

Ruling #2

March 2016 Students' Council and General Faculties Council Election
Nomination Package Not Accepted – Oumar Salifou and Bashir Mohamed

Parties to the Ruling

- Oumar Salifou and Bashir Mohamed, two member candidate for Students' Council (Arts)
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2300 §8 (Acceptance of Candidate Nominations)
- Bylaw 2300 §41 (Special Rules For Two Member Candidates)

Facts

1. A nomination package was submitted by Oumar Salifou and Bashir Mohamed on Monday, March 7, 2016 seeking candidacy for the position of Students' Council (Arts) in the 2016 Students' Council and General Faculties Council election.
2. On page 5 of the nomination package, Oumar Salifou and Bashir Mohamed signed the nomination package below a notice declaring "It is each candidate's responsibility to ensure his or her nomination form complies with bylaw".
3. The bylaw referenced in this nomination package includes Bylaw 2300, A Bylaw Respecting the Councillor Elections to Students' Council and General Faculties Council.
4. According to Bylaw 2300 §41:
 - a. "Qualifying as eligible to constitute a two member candidate requires the member holding the position title for the majority of the term to satisfy one of the following conditions
 - i. Have at least **one academic program requirement** that takes or could take the member off campus for the period over which they would not hold the position title, such as a practicum, a co-op, a clinical placement or rotation, or other similar programs"
5. In the letter included in this nomination package explaining why the two members qualify as eligible to constitute a two member candidate, it is made clear that Bashir Mohamed is on exchange in South Korea and that he would assume the position when he returns to Edmonton on August 25, 2016.
6. The CRO does not believe that a student **choosing** to do an exchange program constitutes an "academic program **requirement**". An exchange program is not required as part of a Bachelor of Arts program, the way that a practicum, co-op, or clinical placement are required for the respective faculties of Education, Engineering/Business, or Nursing. The CRO's understanding of this bylaw was that Students' Council implemented it with the intention to allow students that need to be away from campus to complete their program requirements the opportunity to still participate in Students' Council when they return to campus.
7. The CRO spoke to Oumar Salifou following the candidates' meeting where he stated that he did not believe that Bashir Mohamed was on exchange to fulfill an academic program requirement, but rather did the exchange program due to a personal choice to do so.
8. According to Bylaw 2300 §8:

- a. "Where one or more members submit a valid set of nomination papers, as set out in Sections 6(3) and 7 and prior to the nomination deadline as set out in Section 5, the nomination shall be accepted by the C.R.O. within twenty-four (24) hours of the nomination deadline."

9. The CRO had up to 17:00 on Tuesday, March 8 to accept nominations. The CRO informed Oumar Salifou at the candidates' meeting on Monday, March 7 near the start of the meeting that his nomination package was not accepted as it was not valid.

Ruling

1. All candidates and sides are required to read, understand, and comply with all Rules & Regulations and Bylaws and were informed as such in the nomination package. Each candidate is responsible for ensuring that their nomination complies with bylaw.
2. As Bylaw 2300 §41 was not fulfilled, the nomination package for this two member candidate cannot be considered valid and therefore cannot be accepted.

Penalty

- Oumar Salifou and Bashir Mohamed cannot be declared a two member candidate for Students' Council (Arts) race.

So decided on: Wednesday, March 9 @ 09:00. Time limit for appeal: Thursday, March 10 @ 13:00.

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union