

January 18, 2006

Steven H. Lee
[REDACTED]
[REDACTED]

Paul Browning, Ombudsperson
Kwantlen Student Association
12666 – 72nd Avenue
Surrey, BC V3W 2M8

Phone: (604) 599-2303

Re: KSA Elections – Candidate Eligibility – APPEAL TO OMBUDSPERSON

Dear Mr. Browning,

This letter serves to officially dispute and appeal the decision made by Mr. Amar RANDHAWA and his elections committee as sent to me by e-mail (Attachment 1) from Mr. RANDHAWA on the evening of Tuesday, January 17, 2006 regarding my a complaint I filed with him about my eligibility to run in the Spring 2006 KSA General Election (I believe you are in receipt of my original complaint).

For the sake of brevity, I will not reprint the text of my original complaint as submitted to the CRO, since you are already in receipt of that. I will only provide information regarding any new contentions or proof that I may have.

Contentions

I would argue that I am a member eligible to run in the Spring 2006 KSA General Election based on the points I argued to Mr. RANDHAWA in my original complaint, as well as the following additional two points:

1. That when he did meet with the Committee on Monday, January 16, 2006, he did not properly present my complaint and the arguments within for consideration;
2. I question whether or not the student numbers of all candidates were properly vetted by the CRO;

Proof of Contentions

- 1. That when he did meet with the Committee on Monday, January 16, 2006, he did not properly present my complaint and the arguments to the Committee for consideration;**

My first concern is the fact that he held the meeting at an off-campus location. Section IV. Committees, Article 1(8) of both the old KSA Regulations and the

new “RAF 2K5” Regulations, as adopted on January 6, 2006 states that “All society committee meetings must be held on Kwantlen University College campuses” and further, the “RAF 2K5” Regulations add: “unless decided otherwise by a two-thirds (2/3) resolution of the committee.” Now Section X, Article 4(2) of the “RAF 2K5” Regulations does note that

“If the Board of Directors decides to contract out the entirety of an election to an outside entity, all provisions of the election section of the regulations shall be suspended and the election governed in a manner decided by the outside entity. The outside entity, however, must try to adhere to the electoral section of the regulations as much as possible.”

This makes it clear that only provisions in the electoral section of the Regulations shall be suspended, and no other section, including the “Committees of Council” section. As such, Mr. Randhawa would be obliged to hold all Elections Committee meetings on campus, and could only move them offsite if at an on-campus meeting of the Elections Committee, a resolution was passed to hold all other meetings off-campus.

Secondly, as you know, in Mr. Randhawa’s Sunday e-mail he noted that “I am in the process of verifying all candidates eligibility and you are indeed a current student, however, the board...” And yet, as per Section X, Article 5(2)(v), (vi) and (vii) state that the procedure for verifying all candidates is as follows:

v. The Chief Returning Officer shall submit completed nomination forms to the Elections Committee.

vi. The Elections Committee shall confirm the eligibility of candidates and nominators through the Registrars office unless they are honorary members in accordance with the Bylaws

vii. The names of the candidates in an election shall not be made public until the close of nominations, at which time they shall be released by the Chief Returning Officer.”

Mr. Randhawa did not appear to have done any of this. Further, the Elections Committee never discussed this points that I had raised in my official appeal.

I have also asked Mr. Randhawa to provide me copy of any agendas or minutes for any committee meetings held during the election, and I only got one set of minutes, for the January 16, 2006 meeting.

Also, no real summary of discussion surrounding the topics on the agenda was given in Mr. Randhawa’s minutes. Generally, KSA practice is to provide this in minutes as guided by the Regulations and the Executive Procedure for minutes. His 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.

Finally, his recommendations are strange. He told me that I should take my issues to the Finance Committee, and yet I can find no procedure dealing with how a student would deal with an issue of this nature, and in the end, it seems that the Finance Committee would not be an appropriate avenue of complaint or remedy.

2. I question whether or not the student numbers of all candidates were properly vetted by the CRO;

On Tuesday, January 17, 2006, Rita Dhaliwal and myself were still trying to learn about our eligibility.

On January 16, 2006, Mr. Randhawa raised at the All-Candidates Debate that Ms. Dhaliwal was not a member, and he then gave her an unrealistic timeframe in which to have herself made an honorary member of the Society (by Monday, January 16, 2006 at 3pm). Question had arisen as to whether or not Rita was a student enrolled in either the current or immediately previous semester (it turns out she was not).

However, the KSA By-laws do allow honorary members to run for and hold office. As such, Rita got the Board of Directors to grant her status (Attachment 2), with the help of Aaron Takhar; and when Rita called him at 2:30pm, he said the ballots were already being printed and probably could not be changed. He said he would consider what he had said and come up with a decision regarding the situation by Tuesday.

On Tuesday, in the late afternoon, he essentially told Rita that things were too late and she would be ineligible to run, even though he had listed her on the candidate's listing (Attachment 3).

At this time on Tuesday, Rita asked if the CRO had properly vetted and checked the student numbers of every single candidate to see if they were proper members of the Student Association. He said that he had.

However, it appears more than likely that he did not properly check the student numbers, either on his own or with the assistance of his Committee because Mr. Jason Atwal, candidate for Vice President External Affairs was also not a student enrolled either this semester or in the immediately previous semester.

As such, based on the fact that the proper procedures for vetting candidates in this election seems to have not been followed, it leads me to question whether or not there are other candidates who were ineligible to run as were Rita and Jason.

Finally, if the election itself had been properly advertised, the option of alumni running as honorary members might have been advertised, with people having enough time to go to the Board of Directors to seek such status.

In the end, I believe I was able to provide sufficient contention and proof in both my original complaint / appeal to the CRO, and that that I should have been eligible to run for Vice-President, Internal Affairs in the Spring, 2006 General Election. It is in within the

purview of the Elections Committee to consider all information regarding a candidate's bid for nomination in any KSA's election.

Because of the possibility that there were other candidates who were ineligible to run but were able to run (Jason), as well as eligible members who were eligible to run but were unable to run (Rita with her honorary membership status), I call into question the validity of all candidates who ran for office in this election.

Respectfully submitted,

Steven H. Lee, 100-025-323

Witnesses / Persons Privy to the Incident:

Student Name of Witness No. 1 (Please Print)

Student Number of Witness No. 1 (Please Print)

Signature of Witness No. 1

Student Name of Witness No. 2 (Please Print)

Student Number of Witness No. 2 (Please Print)

Signature of Witness No. 2

Student Name of Witness No. 3 (Please Print)

Student Number of Witness No. 3 (Please Print)

Signature of Witness No. 3

cc. Paul Browning, KSA Ombudsperson