

October 10, 2023

## **Election Administrator's Decision**

Decision# 2023/B/16

I received the attached complaint, which meets the requirements of an official complaint under the CSU regulations.

The complainant asks for the disqualification of candidates Aryaa Israni and Aishprit Kaur since they do not meet the eligibility criteria set out in the by-laws of the Capilano Business and Professional Society (CBPS).

In 2022, CSU approved the by-laws of the CBPS which, among other things, give CBPS responsibility for determining eligibility for candidates wishing to run for CBPS Council positions. Those by-laws are not, however, a separate electoral code; instead, they create some special procedures for elections that are otherwise subject to the general CSU Election rules.

The key provision in the CBPS By-Laws in this case is section 2, which includes the following:

- (3) The membership of Council includes the presidents of each of the Department Associations approved by Council, together with the President and the Vice-President of the Society, each of whom shall be:
  - (a) recommended CSU Procedure BD-06.1. by the respective outgoing president or officer (or by the President and Vice-President of the Society if an incumbent wishes to run for re-election);
  - (b) in the case of the president of a Department Association, interviewed by the outgoing president and executive of that Department Association to narrow down eligible candidates and ensure a fair process;

CSU staff informed me that they informed CBPS of the names of candidates nominated for CBPS Council positions on September 28. On Friday, September 29, CBPS informed CSU that it had concerns that some of the candidates might not be eligible under the CBPS Bylaws. Over that weekend, CBPS conducted the interviews mentioned above. On Tuesday October 3, CBPS informed CSU that the two candidates in question were not eligible.

However, CSU Procedure BD-06.1 (on page 4) sets the deadline for withdrawal of candidates at 24 hours before the start of voting (i.e., Monday, October 2 at 9:00). That is more than a day before CBPS informed CSU that it was not recommending the candidates in question. There is nothing in the CBPS by-laws that modifies the deadline or exempts CBPS candidates from its application. Further, by midday on October 3, voting was already well underway. To invalidate candidates whose names were on the ballots that had already been distributed to electors would be unfair to those who had cast their votes for the candidates in question.

For these reasons, the candidates in question are not disqualified and the complaint is dismissed.

The goal of preventing candidates who will not make useful CBPS leaders is a legitimate one. However, the CBP Bylaws that were adopted were a flawed means of achieving that goal. I would suggest that CBPS look at modifying its bylaws so that:

1. There are clear timelines in place that will ensure that CBPS processes harmonize with the CSU electoral calendar; and
2. Objective criteria for being recommended are clearly set out. This would help reduce the risk that approval process is, or is perceived to be, tainted by bias or cronyism. It would also give the CSU Board some basis upon which to make a decision if a candidate appeals a CBPS decision on eligibility..

The complainant has 48 hours from the time they receive this decision to submit an appeal in the manner set forth in CSU Procedure BD-06.1.

A handwritten signature in black ink, appearing to read 'D. Ennis', with a stylized flourish at the end.

David Ennis  
CSU Election Administrator

## ANNEX 1 – OFFICIAL COMPLAINT

# CSU Election Complaint Template

**Submitted:**

October 7, 2023 · 12:47

**Your full name:**

██████████

**Capilano University email address:**

████████████████████

**What is the nature of your complaint?**

I have an official election complaint

### Candidate Complaint

*This area may be blank if not applicable.*

**When did you learn about the issue you are complaining about?**

Oct 5, 2023

**Are you a candidate, student, or other?**

Student

**Name of the person(s) you are complaining about.**

Aryaa Israni, Aishprit Kaur

**Names and contact details (email address and/or telephone number) of any witness who can verify your complaint:**

-

**Description of the issue in question:**

(for some background) As part of the CBPS Council, we went through months and months of turmoil and extremely high turnover rates, exclusively from students who were elected through the CSU's process, simply because these were candidates that were running in the elections with no background, no experience, and most importantly, no intention of actually being a leader for the CBPS or its organizations. This resulted in months of our associations being dormant or under horrendous 'leadership' of elected candidates who risked the future of these associations, as well as their duty towards our CBS students, faculty, stakeholders, and external sponsors. Due to this and the uncertainty of the future of the CBPS, the Council decided, had discussions, and unanimously voted to change our bylaws in order to have a more well-suited process that is guided by the values and principles of the CBPS and works much better than an elections process for our organization. The entire point of our team going through months of agony to build this new process and then fighting twice with the CSU Board of Directors because they even refused to look at or discuss this change, to get this process approved, took a huge toll on everyone's physical and mental health who were involved in this change. However, once they decided to hear our rationale, they also agreed that this process makes much more sense than the CSU's elections process where anyone and everyone can run because the CBPS has industry-specific positions with much more at risk in terms of our students and external relations.

As for the complaint, no one from the CSU staff informed myself or Kelsi, the Student Associations Coordinator, that the elections administrator could overturn our decision to

disqualify candidates who were deemed not good for the positions they were running for in the CBPS - the whole point of us fighting for and running this process was to make sure that we only get good candidates who will be committed to their positions and actually be able to create change for the students of the School of Business, Communications and Legal Studies. The candidates that we disqualified showed zero interest in the organisation or its well-being, had no idea of what we even do, and did not show any interest or intention to show up or be willing to learn, hence we disqualified them after giving them a fair chance at the interview stage. As such, the information we received from the CSU was that we could disqualify candidates at any stage and were not informed that the names on the ballots could not be removed or disqualified. This will have a serious impact on the CBPS because the two people who were elected in as CBPS President (who did not pass his interview as he showed no interest in the role, knew nothing about us, and had no idea about the role or its future or how he can contribute or be a good leader that the team will lead going forward), and the CBPS VP (the candidate did not even respond to our request for an interview) were deemed unfit for such leadership roles. The decision to not disqualify them, even when we followed our end of the bylaws and adhered by the election rules, will have a major impact in the cbps as it is highly likely they will also have to be removed from their positions yet again, hence even higher turnover rates as we have experienced in the past, and can go on for months, again without any leadership for the team in the meanwhile. We did everything on our end but there was no proper guidance or full information given to myself and Kelsi by the CSU staff and the CBPS should not have to suffer because of this. I understand you have the right to make a decision on not disqualifying a student but please also see and understand the long term impacts of this decision on our organization that we have worked so hard on, especially myself in the last 3 years of presidency. The lack of transparency from the CSU surrounding our autonomy and bylaws and the overruling decisions is quite unfair to us and should not decide the future of our student-led organization.

**Upload any evidence you may have here:**

**How would you like the issue to be resolved?**

to disqualify the two candidates who were not given approval for the elections and allow us to follow our bylaws by independently choosing suitable candidates through our own fair and transparent process.

**Do you wish to remain anonymous?:**

Yes, I wish to remain anonymous, even if it limits action on my complaint