

COMMITTEE ON COUNCILLOR BREACHES OF CONFIDENTIALITY REPORT



Committee on Councillor Breaches of Confidentiality Report

Public Report

This is a public report on the investigation of the in-camera breach that occurred during the Council meeting on February 16th, 2022. This report will include definitions, background information, key findings, recommendations made to Council, and the final results. As this matter involves breaches of confidentiality and ethics by Council members, additional information and context has been provided around the BC Societies Act, Simon Fraser Student Society (SFSS) Bylaws, SFSS Policies, as well as definitions to better help the reader.

Definitions

Council: Board of Directors of the SFSS. Composed of a representative from each student union, constituency group, and affiliated student group

Councillor: A member of Council and a member of the SFSS's Board of Directors.

Alternates: An SFSS member who attends a Council meeting on behalf of a Councillor when they are not able to attend. They can debate, vote, and discuss confidential matters for that meeting. They have the same fiduciary duties as a Council member and must be a sitting executive from the group they represent.

Executive Committee: A group as defined in the SFSS's bylaws that includes the President and Vice Presidents. They are members of Council and hold some powers of Council between their meetings, but with restrictions as laid out in our bylaws.

In-camera: All Council and committee meetings can hold a confidential discussion by passing a motion to go "in-camera".

Motion: A formal decision by the group (Council and/or a committee) to act on something. This could be to spend money, pass/remove/change policy, task a person with work, etc.

Impeachment: Removal of a member of the Board of Directors

Censure: A formal rebuke by a group over the actions of another member(s).

Fiduciary Duty: Acting in "good faith" and strictly in the best interest of a certain party (e.g. a lawyer has the fiduciary duty to act in the best interest of their client). In this case, Councillors have a fiduciary duty to act in the best interest of the SFSS.

Chair: A person who is tasked with scheduling and running meetings.

Vice Chair: A person who acts as Chair in the event the Chair cannot perform their duties

Bylaw: A law established by the SFSS to regulate itself, as required by the BC Societies Act.

BC Societies Act: Provincial legislation that allows nonprofit organizations like the SFSS to exist. It provides core requirements and regulations including a Director's fiduciary duties.

CCBC: The Council's Committee on Councilor Breaches of Confidence. The committee consists of the President, Vice President Internal and Organizational Development, Vice Chair of Council and the Chair of the Oversight Committee on Executive Officers. The role of this ad-hoc committee is to investigate allegations of breaches of confidence by Councilors and former Councilors and ensure that members of council are fulfilling their duties per the Societies Act, By-Laws and Society Policies.

Pushshift API: The Pushshift API is a service that archives Reddit posts and comments.

Background

During the In-Camera Session of the February 16th Meeting of Council, a user by the name of "WumbagoReturns" on Reddit posted screenshots of letters sent by Simon Fraser University (SFU) to the SFSS regarding the closure of the Student Union Building.

In-camera is a section of Council (and committee) meetings where confidential matters are discussed (R-9, Council Policies, pg. 35).

The purpose of the in-camera discussion was for Council to discuss SFU's letters, discuss next steps, and strategy. While the letters themselves were not confidential, the user misstated part of the confidential discussions in a way to characterize that the SFSS was in breach of the SUB lease agreement with SFU and was trying to hide it. This was not true and the SFSS was not in any legal liability due to temporarily closing the SUB. Since then, there have been formal responses sent and received between SFU and the SFSS. One such response has been sent out to the membership.

During the March 2nd Meeting of Council, another in-camera session was held where Council was reminded of their duties as members. Afterwards, Council passed a motion to form the "Committee on Councilor Breaches of Confidence" to investigate the breach (R-5, Council Policies, pg. 5) that took place during the in-camera session of the February 16th Meeting of Council. This committee is composed of the President, VP Internal and Organizational Development, the Vice Chair of Council, and the Chair of the Oversight Committee on Executive Officers (OCEO). The reason for this new committee was that our policies lacked the ability to investigate non-executive councilors and alternates concerning breaches of confidentiality. The OCEO has this power in the case of executives.

Relevant BC Societies Act Section

Duties of directors

53 (1) A director of a society must, when exercising the powers and performing the functions of a director of the society,

- (a) act honestly and in good faith with a view to the best interests of the society,
- (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances,
- (c) act in accordance with this Act and the regulations, and
- (d) subject to paragraphs (a) to (c), act in accordance with the bylaws of the society.

Relevant SFSS Bylaws

BY-LAW 6 – POWERS, DUTIES, AND OBLIGATIONS OF COUNCIL

Duties and Obligations of Council

16. Councillors shall:

- a) Act honestly and in good faith with a view to the best interests of the entire Membership of the Society in respect of matters for which Council has the authority to act,
- b) Commit to the fiduciary duties required of a Councillor, as a director of the Society,

Relevant SFSS Policies

R-5: ETHICAL STANDARDS OF CONDUCT AND CONFLICT OF INTEREST FOR COUNCIL AND ITS COMMITTEES

5.2 Members of Council and Society committees shall: (relevant sections)

- a) maintain the highest ideals of honour and integrity while serving on Council or a committee
- f) accept full and complete accountability for their own acts and omissions, exhibiting self-discipline and the pursuit of excellence in all activities, and
- j) carry out their duties with impartiality and equity of service to students,
- l) not use information designated confidential for the personal gain of themselves or any other person, and
- m) not communicate information designated confidential to anyone not entitled to access that information

What is Impeachable?

<p>BC Societies Act</p> <p>In accordance with Society's bylaws.</p>	<p>SFSS Bylaws</p> <p><i>Bylaw 15 - Resignations, Impeachment, or Abandonment</i></p> <p>5. Members of Council, other than members of the Executive Committee, may be removed from Council:</p> <ul style="list-style-type: none"> a. by a four/fifths (4/5) majority vote of the Council, or b. in accordance with the Constitution and Bylaws of the Student Union, Constituency Group or Affiliated Student Group the Councillor represents. 	<p>R-5 - Ethical Standards Of Conduct And Conflict Of Interest For Council And Its Committees</p> <p>5.4 Where a Councillor is found to have breached their duty by violating this policy, that Councillor may be:</p> <ul style="list-style-type: none"> a. censured by Council b. be requested to resign their position by Council c. removed as a Councillor by the membership - with Council or Council initiating the proceedings for removal.
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Investigation Process

On March 15th, 2022, the CCBC met for the first time to begin its investigation into the in-camera breach that took place during the February 16th meeting of Council. This breach consisted of an account by the name of "WumbagoReturns" posting on Reddit details of the in-camera session that took place at council that day.

Over the next nine days, the committee gathered evidence submissions and testimony and used that to decide whether to call suspects before the committee. Eventually, after further deliberation, the committee called three members of council and one council alternate before the CCBC for testimony, among which were those members who were later censured.

The Committee believed these four members to be suspects as after seven rounds of disqualifications towards who WumbagoReturns could be took place, it left then-Councilor Zaid Lari as the prime suspect for the leak. Shariq, Graham and a third party member were also suspects based on their connection to Zaid.

The Committee then sent notices to these four members on March 25th to appear before the committee on March 28th and 29th. All four members who were requested or compelled to come before the committee chose to do so, and provided testimony before the committee.

Afterwards, the committee spent the next days developing a confidential report to present to Council with recommendations.

On March 30th, the committee passed several motions recommending various disciplinary actions to Council.

The Committee on Councilor Breaches of Confidence presented the confidential report that it had developed to Council during an In-Camera session of the March 30th Council meeting. Council then, based on the information in the report, passed 6 motions based on the recommendations of the Committee (see the “Key Findings” and “Recommendations” sections of this report for more details).

After Council passed those motions, the Committee began work on a public report (the document you are currently reading) to ensure that the membership had a greater understanding of the events that lead up to the removal of the Councillors.

Key Findings

Based on the evidence provided to the committee via multiple mediums, including but not limited to: private messages, group messages, reddit history, and testimony, Council acted on the following key findings:

In the case of Zaid Lari

1. Zaid was determined to be WumbagoReturns through a combination of testimony and a process of elimination of potential suspects
2. Zaid Lari broke the In-Camera Rule by sharing the letters from SFU to the SFSS regarding the SUB Closure on Reddit as the WumbagoReturns account.
3. Zaid Lari broke the In-Camera Rule by sharing the confidential letter compelling his attendance before the committee.
4. Zaid Lari broke the In-Camera Rule by sharing the confidential details of his and others testimony before the committee.
5. Zaid Lari broke his Fiduciary Duties as a Director of the SFSS by lying when he provided testimony to the committee.
6. Zaid Lari broke his Fiduciary Duties as a Director of the SFSS by encouraging others to be “vague af [as fuck]” if/when testifying before the committee.

In the case of Shariq Ahsan

1. Shariq Ahsan broke the In-Camera rule by sharing the confidential details of his testimony before the committee.
2. Shariq Ahsan broke the In-Camera rule by coordinating testimony with other members that gave testimony in front of the CCBC.
3. Shariq Ahsan broke his Fiduciary Duties as an Alternate Councillor by misleading the committee on Councilor Breaches of Confidence as to his knowledge of the leak

In the case of Graham Rich

1. Graham Rich broke his Fiduciary Duties as a Director of the SFSS by not providing evidence to the committee about the identity of “WumbagoReturns” when he

reasonably knew who it was, and only complied when under investigation, well after the leak had occurred and Councillors were requested to come forward.

Council's Decision

During the March 30th meeting of Council, Council chose to do the following based on a confidential report presented to them in an In-Camera session:

1. Council chose to censure:
 - a. Zaid Lari (32 Yes, 0 No, 3 Abstain),
 - b. Graham Rich (33 Yes, 0 No, 3 Abstain),
 - c. Shariq Ahsan (33 Yes, 0 No, 3 Abstain)
2. Council chose to impeach Zaid Lari.
 - a. 34 Yes, 0 No, 3 Abstain
3. Council chose to request the resignation of Graham Rich.
 - a. 30 Yes, 3 No, 3 Abstain
4. Council chose to recommend to the 2022-2023 Council that Shariq Ahsan be impeached (removed) upon taking office as the Computing Science representative in the 2022-2023 Council Term.
 - a. 33 Yes, 0 No, 2 Abstain

After Action Events

On or Around April 4th, 2022, the committee noticed that the archived Reddit posts were no longer contained in the Pushshift API for several accounts. These accounts were Wumbago, WumbagoReturns, and WumbagoUnchained.

We believe that some person(s) filed a so-called "Online Removal Request" with Pushshift in an attempt to conceal past comments and posts and make it more difficult for the committee to investigate the breaches of confidence that occurred on these Reddit accounts over the span of the last several months.

The committee believes that this was done intentionally by someone as the only way we are aware of to hide such data would be to manually request that be done through the process that pushshift outlines. To the best of our knowledge, this is done through a Google Form, the details of which can be found [here](#).

Appendix

[SFSS Council Policies](#)

[BC Societies Act](#)

[SFSS Bylaws](#)