

Report of the Ethics and Accountability Committee into an alleged conflict of interest involving the Vice-President External Affairs

April 1, 2021

Committee members:

- Katherine Feng, Vice Chair
- Sebastian Cooper
- Agam Gill
- Matthew Ho
- Lawrence Liu
- Oluwakemi Oke

Introduction

At its meeting of November 25, 2020, AMS Council (“Council”) was provided with a letter from the AMS President (“President”) [Annex A], outlining his concerns that an initial internal investigation had revealed that the Vice-President External Affairs (“VP External”) was in violation of the AMS’ conflict of interest rules.

Council also received a letter from the VP External [Annex A], in which he apologized for not taking active steps to avoid a conflict of interest and provided further information and context.

Council referred the case of the VP External and any apparent conflict of interest to the Ethics and Accountability Committee (“Committee”) for review.

Between January 14 and March 29, the Committee met seven times to determine process, discuss the allegations, and hear from witnesses.

Summary

The VP External was in an apparent conflict of interest when AMS Events and ThePlug organized the Giveaway and Firstweekplug, and when he provided related invoices to the AMS Events Manager. In no situation was he in a real conflict of interest.

The Committee finds that the VP External erred by not setting clear boundaries between his job, his extracurriculars, and his personal relationships. The result was a perception that the VP External was not acting with due care and regard for the integrity of the AMS.

Recommendations to Council

- i. VP External
 - a. The VP External should issue an apology for his failure to avoid an apparent conflict of interest.
- ii. Council

- a. Council should examine:
 - i. How to ensure that incoming Directors, including Executives, are provided with sufficient information about their obligations regarding conflicts of interest;
 - ii. Whether to establish a system whereby incoming Directors, including Executives, publicly declare any conflicts of interest;
 - iii. Whether the AMS has sufficient internal procedures (such as conflict of interest screens) to ensure that Directors, including Executives, are able to avoid conflicts of interest; and
 - iv. Whether a member of AMS staff should be designated with responsibility for being a point of contact on issues regarding conflicts of interest.

Allegation and Findings

- i. Firstweek collaboration and emailed invoice

- a. Allegation

In his letter to Council, the President raised concerns that the VP External had inappropriately used his AMS email to provide an invoice to the AMS Events Manager on behalf of a videographer, for work done for ThePlug Vancouver (“ThePlug”) and AMS Events.

The President suggested that these actions were in violation of AMS Code of Procedure Section II, Article 1, Subsections (3), (10), (11), and (13) [Annex B] because of the VP External’s connections to ThePlug. The VP External is the founder and president of ThePlug Vancouver. Per Article 2.2 of the same section, Article 1 applies to members of the Executive in their capacity as Executives.

- b. Initial position of the VP External

In his letter to Council, the VP External apologized “for not taking active steps to avoid the email-related conflict of interest” and “for not identifying the conflict of interest earlier on.”

- c. Notes

- i. Inconsistent material facts

Where the Committee heard inconsistent material facts, it has based its findings on the assessed credibility of witnesses and what it considers to be the most reasonable account.

- ii. Nomenclature

The VP External is referred to by his executive title throughout the report, including when discussing his role at ThePlug. This approach was chosen to maintain consistency. It does not mean that the Committee is making a determination regarding in what role he was acting at any particular moment.

d. Factual findings

ThePlug is an events, media, and marketing organization, founded in August 2019. Its collaboration with AMS Events predates the VP External's election to his AMS position in March 2020.

Throughout the 2020 election period and subsequently, the VP External's role with ThePlug was well-known.

In July 2020, AMS Events reached out to the VP External, in his capacity with ThePlug, to explore potential collaboration opportunities between AMS Events and ThePlug's Instagram page UBC 2024. This led to a giveaway event, (the "Giveaway") in which participants could enter a draw to win an iPad or AirPods (the "Apple products") by following both the AMS Events and ThePlug Instagram accounts. ThePlug had previously planned a giveaway prize but was able to evenly split the cost with AMS Events.

AMS Events and ThePlug also collaborated on creating and sharing a video series ("Firstweekplug") targeted at incoming UBC students. The VP External was AMS Events' main person of contact at ThePlug in deciding to create this project. Once the decision was made to proceed with Firstweekplug, the VP External handed off direct involvement with the project to other members of ThePlug. ThePlug arranged for a videographer, who had previously worked for AMS Events and had done work for ThePlug, to film the series. AMS Events agreed to pay the costs of the videographer but did not directly hire him.

The outreach by AMS Events that led to the Giveaway and Firstweekplug was not done at the instigation of the VP External. Nor did the VP External, in his Executive or Director roles, take any official action to foster or otherwise influence the partnership.

Among other items, the VP External's duties include responsibility for community outreach, and responsibility for liaising with, and representing the Society on, external organizations [Annex D].

Responsibility for AMS Events does not fall under the mandate of the VP External. AMS Events reports to the AMS Managing Director, who reports to the Executive Committee. Decisions regarding AMS Events activities are not made by the Executive Committee.

In the VP External's opinion, the Firstweekplug partnership principally benefited AMS Events. The VP External stated in his letter to Council that ThePlug made no direct or indirect monetary gain out of this relationship. The VP External has explained that while ThePlug increased its followers through these collaborations, it has not directly monetized this increase. The Committee nonetheless believes ThePlug did gain a benefit from this partnership. The cost of the Giveaway was shared between AMS Events and ThePlug. ThePlug gained further exposure and may be able to monetize its increased follower base in the future. ThePlug may have benefited by building its portfolio of events, which would help build its reputation.

The videographer provided the invoice for Firstweekplug directly to ThePlug, as they had arranged his involvement in the project. The VP External used his AMS email to forward that invoice, and the invoice for the Apple products, to the AMS Events Manager. The AMS Events Manager had previously confirmed the costs of the videographer and the Apple products. He does not believe that the fact that they were provided by the VP External through an AMS email had any influence over his decision to submit them for reimbursement. Similarly, to the VP External's knowledge, the AMS Events Manager had no discretion in reimbursing those invoices, nor would he otherwise be induced into taking any particular course of action by virtue of having received the invoices and receipts from the VP External rather than directly from the videographer.

Around October 2021, the Ubysey sought information from the AMS about the relationship. At the same time, social media commentary about potential impropriety in the relationship between the VP External, AMS Events, and ThePlug prompted the President to undertake an internal investigation. The investigation comprised a search of the VP External's emails for any communication regarding ThePlug, resulting in the discovery of the email to the AMS Events Manager containing the invoices. This triggered the President and VP External's letters to Council.

e. Conflict of interest provisions in the AMS Code of Procedures

i. Section II, Article 1.10

1. This section provides two circumstances in which a Director or Executive may be in a conflict of interest.

First, there is a conflict of interest where the Director or Executive exercises an official power or performs an official duty or function and at the same time knows that in doing so there was an opportunity to further his private interest.

This is not applicable to the VP External. He did not, in his roles as VP External or Director, exercise an official power or perform an official duty or function in relation to the partnerships between AMS Events and ThePlug. While the use of his official AMS email to share the invoice and receipts complicates the matter by raising the spectre that the VP External was acting in an official function, the Committee is of the opinion that the VP External was not truly exercising an official duty or function in providing the documents to the AMS Events Manager. He had no official AMS duty or function in regard to the Giveaway, Firstweekplug or in regard to the reimbursement of the invoices.

Second, a Director or Executive is in a conflict of interest on an issue if the issue concerns relations with an organization outside the Society and if the Director serves on the board of that organization.

This is not applicable to the VP External. While this definition is potentially open-ended, the Committee has interpreted it to refer to a situation where the AMS is evaluating or establishing formal relations with another organization, rather than the type of temporary, event-based partnership at issue here. The VP External was not in a conflict of interest per this section on the issue of the Giveaway, Firstweekplug, or the invoices, because they concerned one-time events with ThePlug, rather than substantially concerning relations between the organizations.

ii. Section II, Article 1.11

1. This section provides that an apparent conflict of interest exists where there is a reasonable perception, which a reasonably well-informed person could properly have, that the Director or Executive's ability to exercise an official power or perform an official duty or function, in their capacity as a Director or Executive, may have been affected by their private interest.

This is applicable to the VP External. A reasonably well-informed person could properly have the perception that the VP External, in exercising his official powers, may have been influenced by his private interest in ThePlug. First, a reasonably well-informed person could believe that the VP External had the ability to affect the AMS's relationship with ThePlug. A reasonably well-informed person has access to public information about the VP External's official duties; they do not know the intricacies of the AMS's hierarchy of reporting relationships. It is a reasonable perception that the VP External's official duties – namely, his responsibility for community outreach and liaising with external organizations – as well as his role in the AMS Executive Committee, provided opportunities to influence AMS Events' relationship with ThePlug. Secondly, given that there was no conflict of interest screen or any other similar attempt to separate the VP External's AMS role from his role at ThePlug, and given that there were collaborations between AMS Events and ThePlug which benefited ThePlug, it is a reasonable perception that the VP External's ability to exercise his official powers, duties, and functions may have been affected by his private interest. A reasonably well-informed person may also have the perception that in providing invoices to the AMS Events Manager for work done in collaboration with ThePlug, the VP External may have been affected by his private interest in ThePlug, in that he would not have provided the invoices were it not for his involvement with ThePlug and his interest in ensuring the

videographer engaged by ThePlug was reimbursed for his work.

iii. Section II, Article 1.3

1. This section requires that no Director or Executive may, in their official role, participate in any decision, exercise an official power or perform an official duty or function in which they have either a conflict of interest or an apparent conflict of interest.

This is not applicable to the VP External. While the VP External was in an apparent conflict of interest, per Article 1.11, he did not, in his official role, participate in a decision, exercise an official power, or perform an official duty or function with regard to those conflicts. As discussed above, the VP External was not involved in a decision, nor any exercise of official duties, regarding Firstweekplug or the Giveaway. The provision of the invoices similarly was not the exercise of an official duty or function.

f. Conclusion

The VP External was in an apparent conflict of interest when AMS Events and ThePlug organized the Giveaway and Firstweekplug, and when he provided related invoices to the AMS Events Manager. In no situation was he in a real conflict of interest.

The Committee found no evidence of bad faith on the part of the VP External with regard to the Giveaway, Firstweekplug, or the invoices.

However, while the VP External's failure to recuse himself from anything to do with the ThePlug was not a real conflict of interest, the Committee believes that the VP External's actions demonstrate a lack of due care and regard for the perception of integrity at the AMS.

ii. Halloween pub crawl

a. Allegation

The involvement between AMS Events and ThePlug in the organization of the Halloween pub crawl raised questions about potential impropriety related to the role of the VP External.

b. Factual findings and conclusion

The Halloween pub crawl was instigated by Vancouver Tasting Tours, which separately reached out to, and made arrangements with, AMS Events and ThePlug. AMS Events and ThePlug did not establish a partnership but were instead brought together by the third party. There is no indication that the VP External was involved in the event in an improper way, or that there was an apparent or real conflict of interest.

iii. The VP External's multiple roles

The VP External raised his point of view with the Committee that he erred by not setting clear boundaries between his job, his extracurriculars, and his personal relationships. The Committee agrees.

The VP External, through his prior work at the AMS and because of his prior work with the AMS through ThePlug, had pre-existing relationships with members of the AMS Events team. On multiple occasions since the VP External's election, members of the AMS Events team spoke with the VP External about issues related to ThePlug. However, the Committee did not find any other specific incidents that raised the possibility of a conflict of interest. The VP External is of the opinion that these conversations were independent of his position at the AMS, and that in no way as VP External did he influence or advocate for greater involvement of AMS Events with ThePlug. Nonetheless, the Committee is concerned by the VP External's failure to create a formal separation between his roles.

The greatest negative impact has been reputational damage to the AMS, reflected in negative media articles and various online posts.

The VP External could have and should have avoided this situation by making a public declaration at the beginning of his term that he would recuse himself from any involvement with any activities between ThePlug and AMS Events. He could have also taken steps within the AMS to create a conflict of interest screen to ensure that he was not inadvertently involved in any discussion or planning regarding any such partnership or cooperation.

The VP External acknowledged that questions about a potential conflict of interest arising from the VP External's role with ThePlug were first raised during his campaign for the role. The VP External should have taken action upon his election to familiarize himself with the conflict of interest rules provided for in Code and to ensure that he could not be perceived to be in a conflict of interest. The President also raised with the VP External the potential of a conflict of interest in August 2020. This should have been a further opportunity to ensure he could not be perceived to be in a conflict of interest.

Structural issues at the AMS

Ordinarily, all incoming Directors, including Executives, are required to sign a Statement of Office [Annex C], which provides some direction regarding Directors' duties and obligations. Due to circumstances emanating from the coronavirus situation, this form was not provided to Directors this year.

The Committee believes that there is a lack of clarity for incoming Directors, including Executives, regarding their conflict of interest duties and responsibilities. For many Directors and Executives, this is their first professional job. With that comes a steep learning curve. The Committee believes that more can be done to ensure that Directors are familiar with these responsibilities. In particular, consideration should be given to the possibility of creating greater resources in the AMS for Directors in this area, both during transitions and by creating permanent resources regarding conflict of interest obligations.

The Committee believes that this particular situation was entirely avoidable, and indeed would likely have been avoided had the rules regarding conflicts of interest been impressed upon the VP External more directly and earlier in his term. However, there is a lack of clarity within the AMS as to who is responsible for the onboarding and training of incoming Directors and Executives in this respect. Clearly establishing responsibility in this area would help in ensuring that incoming Directors and Executives are fully aware of their obligations.

Justification for recommendations to Council

i. Recommendations regarding the VP External

The Committee believes that it is appropriate that Council request the VP External to issue a public apology for his apparent conflict of interest.

In making this recommendation, the Committee has considered the following aggravating factors: the reputational harm to the AMS; the VP External's culpability in not being sufficiently familiar with his conflict of interest provisions; and that the VP External was previously warned about the potential conflict of interest and did not take preventative action.

It has also considered the following mitigating factors: there was no real conflict of interest; the VP External's apology in his letter to Council; the VP External's clear contrition for his actions; the lack of structure at the AMS for ensuring Directors and Executives are aware of their conflict of interest obligations; that AMS Events and ThePlug have not worked together since the allegations were first raised; proportionality of the breach; and the impact of these allegations on the VP External over the past five months.

ii. Recommendations regarding structural issues at the AMS

The Committee believes that Council should take action to prevent any such situation from arising again, principally by ensuring that every incoming Director and Executive is made sufficiently familiar with their conflict of interest obligations.

Community

The Committee also wishes to make a broader comment about campus culture. AMS members have high standards for their elected representatives, and rightly so. Executives are reimbursed for their work, and it is expected that they do their work diligently and pay heed to the AMS' reputation. However, Executives are still fellow students and members of our community, who usually run for these positions in order to positively contribute to our campus. The Committee has seen a tendency to instinctual distrust of the AMS and its Executives. The AMS must do more to combat this and to address the root issues that result in this sense of disconnect. AMS members would also benefit from greater attempts to engage with the Society in a collaborative and collegial manner.



Office of the President

November 18th, 2020

Dear Council,

I regret to inform you that upon an initial internal investigation, I have reason to believe that the Society's Vice-President External Affairs, Mr. Kalith Nanayakkara, has been in violation of the Society's conflict of interest rules. While our conflict of interest rules largely rely on Directors self-governing themselves, recent circumstances led to an internal review. The Society's conflict of interest rules are intentionally broad, covering both significant and more minor infractions like this one.

On August 25th, 2020, Mr. Nanayakkara sent an invoice to the AMS Events Manager on behalf of a Mr. Justin Chan, affiliated with both ThePlug Vancouver (Mr. Nanayakkara's own organization) and previously AMS Events for \$600.00 for filming and editing services. While I believe that Mr. Nanayakkara did not personally benefit from the transaction, this action in my opinion is still in violation of AMS Code of Procedure Section II, Article 1, Subsections (3) (11) and (13). Mr. Nanayakkara also technically utilized AMS resources (his email) to coordinate business on behalf of both the AMS and the Plug concurrently, which in my opinion is a violation of AMS Code of Procedure Section II, Article 1, Subsections (3) (10) (11) and (13).

While these violations of the Society's conflict of interest rules are important to consider, I do strongly believe that Mr. Nanayakkara believed he was keeping his interests separate, and that these interactions are honest mistakes due to a lack of careful consideration and judgement. After the release of the #FirstweekPlug series, I in my capacity as President had informally warned Mr. Nanayakkara to be more considerate of his position and to be aware of the Society's conflict of interest rules. After these discussions, Mr. Nanayakkara noted he made efforts to further separate his two roles.

However, as a Society we must uphold a strong stance on issues of conflict of interest, and ignorance or lack of judgement are not excuses for violations of these rules. This upcoming meeting I will be making the following motion to encourage the newly formed Ethics and Accountability Committee to look into disciplinary or other measures for Mr. Nanayakkara.

BE IT RESOLVED THAT AMS Council refers the case of the Vice-President External Affairs and his apparent conflict of interest to the Ethics and Accountability Committee for review.

It is important for Councillors to also consider that Mr. Nanayakkara now recognizes that his decisions were in violation of our conflict of interest rules, and sincerely regrets these actions.

Please see below for a letter from Mr. Nanayakkara, and additional materials relating to this issue.

Kind Regards,



Cole Evans

AMS President

AMS Student Society of UBC Vancouver | ams.ubc.ca/leadership

T 604 822 3972



Office of the Vice-President, External Affairs

November 17th, 2020

Dear AMS Councillors,

I hope you're all keeping healthy, safe, and happy during these extraordinary times. It's very easy to get lost in all of the uncertainty surrounding our livelihood these days but I hope you're reserving some time for yourselves as well as for those you love.

I am writing to you to sincerely apologize for not taking active steps to avoid the email-related conflict of interest I have towards our Alma Mater Society as a result of simultaneously serving as your VP External Affairs, and being the Founder and President of ThePlug Vancouver. In virtue of electing me as an Executive of the AMS, students have bestowed upon me the honour and privilege of representing them through this great organization of ours, which I will forever be grateful for. With this role comes a responsibility of carrying out my duties in a manner which does not make any of our members question my trustworthiness, loyalty, and/or service towards students. However, this is a responsibility I have failed to uphold. This letter, which serves as an apology and an expression of my regret for not identifying the conflict of interest earlier on, is also written to give you some context, an understanding of how this situation came to be, and how I will be working on addressing any future conflicts of interest. I hope that you read it in its entirety to see the full picture and understand that this is a wholehearted apology supplemented with an explanation of what happened.

I would like to begin by discussing my role within ThePlug, and preface this by also mentioning that using my role as an AMS Executive to benefit this startup for my personal gain is truly not my intention, never has, and never will be. It must also be made clear that neither myself, nor ThePlug has benefited as a result of my role within our Society. Not once have I hid the fact that I started and have been leading ThePlug since its inception in August of 2019.

My role as the Founder and President of this events, media, and marketing startup is something that I have always proudly displayed. It has been visible publicly on all my social media such as Instagram, Facebook and LinkedIn since long before I even considered running for VP External Affairs. In fact, during my election campaign back in early 2020, I openly discussed my role within ThePlug, and how the leadership, communication and the people skills I gained and continue to learn from the role, would benefit the AMS as an Executive. Whether it was through classroom announcements, my campaign Facebook page, campaign website, campaign ads, etc., this information was something I always drew on in order to gain support during the race. I am proud of all the hard work, sacrifices, and sweat and tears I have put toward building this organization

that was built on the idea of enhancing the campus life experience for students, which has now grown to a community of almost 7,000 people, voluntarily led by a team of over 30 passionate, dedicated and talented full time UBC students. I hope this communicates the intentions behind the series of events that occurred, and that I would never risk losing all of my accomplishments with ThePlug or negatively impacting my work for students as a result of any perceived conflict of interest by the Board or student body.

The next item I'd like to address is the relationship between ThePlug Vancouver and AMS Events. These two organizations have been collaborating long before I was VP External Affairs. For example, the first official partnership was in the first week of September 2019, a month after ThePlug was founded. This was when ThePlug gave away Welcome Back BBQ tickets which were donated by AMS Events due to our strong first-year student base. This strong relationship has continued consistently for over a year now with the two student-centric teams getting more and more comfortable working together, and pushing each other to grow as much as possible. My personal relationship with AMS Events was initiated back in my second year of university when I performed at Block Party 2019 as a bassist alongside my band. The department at the time was under different leadership & management.

Another key reason this relationship continued on even after I was elected VP External Affairs was because ThePlug Vancouver, in addition to its primary Instagram page (@theplugubc) also manages a few other pages, most notably a page that had garnered a following of several thousand first-year students at UBC, which AMS Events wanted access to. With AMS Events beginning to release Firstweek events and initiatives amidst the ongoing pandemic, the department faced unprecedented challenges reaching its targeted audience, and as a result, decided to contact the most popular first-year Instagram page at the time which was, as I mentioned just above, run by ThePlug. With the team at ThePlug having worked with AMS Events multiple times before, they agreed to allow AMS Events to use that page which resulted with a video series produced by the two organizations called AMS #FirstweekPlug that was catered to these incoming UBC students. This video series was supplemented by two giveaways, one iPad and a pair of AirPods. It is very important to make clear that ThePlug did not make any direct or indirect monetary gain out of this relationship, and that this collaboration as well as those that followed were led by team members of ThePlug, and not me. As a result of gaining access to this page that was owned and managed by ThePlug, its unique audience, and all of the engagements and benefits that come with it, AMS Events paid for the videographer that was independently contracted to make the AMS #FirstweekPlug videos and to cover half of the cost of the giveaways. This videographer has worked with AMS Events in the past prior to ThePlug being founded.



While not attending meetings in order to distance myself from AMS Events and ThePlug partnerships, the videographer's invoice for the project mentioned above was sent through my professional AMS email, which upon reflection was an unintentional conflict of interest.

As I elaborate later, ThePlug should have not worked with AMS Events to any extent while I serve my current role to avoid any perception of conflict of interest. Through this collaboration, AMS Events was able to post and promote whatever they wanted on the aforementioned Instagram page and engage with ThePlug audience to their liking. It would also be helpful to clarify that this was ThePlug Vancouver team's way of giving back to AMS Events for helping us when we first started in 2019 by donating Welcome Back BBQ tickets to be given away. That being said, I can see how and why students would question my ethics and accountability while holding these two influential positions, and that I should have known better and not allowed ThePlug to collaborate with AMS Events while I serve my term as an Executive of the AMS. Again, I sincerely apologize for this and regret my actions.

I accept and welcome all of the criticism and negative remarks I have received on both a personal and professional level for my actions.

As someone that has always and consistently worked either part time or full time jobs over the past 6 years to fund my own education and living alone, while being a new immigrant, full time student, and balancing all my numerous extracurriculars, I have proudly worked very hard to get to where I am at the age of 21. I always strive to learn from my failures and become a better person than I was the day before, and I hope that you see that I have nothing but profound regret for my lack of better judgement. This is a mistake that I should have avoided by putting more thought and consideration into my decisions. I truly care about the students of this university, and I work tirelessly every day to live up to the promises I made to the students that trusted me to be the Vice-President External Affairs of their AMS, whether it's working 60-hour weeks, going to the office during weekends and often putting my work duties before my own education and personal wellbeing. My goal is to leave a strong positive impact on the lives of our members through my work as an advocate and an AMS Executive during my term and I will do whatever it takes to achieve that. My strong commitment to this is not only because of my role, its expectations, or my legacy within the AMS but because I have experienced a variety of hardships that students face, which I am passionate about resolving through this privileged position that I am currently in. Moving forward for the rest of my term, all AMS Events and ThePlug collaborations will cease to exist immediately.

I truly am grateful for the Board's considerateness and sympathy in this anomalous situation, and I hope you get a chance to review the exceptionally successful work that has been accomplished by the External Affairs Office under my leadership over the past few months on the job in the upcoming midterm review.



I would also like to thank the Board for taking the time and effort to read this letter in its entirety. I wanted to include as many details as I could to be as transparent as possible. I am an open book, and I invite you to get to know me better, especially if we haven't met already, as I'd be more than happy to answer your questions and/or receive any comments, feedback or advice you may have. It was never my intention to make students or the Board doubt me, or to allow any external factors to get in the way of the valuable work the AMS aims to fulfil. I am sorry for my actions and for putting us in this undesirable position during such tumultuous times. I am taking the time to reach out to students and others around me to understand how I can do better moving forward and reflect on the harms of my actions, in order to ensure that this will not happen again. Once again, I apologize, regret and take full responsibility for this email-related conflict of interest.

Thank you and keep well,

Kalith Nanayakkara

AMS Vice-President External Affairs

vpexternal@ams.ubc.ca

AMS Student Society of UBC Vancouver | ams.ubc.ca/leadership

T 604 822 2050

Apple iPad Receipt + Invoice for Justin Chan



Kalith Nanayakkara

Tue 8/25, 3:35 PM

Rishavraj Das; AA

Reply all



Invoice # 2 (1).pdf
18 KB



AMS Events iPad Givea...
65 KB

2 attachments (83 KB) Download all

Hi Rish,

Attached are the invoices for both #firstweekplug and the Apple products.

Please note that the Apple invoice contains two separate receipts, one for each product. Let me know if you need more information.

Cheers,

Kalith Nanayakkara ([he/him](#))

Vice-President External Affairs

AMS Student Society of UBC Vancouver

T 604 822 2050 M 604 379 4394 F 604 822 9019



AMS Student Society of UBC Vancouver | ams.ubc.ca

On the unceded territory of [xʷməθkʷəy̓əm](#) (Musqueam) Peoples

cc:AAccount

Justin Chan

INVOICE

2

Bill To:

AMS Events - AMS of UBC

Date: Aug 25, 2020

Payment Terms: Cash or E-Transfer

Due Date: Sep 8, 2020

Balance Due: CA\$600.00

Item	Quantity	Rate	Amount
Filming and Editing #firstweekPlug with AMS Events & ThePlug	1	CA\$600.00	CA\$600.00

Total: CA\$600.00

Notes:

E-Transfer to justinrichardchan@gmail.com.

\$150 per episode x 4

SECTION II: COUNCIL, COUNCIL MEMBERS AND OTHERS**Article 1. Conflict of Interest for Directors of the Society**

1. Voting members of Council, as Directors of the Society, shall act honestly and in good faith in the best interests of the Society as a whole, and exercise the care, diligence and skill of a reasonably prudent person in carrying out their duties.
2. Directors shall use the utmost care and discretion in the handling of confidential and privileged information and shall not use such information for personal benefit or gain. Furthermore, Directors shall not disclose any information discussed in an *in camera* meeting of Council without the authorization of Council.
3. No Director may, in their role as a Director, participate in any decision, exercise an official power or perform an official duty or function in which they may have either a conflict of interest or an apparent conflict of interest.
4.
 - (a) Without limiting the generality of paragraph 3 above, if a Director has a conflict of interest or an apparent conflict of interest relating to an issue being deliberated on by Council, or a Committee of Council, they shall declare the nature of the conflict and abstain from speaking or voting on the issue, or on any subsidiary motion related to the issue, except to raise a question of privilege.
 - (b) If a proxy is attending Council or a Committee of Council in the place of a Director who has a conflict of interest or an apparent conflict of interest, or if the proxy themselves has a conflict of interest or an apparent conflict of interest, the proxy shall state the nature of the conflict and abstain from speaking or voting on the issue or on any subsidiary motion related to the issue, except to raise a question of privilege.
 - (c) Paragraphs (a) and (b) above notwithstanding, at the request of the Chair, or if Council or the Committee so directs by Resolution, the Director or proxy may answer questions pertaining to the issue on which they have a conflict of interest or an apparent conflict of interest.
 - (d) For greater certainty, the rules restricting participation in paragraphs (a) and (b) above shall apply during discussion of an issue even if no formal motion is on the table.
5. If a Director or proxy who has a conflict or apparent conflict of interest is chairing a Council or a Committee of Council, they shall relinquish the chair while the issue on which they have a conflict or apparent conflict is being discussed.
6. If Council, or a Committee of Council, moves in camera to discuss an issue on which a Director or their proxy is in a conflict of interest or an apparent conflict of interest, that Director or proxy shall be required to remove themselves from the in camera session in

which the issue is to be discussed, unless specifically invited to stay by a Two-thirds (2/3) Resolution of Council or the Committee.

7. In the event that a Director is uncertain about whether or not they are in either a conflict of interest or an apparent conflict of interest, the Director shall inform Council or a Committee of Council of the possible conflict and the Chair shall decide whether there is an actual conflict. If the Chair's decision is appealed, or if the issue of a Director's conflict becomes a resolution before Council, or a Committee of Council, for any other reason, then that Director shall abstain from speaking or voting on the resolution.
8. If a Director believes that another Director may be in a conflict of interest or an apparent conflict of interest, they shall ask the Chair to decide the matter. If the Chair's decision is appealed, or if the matter becomes a resolution before Council or a Committee of Council for any other reason, then the Director who is in a possible conflict shall abstain from speaking or voting on the resolution.
9. If the Managing Director or the Human Resources Manager believes that a Director may be in a conflict of interest or an apparent conflict of interest, they shall ask the Chair to decide the matter. If the Chair's decision is appealed, or if the matter becomes a resolution before Council or a Committee of Council for any other reason, then the Director who is in a possible conflict shall abstain from speaking or voting on the resolution.
10. A Director has a conflict of interest when the Director, in their capacity as a Director, exercises an official power or performs an official duty or function and at the same time knows that in the exercise of the power or in the performance of the duty or function there is an opportunity to further their private interest. A Director shall also be considered to be in a conflict of interest on an issue if the issue concerns relations with an organization outside the Society and if the Director serves on the board of that other organization, unless the Director is serving on the other board by virtue of being the Society's representative on that board.
11. A Director has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Director's ability to exercise an official power or perform an official duty or function, in their capacity as a Director, may have been affected by their private interest.
12. A Director must not use their office to seek to influence a decision, to be made by another person, to further the Director's private interest.
13. A Director's private interest shall include the private interests of the Director's family and the private interests of a companion, business associate or a close personal friend of the Director.
14. The definitions of conflict of interest and apparent conflict of interest for Directors in paragraphs 10 through 13 above shall apply to proxies. In addition, any proxy who is an employee of the Society shall be considered to be in a conflict of interest on all issues

that come before Council or a Committee of Council.

15.
 - (a) No Executive Member of Council or other Director of the Society may accept a fee, a gift, a personal benefit or hospitality that is offered or tendered by virtue of their position as an Executive or a Director, unless authorized to do so by Council.
 - (b) Subsection (a) above does not apply to a gift or personal benefit that is incidental to the protocol or social obligations that normally accompany the responsibilities of office.
 - (c) If a gift or personal benefit referred to in subsection (b) above exceeds \$150 in value, or if the total value received directly or indirectly from one source in any twelve (12) month period exceeds \$150, the Executive or Director must immediately disclose to Council, in writing:
 - (i) the nature of the gift or benefit;
 - (ii) its source; and
 - (iii) the circumstances under which it was given and accepted.
 - (d) Upon receipt of a written disclosure referred to in subsection (c), Council shall either allow the recipient to keep the gift or benefit, direct that the gift or benefit be returned, or direct that the gift or benefit be disposed of in any other manner it sees fit.
16. No Executive Member of Council shall hold a significant position, including but not limited to executive positions, within a Constituency, Student Resource Group, or Affiliated Institution student association.
17. No Executive Member of Council shall hold a significant position, including but not limited to executive positions, within a Club except that with the approval of Council by a Two-thirds (2/3) Resolution the President, the Vice-President Academic and University Affairs, and the Vice-President External Affairs may hold such positions.
18. An Executive Member who is permitted by Council to hold a significant Club position in accordance with paragraph 17 above, still may not do any of the following:
 - (a) sign any cheque or contract on behalf of the Club or be the Society signing officer approving funds for that Club;
 - (b) advocate within the Society on behalf of the Club.
19. All Directors shall sign an oath of office, prior to their first meeting of Council, in which they agree to abide by the provisions of this Article. All Executive Members shall sign the oath prior to the commencement of their term of office. If a Director appoints a proxy to take their place on Council or a Committee for a meeting, the proxy shall sign the oath of office before the meeting.

20. Any Director who contravenes this Section of Code may be:
- (a) directed by a Resolution of Council to:
 - (i) pay restitution to the Society for any financial loss suffered by the Society as a direct result of their action;
 - (ii) account for, and dispose of, any profits made as a result of a breach of this Section;
 - (iii) return or otherwise restore the Society's property taken, damaged or destroyed by a direct action of that Director;and may be:
 - (b) removed from office pursuant to the Bylaws of the Society or, in the case of Constituency Representatives and representatives of student associations at the Affiliated Institutions, pursuant to the Constitution and Bylaws of their respective Constituencies or student associations.
21. Proxies appointed by Directors shall abide by all the rules concerning Directors contained in this Section of Code. Any proxy who contravenes this Section of Code shall be subject to the penalties outlined in paragraph 20(a) above.
22. Directors shall not receive monetary compensation from the Society unless such monetary compensation is received as a direct result of their positions:
- (a) as a Director; or
 - (b) within one of the Society's Constituencies or one of the Affiliated Institutions' student associations.

Article 2. Conflict of Interest for Members of the Executive

- 1. Members of the Executive, as voting members of Council, are Directors of the Society and shall be subject to Article 1 in their capacity as Directors.
- 2. Members of the Executive shall also be subject to the provisions of Article 1 in their capacity as executives, notwithstanding their status as employees of the Society.

Article 3. Conflict of Interest for Non-Voting Members of Council

- 1. Non-voting members of Council shall act honestly and in good faith in the best interests of the Society as a whole, and exercise the care, diligence and skill of a reasonably prudent person in carrying out their duties.
- 2. Non-voting members of Council shall abide by the conflict of interest provisions for Directors contained in Article 1 above as though they were Directors.

ANNEX C

Taken from Section VI: Executive (Code as of Dec 8 2020)

Article 8. Vice-President External Affairs

1. In addition to those powers and duties set out in the Bylaws, the Vice-President External Affairs shall:

- (a) be responsible for community outreach and external political events of the Society;
- (b) liaise with, and represent the Society on, external organizations, committees and coalitions, unless such duties have been otherwise assigned in the Bylaws or Code;
- (c) liaise with residence associations;
- (d) be responsible for lobbying local, provincial and federal governments;
- (e) liaise with organizations at the University representing the faculty, the sessional instructors, the teaching assistants and the non-teaching staff concerning external issues and lobbying; and
- (f) have such other powers and duties as are assigned by Council or the Executive Committee from time to time.

STATEMENT OF OFFICE FOR MEMBERS OF THE STUDENT COUNCIL OF THE ALMA MATER SOCIETY OF UBC

PREAMBLE:

Normally a Society can only be bound to an agreement if the Board of Directors act collectively. This means that a single Director cannot saddle the Society with any responsibilities or use the Society Name for any activities not expressly approved by the Board of Directors as a whole. If a single Director attempts to do this she/he may be personally liable to any third parties or to the Society. Each Director owes separate duties to the Society. The duties of Directors of a Society are basically the same as those of Trustees, or of Directors of a company. The duties are owed to the Society as a whole and not to the individual members or to interested third parties. The duties are based on the general principle that Directors are trustees of the Society and must therefore display the utmost good faith towards the Society, in dealings with and on its behalf. The law imposes several such duties upon a Director.

All voting members of Council must sign this statement in accordance with Code Section 2, article 1(13) before taking office.

I, as a Director of the Alma Mater Society of the University of British Columbia. To the best of my ability,

In accordance with section 25 of the Society Act, R.S.B.C. 1979, c.390, shall

- (a) act honestly and in good faith in the best interests of the Society as a whole;
- (b) exercise the care, diligence and skill of a reasonably prudent person

and furthermore, shall

- (c) use the utmost care and discretion in the handling of confidential and privileged information and not use such information for personal benefit or gain;
- (d) not compromise the best interests of the Society as a whole for direct or indirect personal gain, or for personal gain of another Director;
- (e) not place myself in a position where my duties to the Society and my personal interests may conflict by:
 - i) using any power or service entrusted to me for my own personal use; or
 - ii) using any associations gained through my position as Director to obtain programs of funds for any competing organization
- (f) not accept any costly gift or hospitality of material value offered or tendered by virtue of my position as a Director;
- (g) not disclose any information discussed in an in camera meeting of the Council without the authorization of the Council; and
- (h) in accordance with section 26 of the Society Act, promptly and fully disclose any direct or indirect interest in a proposed contract or transaction of the Council, and the nature and extent of the interest.

Dated this _____ day of _____, 2021 Signature: _____

Print Name: _____ Position Held: Director

ANNEX E

EXECUTIVE CONTRACT

April 27, 2020

Kalith Nanayakkara

Delivered by email to [REDACTED]

Re: Employment as VP External of The Alma Mater Society of University of British Columbia

Dear Kalith,

This letter confirms that you have been re- elected VP External of the AMS by the members of the AMS. Consequently, the AMS hereby agrees to employ you as an Executive under the following terms and conditions:

[removed]

9) Acceptance and Conduct

In carrying out your functions and responsibilities as an Executive during the Term you shall:

[removed]

(4) not undertake the pursuant of, or engage in, any employment or business-like activity which is in conflict with your role as an Executive;

(5) at all times adhere to applicable laws, rules, regulations and policies (including, for clarity, the AMS Constitution and By-Laws) which are now or may hereafter be established by the AMS.

[removed]