

Decision KSA 2022 #1 Re: Harassment and Duress

The attached complaint was received as timely and met all the requirements of an official complaint under the KSA regulations. I note that I received numerous unofficial complaints (over 15) regarding this year's election, including from members and several staff and faculty. The official complaint alleges harassment, intimidation and duress during the voting process.

The official complaint speaks of an incident that took place at the Richmond campus on March 15th when a student pressured other students to scan a QR code on their phones and vote for Ranjot Singh in the KSA Student Election. The complainant claims verbal aggression to the degree that they felt compelled to vote for the person given the "aggressor's repeatedly intimidating behaviour."

There were numerous reports of such behaviour and other informal complaints provided to me that were consistent with that described above. In fact, individual #2 had a similar interaction with a campaigner on the Surrey Campus, but in this case, the individual claims the campaigner grabbed their phone and cast a vote on behalf of the student. The individual provided me the receipt of their vote (Annex #1), which shows that a single vote was cast for Singh, Ranjot. The timestamp on the voting receipt is consistent with the information provided by the student.

I have found each of the complaints, whether they are official or informal to be credible, with no apparent ties to any candidate and remain consistent between each other, including between students and staff/faculty. Having the numerous detailed staff complaints has added to the credibility of student complaints given the independence staff and faculty have from the business of the KSA.

These alleged incidents breach some of the most fundamental elements of an election process. The secrecy of the vote is a primary foundation of any election. As well, the ability to cast ones vote individually and without duress is critical, never mind the alleged outright theft on an individuals vote.

Section XI, Article 4, Clause 10e states:

Candidates shall not engage in the following manner of campaigning during elections and referenda: harassment, as defined in the Regulations, s. II, art. 10, c. 3;

Section II, Article 10, Clause 3e states:

Harassment includes any inappropriate conduct or comment by a person towards another person that a person knew or reasonably ought to have known would cause another person to be humiliated or intimidated including:

- (i) ...;
- (ii) verbal advances, undue attention, invitations, or physical advances where a reasonable person ought to know that such behaviour is unwelcome;

The campaigning at hand was clearly a violation of this rule.

Section XI, Article 7, Clause 8 states:

The Chief Returning Officer shall take whatever steps necessary to ensure that only eligible voters cast ballots and to ensure that each eligible voter votes only once.

In this case, the electoral officer was not able to ensure of these safeguards given the nature of an online election. However, this onus remains on the voters and candidates as well and clearly the pressure exerted on these members to vote in front of the campaigners, or when the campaigners voted on the members' behalf was beyond any reasonable campaign methodology.

Section XI, Article 4, Clause 9a/b states:

If a candidate seeks to campaign by speaking before a class in a classroom: candidates shall seek permission from the individual faculty members to speak to that ... individual faculty member's class before that class begins;

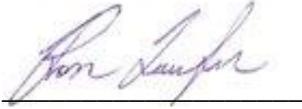
Individual #3 stated that campaigners for Ranjot Singh interrupted their class in the middle of class with the request to speak to the classroom. Numerous staff raised concerns about the candidates or their campaigners interrupting their classes rather than requesting to speak to their classes prior to the start of class. It is not the duty of the instructor to know that interrupting the class is not allowed under the KSA rules and it seems the majority of instructors provided goodwill and allowed campaigners to speak to the class in the middle of class time, though in many cases the instructors cut the campaigners short when they felt uncomfortable with campaigners aggressive request for students to vote right then in there in the presence of the campaigners.

On the balance of probabilities, I find the allegations made in the complaint and supplementary complaints and information provided to me by other students and staff as credible and I don't believe these cases to be isolated. While the incidents may not have been carried out by Ranjot Singh himself, he is responsible for those campaigning on his behalf as well. As well, Mr. Singh has expressed concern that this may have been a conspiracy from his opponent. I have no indication whatsoever that the complainants have any connection to Mr. Singh's opponent and believe they were students and staff that were very frustrated with the aggressive nature of the campaign between the candidates.

Candidates enter into an election process that is a serious matter. By completing a nomination package that includes references to important clauses of the rules and informs prospective candidates to read the bylaws and regulations, the candidates take responsibility understand and follow the rules and regulations.

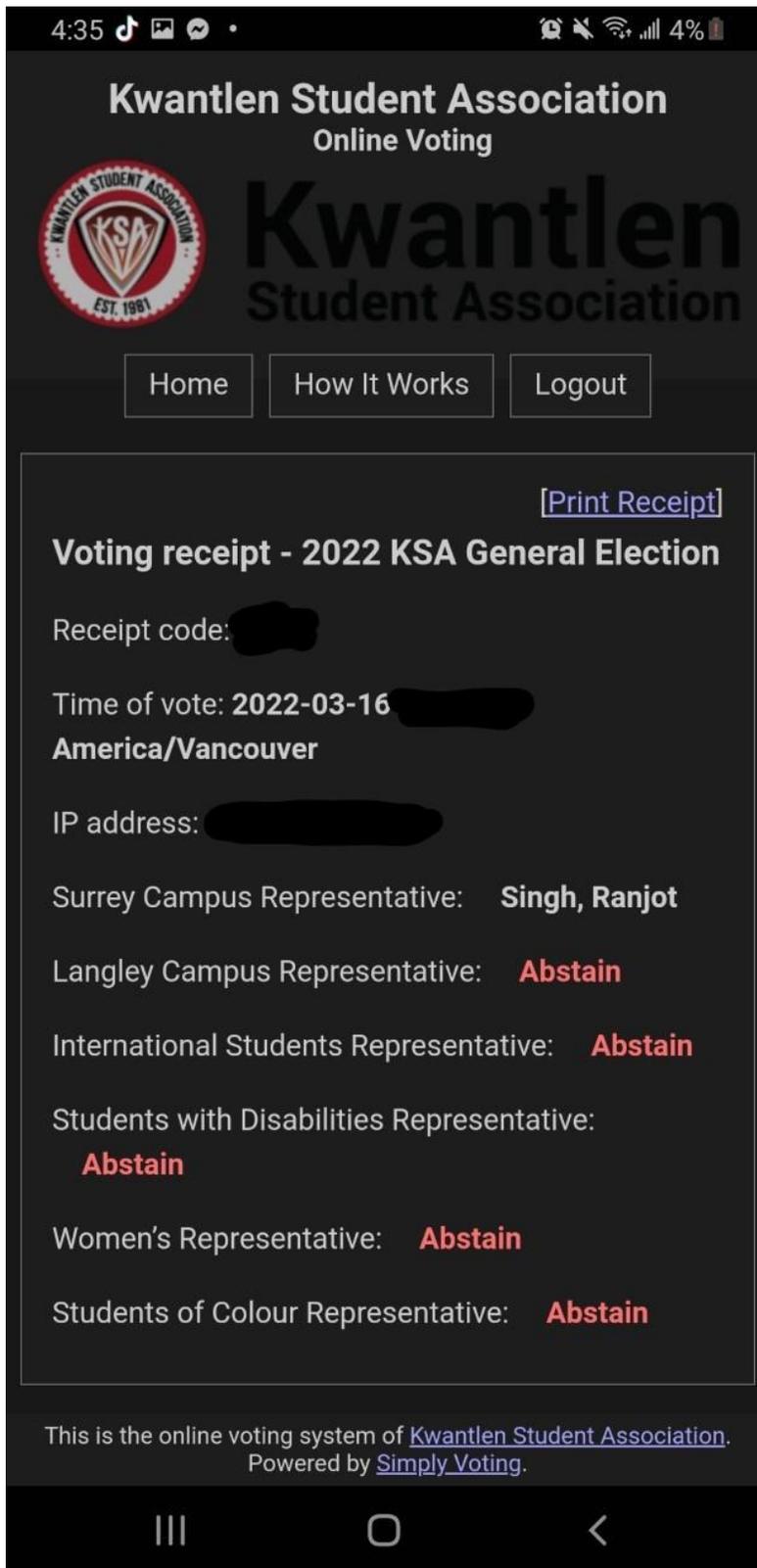
Given the above-described harassment, intimidation and duress during the voting process, I have determined that serious violations that erode the trust of the KSA membership took place. As well, significant and unacceptable interruption took place with regard to the conduct of KPU classes. Given this, Ranjot Singh is disqualified from this election.

I note that Mr. Singh has 48 hours from the time they receive this decision to submit an appeal in the manner set forth in Section XI, Article 11 of the KSA regulations. Appeals may be sent to: complaints@kusa.ca

A handwritten signature in cursive script, appearing to read "Ron Laufer", is written above a horizontal line.

Ron Laufer
Chief Returning Officer

Appendix 1



Official Complaint and most pertinent other unofficial complaints

The below emails have been edited to remove means of identifying the complainant and others.

From: Individual #1 (Complaint)
Sent: Tuesday, March 15, 2022 4:23 PM
To:
Subject: Harassment and Duress in KSA Election Richmond Campus

Dear Kwantlen Student Association,

I would like to report an incident that occurred today at approximately ***pm on Tuesday, March 15th on the Richmond Campus. A student came up to my friend and I while we were trying to get to class and repeatedly pressured us into scanning a QR code, opening our phones and voting for “Singh, Ranjot” in the KSA Student Election.

This individual followed my friend and I from outside the North Entrance of the Richmond Campus to the South staircase inside the building, walking less than a foot behind us the entire distance of the building. When we got on campus, this individual and an accomplice aggressively stated that we take out our phones and vote for “Singh, Ranjot”. They repeatedly moved in front of us to prevent us from walking further away from them and looked at our phones to ensure we voted for this “Singh, Ranjot”. The verbal aggression towards my friend made my friend feel compelled to vote for the person they were told to because of the aggressor’s repeatedly intimidating behaviour. The individual then spelled out the name of the person they wanted us to vote for and once again got extremely close in proximity to my friend and I’s faces (less than a foot away). At one point, my friend described this individual as literally looking over their shoulder to carry out the action they asked (voting). We both feel that this incident caused us unnecessary anxiety and discomfort. I believe no student should be subject to this treatment, and especially not on campus coming from people acting on the behalf of a KSA Student Representative Candidate.

Because of this intimidating and borderline verbally violent behaviour from these students enforcing others to vote for “Singh, Ranjot” on his behalf, I believe he should be disqualified from the KSA Student Elections for pressuring and harassing students to vote for him in the KSA Student Election.

I would appreciate an update on what actions can be taken regarding this incident.

Thank you.

Sincerely,

From: Individual #2
Sent: Wednesday, March 16, 2022 5:09 PM
To: KSA Elections <elections@kusa.ca>
Subject: To Ron: Unfortunate Situation

Hello,

Today three or four people came to my classroom at the end of class and were determined to get me to vote. While I appreciate the school spirit, they were rather in my face about it and told me that "it was my right to vote". I told them that I had not yet decided, but they were persistent. I felt uncomfortable and decided to leave the room. I was walking back from getting food in the main building when I was approached by another student. They wanted to know if I could speak, I was asked if I had voted yet for this terms election and I said no. They said that they would help show me how to vote. They were slightly less aggressive and so I agreed. They told me to sign in with my KPU credentials and I did. I thought they were going to show me the different sections and my different options but they clicked on a name, quickly scrolled down to the bottom and hit submit. They then quickly turned around and left. It all happened so quick, and I have no idea who I voted for, and I feel slightly violated.

I went to see the professor whose class I just attended. I asked them if it was possible to retract a vote and they said to go talk to someone at KSA. At that time, one of my other professors chimed in, and said that a group of men went to their classroom and said that they were from KSA and wanted to get people to vote, I personally confirmed that they were indeed NOT from KSA.

I was told to email by someone from the KSA office, to maybe see if I could get my vote retracted and to report this issue.

Sincerely,

.....

From: Individual #2
Sent: Thursday, March 17, 2022, 12:12
To: KSA Elections <elections@kusa.ca>
Subject: Re: To Ron: Unfortunate Situation

Hello,

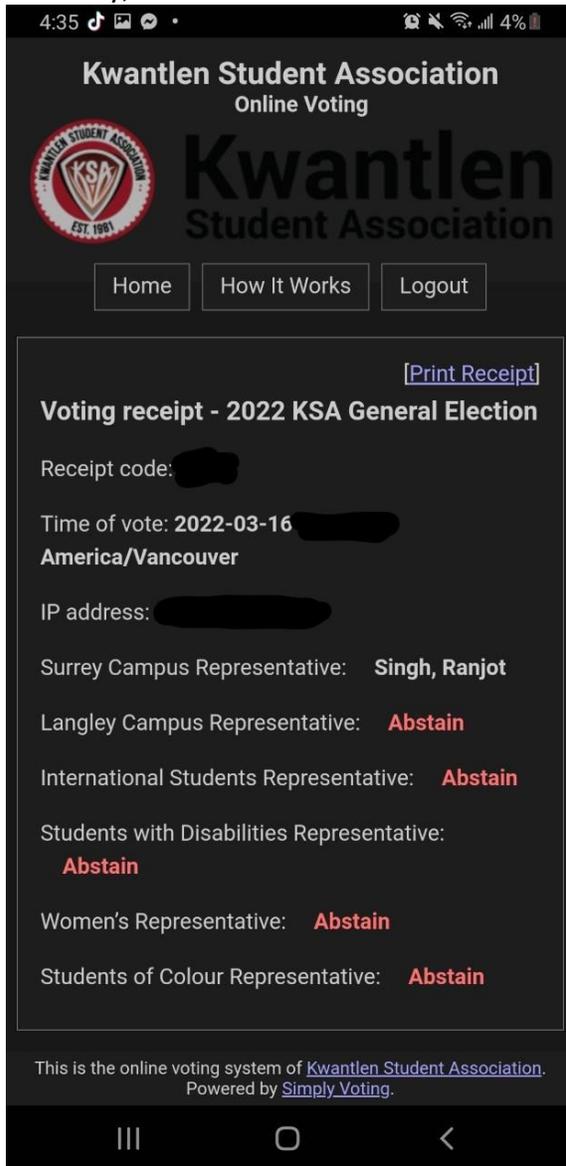
Thank you for replying so quickly. I will attach a screenshot that I took of my receipt.

The first incident occurred in room ****, and the second incident occurred in the lobby (near the automatic doors when entering from the outside courtyard).

The first incident was the one with three or four men in my classroom (room ***), shortly after the class ended (around ***) and I believe that they were students based on their age (roughly the same age as myself) and familiarity with different classrooms and the layout.

Please let me know if you need any more information.

Sincerely, ****



From: Individual #3

Sent: Friday, March 18, 2022 12:46 PM

To:

Cc:

Subject: KSA Election incident reported by ****

On Wednesday I witnessed to instances of possible bullying and unfair voting practices on campus.

I teach in *****, and during my class in Spruce *** in the afternoon, four men came to the door, asking if they could talk to the class about the election. I asked if they were from the KSA and they said yes. I introduced them to the class and said they would take a moment to talk about the election. But then these four men walked around the class, telling the students to take out their phones and vote for their candidate -- they were too forceful in doing this and it was confusing for my students. I stopped them and asked who their representative was -- one was holding a poster for Ranjot Singh. I gave him two minutes to talk about Ranjot Singh to the class, but then had to ask them to leave.

Then at around 5 pm, one of our students walked into the office asking how to retract a vote. They said someone had asked them in the Spruce Atrium to show their phone, and that they would help them to vote. Then they took their phone and quickly voted for a candidate. They were upset, and felt violated they said.

I directed them to the KSA, and now I'm writing this letter to say it's unacceptable for these kinds of interactions to go on around voting on our campus. I did not feel in these two instances that our students were being treated with respect and fairness.