

- 20.1 Call to Order
- 20.2 Land Acknowledgement
- 20.3 Acceptance of the Council Meeting Agenda
- 20.4 Acceptance of the Minutes: April 8, 2024
- 20.5 Reports
 - 20.5.1 Executive Director's Report - *Roland G.*
 - 20.5.2 Executives Updates - *Executives*
- 20.6 Old Business
 - 20.6.1 Ratification and report on 2024 Elections - *Sameer I.*
- 20.7 New Business
- 20.8 In Camera
- 20.9 Open Forum
- 20.10 Reminders
 - 20.10.1 Next Council meeting: Monday, May 6th, 2024 @ 5:30 pm in Council Chambers
 - 20.10.2 Additional Council Meeting: Monday, May 27, 2024 @ 5:30pm in Council Chambers
- 20.11 Meeting Adjournment

Executives: Joshua Luu – VP, Student Experience
 Jimmy Wang – VP, External
 Shelby Woida – VP, Equity and Sustainability
 Matthew Puyat – Chair, Downtown Campus
 Abdul Aziz Ansari – Chair, School of Transportation, Construction, & the Environment
 Justin Saint – Chair, School of Computing and Academic Studies
 Daniel Wong – Chair, Specialized Transport Campuses
 Simran Anand – Chair, Business + Media
 Megan Jewell – Chair, School of Health Sciences

Staff: Margarita Gaidasheva – Executive Assistant
 Roland Gagel – Director of Finance, Interim Executive Director
 Tanya Fuchs – future EA

Councillors: Andrew Pham	Fiona Wong	Quoc "Minh" Nguyen
Alexander Bridgeman	Will Ondrik	Fahad Ahmed Doza
Andrea Martin	Kyla Cruz	Monika Monika
Aruzhan Basbulat	Daniel Mah	Jasmine Yang
Cora-Lynn Bell	Xavier Delaney	Jaspreet Bhuller
Su Yamin Tun	Ho Yin Cheng (Pedro)	Kobie Smith
Andrea Obnamia	Morgan Peltier	Edward John Gatchalian,
Bobby Davidson		

Guests: Sameer Ismail, Election Specialist

Regrets: Mia Bui – VP, Finance and Administration, Interim President
 Vrishank Prabhu – Chair, School of Energy
 Councillors: Dennis Phan, Elaine Huang, Jadon Matthias, Matt Kilpatrick, Muhannad Ahmad, Parisa Saqib, Owen Rains

20.1 Meeting called to Order

Joshua calls the meeting to order at 6:15 pm (31 voting members of the Council).

20.2 Territory Acknowledgement

Joshua Luu read the territory acknowledgement.

20.3 Acceptance of the Council Agenda

Motion:

To accept the agenda as distributed.

First: Matthew P.

Second: Aruzhan B.

Yes: 25 No: 0 Abstain: 0

Carried



20.4 Acceptance of the Minutes: April 8, 2024

Motion:

Be it resolved that the Council Meeting minutes from April 8, 2024 be accepted as distributed.

Moved by: Matthew P.

Seconded by: Shelby W.

Yes: 24 No: 1 Abstain: 1 Carried

20.5 Reports

20.5.1 Executive Director's Report

Announcement: Current EA, Margarita, is leaving after this week.

- Introduced temporary new EA Tanya Fuchs, she was previously an Exec, knows the process

- By-elections are open, looking to fill 3 positions, info is online on SA website
- Budget was supposed to be presented today; delayed, should be ready by next council meeting on May 6th
- Extra council meeting on May 27th
 - o Pass the budget and ratify the by-election on that day
- Roland summarized the rest of the ED report

Q: What happens if we don't have quorum?

- Then budget won't be passed
- Will have to roll into first exec board meeting to get this done

The "\$5 soup and bun" deal is no longer offered at The Stand; poster should come down

20.5.2 Executives' Update

Simran had a last Tax Clinic last week

- 10 volunteers helped file hundreds of taxes
- Another tax clinic before end of April

Jimmy has good news about government funding for post-secondary education

- Canada student grants, loans, and financial assistance programs

Joshua – his objectives have been completed

20.6 Old Business – None

20.7 New Business

20.7.1 Ratification and report on 2024 Elections

Sameer, Elections Specialist, provided updates on the elections

- Report delayed due to a complaint
- Error in a report, has now been ratified
- Initial complaint process took a few days
- Recommended a motion in terms of a process, which were followed
- Ratification note is not related to outcome, only the process
- Big thanks to Giovanna, Ratification committee and Appeals committee
- Appeals committee is dissolves as soon as the election is ratified

Motion:

Be it resolved that Council ratifies the results of the 2024 BCITSA Elections and that the following members of the Association are declared elected to the following offices for a term beginning June 1st, 2024 and ending May 31st, 2025:

President: **Jimmy Wang**

Vice President Finance and Administration: **Juan Lee**

Vice President Student Experience: **Dawn Lim**

Vice President External: **Cora Bell**

Chair of the Downtown Campus: **Eric Chau**

Chair of the School of Business + Media: **Greyson Dubé**

Chair of the Schools of Transportation, Construction and Environment: **Adam Matthews-Kott**

Chair of the School of Computing and Academic Studies: **Fiona Wong**

Chair of the Specialized Transport Campuses: **Geoff Vinod Pittappillil**

(In this instance, members of Council named in the motion are encouraged to abstain.
Any such abstentions do not affect quorum, so long as they are recorded as abstentions)

Owen R. first, Aru B. seconds

Yes: 21 No: 1 Abstain: 4 Carried

20.8 In camera - none

20.9 Open Forum

20.10 Reminders

20.10.1 Next Council Meeting: May 6th, 2024 @ 5:30 pm in Council Chambers

20.10.2 Following council meeting: Monday, May 27th @ 5:30 pm in Council Chambers

20.11 Meeting Adjournment

It was moved by Matthew P. and seconded by Daniel W. that the meeting be adjourned.

Unanimous Carried

The meeting was adjourned at 6:35 pm

Executive Director's Report

Council Meeting - April 22, 2024

Executive Director/Director of Finance/Organizational activities of note

- By-election nomination forms will be available on SA Website on April 22 and is open until May 6. By-election closes and results will be published on Friday May 24. See website for positions and dates and details. <https://www.bcitsa.ca/elections/>
- An additional Council meeting will be held on Monday May 27th to ratify the election.
- Budget for 2024-2025 is delayed, will be presented to Council on May 6th for consideration, to be approved at the added Council meeting of May 27
- Group of 6 International Students met with Ravi Parmar, MLA Parliamentary Secretary for International Credentials, Ministry of Post Secondary Education and Future Skills on April 18 for about 20 mins. Concerns about Housing, Financial aid and Enrollment numbers were raised.

People and Culture

- Continue recruitment for Early Childhood Educator and Career Specialist roles
- Conducted a salary research project to ensure salaries are competitive in the current labour market; reviewed together with Interim ED in order to build salary budgets
- Wellness Day planning is underway, and the committee is working to finalize the schedule for the day. Invitations will be sent out within the next couple of weeks

Business Systems

- **Inventory control management system** - Upgrade and implementation work has continued

Student Services

- **Past Events:**
 - **Hiring Fair (all industries)** | Great Hall (Burnaby Campus) | April 10th, 2024
 - 29 employers and 840 students and alumni attended the fair
- **Upcoming Events:**
 - **Aerospace Career Fair** | Atrium/Hub Aerospace Campus | April 24th, 2024 | 2 PM – 4 PM |

Childcare

- Two in person meetings of the Childcare Building Committee occurred, the first at the site and the second, a review of goals and space planning requirements was conducted

Marketing

Campaigns

- By-elections package updates and communications – ongoing
- SAGM communication, updates and follow up – ongoing

Events

- Earth Day Plant Sale (fund raising) – April 22nd
- ATC Career Fair – April 24th
- ATC Geared Up tabling – April 24th
- Bites and Brews Canucks Edition – April 23rd

Process & new strategies

- New poster approval process
- Student feedback and reviews: We are looking for success stories from students who participated in SA program and initiatives this year.
- LINK Summer Issue production – started
- Social media year-end report – available

Retail

For the Month of:	Apr-2024	Sales Data to:		17-Mar	% of Sale Days for Month	
Total Business Days:	21	Days of sales:		12	57%	
Location	Transactions	Net Sales	Budget	% of Budget	Projection	Difference
Geared Up	370	\$ 19,200	\$ 28,300	68%	\$ 33,500	\$ 5,200
St Central	2,860	\$ 17,300	\$ 39,500	44%	\$ 30,500	\$ (9,000)
St South	4,526	\$ 27,200	\$ 44,300	61%	\$ 47,500	\$ 3,200
Geared Up@NE1	252	\$ 6,100				\$ -
		\$ 69,800	\$ 112,100	62%	\$ 111,500	

- We continue offering longer hours in Stand South, until 6:00pm Monday-Thursday. In April so far, from 4pm to 6pm, we've served 600 clients and made \$3,800 in sales.
- We plan to be at ATC event on April 24th with our Geared Up pop-up shop.

Habitat Pub

- Pub sales for the first 2 weeks of April are up 2k over last year
- We had an event in the Pub last Saturday which gross sales were just over 9k, if this is added in to April, we are up over 10 k
- Catering event are coming in more frequently now, We have 2 booking for the pub in April and 3 booked for the pub in May
- First Sunday of April 7th we did the residence breakfast for 200, Gross revenue was just over 5k Thanks to Ella and Julianna who helped me on Sunday to make the event a success
- New R & D menu coming next week
- Comedy Show on Friday April 12, about 50 students Dined and Laughed

2023-2024 Executive Objectives				2023-2024 Executive Objectives For Council Meeting date of 2024 Apr 22
Name	Position	#	Objectives	
Mia Bui	VP Finance & Administration	1	Host a Financial Literacy Workshop in November 2023	
		2	Host Annual Tax Clinic, similar as previous year, but expanding on scope, scale and targeted audience. Joint objective with Simran.	
			Other duties	
Joshua Luu	VP Student Experience	1	Support Student Mental Health through Campus Convos, organizing and hosting a series of events throughout the school year. w/ President, Céline & TCE Abdul	
		2	Supporting student well-being through mini distress events throughout the school year. w/ TCE, Abdul	
		3	Improving the set rep program as Vice-Chair to the Ad Hod Set Rep Committee & Developing/purchasing merch for BCIT students to improve engagement and branding for BCITSA. w/ SOE, Vrishank	
Shelby Woida	VP Equity & Sustainability	1	Work with the Executive Director Search Committee to appoint a permanent Executive Director	
		2	Organize a series of fireside chats based on Indigenous education, decolonization, and Indigenizing BCIT classrooms	
		3	Work with EDI specialist to update SA policies on Territory Acknowledgments and host a series of related workshops	
		1	Organize and plan events with Alumni Association for students and alums, increase engagement and awareness of Alumni Association	

2023-2024 Executive Objectives		2023-2024 Executive Objectives For Council Meeting date of 2024 Apr 22	
Name	Position	#	Objectives
Jimmy Wang	VP External	2	UPass renegotiations ; negotiate with Translink to renew the UPass beyond the 2025 contract, secure access for part time studies students and pursue additional exemptions for students
		3	Focusing on affordability by lobbying provincial and federal government for student grants(Canada Student Grants & BC Access Grant); regulate the increase of international student tuition (provincial)
Simran Anand	Chair, School of Business + Media	1	Host Ask Alumni Workshop pairing a graduate from a certain program working in the industry with a current student for lunch/coffee chat atleast once a month to offer our students the opportunity to gain practical knowledge, career advice, and inspiration from alumni who have excelled in their respective fields.
		2	Reach the goal of 500 members in School of Business + Media Discord channel by the end of May 2024.
		3	Miscellaneous
		4	Host a Tax Clinic in collaboration with the VP Finance and Administration.

2023-2024 Executive Objectives				2023-2024 Executive Objectives For Council Meeting date of 2024 Apr 22
Name	Position	#	Objectives	
Vrishank Prabhu	Chair, School of Energy	1	Facilitate cross club collaboration within the School of Energy	
		2	Begin systematic changes of the set rep program through the Set Rep Program Ad-Hoc committee	
		3	Host the RC Classic, a past School of Energy event	
		4	Host an industry night focused on sustainable transportation and renewable energy.	
Justin Saint	Chair, School of Computing and Academic Studies	1	Connect with two new industry expert event sponsors for QDS Hacks 2024 in order to increase capacity from 100 to 120 and sell 40 free tickets to students who identify as female, Indigenous, or LGBTQ+	Objective Complete

2023-2024 Executive Objectives				2023-2024 Executive Objectives For Council Meeting date of 2024 Apr 22
Name	Position	#	Objectives	
		2	Improve communications within the set rep program by creating new and updated documents about set reps that are concise and easy to find	Objective Complete
		3	Host one Computing social event and one karaoke event at the Pub each semester	Objective Complete
Charlene Steeves	Chair, School of Health Science	1	Increase interprofessional collaboration and education for School of Health Science students by hosting student-led Power Hour events that bring in speakers to discuss topics relevant to the health sciences field. First event will be held on October 25th, 2023.	
		2	Increase Set Rep participation and engagement within the School of Health Sciences by the end of the year (May 31, 2024), measured by attendance and feedback.	
		3	Miscellaneous	
		4	Help the Executive Director Search Committee appoint a new Executive Director	
		1	Host a De-Stress Event every semester post-midterms for the DTC	Objective Complete

2023-2024 Executive Objectives				2023-2024 Executive Objectives For Council Meeting date of 2024 Apr 22
Name	Position	#	Objectives	
Matthew Puyat	Chair, Downtown Campus	2	Support Student Wellness via advocating for Gym and Rec Services + small Quality of Life Initiatives	Assist in the policy development of the Set rep + Clubs committee. Developing the transition document. Apr 18 - Met with MLA Parmer and a few int'l student volunteers: providing quality education to Int'l students, student housing, and int'l work hours were discussed.
Daniel Wong	Chair, Aerospace Campus	1	Water Bottle Filler	BCIT facilities is getting quotes in, the facilities coordinator will send me the quotes.
		2	Canada Aiports Conference Initiative	No Update
		3	ATC Flag/Merch	ATC Merch Pop-up will occur on ATC 24 APR 2024
		4	Miscellaneous	Upcoming career fair coming up on april 24. 2 program hoodies will be given out to participants who complete a survey. Winners will be selected by draw. AIC event: met with BCIT/Parking on 11 Apr. Met with Kirk on 18 Apr to discuss the event. Pool cues have been ordered by SSDC. Spend the dough campaign: 2 hoodie vouchers were claimed by the winners, one more is awaiting pickup. Have received quotes for re-felting the pool tables.
Abdul Aziz Ansari	Chair, SoTCE, Student Spaces	1	(Joint objective with Matthew Puyat) Create a feasibility report for the improvement of the DTC gym by January 1st	
		2	Working with Josh and Celine with the bjective of hosting de-stress events and sunfit for student health	
		3	Hosting events to create better school to work transition in the school of TCE	

DECISION NOTE

April 19, 2024

PREPARED FOR:	BCITSA Council
PREPARED BY:	The BCITSA Elections Committee
ISSUE:	Ratification and report on 2024 Elections

RECOMMENDATION:

That Council adopt a motion to ratify the results of the 2024 BCITSA Elections, in accordance with Bylaw 5.10, in particular Bylaw 5.10(d).

MOTION:

Be it resolved that Council ratifies the results of the 2024 BCITSA Elections and that the following members of the Association are declared elected to the following offices for a term beginning June 1st, 2024 and ending May 31st, 2025:

President: Jimmy Wang

Vice President Finance and Administration: Juan Lee

Vice President Student Experience: Dawn Lim

Vice President External: Cora Bell

Chair of the Downtown Campus: Eric Chau

Chair of the School of Business + Media: Greyson Dubé

Chair of the Schools of Transportation, Construction and Environment: Adam Matthews-Kott

Chair of the School of Computing and Academic Studies: Fiona Wong

Chair of the Specialized Transport Campuses: Geoff Vinod Pittappillil

(In this instance, members of Council named in the motion are encouraged to abstain.
Any such abstentions do not affect quorum, so long as they are recorded as abstentions)

SUMMARY:

Under the Bylaws, the members of the Executive Board are elected annually in the spring, and this occurred most recently in March and April 2024. The results of the election are, however, subject to ratification by Council. What this means is that Council agrees that the election was conducted fairly and that the results should stand. **It does not mean that Council is expressing an opinion on whether or not individuals named in the motion should become Executives - that was for students to decide during the election. It further does not mean that Council is expressing an opinion on the results of any complaint or appeal – these were matters for the independent committees charged with that duty.**

The administration of BCITSA elections is a complex process including staff, the BCIT Registrar's Office, a Selection Committee of members of Council, and an independent Elections Committee and independent Appeals Committee, both composed of students at large who are not involved in the Association. Below is the Elections Committee's final report for Council.

REPORT ON THE SPRING 2024 ELECTIONS

April 5th, 2024

Prepared by:

Harry Nguyen (Chief Returning Officer)

Mika Manaligod (Deputy Returning Officer)

Briley Nguyen (Deputy Returning Officer)

Sameer Ismail (Elections Administrator, non-voting)

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Appendix 1 - Detailed Results

Appendix 2 – Decision of the Elections Committee

1. Introduction

The Elections Committee appreciates this opportunity to provide a detailed update to Council on the administration of the elections that took place earlier this spring. The Student Association plays a unique and indispensable role in representing all BCIT students, and the opportunity for members of the Association to elect their peers to lead the organization is an essential element in enabling the Association to fulfill its mandate.

The entire election, more or less, takes place over a five to six week period from late February to early April, although a great deal of planning goes into the process throughout the year. This report provides Council, and the members of the Association generally, an overview of what happened during those weeks, any challenges or decisions that the Committee was called upon to address, and some initial analysis and conclusions.

As it is expected that there will be by-elections held to fill the positions of (i) Vice President, Equity and Sustainability and (ii) Chair of the School of Health Sciences, a further report will be provided to Council at the conclusion of those by-elections. The Committee will at that time include more general observations and recommendations relating to the election and the by-election overall.

2. Background

The election of Executives annually flows from the B.C. *Societies Act* requirements that registered societies have a board of directors, while the precise form of BCITSA elections is set out in the Bylaws of the Association. Briefly, these incorporate the following elements:

- The President and the four vice presidents are elected by all students, while seven Chair positions are elected by students at various schools and specialty campuses;
- Elections occur in the spring and Executives serve a one year term beginning June 1st;
- In order to be candidates, applicants must meet specific criteria or receive a conditional waiver of those criteria by the independent Elections Committee;
- While day to day administrative matters are handled by the Elections Administrator and the BCIT Registrar's Office, any disciplinary or formal decisions are the responsibility of an independent Elections Committee;
- In order to enhance confidence in the system, decisions of the Elections Committee are reviewable by an Appeals Committee and are reported out to Council afterwards; and

- The Association is administratively neutral about the outcome of the election but is firmly committed to filling all positions and encouraging all students to participate.

3. Timelines

The nominations period runs from Monday February 26th to Monday March 11th. Consistent with the Bylaws, all students are given two weeks' notice prior to the close of nominations. Students are encouraged to apply through a variety of communication channels including email newsletters, posters and digital advertising, and individual recruitment.

After nominations close, BCIT assists the Association by verifying that all candidates meet the applicable criteria relating to student status, course load, and minimum GPA. This overlaps with the spring break, given that many students are away during that time and it is not an opportune time for campaigning by candidates anyways.

Campaigning begins on a staggered basis, when a candidate has completed their attendance at an All-Candidates Meeting. This predominantly happened on Monday, March 18th, but in the case of a small number of candidates happened later. Two such meetings were scheduled and the final one was virtual, so that a variety of candidates could be accommodated. By March 20th, the Elections Committee had also finalized all decisions necessary to determine who was eligible to proceed as a candidate in the elections.

Voting took place between Monday March 25th and Friday April 5th, an extended period compared to previous years. Unlike last year, there was no overlapping BCITSA fee referendum, which likely had a net negative impact on election turnout, in conjunction with other factors.

Results were announced at 3:30pm on Friday April 5th, and all ten elections produced a clear winner. All candidates have a 24-hour period during which to file an appeal of the election results. While there is a limited window for further complaints related to certain forms of misconduct, no such misconduct has been reported. Given the lack of complaints, results became *de facto* final (pending ratification by Council).

4. Compliance

The Committee wishes to thank each and every one of the candidates for participating in the election in an ethical and considerate manner. Ultimately, no complaints were received relating to foul play or candidate misconduct; indeed, no complaints were received during the election period.

At the same time, there were a variety of minimal compliance issues, but none which required disciplinary action. Most candidates submitted campaign materials in the proper way, and no candidate campaigned with unapproved campaign materials. However, there are always a few candidates who

submit posters which need to be revised due to non-compliance. This is an administrative rather than a disciplinary matter, and is always resolved by the candidates. Indeed, the pre-approval process for campaign materials explicitly contemplates such scenarios and is designed to resolve such issues in a proactive manner.

No candidate overspent the limit, and all candidates submitted the required post-campaign paperwork to demonstrate their compliance with these rules.

5. Decisions

The Committee had before it two decisions relating to candidate eligibility. Two applicants did not meet the minimum requirements for GPA and therefore requested waivers of the rules. The Committee has the power to consider these waivers on a case-by-case basis and reach its decision based on whichever factors it deems most relevant.

In both instances, the Committee received a briefing on how best to apply the principles of due process and procedural fairness to this request. The Committee also received written waiver requests from each of the candidates in question. The Committee deliberated on its decision, and in each case decided that no further information was required from the individuals requesting waivers.

Ultimately, the Committee determined that it would waive the criteria in both instances, including one waiver that was granted subject to certain conditions. These decisions were communicated to the applicants by written decisions delivered in a timely manner. In the case of the conditional waiver, the conditions stipulated by the Committee were satisfied.

The Committee further heard one complaint, specifically related to an allegation of defamation, prohibited under Bylaw 5.8(b). After review of the matter and deliberation, the Committee upheld the complaint, and pursuant to requirements of Bylaw 5.9, disqualified the Respondent. The Respondent exercised his right to appeal the decision, which the Appeals Committee considered and ultimately denied.

6. Analysis

There were successes and shortcomings in this election, as with any election. The nominations process was, unfortunately, less successful than in the past. This was the second consecutive year that more than one position was unfilled and that one of the vacant positions was at the vice-president level. Ultimately, this requires the Association to hold by-elections, which are pending.

The total number of applicants, 16, was less than the goal of 24 (an average of two applicants per position), which normally has a negative impact on turnout. It appears that the number of students who participated in the elections decreased relative to last year. At this point, it is likeliest that this was

caused by the lack of a concurrent referendum. Furthermore, the fact that five of the ten positions with candidates were elections by acclamation was also likely to have had a negative impact on turnout.

It appears that lessons have been learned relative to the minor issues related to the roll-out of Simply Voting last year. No complaints were received about the voting platform, which continues to draw adherents in a number of similarly situated organizations.

The decrease in student participation is certainly a factor that gives one pause, and more work will need to be done in the to increase engagement and participation, especially in the position of Vice President, Equity and Sustainability, which for two consecutive years has not been contested in the general election. More broadly, a key element for turnout is competition - there need to be enough candidates applying for each position so that students have a real choice and candidates are required to work hard to engage their constituents.

7. Conclusion

In sum, this was a positive election for the Student Association: participation was satisfactory and a substantial number of positions were filled. The decision to hold by-elections in May greatly increases the odds that a full team of Executives will begin their term together on June 1st (pending the outcome of nominations and eligibility determinations). Thanks should also go out to all BCITSA staff. Specifically, Stewart McGillivray, the past Government Relations Strategist, did an admirable job of coordinating his departure from the BCITSA to ensure that the elections process was carried out smoothly.

As highlighted in the *Analysis* above, there remains much work to be done. The Committee encourages the Association, especially incoming Executives and returning councillors and permanent staff, to explore additional ways of engaging BCIT students in governance year-round. In the long run, this can make BCITSA elections more competitive, increase participation, and strengthen the relationship that members have with their elected leaders.

Appendix 1 - Detailed Results

President:

Jimmy WANG	-	Yes	297
Jimmy WANG	-	No	125
TOTAL			422
ELIGIBLE			24,722

Vice President Administration and Finance:

Muhannad AHMAD		58
Fahad Ahmed DOZA		152
Juan LEE		240
TOTAL		450
ELIGIBLE		24,722

Vice President Student Experience:

Dawn LIM	-	Yes	324
Dawn LIM	-	No	86
TOTAL			400
ELIGIBLE			24,722

Vice President External:

Cora BELL		241
Moksh GARG		201
TOTAL		442
ELIGIBLE		24,722

Chair of the School of Business + Media:

Xavier DELANEY	83
Greyson DUBÉ	87
TOTAL	170
ELIGIBLE	7,371

Chair of the Specialized Transport Campuses:

Geoff Vinod PITTAPPILLIL Yes	18
Geoff Vinod PITTAPPILLIL No	3
TOTAL	21
ELIGIBLE	999

Chair of the School of Energy (DISQUALIFIED):

Vrishank PRABHU - Yes	54
Vrishank PRABHU - No	17
TOTAL	71
ELIGIBLE	2,765

Chair of the Schools of Transportation, Construction and Environment:

Abdul Aziz	ANSARI	34
Adam	MATTHEWS-KOTT	44
TOTAL		78
ELIGIBLE		7,223

Chair of the School of Computing and Academic Studies:

Deanna	LEPKE	100
Fiona	WONG	137
TOTAL		237
ELIGIBLE		7,393

Chair of the Downtown Campus:

Eric CHAU	-	Yes	55
Eric CHAU	-	No	8
TOTAL			63
ELIGIBLE			2,548

Appendix 2 – Decision of the Elections Committee

BCITSA ELECTIONS COMMITTEE

Before:

Harry NGUYEN, Chief Returning Officer (Presiding)

Mika MANALIGOD,, Deputy Returning Officer

Briley NGUYEN, Deputy Returning Officer

Advisor:

Sameer ISMAIL (Advocate Appointee)

Decision of: 15 April 2024

Stewart McGillivray

(Complainant)

v.

Vrishank Prabhu

(Respondent)

File #: 2024-01-01

REASONS FOR JUDGMENT

I. INTRODUCTION

1. These are the reasons for the Judgment rendered by this Committee on 15 April 2024, in the matter brought by Stewart McGillivray ('the Complainant'), against Vrishank Prabhu, a candidate for the position of Chair of the School of Energy ('the Respondent') for what the Complainant alleges is a violation of BCITSA Bylaws pertaining to defamation.

2. For the reasons that follow, the Committee finds that the Respondent violated Bylaw 5.8(b).

II. BACKGROUND

3. Each year, the Student Association of the British Columbia Institute of Technology (the 'BCITSA') holds elections whereby the student population elects the Executive Board (the 'Board'), consisting of a President, four Vice-Presidents, and seven Chairs representing different academic schools and campuses within the British Columbia Institute of Technology ('BCIT') (individually 'Executives'). These elections must be conducted between the last week of March, and the last school week in April¹. This year, the voting period of the campaign ran from 25 March 2024 until 05 April 2024.

¹ BCITSA Bylaw 5.1

4. The conduct of such election is subject to various rules, including those governing the conduct of candidates in the course of the campaign. These are predominantly found in BCITSA Bylaw 5.8 and BCITSA Regulation 5.

5. Each candidate seeking to run for office is required to attend an All Candidates Meeting², the purpose of which is to ensure that candidates, whether they are running for the first time, or might be considered seasoned veterans of the process, receive information on the Bylaw and Regulatory provisions they should familiarize themselves, along with some common and/or noteworthy pitfalls that must be avoided. One of these is a caution against sitting Executives blurring the lines between their official duties and their activities as candidates.

6. In this case, the Respondent, the sitting Chair of the School of Energy, was running for re-election and had previously attended two All Candidates Meetings. The Respondent was unable to attend the regularly scheduled All Candidate Meeting in this election, but did attend a make-up meeting with the Elections Administrator on 27 March 2024, where the admonitions referenced above were repeated.

7. The Respondent co-authored with the Chair of the Downtown Campus (the 'DTC Chair') a Decision Note (the 'Decision Note') dated 04 April 2024, circulated at that time, and likely before, amongst other BCITSA Executives, all of whom were eligible voters in this election. The conclusion of the Decision Note, which was meant to support the impeachment of the Vice President, External (at that time a candidate for President), was not merely a retrospective desire to remove him from the office he held, but also to prevent him from taking office as President were he to win his election.

8. Also contained within this decision note were various statements of fact meant to support the arguments made by the authors of the Decision Note. One of these statements was that the Vice President External had circulated certain confidential materials, and that those materials had been improperly obtained and distributed by a former employee (the 'Defamatory Statement'), namely the Complainant. It is this statement that is the basis of the Complaint.

9. The Decision Note was later circulated to Council, whereafter the Complainant received a copy.

10. On the evening of 06 April 2024, the Complainant sent an email to both authors of the Decision Note, informing them of the fact that the Defamatory Statement was, in fact, false, and included screen shots of correspondence with the BCITSA Director of Human Resources confirming the same. At that time, the Complainant further indicated his view that he found it reckless for the Respondent and DTC Chair to have made the Defamatory Statement having had no firsthand knowledge of the events related to it, and requested an immediate apology and

² BCITSA Bylaw 5.8 and Regulation 5(12)

retraction from both of them, to be communicated to Council, not later than 5:00 pm on Monday 08 April 2024, shortly before a scheduled meeting of Council.

11. With a deadline to file approaching and no apology or retraction having been issued by either co-author of the Decision Note, the Complainant filed his complaint.

12. At the Council meeting held on Monday, 08 April 2024, the DTC Chair did apologize for the statement, but the Respondent, who spoke at length during the meeting of Council, did not address the issue at all.

13. Following an inquiry on 12 April 2024 from the Elections Administrator requesting information about whether the Respondent had replied to the email referred to in paragraph 10 above, the Respondent replied indicating that he had apologized to the Complainant. Not made clear in the Respondent's answer was that he had only done so privately, one minute before informing the Elections Administrator that he had done so.

III. FACTS

14. The Elections Committee finds the following facts.

15. The Decision Note was dated during the campaign period.

16. The Respondent was a co-author of the Decision Note.

17. The Defamatory Statement was contained within the Decision Note.

18. The allegation of improper access to a private and confidential Human Resources file, contained in the Defamatory Statement, would tend to lower the reputation of the Complainant in the eyes of a reasonable person.

19. The Defamatory Statement did refer to the Complainant.

20. The Defamatory Statement, listing a second co-author along with a number of supporters of the underlying document, was communicated to at least one person other than the Complainant.

21. The Decision Note, and the Defamatory Statement contained therein, was viewed by at least one voter during the campaign period.

IV. ANALYSIS

22. We begin by noting that where we have found facts above, the burden of proof (except where a defence may be raised) is with the Complainant, and the standard of proof is a

preponderance of the evidence. In plain English, this means that for the most part, the Complainant must prove that it is more likely than not that each element of an offence is true.

23. We begin with the text of the provision in question, which states that "defamation of another candidate or person, whether orally, via campaign materials or otherwise, shall be prohibited."³

24. The provision is broadly worded, and by its plain language and use of the words "or person" is not limited in scope only to another candidate. The use of the words "or otherwise" in expanding the scope of the provision beyond campaign materials further make clear that a defamatory statement need not be made in a manner that a voter might ordinarily associate with a campaign.

25. Considering this broad language, we find that the provision does apply to the Defamatory Statement at issue in this complaint.

26. We proceed, therefore, by analyzing the statement made by the Respondent, in light of the factual findings and analysis listed above.

27. Defamation is a serious matter. Now, perhaps more so than ever before, a false statement made about another can travel far and wide before any effort at correcting the falsity can take effect. Meanwhile, the potential for harm multiplies.

28. As a result, previous BCITSA Councils, as well as the broader membership, took great pains to include incredibly broad prohibitions against defamation that extended beyond other candidates, and beyond campaign materials.

29. In courts of law, defamation is incredibly difficult to prove, and we are mindful that a future Elections Committee would act reasonably in adopting a standard for this offence that a future complainant could prove, given the limited resources available to a complainant in this forum, and the limited powers of this Committee.

30. For the moment, however, we find the general framework for defamation in British Columbia useful, and have chosen to use it here. For a defamation claim to be successful, the communication must: tend to lower the reputation of the subject in the eyes of a reasonable person, must refer to the subject, and must be communicated to at least one person other than the subject.

31. In conducting our analysis here, it should be noted that the authorship and the veracity (or lack thereof) of the Defamatory Statement was undisputed.

32. Our findings of fact in paragraphs 18-20 above indicate that we are satisfied that each of the elements of defamation were present in the Defamatory Statement

³ BCITSA Bylaw 5.8(b)

33. Having made this finding, it falls to us to decide whether or not a valid defence exists. In making this decision, the burden of proof is reversed, and lies with the Respondent.

34. The bulk of the defences generally applicable are not available here. All sides have acknowledged that the Defamatory Statement was not true. No privilege applies here. Given that the statement was made in a manner that purported to be fact rather than opinion, other defences also fall by the wayside. What is left is a defence that would at least somewhat mirror the defence of innocent dissemination, especially given the Respondent's own statement in this proceeding acknowledging that the Defamatory Statement was false, and expressing some remorse for having made it.

35. A defence of innocent dissemination requires us to find BOTH that the Defamatory Statement was made unknowingly, AND that the Respondent was not negligent in not knowing that the statement was false. It further requires the Respondent to have retracted the Defamatory Statement immediately upon learning of the defamation.

36. In this case, while we are somewhat satisfied that the Respondent likely did not know that the Defamatory Statement was untrue, we find that the Respondent did not demonstrate that he was not negligent. In short, had the Respondent properly done his homework, he would have easily found the truth. We further find that the Respondent did not retract the Defamatory Statement immediately. In fact, the Respondent's co-author (the DTC Chair) proactively and publicly apologized for his role in disseminating the Defamatory Statement, while the Respondent chose not to, and has thus far only apologized privately to the Complainant, without doing his part to correct the record publicly. He has therefore not met the criteria related to negligence, nor to that related to immediate retraction of the Defamatory Statement.

37. It is important to note here that where two people engage in defamation, *both* are required to retract the defamatory statement, and must do so before the same audience to whom they disseminated the defamatory statement. Until both do so, a cloud of doubt will continue to hang over the individual who was defamed. The DTC Chair received the same request as the Respondent, and at the same time. But while the DTC Chair did issue an appropriate apology and retraction, the Respondent's action was unfortunately a belated half-measure.

38. We are therefore satisfied that the Respondent's behaviour constitutes a violation of Bylaw 5.8(b).

39. In resolving this complaint, however, we are also mindful that the Bylaw in question does not have unlimited scope and applicability. An act of defamation by a candidate wholly divorced from a BCITSA campaign, unseen by any BCITSA voter, would not fall within this Committee's jurisdiction.

40. However, that is not the case here, as the audience of the Defamatory Statement, at every step of its drafting and circulation, was BCITSA voters, even though they may have been

exercising different functions during this process. Furthermore, the document in which the Defamatory Statement appeared referenced a candidate for election and his potential future role.

41. We raise the latter point, as some may be concerned about the propriety of this Committee inserting itself into the conduct of Executives as they carry out their duties on the Board. As a general principle, the Committee should steer clear of internal Board discussions whenever possible.

42. However, we cannot ignore the fact that Executives are also voters in an election. Furthermore, we must accept that the text of the Bylaws imposes limits on Executives⁴, and seeks to draw a line between official acts of the Association on the one hand, and campaigning on the other⁵. Where an Executive who is also a candidate engages in conduct forbidden by the Bylaws, we cannot turn a blind eye and allow his status as an Executive to insulate him from the consequences of his actions. We therefore find that the activity at issue does fall within the broader limitations of Bylaw 5.8 generally.

43. For the utmost clarity, nothing in this decision should be construed as this Committee expressing an opinion on the broader merits of impeaching a sitting Executive, whether or not he happens to be a candidate at the time. That is a matter reserved to Council. We have only intervened because a document was circulated, viewed by voters, that had a sufficient nexus to the election and included a defamatory statement.

V. SANCTIONS

44. Generally, a decision on sanctions would involve a balancing exercise seeking to strike a balance between effectiveness and proportionality⁶. However, such a balancing act may only be carried out where we are exercising discretion granted to us in determining the appropriate sanction for an offence.

45. In this case, however, the Bylaws do not grant us such discretion. Having reached a decision that the Respondent violated Bylaw 5.8(b), we are required to order that the Respondent be disqualified⁷.

VI. THE COMMITTEE'S GENERAL JURISDICTION

46. The Committee has general responsibility for the interpretation and enforcement of the Elections Bylaw and any Regulation adopted pursuant thereto⁸.

⁴ BCITSA Bylaw 5.8(i)

⁵ BCITSA Bylaw 5.8(m)

⁶ *Doe v Baryshnikov* File 2017-02-01

⁷ BCITSA Bylaw 5.9

⁸ Bylaw 5.17(a)

47. The Committee is the only body authorized to hear election-related complaints filed during an election period.⁹

VII. **CONCLUSION AND ORDERS**

48. For the foregoing reasons, the Committee hereby orders that the Respondent be disqualified.

"Nguyen, H."
"Manaligod, M"
"Nguyen B."

⁹ Bylaw 5.17(d)

RIGHT OF APPEAL

BCITSA Bylaw 5.25 provides that “an individual against whom an adverse finding is made by the Election Committee may appeal that decision to the Appeals Committee, which shall have jurisdiction to review decisions of the Election Committee.”

It is important to note that an appeal is **NOT** a full rehearing of the Complaint. An appeal shall only be successful if the appellant can prove that the decision of the Election Committee was so patently unreasonable that no reasonable decision-maker could have made such a finding¹⁰.

Any appeal must be submitted to elections@bcitsa.ca within 24 hours of the issuance of this decision. As this deadline is set forth in the Bylaws¹¹, late appeals submissions will not be accepted.

¹⁰ BCITSA Bylaw 5.27

¹¹ BCITSA Bylaw 5.26