

**Kwantlen University Student Association
Board of Directors Meeting Agenda
Friday, September 15th, 2006 @ 5:00 PM
SURREY CAMPUS – KSA Offices**

- A. Introductory Procedures**
 - 1. Call to Order
 - 2. Confirmation of Chair
 - 3. Adoption of Agenda
- B. Membership**
 - Introduction
 - New Members
 - Declaration of Vacancies
- C. Presentations to the Board**
 - Presentation of Petitions
- D. Approval of Minutes**
- E. President's Report**
- F. Staff Report**
- G. Unfinished Business of the Previous Meeting**
 - 1. Treasurer Report
 - 2. Ombudsperson Report (Attachment 1)
- H. Campus Council Reports and Motions**
 - 1. Langley Campus Council Report
 - 2. Richmond Campus Council Report
 - 3. Newton Campus Council Report
 - 4. Surrey Campus Council Report (Attachment 2)
- I. Liaison and Governance Representative Reports and Motions**
 - 1. Disabilities Liaison Report (Attachment 3)
 - 2. Aboriginal Liaison Report
 - 3. LGBT Liaison Report
- J. Executive and Executive Committee Reports**
 - 1. Vice President Internal Affairs Report
 - 2. Vice President Events & Student Life Report
 - 3. Treasurer Report
- K. Other Business**
 - 1. Updated Updated Letter of Concerns (Attachment 4)
- L. Submissions**
- M. Next Meeting**
- N. Adjournment**

**Kwantlen University Student Association
Board Meeting Agenda**

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Attachment No. 1: Ombudsperson Report

Prepared by: Paul Browning

On activities from May 1, 2006 to August 31, 2006

Investigations Completed and Ongoing Since May 1, 2006

5 closed cases

16 open cases

Case Topics:

- Grade Appeals
- Complaints about instructors
- Conduct of KSA Special General Meetings
- KSA Adherence to Bylaws and Regulations
- KSA Internal operations

In addition to conducting formal investigations, I am also able to deal with certain cases informally such as by informing students of the proper process to follow (i.e. Kwantlen Grade Appeal Policy) or by referring them to assistance through areas such as counseling. Such informal handling of such cases is useful when the issue at hand is not one of maladministration but rather just a case of individuals needing the correct information.

Meetings

- Meetings with KSA Directors + Staff
- Meetings with Faculty + University College Staff
- Meetings with Administration
- Meetings with Students

Percentage Of Activities

- 20% in KSA meetings
- 50% meeting with complainants and respondents
- 10% researching issues related to complaints submitted
- 20% writing formal reports

Due to the confidential nature of a lot of my work, I am unable to report in detail on individual cases, in order to protect the privacy of those involved. That said, I have

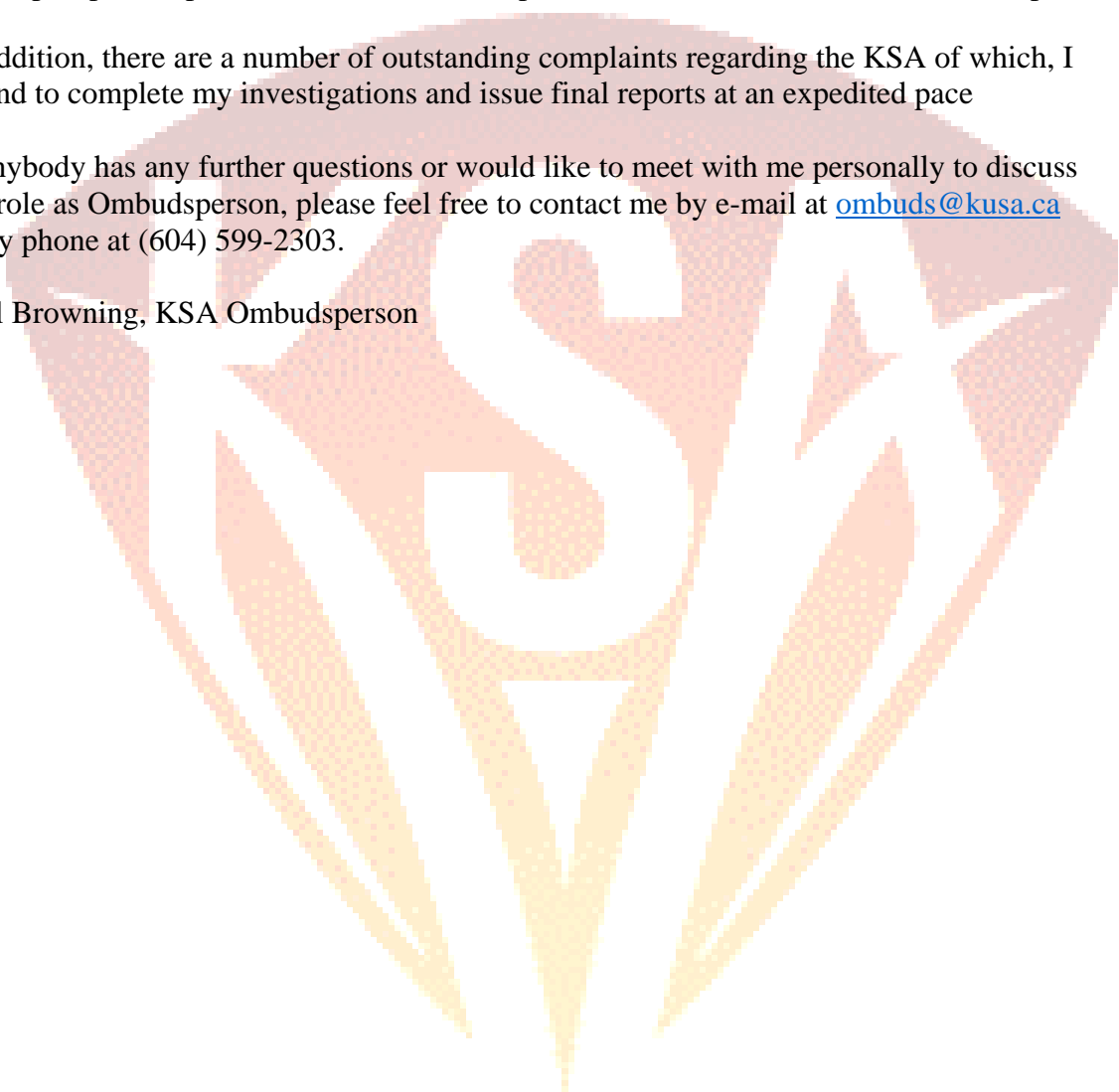
released reports on certain issues that I view to be in the interest of all students at Kwantlen, such as my reports on the KSA Special General Meetings.

In the upcoming semester (Fall 2006), I plan to improve advertising and outreach regarding the services of the Ombudsperson so as to make more students aware of service availability. I am planning on attending events such as Welcome-To to make students aware of my role. In addition, in cooperation with the KSA Council, I would like to develop improved promotional material (i.e. posters) and distribute them around campus.

In addition, there are a number of outstanding complaints regarding the KSA of which, I intend to complete my investigations and issue final reports at an expedited pace

If anybody has any further questions or would like to meet with me personally to discuss my role as Ombudsperson, please feel free to contact me by e-mail at ombuds@kusa.ca or by phone at (604) 599-2303.

Paul Browning, KSA Ombudsperson



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Attachment No. 2: Surrey Campus Council Report

Prepared by: Ken McIntyre

1: Campus Council Concerns and Issues

A: Still waiting on some schedules of classes from other members of campus council in order to finish updating the office hours for SCC

B: Due to the time frame between Board meetings the report will actively cover a shorter time frame.

2: Campus Council Meetings and Events

A: Welcome week will be held on September 14 2006, along with the Oasis Lounge Pub Night. I will expand on how these events went during the meeting, as they have not yet taken place at the time this report was written

3: Other Campus Council Topics

A: Locks have been cut off of lockers that were not paid for and the contents of those lockers are available for pickup by the students in the Surrey KSA Business office

B: Poster board traffic has decreased a significant amount due to the policy change about textbook sale postings

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Attachment No. 3: Disabilities Liaison Report

Prepared by: Ken McIntyre

1: Disabilities Issues and Concerns

A: I have talked to a number of students about the various options for awards funding for students with disabilities and it was suggested to me that the KSA look to outside organizations for more funding for awards for students with disabilities.

B: I was approached by Catherine Rau, from the ACCESS, program about the possibility of having students from the program do work experience for the KSA on the Surrey Campus

2: Disabilities Commission

A: No meetings have taken place as of late due to no interest from the student community; I will be increasing the advertising and visibility of such advertising for the commission in the near future

3: ACCESS Program

A: The presentation on the KSA and its services to the students in the ACCESS program went very well and was very informative for the students. Students agendas were also handed out at the presentation to those students whop requested them

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Attachment No. 4: Updated Updated Letter of Concerns

Prepared by: Steve Lee

**Attn: Staff, Elected & Appointed Officials as well as
Members of the Kwantlen Student Association**

NOTE: This was sent for inclusion in the September 1 and 8, 2006 agenda. I've added a few things to it and ask that it be reattached to the September 15, 2006 agenda.

New issues appear first. Older, unresolved issues appear last. If changes were made to older stuff, it is noted.

**O.
P.** NEW ISSUES

1. Posters

The 2ft by 3ft full color posters that appeared in Richmond and presumably on other campuses are very questionable. My questions here are:

- *Who authorized the production of these posters (THEY appear to have been a recent decision as they do have Jamsheed on them)?*
- *Why do they use the old positions? The voting members of the interim board are just voting members of the board – they have no position.*
- *The only members of the board that have positions still would be the liaisons and the education council & board student reps – and why don't those students have posters?*
- *And why do Laura and I not have posters? It doesn't matter that we don't have them in my mind, as I think this is an inappropriate expenditure by the interim KSA Council.*
- *How much did these posters cost – (large scale printing on paper like that cannot be cheap – it would be a travesty for any of us to spend KSA (student) money on pre-election posters)?*

And my only other question is – why can't the election posters look like this?

2. Welcome Week Spending

I am sorry I could not make the last meeting. It is my understanding that the budget for the fall Welcome week is over \$23,000. This is at least \$10,000 more than what has been spent on Welcome Week in the past and that \$10,000 could be viewed as extraordinary spending that is in violation of the court settlement order.

3. Finance Stuff

Further to my earlier requests for a release of financial information, I would like provided to the interim board:

- *Financial statements from the bank (we are with CIBC for daily business banking right?) – monthly, quarterly or one that covers the period of January 1, 2005 until now – showing each and every transaction clearly and concisely, the date of each transaction and the amount and where and who the money went to – just like you would have with real bank statements you get for a personal account.*
- *Statements from all of our investment holders that cover the period of January 1, 2005 until now – showing complete information about when money was invested or withdrawn and what the current balances are.*

This should be very easy to produce. I am very concerned that no real financial information of any substance has been disclosed in the agendas for September 1 and 8. And why do we not have a Treasurer's report for those meetings? He should be the one answering all of these questions or if he cannot, then the staff person responsible for the finances should be addressing my concerns, in writing, for students to see!

A failure to address my financial concerns could be viewed as a violation of the court order. It is possible that all those who are failing to live up to the court order could possibly be found to be in contempt of court.

4. Bylaws & Constitution online

I realize we have not agreed on the regulations, but the old copies of the constitution and bylaws are still on the website. I sent electronic copy of

the version I had, based on what is filed in Victoria. This should be posted asap.

5. Continuing to hire people during interim period

It is my understanding people were hired on at the last Council meeting. This could be viewed as an extraordinary expenditure and action under the court order and those who voted in favour of hiring more people could possibly be found to be in contempt of court.

6. Minutes & Agendas

It is interesting that the minutes for the September 1 meeting mention nothing of the server crash that Aaron claims destroyed the minutes and agendas I have been requesting copy of. Why was this admission / excuse removed? Was the server really down last year? Was information really lost? Why were there no backups of these very important documents? Anyone responsible for not ensuring the protection of these seminal important documents could be held liable. They bylaws (both the old and the “raf2k5” bylaws) require these documents be kept. It is very sad that the old archive of minutes and agendas is not back online. There was activity in the KSA before RAF – the KSA existed before RAF. Ideally, we should have minutes and agendas online for meetings going back to 1981 if we have them. Most of the meeting minutes and agendas that are not online that I have specifically asked for on numerous occasions are now at least 200 days overdue.

B. OLD STUFF

1. CRO Selection (NEW NOTES ARE IN THIS SECTION)

COMPLETED. Now that we have a CRO agreed upon, we need to setup elections@kusa.ca and advertise that widely. No more having Meenu answer questions – this has to be independent.

He should also revise the notice poster to include the 3rd missing officer position in Langley and Newton. The bylaws state at least 3 officers per campus. The current posters are probably okay though – even though they fail to show a 3rd position in Newton and Langley – the spirit is there and all new postings should reflect this addition and the nomination packages should also reflect it. The website should be updated asap).

Has anything been put in the Chronicle?

2. Structure of the Interim Council (PART OF ORIGINAL REPORT ON SEPTEMBER 1)

First off, it is very important to note that the individuals named in the settlement as being voting members of the board of directors hold no specific position. We are all equals on this interim board, each with one vote. There are no interim executive board members or specific campus council members.

Secondly, although the settlement does not address remuneration specifically, the regulations were reset to the old ones that were in place before January 2006. As of August 21, the wage increases that had been supposedly passed in January 2006 and even prior to that in June 2005 are out of order and the following schedule would be in order, as per Section IX: Article 2 of the Regulations:

- Executive Board Members – bi-weekly sum of \$412.00
- Chairperson of the Executive Board – an additional bi-weekly sum of \$51.50
- Campus Directors – bi-weekly sum of 20 hours per week at \$0.75 above minimum wage per hour
- Campus Representatives – bi-weekly sum of 10 hours per week at \$0.40 above minimum wage per hour
- Campus Officers – bi-weekly sum of 5 hours per week at minimum wage per hour

It is prudent that people be remunerated for their contributions to the KSA during the interim period, and I would recommend that all voting members named in the settlement be remunerated at a rate of a Campus Representative.

Concerned students will be watching the interim council's actions closely, so I think that it is extremely important we act in the highest possible ethical and transparent manner possible. The KSA should strive from now on to be as open, transparent and accessible as possible.

Finally, please remind Ken that he should be sending notice to the Board of Governors and Education Council student representatives as they have always been non-voting members of the Board of Directors. They don't have to show up but should have the opportunity to know when Council is meeting, and they should have opportunity to present reports if they wish.

3. Copy of the Constitution, Bylaws and Regulations Online (PART OF ORIGINAL REPORT ON SEPTEMBER 1)

This should be updated to reflect the settlement order which struck the bylaws of both the September 2005 and November 2005 SGMs, and declared that the pre-September 2005 Bylaws were in effect.

The constitution on the website is also incorrect as per the copy filed with Victoria.

Attached are the copies of the Constitution and Bylaws that I have on hand in word and html format. They are correct and true, as compared to what is filed with Victoria.

4. Appointment of Jamsheed Khan – Violation of Court Order? (NEW ON SEPTEMBER 8)

I noticed in an e-mail Ken McIntyre sent out about notice for the September 8 meeting that Jamsheed Kahn was listed as VP External - when I thought the position had been previously been vacant, with the duties simply being performed by the President. He also now appears on the KSA site: <http://www.kusa.ca/index.php?pid=79> as also being in the VP External position. He did not appear in the e-mail notice of August 30, 2006. A few questions:

- *When was he appointed to work in this position?*
- *By whom?*
- *When did he start working?*
- *Why did he not appear on the site before today?*

It was my understanding that quorum was not achieved on Friday, September 1, therefore, appointing him to perform even just the staff duties would not have been possible.

Furthermore, I would argue that if he stays on he would not have a vote and would not have signing authority. The court order appears clear in who makes up the interim council and has no provisions for adding people. Also, the only removal provisions that exist are upon application to the court.

Although I am not a lawyer, I would consider randomly hiring this or any other individual during the interim period without the approval of Council as falling outside the realm of the day to day operations of the Society (as per paragraph 11 of the court order).

I would further question whether Council even has any kind of hiring ability during this interim period - especially considering the position he was hired to fulfill (VP External) does not exist anymore.

5. Fulfilling Other Requirements of the Settlement Order (VERY IMPORTANT - PART OF ORIGINAL REPORT ON SEPTEMBER 1)

I ASK THAT ALL STAFF OF THE SOCIETY MAKE ANSWERING THE FOLLOWING FINANCIAL QUESTIONS THEIR HIGHEST PRIORITY.

It is important to meet on or before September 1, 2006. To not meet or achieve quorum on or by this date would be in violation of the settlement order. If you could not live up to this then you should not have agreed to this date. It is my understanding that those who fail to attend could in future be held in contempt of court.

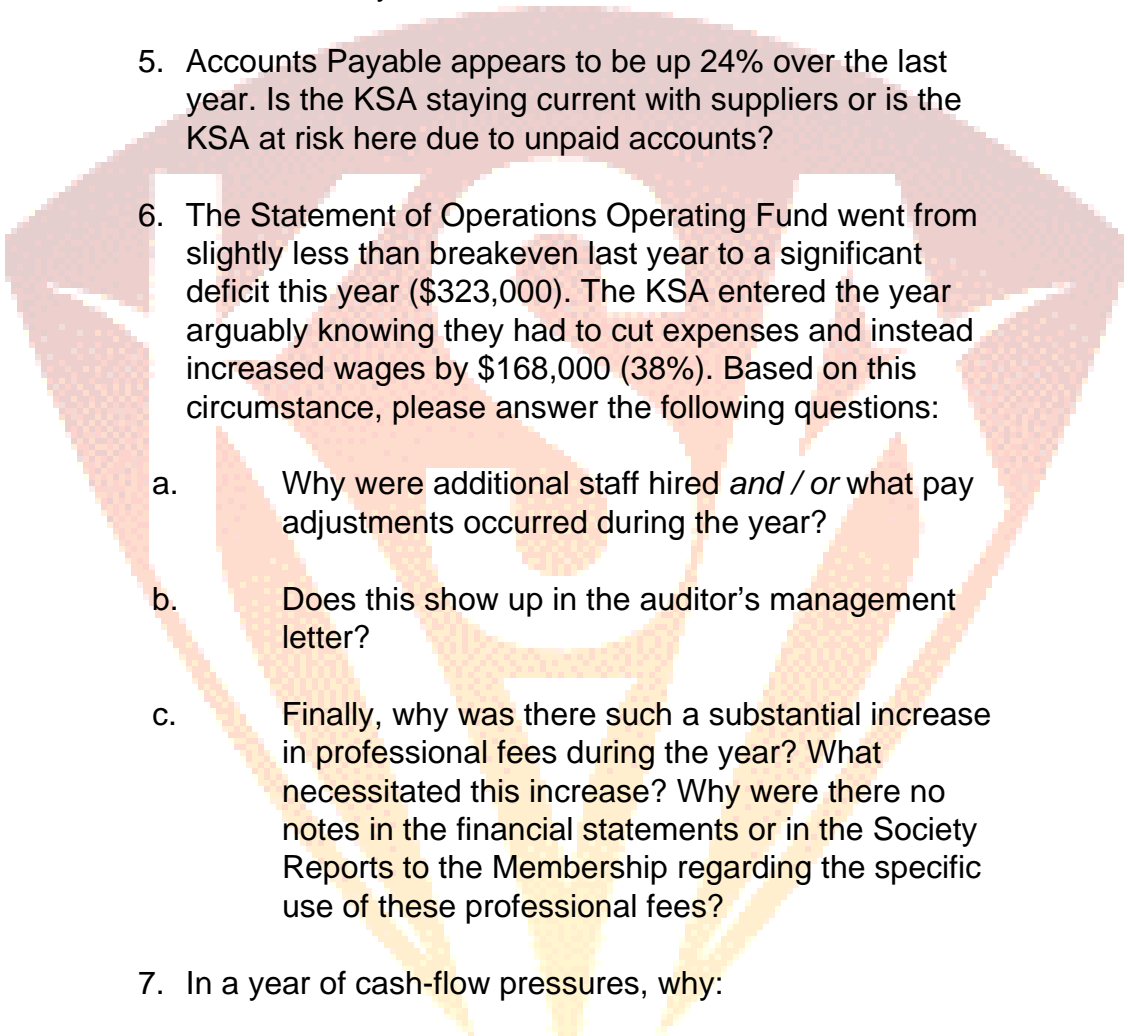
It is curious that the Association appears to have been extremely cautious and diligent about trying to meet on a by-weekly basis since June 2006, that it would now again appear to be a difficulty.

In order to ensure that sections 11 and 13 of the settlement order are met, it is important that the following information should be prepared and presented in the agenda for the September 1, 2006 meeting:

- To ensure compliance with section 11, a complete list and detailing of all projects individuals of the KSA is currently working on should be prepared and presented. This would include, but would not be limited to complete information on:
 - The Advocacy and lobbying efforts of the Association;
 - The Legal activities regarding any outstanding or ongoing legal disputes which the association may have been involved in since May 2005 until now (in addition to the two petitions surrounding fall 2005 SGMs that were recently resolved through settlement);
 - The dialogue between the Association and the Institution since May 2005;
 - Any renovations or capital projects that have taken place since May 2005 until now. This update should include complete financial information regarding all related expenditures, who approved those expenditures and any other information regarding any contracts that have been signed to complete those renovations or capital projects;

- An update regarding past and upcoming events. This update should include information on events that have occurred since January 2006, as well as information regarding any events that are planned to occur over the next three months. It should also include information regarding all related expenditures that have occurred or plan to be occurred (furthermore, it is important to note that section 11 would essentially forbid any events other than the normal August Orientations and the Welcome-Week event in early September. Concerts, dances and other similar events are not traditional / annual day to day events and as such would be considered extraordinary);
 - Human Resource Issues, including but not limited to the “Bassi situation.” A complete disclosure on the incident that occurred and the resulting impeachments and firings should be prepared to be presented, along with any information regarding the related RCMP investigation and / or any possible civil proceedings that may or may not be ongoing. Because the “Bassi situation” appears to be of a sensitive nature, disclosure of this information does not have to be in the agenda and may be given in-camera with all who may be present at the meeting being allowed to remain for the in-camera session;
 - A detailed update regarding the “post-audit issues” surrounding the 2005 audited financial statements. These “issues” were referenced in a very general manner by both executive and staff members in the agendas and minutes for Board of Directors as posted since the June 15 AGM. What are these issues?
 - An update regarding the activities of Campus Councils since January 2006; *and*
 - An update regarding any other activities not specifically covered above, as conducted by Executive Members, Staff and Liaisons of the Society and the activities of any related committees.
- In order to ensure compliance with section 13, the Association should address in a report included with the September 1, 2006 Council meeting agenda, answer to the following outstanding questions, which were presented to the KSA by student Lisa Coan on Sunday, July 9, 2006:

1. Why was the audited report for the 2005 fiscal year dated on May 26, 2006? The audited report for the 2004 fiscal year was dated as being completed by March 7, 2005. Why was there such a huge delay?
2. Do you have any comment(s) on the quality of record keeping in the auditor's management letter?
3. As per the balance sheet, the operating fund balance has gone from surplus to significant deficit during the year resulting in a cash shortfall in the operating fund, requiring \$224,000 being borrowed from the Capital Fund long-term investments. This represents 18% of the long-term pool of funds, which proportionately diminishes the KSA's external investment income. Please answer the following questions based on this circumstance:
 - a. Why is there a deficit?
 - b. Why were the details of this deficit not disclosed in the notes to the Financial Statements or in the report of the Treasurer?
4. I have a few questions about the mortgage and promissory note receivable. It would appear that the KSA has not only risked the funds by investing such a large portion in a single instrument, but the KSA has chosen an instrument which is inherently of a higher risk and therefore seemingly inappropriate given the circumstances presented. Please answer the following questions:
 - a. Why was \$620,000 of long term investments (representing approximately 49% of the investments) invested in a mortgage receivable and promissory note receivable?
 - b. Why were both secured by a SECOND charge on a borrower's property, both bearing a very low 5% rate of return, and both including an exceptionally long repayment term?
 - c. When was this investment approved, and by whom?

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- d. Does this show up in the auditor's management letter?
 - e. Who is the borrower?
 - f. What is the Fair Market Value for the properties in question?
 - g. How saleable are the properties provided as security?
5. Accounts Payable appears to be up 24% over the last year. Is the KSA staying current with suppliers or is the KSA at risk here due to unpaid accounts?
6. The Statement of Operations Operating Fund went from slightly less than breakeven last year to a significant deficit this year (\$323,000). The KSA entered the year arguably knowing they had to cut expenses and instead increased wages by \$168,000 (38%). Based on this circumstance, please answer the following questions:
- a. Why were additional staff hired *and / or* what pay adjustments occurred during the year?
 - b. Does this show up in the auditor's management letter?
 - c. Finally, why was there such a substantial increase in professional fees during the year? What necessitated this increase? Why were there no notes in the financial statements or in the Society Reports to the Membership regarding the specific use of these professional fees?
7. In a year of cash-flow pressures, why:
- a. Was \$27,000 spent on Café-Lounge equipment?
 - b. Did the Café-Lounge double its loss during the year, from approximately \$16,000 in 2004 to more than \$30,000 in 2005?
 - c. Was more than \$51,000 spent on other furniture and / or equipment? What was purchased?

d. Who authorized the above purchases?

8. The lobbying fund expenditures more than doubled to \$56,000. Presumably the auditors are satisfied that these expenses have been appropriately charged to this fund. But specifically, what activities comprise them? What type of "Lobbying" had occurred in 2005 that is consistent with the referendum restrictions that are in place on the fund?

9. Please provide the specifics of the bursaries awarded during 2005, which amounted to \$14,000.

- In order to further ensure compliance with sections 11 and 13, the Association should produce electronic copy (in MS Word or Adobe PDF) of:

- the management letter that should have accompanied the 2005 audited financial statements;
- all executive board meeting agendas and minutes from Executive Board meetings as held from January 1, 2005 until now;
- all Board of Directors / Council meeting agendas and minutes for all meetings of the KSA Board of Directors as held from January 1, 2005 until now, including, but not limited to copies of documents as related to the following meetings:

- i. April 29, 2005
- ii. May 13, 2005
- iii. May 27, 2005
- iv. June 10, 2005
- v. June 15, 2005
- vi. June 24, 2005
- vii. July 8, 2005
- viii. July 22, 2005
- ix. August 5, 2005
- x. August 19, 2005
- xi. September 30, 2005
- xii. Mid-October 2005
- xiii. October 28, 2005
- xiv. November 4, 2005

- xv. November 18, 2005
- xvi. December 2, 2005
- xvii. December 16, 2005
- xviii. January 6, 2006
- xix. 2ND January 2006 meeting (if any)
- xx. February 2, 2006
- xxi. February 10, 2006
- xxii. February 24, 2006
- xxiii. March 17, 2006
- xxiv. April 4, 2006
- xxv. April 13, 2006
- xxvi. April 28, 2006
- xxvii. May 12, 2006
- xxviii. June 2, 2006
- xxix. June 16, 2006
- xxx. June 30, 2006
- xxxi. July 14, 2006
- xxxii. July 28, 2006
- xxxiii. August 11, 2006

- the March 23, 2005 KSA Annual General Meeting including an electronic copy of the membership sign-in list;
 - the September 29, 2005 KSA Special General Meeting including an electronic copy of the membership sign-in list;
 - any other relevant document(s) that support any and all of the above inquiries.
- Many of the above documents were also requested by student Lisa Coan in her e-mail of July 9, 2006 and should have been made available to the auditors in order to complete the 2005 audit – as such, they should be easy for the KSA to produce these documents (I also believe that these same documents were also requested earlier in the year during the January 2006 election by candidate Rob Mumford). Finally, the Bylaws and Regulations require that these documents be accessible to the student body. Traditionally, this has taken place by having said documents placed on the Society's website;
 - In the past the Association has maintained a schedule for its Board of Directors, showing:

- In respect of each employee, the total remuneration paid to the employee and the total paid for the employee's expenses; and
- A consolidated total of all remunerations paid to all other employees.

To ensure compliance with sections 11 and 13 of the settlement agreement, the Association should present such a schedule to the September 1, 2006 meeting of Council.

- Article 13(2)(6) of the "RAF BILL2K5" Bylaws stated that the Senior Staff Members shall:

"submit to the Board quarterly financial reports, with the approval of the Operations Supervisor, in the manner specified in the Regulations and in accordance with the individuals and procedure listed in Article 13(2)(ii);"

Further, Article 17(1)(vi) of the old pre-September 29 Bylaws stated that the General Manager shall:

"submit to Council quarterly financial reports in the manner specified in the Regulations;"

And Section V. Article (2) (4) and (5) of the pre-December 31, 2005 Regulations states:

4. In accordance with Bylaw 17(1)(vi), the General Manager shall deliver written financial reports to Council four (4) times per year; in January, April, July and October. Such reports shall include:
 - a. expenditures to-date in each budgeted line item;
 - b. revenues to-date in each budgeted line item;
 - c. reference, in a form determined by the General Manager, to the previous year's Budget comparing the current financial status to the same reporting period of the previous year;
 - d. such other information as the General Manager may determine, or that has been requested by Council or the Executive Board.

5. At the request of Council, by Resolution, the General Manager shall provide interim reports at times other than those specified in paragraph (4) above.

As such, the Association should produce at the September 1, 2006 meeting of Council copy of all quarterly financial reports as issued to date during the 2005 and 2006 fiscal years.

Ensuring that the Society's finances are in order should be a priority for this interim council. If they are, it should be very easy to answer and provide information regarding all of the points outlined in this e-mail.

Respectfully,

Steven H. Lee

