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Date: Sat, 14 Oct 2006 17:24:46 -0700

From: "mat huff" <mat.huff@gmail.com>

To: "Laura Anderson" <deathpilot11@yahoo.com>, "Steve Lee" <steveleenow@yahoo.com>

Subject: Fwd: Fw: election complaints

----- Forwarded message -----

From: fred schiffner <fschiffner@dccnet.com>
Date: Oct 14, 2006 4:07 PM
Subject: Fw: election complaints
To: Duncan Keist <duncan.keist@kwantlen.net>, mat huff <mat.huff@gmail.com>, Steve Lee <steveleenow@yahoo.com>, Laura Anderson <deathpilot11@yahoo.com>, Nathan Griffiths <it12nathan@yahoo.ca>
Cc: Don Crane <dcrane@rcga.com>, Marika Giles <mjiles@htln.com>, Jim Reynolds <jimreynolds@ratcliff.com>

I have received the attached complaints from the SVP party.
Would you please respond to these allegations by no later than midnight October 16, 2006
Fred Schiffner

----- Original Message -----

From: [student vision](#)
To: fschiffner@dccnet.com
Cc: president@kusa.ca ; vpinternal@kusa.ca ; vpexternal@kusa.ca ; langleydirector@kusa.ca ; richmonddirector@kusa.ca
Sent: Monday, October 09, 2006 11:44 PM
Subject: election complaints

Dear Fred,

Attached are seven complaints from the Student Vision Party. There are some attachments that I have not been able to send in electronic form, however, I will submit a hard copy, signed by the appropriate individuals, tomorrow, along with the attachments, so that you have everything in your possession.

There are also some attachments that I was able to send, they are the .pdf and webpage shot.

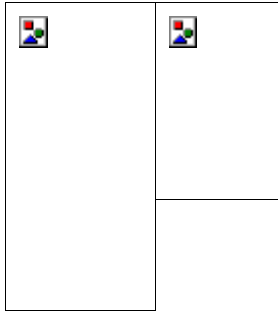
Sincerely,

Danish Butt
Campaign Manager
Student Vision Party

Buy, Load, Play. The new Sympatico / MSN Music Store works seamlessly with Windows Media Player. Just Click PLAY.
http://musicstore.sympatico.msn.ca/content/viewer.aspx?cid=SMS_Sept192006

HTML Attachment

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kwantlen university college

protecting your money

1. Two Huge Pay Increases...

Posted: March 14, 2006

The sad truth of the matter is that the *Reduce All Fees - New Student Vision Party* has abused the power given to them by the students of Kwantlen University College.

On two separate dates, the Executive Board members of the *Reduce All Fees - New Student Vision Party* gave themselves huge pay increases as follows...

Elected Official / Body	Original Amount Earned	June 6, 2005 Increase Number 1 (MOTION EBOD2005-112)	Percentage (%) Increase (over original amount earned)	January 6, 2006 Increase Number 2	Percentage (%) Increase (over original amount earned)
Executive Board Members	\$412.00 bi-weekly pay	\$750.00 bi-weekly pay	82% Increase	\$953.00 bi-weekly pay	130% Increase
Chairperson of the Executive Board *	\$51.50 additional bi-weekly pay	\$100.00 additional bi-weekly pay	94% Increase	position eliminated	position eliminated
Campus Council Directors	\$350.00 bi-weekly pay	no increase	no increase	\$600.00 bi-weekly pay	70% increase
Campus Council Representatives / Members-at-Large	\$168.00 bi-weekly pay	no increase	no increase	\$134.00 bi-weekly pay	20% decrease
Campus Council	\$80.00			position	position

Officers	bi-weekly pay	no increase	no increase	eliminated	eliminated
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***Note:** This remuneration is on top of the regular salary that the Executive who holds the Chairperson position makes.

Update (September 12, 2006): Today, Steve Lee received a copy of [Richmond Campus Director Brian Tran's pay stub for the period ending August 18, 2006](#). This stub:

- was found laying on a table in the Richmond Campus KSA student lounge on September 11, 2006; *and*
- clearly shows how much money was made for only eight (8) hours worked during that pay period.

All personal information other than Mr. Tran's name (employee & employer number and any other similar information) has been blacked out.

2. Rule Violations...

Specifically:

- *Pay Increase No. 1* was approved by the KSA's *Executive Board of Directors*, at an Executive Board meeting that was held on June 6, 2005; while
- *Pay Increase No. 2* was part of a comprehensive set of Regulation changes as approved by Council on January 6, 2005.

Pay Increase No. 1 was out of order because the motion to grant such an increase was in violation of the following Bylaws and Regulations...

Bylaw, Regulation or Procedure Violated	Explanation of Violation
<p style="text-align: center;">KSA Bylaws: Article 5(1)</p> <p style="text-align: center;"><i>"The directors of the Society shall consist of the voting members of the Council and, subject to the Act and these Bylaws, the management, administration, and the control of property, revenue, business and all the other affairs of the Society are vested in Council."</i></p> <p style="text-align: center;">KSA Bylaws: Article 6(2)</p>	<p>In May 2005, Council had appointed Mr. John Jeffries as the Acting Director of Operations. He was a non-elected student hired to perform the staff duties of the duly elected Director of Operations, Mr. Mathew Huff, who was on an approved leave of absense during the summer of 2005.</p> <p>As such, Mr. Jeffries did not carry a vote on any body in the KSA. However, the</p>

<p><i>"The Executive Board shall be elected by and from the Members of the Society in a general election which shall be held in the month of February in each calendar year as determined by Council, and in no case less than fourteen (14) days prior to the Annual General Meeting."</i></p>	<p>minutes of the June 6 meeting show that he seconded the motion to grant the pay increase. As such, because he had no right to be moving or seconding any motions at any KSA meeting, the motion to grant a pay increase to Executive Board Members is out of order.</p>
<p>KSA Bylaws: Article 5(1)(ii)</p> <p><i>"Pursuant to the foregoing, Council... shall adopt the Budget of the Society by a Two-thirds (2/3) Resolution."</i></p>	<p>Any increase in salary would require amending the budget, by moving money from one area of the budget to the Executive salary section of the budget. Again, only Council has the authority to amend the budget</p>
<p>KSA Bylaws: Article 5(1)(iv)</p> <p><i>"Pursuant to the foregoing, Council... shall adopt, amend or otherwise alter the Regulations of the Society by a Two-thirds (2/3) Resolution."</i></p>	<p>Because Executive Board member salaries are defined by the Regulations, any motion to adjust Executive Board member salaries would have to be a regulation change, which only Council has the authority to do.</p>
<p>KSA Bylaws: Article 6(3)</p> <p><i>"The members of the Executive Board shall be employees of the Society, and their remuneration shall be set by Council, in a manner that shall be set out in the Regulations."</i></p>	<p>Yet another Bylaw which clearly states that only Council can adjust the salaries and pay of Executive Board members.</p>
<p>KSA Regulations: Section VI: Executive Board, Article 1(2)</p> <p><i>"Each Executive Board member shall be a salaried employee for the duration of their term of office. Council may establish a committee to review the remuneration of the Executive members, such committee not to include any Executive members. On the recommendation of this committee, Council may alter the remuneration of the Executive members, as stipulated in these Regulations. Any change in the remuneration shall take effect on April 1, when the newly elected Executive Board takes office."</i></p>	<p>This regulation reinforces the fact that only Council may review the remuneration of Executive Board members.</p> <p>It further states that Executives cannot review their own remuneration as a member of the review committee (although one assumes that Executive Board members could make a written submission or presentation to the committee).</p> <p>It further states that any adjustments cannot occur during an elected member's current term of office.</p>

And finally, both pay increases were out of order because they violated the following provisions of the Society Act, as well as the following Bylaws and Regulations...

Bylaw, Regulation or Procedure Violated	Explanation of Violation
<p style="text-align: center;"><u>Society Act of BC: Part - 3 Directors</u></p> <p>Directors 24 (1) <i>The members of a society may, in accordance with the bylaws, nominate, elect or appoint directors.</i></p> <p>(2) <i>Subject to this Act and the constitution and bylaws of the society, the directors</i></p> <p style="padding-left: 40px;"><i>(a) must manage, or supervise the management of, the affairs of the society, and</i> <i>(b) may exercise all of the powers of the society.</i></p> <p>(3) <i>A limitation or restriction on the powers or functions of the directors is not effective against a person who does not know of the limitation or restriction.</i></p> <p>Duties of directors 25 (1) <i>A director of a society must</i></p> <p style="padding-left: 40px;"><i>(a) act honestly and in good faith and in the best interests of the society, and</i> <i>(b) exercise the care, diligence and skill of a reasonably prudent person,</i></p> <p><i>in exercising the powers and performing the functions as a director.</i></p> <p>(2) <i>The requirements of this section are in addition to, and not in derogation of, an enactment or rule of law or equity relating to the duties or liabilities of directors of a society.</i></p> <p>Proceedings of directors</p>	<p>The Society Act requires that notice be given of all meetings to all directors.</p> <p>There were at least three (3) voting members of the KSA Council that were not informed of the January 6 meeting.</p> <p>This failure to notify all directors is a violation of the Society Act, which requires them to participate in all meetings and to fulfill their duties under the Act.</p>

25.1 (1) A director who is entitled to do one or both of participate in and vote at a meeting of directors or of a committee of directors may participate or vote, as the case may be,

- (a) in person, or
- (b) unless the bylaws provide otherwise, by telephone or other communications medium if all directors participating in the meeting, whether by telephone, by other communications medium or in person, are able to communicate with each other.

(2) A director who participates in a meeting in a manner contemplated by subsection (1) is deemed for all purposes of this Act and the bylaws to be present at the meeting.

[KSA Bylaws: Article 13: Speaker of Council, \(3\)\(ii\) and \(3\)\(iii\)](#)

"The Speaker of Council Shall:

- ii. post or cause to be posted notices of Council meetings seventy-two (72) hours in advance, by any means he/she deems necessary, including electronic media;
- iii. ensure that minutes of Council meetings are posted in a public place within fifteen (15) days after the meeting;"

This section of the Bylaws requires that notice and minutes of meetings be posted within a certain timeframe.

This never occurred for the January 6, 2006 Board of Directors Meeting.

[KSA Regulations: Section II: Article 8. Agendas and Minutes](#)

This section of the Regulations requires that an agenda containing all the items for discussion at a meeting be posted forty-eight (48) hours before a meeting.

This never happened for the January 6, 2006 Board of Directors Meeting.

This procedure requires written reports be submitted for inclusion in the agenda that

<p><u>Reporting to Council Procedure</u></p>	<p>is posted forty-eight (48) hours before a meeting.</p> <p>This never happened for the January 6, 2006 Board of Directors Meeting.</p>
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Finally, in the most ironic twist of all, the above salary increases were in direct contravention of a [REDUCE ALL FEES - New Student Vision Party Spring 2004 General Election Promise](#) to...

"guarantee a cut in salary for ourselves just to better the students economically and give you more of what you need."

In other words, they lied to the students and never intended to give themselves a pay cut! Or they have the definition of the word "increase" confused with the word "cut" or the word "reduce."

3. Summary of Violations...

As shown on this page and by the following table, at least ten (10) possible violations occurred as a result of the *Reduce-all-Fees - New Student Vision Party's* actions in granting these two huge pay increases to themselves...

Number of Society Act Violations	Number of Bylaws Broken	Number of Regulations Broken	Number of Procedures Violated	Number of Election Promises Broken	Total Number of Violations
1	6	2	1	1	11

But there are things that can help ensure that this doesn't happen again - read on...

4. Ways your money can be protected...

Here's what could be done to rectify this situation:


- Amend the Society Bylaws to:
 - Place the conflict of interest rules that currently exist into the Bylaws so that they can never be suspended or disregarded in any way.
 - Require that any budget amendments be included in the KSA's agenda which is distributed at least 48 hours before a meeting, so

that students have the opportunity to know what is happening to their money.

- Make it impossible for a currently sitting KSA Board of Directors to give themselves a pay increase by ensuring that:
 - all pay increases for elected officials only take effect on April 1st, at the start of a new term;
 - pay increases are tied to the rate of inflation for the current fiscal year that the increase is being considered, as determined by the Bank of Canada, thereby significantly reducing the chances of elected officials giving themselves outrageous increases; *and*
 - elected officials cannot approve a pay increase between February 1st and March 31st, thereby ensuring that a group of officials don't go and win an election and then give themselves huge increases before a new term begins.
- Specifically, here is the complete text of the [Bylaw changes that should be made to protect your money from elected officials who are looking to line their pockets](#).
- Bring legal action against the individuals who benefited from the June 6, 2005 illegal pay increase, requiring them to pay the KSA back all money they received from June 6, 2005 until the end of their term that has been over and above the original bi-weekly sum of four hundred and twelve (\$412.00) who would be as follows:
 - Ms. Marianna Nahkla (Director of Academic Affairs);
 - Mr. Joey Atwal (Director of Events and Student Life);
 - Mr. Aaron Takhar (Director of Finance and Chairperson of the Executive Board);
 - Mr. Jamsheed Kahn (Acting Director of External Affairs);
 - Mr. Jaivin Khatri (Director of External Affairs);
 - Mr. John Jeffries (Acting Director of Operations); and
 - Mr. Mathew Huff (Director of Operations).
- Bring legal action against Mr. Aaron Takhar, who served as the KSA's Chairperson of the Executive Board, to pay the KSA back all money they received from June 6, 2005 until the end of his term that has been over and above the original bi-weekly sum of fifty-one dollars fifty cents (\$51.50) for performing his duties as the KSA's Chairperson.

A rectangular button with a small icon of a red, green, and blue square and the text "Go Back!" in blue.A small square profile picture icon with a red, green, and blue background.

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Attachments

Files:

-  [SVP_complaint__1.doc](#) (29k)
 -  [SVP_complaint__2.doc](#) (35k)
 -  [SVP_complaint__3.doc](#) (33k)
 -  [SVP_complaint__4.doc](#) (34k)
 -  [SVP_complaint__5.doc](#) (36k)
 -  [SVP_complaint__6.doc](#) (32k)
 -  [SVP_complaint__7.doc](#) (33k)
 -  [08_23_2006_payslip.pdf](#) (148k)
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