That Council advise future Elections Committees that meetings must be held on Kwantlen University College campuses, in accordance with the Regulations.**

**Recommendation #6: That Council ensure that sufficient information is provided to the KSA membership on how to contact the Ombudsperson, including but not limited to contact information on the society website, and signage in prominent locations on all campuses. Furthermore, for future elections, the CRO, and/or Elections Committee should be advised to provide contact information on how to contact the Ombudsperson in their notices.**

**Recommendation #7: That Council advise future CRO's and Elections Committees to ensure that candidates are clearly made aware of the fact that KSA office space cannot be used for partisan campaign purposes of candidates as per Section X, Article 5 of the KSA Regulations which reads that:**

*5. Conflict of Interest*

*i. Candidates shall not use the materials or resources of the Society, including, but not limited to, office supplies, photocopiers, phones, faxes, computers, and printers. This prohibition does not apply to materials and resources available to Society members generally, such as free phones.*

*ii. Candidates shall not use the Societys offices for any purpose related to elections, including, but not limited to, the use of such offices as campaign offices and for the creation or storage of campaign materials, display of campaign materials, campaigning, and campaign meetings.*

**Recommendation #8: That Council establish clear criteria and guidelines in the KSA Regulations for the holding of recounts of ballots in KSA elections.**

**Recommendation #9: That Council seek to amend the KSA Bylaws at a General Meeting in accordance with proper procedure to require that Campus Council members and voters for Campus Council positions be from their respective campuses. In the short term, Council should amend the KSA Regulations to add a clause requiring that Campus Councils members and voters for Campus Council position be from their respective campuses. Furthermore, future CRO's and Elections committees should ensure that any changes of this nature are reported to potential candidates, by way of measures such as describing the changes in the nomination packages.**

**Recommendation #10: That Council direct the Elections Committee to identify whether it set the spending limit, and that if so, it produce minutes of that meeting. If the Elections Committee did not set the spending limit and/or**

**if Council or another body set the spending limit in violation of the regulations, that this election be declared invalid and that a new election be held as soon as possible.**