

May 19, 2006

*** SENT BY E-MAIL, SIGNED ORIGINAL TO BE SENT DROPPED OFF AT KSA'S
MAIN SURREY OFFICE FOR CRO DURING WEEK OF MAY 22, 2006 ***

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Sukh Heir, CRO, Summer 2006 Referendum
Kwantlen Student Association
12666 – 72nd Avenue
Surrey, BC V3W 2M8

Phone: (604) 599-2303

Re: KSA Referendum Complaints & Issues

Dear Mr. Heir,

This letter serves to officially dispute the Summer 2006 Referendum as currently being conducted by yourself on behalf of the Kwantlen University College Student Association (KSA); as per the complaint and appeal procedures for elections as laid out under Section X of the KSA Regulations.

Contentions

I would argue that the referendum is invalid based on the following points:

1. That a Summer Referendum is illegal as the KSA Bylaws do not allow for Summer Referendums to occur;
2. That holding a Summer Referendum is inherently unfair to the membership of Kwantlen University College Student Association because:
 - a. There are not many Summer students, and as such, the population is in no way sufficiently representative of the population that attends Kwantlen during the Fall and Spring elections; *and*
 - b. Summer students do not have to pay health & dental fees;
3. That the current Board of Directors is not a legally constituted Board of Directors eligible to represent the students of Kwantlen;
4. That the Summer 2006 Referendum was not properly called by the KSA;

5. That you, as the CRO, was not properly appointed by the KSA to conduct this Summer Referendum;
6. That it appears no Elections Committee was appointed by the KSA in order to assist you with running this Summer Referendum;
7. That insufficient notice was given for the Summer 2006 Referendum in question;
and
8. That insufficient information has been provided to the membership in regards to the pros and cons of this Summer Referendum.

Proof of Contentions

1. **That a Summer Referendum is illegal as the KSA Bylaws do not allow for Summer Referendums to occur;**

As you may be aware, the KSA organized a Special General Meeting (SGM) which was held on September 29, 2005 on the Surrey Campus. At this meeting, the KSA claimed to have approved a set of Bylaws, which they have been operating under (Attachment 1).

This meeting was subsequently ruled as being invalid by the KSA Ombudsperson in his report on the validity of the SGM (Attachment 2).

Furthermore, the individual claiming to be the current KSA President, Danish Butt, stated in an interview with the student newspaper, The Kwantlen Chronicle (Attachment 3), that:

“There’s a lot of controversy over how [the bylaws] were passed... I believe if someone was to take it to court, it would definitely win.”

This is a clear admission by Mr. Butt, who also served during the fall of 2005 and the spring of 2006 as the KSA’s Executive Advisor, that the September 29, 2005 SGM was clearly invalid.

As such, due to the September 29, 2005 SGM being invalid, the KSA must operate under the old Bylaws, which were approved by the membership on February 8, 2000 and filed with the Registrar of Societies on March 23, 2000 (Attachment 4).

Article 4(8) of the old KSA Bylaws state that:

“A referendum shall not be held during the summer semester. If, pursuant to Article 4(3), a referendum would normally be held in the summer semester, the Director of Operations shall delay the referendum until the month of September.”

As such, based on this situation, it is clear that this referendum cannot be held and that the CRO and the Elections Committee should acquit themselves of running this Referendum during the Summer Semester. Furthermore, the CRO

and the Elections Committee could consider bringing forward recommendations for holding the Referendum during the fall of 2006 to the KSA's Board of Directors to approve.

2. That holding a Summer Referendum is inherently unfair to the membership of Kwantlen University College Student Association because:

a. There are not many Summer students, and as such, the population is in no way sufficiently representative of the population that attends Kwantlen during the Fall and Spring elections; *and*

b. Summer students do not have to pay health & dental fees;

The fees paid by KSA members to administer the health & dental plan are paid out during the fall and spring semesters. Summer semester students are in no way required to pay any fees towards the health & dental plan.

It is inherently unfair, unjust and against the principles of natural justice to ask a group of individuals to make an important decision on an issue that does not currently affect them directly.

As such, it can only be concluded that calling this Referendum at this time is a severe form of maladministration on the part of the KSA's Board of Directors.

3. That the current Board of Directors is not a legally constituted Board of Directors eligible to represent the students of Kwantlen;

During the Spring of 2006, the KSA organized a General Election to elect a Board of Directors to govern the Society. There were numerous issues regarding the validity of this election.

Firstly, it was organized under the September 29, 2005 Bylaws, which as I mentioned under contention number 1 above, were invalid.

Secondly, the KSA's Ombudsperson released a lengthy report, which essentially ruled the election as being invalid, and called on the KSA's Board of Directors to promptly hold a new election (Attachment).

Since the Spring 2006 KSA General Election was invalid, the current Board of Directors does not have the legal authority to govern the KSA, and would therefore have no legal authority to call a Referendum.

As such, based on this situation, it is clear that this referendum cannot be held and that the CRO and the Elections Committee should acquit themselves of running this Referendum. Furthermore, the CRO and the Elections Committee could bring forward recommendations to hold a proper election during the fall of 2006.

4. That the Summer 2006 Referendum was not properly called by the KSA;

- 5. That you, as the CRO, was not properly appointed by the KSA to conduct this Summer Referendum;**
- 6. That it appears no Elections Committee was appointed by the KSA in order to assist you with running this Summer Referendum;**
- 7. That insufficient notice was given for the Summer 2006 Referendum in question;**
- 8. That insufficient information has been provided to the membership in regards to the pros and cons of this Summer Referendum.**

Finally, I would argue that I am a member because I have paid membership dues to the Kwantlen Student Association for the Spring 2006 Semester (Attachment 3).

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