

ATTENTION ALL KWANTLEN UNIVERSITY COLLEGE STUDENTS!

AN OPEN LETTER TO KWANTLEN STUDENTS BY JOHNNY WOO, RICHMOND CAMPUS COUNCIL REPRESENTATIVE

Wednesday, September 28, 2005

Dear Fellow Students,

I am writing to inform you that the *Kwantlen Student Association* (KSA) will be hosting a Special General Meeting on **Thursday September 29, at 12 PM, in the Conference Centre, G-Building.**

Make not mistake – I, along with other members of the minority (non-RAF) council members (both Common Sense Initiatives party and other independent elected members within the KSA), are against this meeting. I like to express my opinion the many reasons why we are vehemently opposed to this. But first, let me give you an abbreviated happenings at the KSA since February 2005.

The Court Case and Grounds for a By-Election

In February 2005, a general election was held at the KSA for the April 2005 to March 2006 term. There are many candidates running in the election, but mainly, the *Lower Tuition Party (LTP) / Progressive Students Party*, the *Reduce All Fees* party (RAF), the *Common Sense Initiative* party (CSI, a slate which I ran under), and other independents. There were many irregularities within this election and the case ended up in the Supreme Court of British Columbia (*Kwantlen Student Association vs Kwantlen University College, Aaron Takhar, et al.*, 2005 SCBC 711). On May 12, 2005, a decision was rendered by His Honourable Mr. Justice Maczko and declared the RAF, the current dominating party in Council, to be the winner. Members of the RAF were overjoyed by the decision and claimed to be democratically elected. This is disputable since upon a careful reading of the decision, the Justice initially concluded that a full election should've been held, along with a proper implementation of a Elections Committee (a failure by the previous incumbents, LTP). He was ultimately forced by the participants to declare a winner of the case.

At a general council meeting in early July, Steven Lee, the Richmond Campus Director, and myself, requested Aaron Takhar, the current Director of Finance and *de facto* leader of the current dominating party, RAF, to not only run a by-election, but a full general election in late September and be governed by an outside and third party electoral agency. Mr. Takhar rejected the idea and stated that all positions have been fulfilled and appointed. We countered the fact that two elected non-RAF members were fired on dubious grounds (which I will elaborate later) and later their positions were appointed by personal friends or family members (and subsequently, in strong protest, one of the fired members was re-appointed by a secret vote but she lost her right to vote at KSA meetings that was given to her by the students in the election).

Consolidating General Manager Powers

In subsequent general council meetings in early July, Mr. Takhar brought about following motions for Council approval:

- 1) Dismiss the General Manager (GM), Penny Minor, without cause; and
- 2) Consolidate all of the GM duties and powers to the Executive Board of Directors (including and led by Mr. Takhar and 3 other RAF members), thus given themselves the right to hire and dismiss any staff members and elected officials at their will; their grounds was that the entity GM may be a set of one person or of many persons.

All non-RAF council members rejected these motions and each one of us protested individually. Essentially, we've argued under the main reasons of a well-regarded principle in many fields, including Political Sciences and Accounting, *The Separation of Powers*. This principle, exercised in many jurisdictions, especially in Western democracies, divides powers and duties of a government so that no one in particular will gain complete control and powers of a body. An example is our own Canadian government, which is divided into three distinct branches: Legislative (e.g. Parliament's to make law), Executive (e.g. Police to enforce enacted laws), and Judicial (e.g. Judges to interpret the law). Another example is in any corporations, there are different sets of departments to undertake various duties, from

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manufacturing, to accounting, payroll, human resources, and so forth. The consequence of the separation of power is a set of *checks and balances*, where all branches of a body monitor each other.

By consolidating all managerial duties to one body, they have gained much of the control regarding the human resources aspects, including paid unionized staff and elected members of the Council. We objected based on the above explanation and the Chairperson of the Association, Mohammad Kallas, agreed and refused to proceed with the motion. At that meeting, Mr. Takhar called a recess and subsequently left the meeting, along with his fellow RAF members, without explanation.

Two weeks later, at the next general Council meeting in Surrey, Mr. Takhar brought the same motion and forced a vote to it (he chaired this meeting because Mr. Kallas was unable to attend). All RAF council members voted in favor while at the protest of the remainder council members.

Consolidating Financial Powers; Referendum to Amend Health & Dental Plan and Student Association Fee Schedule

In early-August, at another general Council meeting in Surrey, Mr. Takhar brought more motions to be 'approved' by Council:

- 1) **Consolidate all financial powers to the Executive Board of Directors** (EBOD, again, comprised of Mr. Takhar and three other RAF members); essentially given themselves the right to write cheques and form contracts as they wish, without consultation of the general Council or a Services Committee;
- 2) **Hold a referendum to move the Health and Dental insurance surpluses from a contingency accounting line item to the general spending line item;**
- 3) **Hold a referendum to remove the current ratio-based system of collecting the Association's activity fees and replace it with a flat rate system.** The current rate of student activities is \$3/credit each semester, up to a maximum of \$36 (max of 12 credits are calculated for the activity fee; this will be in addition of a \$3/semester lobby and bursaries funds, a maximum of \$12/semester for Capital/Buildings fees, and a maximum of \$7/semester of CFS fees, totaling a maximum of \$58/semester – less if you are taking courses on part-time basis). Mr. Takhar wants to force a flat-rate system by raising the fees to \$60/semester while eliminate the lobby and bursaries funds.

Once again, the non-RAF members (with the exception of the Langley Campus Director) of council were outraged by his motions and were further incensed when the RAF members voted in favour of it (we asked the rest of the RAF members to comment in this but none answered and simply looked at Mr. Takhar).

Regarding the consolidation of financial powers to EBOD, since the 'approval' by Council (at the non-RAF objections), they now have the total power to decide and make contracts and to spend your money. In addition, they do not have to seek advice or permission from Council members and they can spend whatever money they desire, without having to answer or justify to it. Let me remind you, fellow students, that this money is the accumulated investments by students over the years since Kwantlen University College's inception in the 1980's. The assets owned by the KSA are in the millions with potential income from all 23,000 students per year! (Of note, Kwantlen University College is the largest university college in Canada! If all 23,000 students pay the proposed \$60 per year, the estimated income is \$1.4 million per SEMESTER! This does not count the Health & Dental \$179/year fees!)

In regards to the referendum questions, the RAF dominated Council voted in favour of amending the changes. Mr. Takhar argues that the college does not have a system in place to distinguish how many credits a student is taking thus the KSA currently is not receiving the appropriate amount that it is deserved. In addition, that other student associations have the particular flat-rate system in place.

However, if you check with UBC, SFU, Douglas College, Langara College, and BCIT, they all have a ratio-based system to collect student activity fees (the fees are collected through a separation of part-time and full-time studies, by calculating the number of credits, or the use of a hybrid system of either). These institutions, including our current system, also have a maximum amount of fees payable by students per year based. Should his explanation reigns true, then I must raise the issue with Kwantlen administrators as to why we cannot collect the fees appropriately when other institutions can easily do so. (But if you

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log on to the Kwantlen Online Registration System and go into Student Records menu, you can see all the fees divided and applied in different sections, including student activity fee).

The new system that Mr. Takhar and his RAF members want to implement do no separate the Activity cost based on credits. Thus, if a student takes just one course (any course, either for credit or non-credited upgrades), she will be forced to pay the additional fee of \$60 (whereas instead, she would just pay between \$3 to \$12 at most).

Disrespecting the Rule of Law, Fiduciary Duties (Duty to disclose, to loyalty, and to Care), and Poor Governance

I like to outline my observation on how the current administration has been running since they took office as of May 13, 2005. Numerous Society bylaws and regulations have been breached and suspended. As mentioned earlier, the transferring of management and financial powers to themselves is a blatant example in the violation of structural and functional changes in the Association. This sort of consolidation must be approved in a general assembly of the Association and must have give notice, in advance, for such a major change.

So far, they have made no notice on what they would like to change publicly. In the last two issues of the Chronicles, a Kwantlen students' newspaper maintained by the Journalism department, Mr. Takhar and his fellow directors were unavailable to make any comments regarding the upcoming Special General Meeting.

I like to outline more questionable conducts lead by Mr. Takhar and his fellow RAF council members:

- 1) **The unilateral dismissal of a former General Manager**, Desmond Rodenbour, a person of great integrity and experience in operating and managing non-profit societies. His dismissal was initially blocked by the opposition party because they failed in obtaining a two-third votes. Subsequently, Mr. Takhar and his fellow RAF council members drew up a plan and removed Kayce Hopwood and Kyle Sanker because they failed to attend 3 meetings in a row (even though the first meeting was before the court ruling and that in all meetings, both Council members gave their proxies to other students). When they gained their two-thirds votes, Mr. Rodenbour was dismissed without cause;
- 2) **All directors have failed to write proper reports with meaningful content** as per Association's bylaws and regulations; So far, we don't know exactly what ANY of the directors are doing;
- 3) **They have given themselves a raise from \$9/Hr for 20 hours per week to \$18/Hr for 40 hours per week.** I confronted Mr. Takhar regarding the raise but he has never given the exact amount of such a raise and a thin reason thereof (e.g. "I have to re-type all the minutes");
- 4) **A white water rafting trip that occurred in mid-Summer's time** – this was paid for by the Association, student's money, for the enjoyment of RAF members. They claimed an open invitation but I personally did not find out until AFTER the fact;
- 5) **Another trip paid for at the expense of the Association:** This time, a house boating trip for 3 to 4 days. They again claimed opened invitation but non-RAF members were only invited a week before the trip and claimed to be a *team-building trip amongst members*. Through inside information, I learned that they initially asked for \$6,000 and after the trip, they requested to the Association's accountant for another \$4,000 for expenses;
- 6) **Patronage to family and personal friends and a failure to declare conflict of interest** – Many of the Association's uncontested and unoccupied positions were filled and appointed by Mr. Takhar, which is a bylaw violation. These posts were not tendered to the general memberships (i.e. the students) and thus students are denied a chance to run for them in a by-election; In addition, Mr. Takhar and his fellow RAF council members contract work done by family members (e.g. uncles, cousins, etc...) and do not declare any of it as a conflict to the general Council (of note, there is nothing wrong *per se* about having family doing work for the society, but a least it should be declared and voted on whether it is a good bargain by the Council); Pavan Bassi, who started out in the KSA as a Events Co-Ordinator is now or *de facto* Manager of the society, policy analyst, the KSA café, and a main negotiator during the CUPE union negotiations. Of note is that Mr. Bassi belongs to the CUPE union and he is negotiation on behalf of the KSA (i.e. he's on both sides). Finally, to replace himself as the Events Co-Ordinator, his brother, Nuvraj Bassi was hired. So far, I do not know how much either of the persons are being paid. However, the previous positions of the General Manager and Policy Analyst were paid an estimated \$46,000 and

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\$60,000 respectively, plus bonuses. I have asked Mr. Takhar in early July for the salary rates of all staff and members but so far I have received no information. Of note too is that Pavan Bassi is a Kwantlen student and does not have formal training or extensive experience in legal training or non-profit organisation management.

- 7) **A lack of contact between the Directors and the Campus Councils** – Mr. Takhar have so far fail in terms of leadership as he do not communicate and at time contradicts his positions in the society. For example, the agendas should've been ready in the first week of September. However, they were late and when I asked him about it, the initial story was that they were delayed due to the Katrina hurricane in New Orleans. When pressed to comment further, he said that the printers were broken. Finally, in the first issue of the Chronicle, Kulvir Gil, a Richmond Campus Representative appointed personally by Mr. Takhar after Ms. Hopwood was fired, admitted that it was all a lie. Another example is the Welcome Week fiasco. In mid-August, we pressed Mr. Takhar for a direction on events and exhibitors. However, Mr. Takhar stated that Joey Atwal, the Director of Events, was away on vacation, and thus not able to give further input about the events. He ordered the Events Committee (comprised of Mr. Atwal and Campus Directors) to come up with a plan for the event and would immediately approve it. However, two weeks later, when the committee presented the plan (in the absence of Mr. Atwal), Mr. Takhar rejected the plan and instead gave \$2,000 to each campus to spend at their own will. During Welcome Week, Newton and Langley campuses were unable to secure the entertainment they initially wanted and the Richmond Campus Director ended doing most of the work the Richmond Welcome Day on September 14. In addition, of note, is that in Newton campus, the appointed RAF members did not show up at the start of the day to help set up and conduct the welcome day BBQ, much to the frustration of the Newton Campus Director;
- 8) **Lack of participation by elected and appointed RAF members** – Ask all the Campus Directors (except the Surrey Director, who is a member of RAF), and they will tell you their frustrations with the RAF members. It is not unusual for them to not show up during their office hours, campus meetings, or their lack of participation in terms of giving meaningful and important inputs. In addition, I observe that RAF members appear to take turn, many giving voting proxies to each other during the general Council meetings. They rotate excuses such as “important family businesses” or “a trip to somewhere for a week” or “family emergencies”;

Illiberal Democracy and Vote Buying

The SGM may effect significant changes of the current structures of the KSA. Mainly, Mr. Takhar want to go back to the old system that is less democratic, authoritarian style of one President and four Vice-Presidents, with personally appointed campus council members.

The current system that is in place, which was implemented by the efforts of different elected student administrations between 1998 to 2001, was created in order to increase genuine democracy, transparency and accountability. Under the current system, the four Executive Directors have equal power and their use of powers are limited by regulations and bylaws, and are held accountable to the campus directors and representatives. Ultimately, all elected officials are servants to the general student body. This current structure was a direct result of when a former student President illegitimately took out sums of money and spend it in a trip to India. He never explained the expenses and the money was never recovered. The current system of checks and balances, in the form of Executive Directors, Campus Council Members, the *arm's length* administrative staff, are all a necessary and logical evolution from that old President & Vice-President system, in order to improve transparency and accountability.

The proposed changes will flip the balance of power and the general student body will be at the mercy of the elected President. If a president was illegitimately elected through vote buying or violations of election rules, or if he or she is incompetent or corrupt, there will be no way to counter-balance such absolute power or to remove a bad administration.

Mr. Takhar and his fellow RAF members have ignored the Association's constitutional limits, either outlined by bylaws or regulations. I am most disturbed by this upcoming SGM and the possibility of this forced referendum, which I sincerely believe that it will hurt the Association and the general student body.

Of what I learned from various sources is that at the SGM, Mr. Takhar and his fellow RAF members have contracted security officers to block the perimeter of the Surrey campus Conference Centre. The guards will be checking for Kwantlen identifications and will confiscate all recording devices (e.g. video and still

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cameras) at the door. In addition, there will be people, perhaps friends and family members, be put in the background to 'vote' in favour of his motions. These motions are read aloud and all debates are silenced to speed up approvals.

To date, I do not know what these motions are and when asked, Mr. Takhar simply answered it's "for the better". Of note, he could've posted his proposed idea online, on the KSA Website – but coincidentally, it is shut down since late August. In the words of Rob Myles, the Association's technical support person, mentions in the second issue of the Chronicle, that the server was attacked by a virus (apparently from an uploaded agenda) and thus had to be shut down.

More disturbingly, Mr. Takhar and his RAF members have unilaterally purchased, without consent of the rest of the Council and at great expenses of the Association, thousands of dollars worth of prizes to be handed for attendees of the SGM. In the advertisements for the SGM, iPods, plasma TV's, dozens of DVD's will be given out to people who attends the meeting. He needs at least 250 attendees in order to effect changes and all these extravagant prizes are baits to get people to attend.

Outrageously, a trip for 10 people, rumored to be a trip to Mexico or Hawaii, will be given away. All students have to do is 'show up'. *Simply calculating the airfare to these destinations would be in the upwards of \$1,000 per person. That doesn't include transportation, accommodation, foods, and other expenses which may entail.* They have mainly promoted this SGM solely at the Surrey campus (other campuses, such as Richmond, only scarce notices are posted on the board). **Again, no notice of what the changes are has been announced as of the writing of this letter.** During the voting process, if there is a mere appearance that there is a majority during the voting process, the motions will be approved.

This, in my opinion, is a definitely form of vote buying to effect significant changes in the Society.

I find it odd that such a server attack happened during the most crucial moment of the year (when new students are attending Kwantlen) and at the most needed time before such a drastic SGM. I like to ask the support personnel how could the agendas, mostly in the passive Adobe .pdf format could attack a server? Why aren't there any backups? The Website has been down for almost a month and there are no words in the progress of fixing it (what are the tech people doing to fix it anyways?).

I also find it odd that the bi-monthly general Council meetings of mid-August up to the present have been cancelled at the last minute? I also find it odd that it's extremely difficult to reach Mr. Takhar and his fellow RAF members in times of need.

Conclusion

The following quote sums up what is lacking and a response to Mr. Takhar and his fellow RAF members who declare out loud in the name of democracy. I hereby quote from a book *The Third Wave: Democratization in the Late Twentieth Century*, written by a well known political scientist, Samuel P. Huntington:

Elections, open, free and fair, are the essence of democracy, the inescapable sine qua non. Governments produced by elections may be inefficient, corrupt, short-sighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good. These qualities make such governments undesirable but they do not make them undemocratic. Democracy is one public virtue, not the only one, and the relation of democracy to other public virtues and vices can only be understood if democracy is clearly distinguished from the other characteristics of political systems.

To the current, Reduce All Fees (RAF) Executive Directors, also fellow students attending Kwantlen University College, Joey Atwal, Matt Huff, Jaivin Khatri, Mariana Nakhla, and Aaron Takhar, I ask you to re-read the above quote in careful consideration.

Yours Truly,

Johnny Woo
Richmond Campus Representative