



Affidavit of Mathew Huff #1
Sworn July 19, 2006

NO. S064619
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MATHEW HUFF, STEVEN LEE, JOHNNY WOO and
LAURA ANDERSON

PETITIONERS

AND:

KWANTLEN UNIVERSITY COLLEGE STUDENT ASSOCIATION,
KWANTLEN UNIVERSITY COLLEGE, DANISH BUTT,
JATINDER (JOEY) ATWAL, JAIVIN KHATRI, HARVEY MANN,
BIKRAM GILL, DILSHAD CHEEMA, KULVIR GILL, ANDRE LESUR,
AJAY CHEEMA and AARON TAKHAR

RESPONDENTS

AFFIDAVIT

I, MATHEW HUFF, student, of [REDACTED] in the City of Surrey, in the Province of British Columbia, MAKE OATH AND SAY THAT:

1. I am a student at Kwantlen University College ("Kwantlen") and have been a student, and a member of the Kwantlen University College Student Association ("KSA"), since 2003. I first became involved in the KSA in February 2005 when I ran for the position of Director of Operations as a member of the RAF Party. I was one of the members of the Executive appointed by the Court Appointment.
2. I am a Petitioner in these proceedings and have personal knowledge of the facts to which I depose in this Affidavit except where I state that my information has come from some other source, in which case I believe the facts to be true.

3. I have read the Amended Petition to be filed in Supreme Court of British Columbia proceeding, Vancouver Registry No. S-064619 (the "Member Petition"), and particularly the Facts in the Member Petition (hereinafter referred to simply as the "Member Petition"). I will detail my knowledge and verification of the Member Petition in this affidavit. Where I depose that specific facts in the Member Petition are true, I have personal knowledge of those facts.
4. Paragraphs 1, 2 and 3 of the Member Petition are true.
5. With regards to paragraphs 4(a) to (d) of the Member Petition, I have no direct knowledge of the facts in those paragraphs as I was away for most of the summer of 2005 working in Fort St. John in northern British Columbia and was not present at those Council Meetings referred to in those paragraphs.
6. However, I have reviewed draft minutes for the meetings of Council that took place in my absence, and I note that my proxy appears to have been voted a number of times in my absence. I never signed a form of proxy authorizing my vote to be used in my absence. Attached hereto and marked as Exhibits "A" through "C" to my affidavit are the minutes of the June 15, June 24 and August 5, 2005 meetings of Council, which, if accurate, reflect that my proxy was voted without my consent or authorization.
7. I have read paragraph 4(e) of the Member Petition. I was present at the July 22, 2005 meeting of Council and can confirm that the facts in paragraph 4(e) are true as regards that Council Meeting. I was not present at the August 5, 2005 Council Meeting and so have no personal knowledge of facts that refer to that Council Meeting. However, at all times since August 5, 2005, the Executive, of which I was a member, conducted itself as if it had assumed all of the powers of the General Manager.
8. I have read paragraph 4(f) of the Member Petition and those facts are true. I was present at the August 19, 2005 meeting of Council when a motion was passed, the exact wording of which I do not recall, that had the the effect of delegating all of the KSA's financial powers to the Executive. After this meeting, the Executive, of which I was a member,

operated under the assumption that it could approve any spending on any account, except specific restricted accounts.

September 29, 2005 Special General Meeting

9. I have read paragraph 5 of the Member Petition and those facts are true. At no point at the Council Meeting on August 19, 2005 or at any time before September 29, 2005 was any purpose or resolution formally discussed with regard to the September SGM other than the amendment of the Bylaws. As for the expulsion of members of the KSA, I had only heard the subject mentioned once prior to the September SGM, when Aaron Takhar had mentioned the possibility to a few people (including myself) in the KSA offices in passing. The next I heard of any proposed expulsions was when the expulsion resolution was attached to Bill RAF2K5 as the package was finalized on September 29, 2005.
10. My recollection of the facts in paragraph 6 is as follows. I recall seeing very few posters on the Surrey Campus advertising the September SGM in the week prior to the September SGM. Those posters that were posted made little or no mention of the special business to be conducted at the September SGM. Some of the posters mentioned that the Bylaws were to be amended in very small print. None of the posters that I saw mentioned any proposed expulsions.
11. I was present with other members of the Executive on the morning of September 29, 2005 as revisions were made to the proposed amended Bylaws in the hours leading up to the September SGM. At no time prior to the September SGM were the proposed amended Bylaws made available to the membership, and approximately 50 copies of "Bill RAF2K5" were made for distribution at the September SGM. The lack of notice of the proposed amendments was designed to prevent any meaningful discussion of the proposed amendments to the Bylaws.
12. I have read paragraphs 7(a), (a)(i) and (c) to (k) and those facts are true. I have no direct knowledge of the facts in paragraphs (a)(ii) and (iii), although I know of no discussions among members of the Executive about the KSA obtaining a gaming licence for the purpose of the prize draw.

13. I was present at the September SGM. I was one of the students who raised my hand when the Chair asked the following question: "Can we have [Chair raised his arm] in favour of the motion so we can get straight to the prizes, iPods, DVDs, a trip to Mexico?" When I raised my hand, I did not know that I was voting in favour of either the motion to amend the Bylaws or the expulsion of the four students from membership in the KSA. In my estimation, no more than 30 students raised their hands in response to this question.
14. In fact, when the September SGM was adjourned, I was surprised that the meeting had ended without either the motion to amend the Bylaws or the motion to expel the four students from the KSA being considered or voted upon, and that the only business that had transpired at the September SGM was the prize draw. I approached Mr. Takhar immediately upon the adjournment of the September SGM and said "they didn't vote on the Bylaws", to which Mr. Takhar replied, "yes they did, they voted when they voted on the prizes". I was very shocked.

Events Subsequent to the September SGM

15. I was present at a Council Meeting held on October 14, 2005. The mood in that meeting was volatile, with members of Council frequently shouting at each other, and in particular, at Aaron Takhar. At that meeting, Aaron Takhar was confronted with information that he had sent an email to RAF party members offering a television as a prize for bringing the most people to the September SGM. Mr. Takhar flatly denied this allegation until confronted by Harjit Basra, a Surrey Campus Officer and RAF member, who advised Council that she had received a copy of the email, which I had also received. Ms. Basra then printed it up and circulated at the October 14, 2005 Council Meeting. Attached hereto and marked as Exhibit "D" to my affidavit is a copy of the email circulated by Ms. Basra. When confronted with the email, Mr. Takhar no longer denied that he had sent it.
16. Surrey Campus Officer and RAF member Amar Sandhu also indicated that the person who had won the grand prize at the September SGM was an old friend of Aaron Takhar's and that it was planned in advance that he would win the prize. Mr. Sandhu then tried to

move to have the General Manager's powers transferred from the Executive to Council. The meeting then recessed and upon Council's return to order, a motion was passed appointing another RAF associate, Pavan Bassi, as the acting General Manager.

17. As for the purported expulsion of Laura Anderson and Steven Lee, it was my understanding that they would be permitted to retain their seats on Council until a legal opinion was received as to when the expulsion took effect. As a result, both Ms. Anderson and Mr. Lee were permitted to vote at the October 14, 2005 Council Meeting. That legal opinion was received on or about October 20, 2005. Attached hereto and marked as Exhibit "E" to my affidavit is a copy of a letter dated October 20, 2005 received from legal counsel to the KSA. This letter was circulated at the Council Meeting on October 28, 2005. As a result of this legal opinion, Ms. Anderson and Mr. Lee were not permitted to vote at the Council Meeting on October 28, 2005 or thereafter.
18. I have read paragraphs 8, 9 and 10 of the Member Petition and those facts are true.
19. I have read paragraph 11 of the Member Petition and those facts are true. I was present at the November 18, 2005 meeting of Council when the motion was passed purporting to remove Mariana Nakhla and Manny Dhaliwal from Council. During the course of discussion of the removal resolution, I alleged that Ms. Nakhla and Mr. Dhaliwal were being targeted because they had spoken out against Mr. Takhar's alleged theft of \$10,000.00. This allegation referred to the funds spent on the prizes for the September SGM. As I understand it, Mr. Takhar had allocated \$15,000.00 to be spent on prizes to attract students to attend the September SGM, although only \$5,000.00 had been approved by a motion of the Executive, I believe at a meeting of the Executive in August 2005. I was advised by Pavan Bassi, who was acting General Manager at the time that he so advised me, and verily believe that the additional \$10,000.00 was disbursed as a cheque written to Aaron Takhar personally.
20. Prior to the removal resolution being tabled on November 18, 2005, Council passed a motion declaring that Ms. Nakhla and Mr. Dhaliwal were in a conflict of interest with regards to the removal resolution and would not be allowed to vote. I was strongly opposed to that motion, and when I asked what the alleged conflict of interest was, no

one present could define what a conflict of interest was or the nature of the alleged conflict of interest as it pertained to Ms. Nakhla and Mr. Dhaliwal voting on the resolutions to remove them from Council. I voted against the motion to deny Ms. Nakhla and Mr. Dhaliwal the right to vote, as well as the motion to remove them.

My Removal from Office

21. During the November 18, 2005 Council Meeting, I was asked to leave the meeting to have a discussion with Aaron Takhar and another member of the Executive, Joey Atwal, in the hallway outside. Mr. Takhar and Mr. Atwal then advised that a motion would be made to remove me from office at the Council Meeting in two weeks' time if they found out that I had anything to do with the November 29, 2005 Special General Meeting. When I re-entered the Council Meeting, I said that I would resign from office, in a moment of fury. I then stormed out, took a few moments to compose myself, and then went back into the Council Meeting and announced that I would not be resigning and if Mr. Takhar wanted to get rid of me, I would have to be fired.
22. After the November 18, 2005 Council Meeting, Aaron Takhar delivered notice that I would be removed at the December 2, 2005 Council Meeting. Later on in the day on November 18, 2005, I was approached by Aaron Takhar, and to the best of my recollection as to the details, the following conversation took place:

Aaron Takhar (AT): I don't have anything against you personally, this is just business. You, Manny and Mariana all tried to get rid of me and you are the last target. What if I were to still pay you the money that you would be earning if you were still working here but you wouldn't have to come to work?

Mat Huff (MH): What do you mean?

AT: You'd still get paid as long as you drop all of the actions against me.

MH: I wouldn't be earning the money, why don't you just quit trying to steal my job and let me earn it instead?

AT: I can't do that. What do you like about this job so much?

MH: I'm good at it, I like helping out the students, I feel like I've rightfully earned it and you have no right to take it from me.

AT: Well you keep trying to take my job ...

MH: That's because you stole money from the students – what company wouldn't fire someone for stealing \$10,000 of its money.

AT: Your accusation that I stole that money is an opinion, and you shouldn't try to force your opinions on people. We all have opinions, which opinion is right?

MH: My opinion is right because it's backed up by the laws of society.

[further conversation ensued, but I do not recall the details]

AT: Think about it [the offer] and get back to me.

At some point in the course of this conversation, Mr. Takhar also suggested that if I took him up on his offer, that he would be happy to have me back as a RAF candidate in the next election.

23. I saw this conversation as Mr. Takhar attempting to bribe me. I decided to confirm my suspicions and followed up with him a week later. I brought the subject up again with Mr. Takhar. He referred to the proposed payment as a "buyout". The following dialogue ensued:

MH: Is it normal for student reps to get a buyout?

AT: No, it's never been done before.

MH: How much would you be willing to offer?

Mr. Takhar did some calculations and proposed about \$7,000.00. He then asked me to put my request in writing (which I never did).

24. I was never my intention to accept the bribe offered by Mr. Takhar. I participated in the conversation outlined in paragraph 23 above solely for the purpose of determining how much Mr. Takhar was willing to offer me as a bribe in return for my resignation from office.
25. I was not in attendance at the Council Meeting convened on December 2, 2005, and as such have no direct knowledge of paragraph 12 of the Member Petition, although I was subsequently advised that I had been removed from office at that Council Meeting.

January 2006 Elections

26. I have read paragraph 13 of the Member Petition and those facts are true. I first heard of the appointment of the Chief Returning Officer ("CRO"), Amar Randhawa, when his appointment was announced at an Executive Meeting in early October. At that time, the Executive was informed that Mr. Takhar had "found" a CRO, Amar Randhawa of Intercultural Ethnic Communications Inc., who had previous experience with non-profit society elections, and specifically, Sikh temple elections. Mr. Takhar advised that Mr. Randhawa had already been paid \$20,000.00 to run the KSA elections, which payment, to the best of my knowledge, neither the Executive nor Council had approved. At no time was a motion passed by the Executive to appoint the CRO.
27. As the 2005 KSA General Election had been so controversial, I asked when we would get to meet the CRO. Mr. Takhar advised that he would invite Mr. Randhawa to come in "soon", and that Mr. Randhawa would make a presentation to Council. To the best of my knowledge, that never occurred. I met the CRO for the first time at the All-Candidates Meeting on January 16, 2006.
28. I have read paragraph 14 of the Member Petition and my knowledge of those facts is as follows. I was present at the November 18, 2005 Council Meeting and the KSA Regulations as they pertain to elections were changed at that meeting. I was not at the January 6, 2006 Council Meeting (I note that school was not in session until Monday, January 9, 2006), so I cannot confirm the facts in paragraph 14 to the extent that they refer to that Council Meeting.
29. I have no direct knowledge of the facts in paragraphs 15, 16 or 17 of the Member Petition.
30. I have read paragraphs 18(a), (c), (e), (h), (i), (j), (k), (l) and (m) of the Member Petition and those facts are true. I have no direct knowledge of paragraph 18(b).
31. As for paragraphs 18(d), (f) and (g) of the Member Petition, I was present on the Surrey and Newton Campuses during the relevant time and therefore can confirm that the facts in those paragraphs are true for the Surrey and Newton Campuses.

32. I was a candidate in the January 2006 KSA General Election. I became aware of the nomination period only because I still knew people who worked at the KSA. The nomination period was from January 9 to 13, 2006, which was the first week of the winter term, and polling occurred in the second week of the term, on January 18 and 19, 2006. Campaigning was permitted from January 16, 2006 through to the close of polls on January 19, 2006.
33. With regards to paragraph 18(h) of the Member Petition, the wording of the referendum question was neither clear nor unbiased, and was misleading in that the effect of the fee structure proposed in the referendum has the effect of significantly raising KSA fees for most students. I first learned of the wording of the referendum question when I received a handout at the All-Candidates Meeting on January 16, 2006. Attached hereto and marked as Exhibit "F" is a copy of the handout that I received on January 16, 2006. The referendum question was worded as follows:

Whereas the current KSA fee structure is not easily translated into correct amounts to be remitted to the KSA and has therefore caused confusion;

Whereas the current fee structure does not reflect the best interests of members of the KSA because of this confusion;

Whereas inflation has risen steadily over the past five (5) years;

Whereas the current fee has not been increased in the past five (5) years;

Whereas the current KSA Board of Directors has embarked on many new initiatives on behalf of the students of Kwantlen University;

Whereas the new fee structure is fair and balanced and would more accurately reflect the funds that the Student Association receives;

Whereas the lobby fund and daycare bursary funds as well as the capital fees will all be abolished;

Whereas continuous intake students will actually see a reduction in total fees due to the lack of KSA presence on the new Cloverdale campus;

The following fee structure is presented for approval:

Students will pay \$5.25 per credit

Continuous intake students will pay \$3.10 per- week

The Lobby Fund, Bursary Fund and Capital Fee will be abolished

Do you agree with implementing the above KSA fee structure?

34. With regards to paragraph 18(k) of the Member Petition, I specifically asked the CRO at the All-Candidates Meeting on January 16, 2006 if students would only be able to vote for Campus Directors and At-Large Members for their own campus, as had been the case in the previous year, or if any student on any campus could vote for all Campus Directors and At-Large Members. The CRO responded that he was "pretty sure" that polling would be conducted as it had in years past and that he would get back to me. As it turns out, students were permitted to vote for all candidates regardless of campus. The CRO never provided me with the correct information. I was the leader of the Student Movement Party, and I can confirm this had a direct impact on our party's campaign strategy, in which we spread our campaign volunteers out over all campuses to campaign for campus-specific positions, rather than simply focusing our efforts on the most populous campuses. Had we been provided with the correct information, our strategy would have been different, and quite possibly, more successful.
35. I have read paragraph 18(l) of the Member Petition and those facts are true. Attached as Exhibits "G" to "L" to my affidavit are six complaints submitted to the CRO with regards to the conduct of the General Election. I was present on the Richmond campus during polling and a firsthand witness to all of the events detailed in those complaints. The facts alleged in Exhibits G to L are accurate and true.
36. With regards to paragraph 18(l)(iii) of the Member Petition, it is my understanding that, in years past, ballot boxes were locked up in the office of Campus Security at the end of each polling day. In the January 2006 election, poll clerks were observed by myself and others driving the ballot boxes to an unknown off-campus location.
37. I have read paragraph 18(m) of the Member Petition and those facts are true. Kwantlen offers a high number of one to two year certificate programs, as well as a number of shorter programs. If KSA Council members are elected to two year terms, there are many students who may never get an opportunity to run for elected office with the KSA.
38. I have read paragraph 19 of the Member Petition and those facts are true. All of these complaints in Exhibits G to L were rejected by the alleged Election Committee at meetings held off-campus, without notice, and in a manner that denied access to the

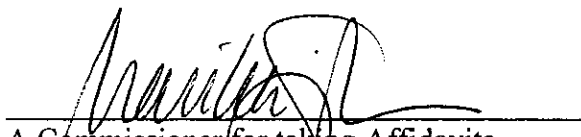
public. At no time prior to the meetings of the Elections Committee was I advised that such meetings had been scheduled. I only found out about the outcome of the complaints in Exhibits G to L after the decisions had been made and only when the minutes of the alleged Election Committee meetings had been posted on the KSA website. Attached hereto and marked as Exhibit "M", "N" and "O" to my affidavit are the purported minutes of the alleged Elections Committee meetings as posted on the KSA website.

39. I have read paragraph 20 of the Member Petition and those facts are true.
40. I have read paragraph 21 of the Member Petition and those facts are true. Attached hereto and marked as Exhibit "P" to my affidavit is a copy of the KSA Ombudsperson's February 2, 2006 report and covering email, which was sent out shortly after midnight on February 3, 2006. I was present at the Council Meeting held on the afternoon of February 3, 2006 at which the KSA Ombudsperson's Report finding that the January 2006 General Election was a nullity was considered. This meeting was held in violation of the notice requirements in the Bylaws and Regulations and contrary to the specific instructions of the KSA Ombudsperson that appropriate notice be given of the Council Meeting at which this Report was to be considered. The Council Meeting held on February 3, 2006 lasted no longer than 5 minutes. No real consideration was given to the Ombudsperson's Report, and the Report, and all recommendations made by the Ombudsperson in the Report were swiftly rejected by motion of Council.
41. I have no direct knowledge of the facts in paragraph 22 of the Member Petition, although I am aware that Mr. Takhar did not run for elected office in the 2006 KSA General Election and that he is currently employed by the KSA as Executive Advisor. To the best of my recollection, the previous Policy Analyst (the position analagous to the current Executive Advisor) made approximately \$50,000.00. Current President Danish Butt was appointed as Executive Advisor in late 2005, and remained in that position until he was purportedly elected in January 2006, at which time former President Aaron Takhar was appointed Exectuve Advisor.

June 15, 2006 Annual General Meeting

- 42. I have read paragraphs 23 and 25 of the Member Petition and those facts are true.
- 43. I have read paragraph 24 of the Member Petition and my knowledge of those facts is as follows, I knew about the Annual General Meeting on June 15, 2006 (the "AGM") because I was informed "through the grapevine". I was not on any Kwantlen campus since May 2006 because I, like most students, was not enrolled in classes for the summer semester. I did not consult the KSA website in the weeks leading up to the AGM.
- 44. When I attended on the Surrey Campus on June 15, 2006 for the purpose of attending the AGM, I saw very few posters advertising the AGM. Attached hereto and marked as Exhibit "Q" is a copy of the type of poster that I saw, which I recall seeing only in the vicinity of the KSA offices. I also saw a note on the windows of the KSA office indicating that the AGM was currently in progress at the Fishbowl (a.k.a. the KSA Caf ).
- 45. With regards to paragraph 25 of the Member Petition, I was present at the AGM on June 15, 2006, and it did proceed despite the inadequate notice and with only sixteen (16) people in attendance, including myself. Of the people in attendance, eight (8) were (then) current members of the Executive or Council, two (2) of whom arrived late.

SWORN BEFORE ME at Vancouver, British Columbia, this 19th day of July, 2006.


A Commissioner for taking Affidavits within British Columbia


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