

**Tuesday March 24th, 2015**

**ETLC E1-008**

We would like to acknowledge that our University and our Students' Union are located on Treaty 6 Territory. We are grateful to be on Cree, Saulteaux, Métis, Blackfoot, and Nakota Sioux territory; specifically the ancestral space of the Papaschase Cree. These Nations are our family, friends, faculty, staff, students, and peers. As members of the University of Alberta Students' Union we honour the nation-to-nation treaty relationship. We aspire for our learning, research, teaching, and governance to acknowledge continuing colonial violence and respect Indigenous knowledges and traditions.

**ORDER PAPER (SC 2014-24)**

- |                   |   |
|-------------------|---|
| <b>2014-24/1</b>  | <b><u>SPEAKER'S BUSINESS</u></b>  |
| <b>2014-24/1a</b> | Announcements – The next meeting of Students' Council will take place on Tuesday, April 7, 2015.            |
| <b>2014-24/2</b>  | <b><u>PRESENTATIONS</u></b>   |
| <b>2014-24/2a</b> | Sustainability in Teaching and Research by Apryl Bergstrom, sponsored by President Lau.                     |
| <b>2014-24/3</b>  | <b><u>EXECUTIVE COMMITTEE REPORT</u></b>  |
| <b>2014-24/4</b>  | <b><u>BOARD AND COMMITTEE REPORTS</u></b>   |
| <b>2014-24/4a</b> | Ruling 2014-2015-05 of the DIE Board (Sleiman vs. CRO)<br><br>Please see document SC 14-24.01               |
| <b>2014-24/4b</b> | Ruling 2014-2015-06 of the DIE Board (Challenge to Election Results)<br><br>Please see document SC 14-24.02 |
| <b>2014-24/4c</b> | Ruling 2014-2015-07 of the DIE Board (Hudson vs. CRO)<br><br>Please see document SC 14-24.03                |
| <b>2014-24/4d</b> | Ruling 2014-2015-08 of the DIE Board (Jamali vs. CRO)<br><br>Please see document SC 14-24.04                |
| <b>2014-24/5</b>  | <b><u>QUESTION PERIOD</u></b>   |
| <b>2014-24/5a</b> | <b>COUNCILOR KWAN TO PRESIDENT LAU:</b> "How can we ensure that debate at Students' Council is respectful?" |
| <b>2014-24/6</b>  | <b><u>BOARD AND COMMITTEE BUSINESS</u></b>  |
| <b>2014-24/7</b>  | <b><u>GENERAL ORDERS</u></b>  |

- 2014-24/7a**      **KHINDA/\_\_\_\_\_ MOVES** that the University of Alberta Students' Union join the Edmonton Students' Alliance based on the attached Charter
- Please see document SC 14-24.05
- 2014-24/7b**      **TO/DIAZ MOVE** that on the recommendation of the Policy Committee the Food Policy be renewed as amended
- Please see document SC 14-24.06
- 2014-24/7c**      **DIAZ/BHATIA MOVE** that on the recommendation of the Policy Committee the first principle of the Residence Policy be approved by the Students' Council.
- Please see document SC 14-24.07
- 2014-24/7d**      **CHAMPAGNE/KHINDA MOVE** that on the recommendation of the Policy Committee the second principle of the Campus Saint-Jean Linguistic Accessibility Policy be approved by the Students' Council as amended.
- Please see document SC 14-24.08
- 2014-24/7e**      **ORYDZUK/ALLARD MOVE** that on the recommendation of the Policy Committee the first principle of the Grading and Assessment Policy be approved by the Students' Council as amended.
- Please see document SC 14-24.09
- 2014-24/7f**      **DIAZ MOVED** that on the recommendation of the Policy Committee the first principles of the health and wellness policy be approved by the Students' Council as amended.
- Please see document SC 14-24.10
- 2014-24/8**      **INFORMATION ITEMS**
- 2014-24/8a**      Kathryn Orydzuk, VP Academic - Report
- Please see document SC 14-24.11

**DIE Board Ruling 2014-5**

Hearing Details:

Style of Cause: Sleiman (Appellant) v. CRO

Hearing Date: March 9<sup>th</sup>, 2015

DIE Board Panel Members: Sam N. Alzaman, Associate Chief Tribune (Chair)

Harvir Mann, Associate Chief Tribune

Asmaa Mohamed, Tribune

**Issues:**

[1] Did the CRO err in Ruling #6 by failing to following the appropriate complaint procedures, as set out in *Bylaw 2200* s.47?

[2] Did the CRO further err in Ruling #6 by disqualifying Mr. Sleiman on the grounds that:

(a) he was guilty of a contravention that substantially prejudiced another candidate or slate (*Bylaw 2200*, s.49(1)(b)); or

(b) he was guilty of a contravention involving tampering with ballots, voting procedures, or counting procedures?

**Relevant Legislation:**

[3] From *Bylaw 2200*:

**47. Complaints**

(1) The C.R.O. shall prepare and provide a complaint form which shall require complaints to indicate

a) their names and student identification numbers;

b) the specific bylaw and section, rule, or regulation that has allegedly been contravened;

c) the specific individual or group that is alleged to be in

contravention;

d) the specific facts which constitute the alleged contravention;  
and

e) the evidence for these facts.

(2) Where a complaint is received within twelve (12) working hours of the alleged contravention, and where the original complaint form is provided to the C.R.O., the C.R.O. shall rule on that complaint.

...

(4) Where a complaint is received and is found to be complete as set out in Section 47(1), the C.R.O. shall rule on the complaint within twelve (12) working hours of receiving the complaint.

#### **48. Penalties Available**

(1) Where a candidate, side manager or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a candidate, the C.R.O. shall assign a penalty that

- a. fully counter-balances any advantage gained; and
- b. where the contravention was intentional, penalizes the candidate or campaign manager who was or whose volunteer was guilty of the contravention.

(2) Penalties available to the C.R.O. shall include

- a. a fine, to be counted against the candidate's campaign expenses;
- b. the confiscation or destruction of campaign materials;
- c. limits, restrictions, and prohibitions on any type of campaign activities for any period of time up to the commencement of voting; and
- d. disqualification of the candidate or side manager.

(3) The C.R.O. shall draft a schedule of fines and penalties as an appendix to the rules and regulations concerning this bylaw.

...

## **49. Disqualification**

- (1) A candidate shall be disqualified where he/she/it is guilty of a contravention that
- a. cannot be counter-balanced by a lesser penalty;
  - b. is malicious or substantially prejudicial to another candidate or slate; or
  - c. involves tampering with ballots, voting procedures, or counting procedures.

### **Decision:**

### **Majority:**

*S. N. Alzaman, Associate Chief Tribune (Chair),*

*A. Mohamed, Tribune.*

### **Dissent:**

*H. Mann, Associate Chief Tribune*

**The following are the reasons of the majority [Note that references made in this section to the Panel refer only to the majority of the Panel]**

### **Judgment delivered by S. N. Alzaman (A.C.T.):**

[4] The parties agree that if Mr. Sleiman is found guilty of a contravention in accordance with section 49, *Bylaw 2200*, that disqualification is the appropriate outcome. The Chief Returning Officer's (CRO) facts are laid out in "CRO Ruling #6". However, this appeal is substantially driven by the Appellant's dispute of the facts set out in Ruling #6.

### **CRO's Findings in Ruling #6:**

[5] The CRO found that on March 4<sup>th</sup>, 2015, Mr. Sleiman was in the Central Academic Building (CAB) soliciting votes on Election Day. The 'complainant', Ms. Gwozdz, told the CRO that while she was sitting in CAB Mr. Sleiman approached her. At this point she was asked if she had voted, to which she replied that she had not but was planning to. Mr. Sleiman asked if she wanted help logging in to vote. She replied, yes. Mr. Sleiman provided a

phone and logged onto the website, turning it over to Ms. Gwozdz to enter her CCID and password. She did and the phone was returned to Mr. Sleiman. Pleasantries were exchanged and Mr. Sleiman left. Later that day Ms. Gwozdz attempted to vote but was unable to. At this point she realized that her vote may have been cast on her behalf by Mr. Sleiman, without her consent. She contacted the CRO and had her ballot voided and was allowed to vote again.

[6] This brought forward the CRO's investigation into the situation. At this point Mr. Ward, a technical specialist for SU elections, was contacted. He provided the CRO with information that the IP address that casted the vote on Ms. Gwozdz's ballot also casted 32 other votes.

### **Findings and Analysis on Appeal**

#### **(1) Did the CRO err in Ruling #6 by failing to following the appropriate complaint procedures, as set out in *Bylaw 2200 s.47*?**

[7] In regards to the first issue, s.47 of Bylaw 2200 was recently considered by the DIE Board in Ruling 2014-04, Azimi v. CRO (*Azimi*). Due to technical delays in posting the decision, neither the CRO nor the Appellant had sufficient time to review the decision that was provided to them at the start of this hearing. The Panel have read that decision and reproduced the relevant portions as follows:

The complaint-in-question that led to Ruling #5 did not follow the procedure outlined in Bylaw 2200(47)(1). The CRO argued that only 'official' complaints are required to follow this procedure, and that complainants may instead choose to submit unofficially. Under this logic, since the complainant did not follow this procedure, Bylaw 2200(47) did not apply and thus she was not required to rule within twelve working hours.

The Panel agrees that the wording in Bylaw 2200(47) is vague. Specifically, the Panel finds that the phrase "...which shall require complaints to indicate" [subsection (47)(1)] is silent with respect to including all forms of complaints. Where rules are silent, discretion lies with DIE Board.

Although the appellant claims that all complaints must follow the procedure outlined in Bylaw 2200(47), the Panel finds that this would limit complainants to students, as under subsection (1)(a), complainant forms require student identification numbers. This would mean that complaints could not be issued by professors, non-student staff, or through anonymous tips. The CRO also expressed an obligation to follow through with all reasonable complaints, regardless of whether they follow the outlined procedure.

While the appellant argued that twelve working hour limitation periods for CRO rulings exist in Bylaw as a matter of fairness, the Panel finds that the delay in its release did not unfairly

prejudice the appellant to due process and appeal mechanisms...

(Azimi v CRO, 2014-4, at para 10-15, 23-24)

[8] The Panel agrees with this interpretation. While the Appellant argued that this meant sections of *Bylaw 2200* are not being strictly adhered to, this is untrue, as the ruling fell on both interpretation of vague clauses in addition to practical limitations.

[9] Thus, the Panel supports the CRO's position that the "complaint provisions" in *Bylaw 2200(47)* do not provide all the methods in which an issue or complaint may be dealt with. Accordingly, the Panel rejects the CRO Ruling being struck down on the basis of *Bylaw 2200(47)*.

[10] Although the DIE Board is not bound by its previous decisions, the Panel accepts the CRO's submissions and finds that a valid complaint is present, and was brought forward within an appropriate period of time. Furthermore, the Panel agrees that the Appellant has not been substantially prejudiced by these findings.

**(2) Did the CRO further err in Ruling #6 by disqualifying Mr. Sleiman on the grounds that: (a) he was guilty of a contravention that substantially prejudiced another candidate or slate (*Bylaw 2200, s.49(1)(b)*); or (b) he was guilty of a contravention involving tampering with ballots, voting procedures, or counting procedures?**

(I) Relevant Evidence Provided At Appeal

[11] The Appellant did not deny being in CAB on the voting days. The Appellant did not deny using mobile devices to vote for people or approaching people and asking them to vote. In fact the Appellant adhered to the requirements by registering a mobile device for use on Election Day, and had the costs associated with the expense taken from his allotted campaign funds. Upon questioning, the Appellant, and his Counsel, argued that it is common for candidates on Election Day to approach undergraduate students and ask if they have voted. Moreover, it was submitted that it is not a contravention of the election rules for candidates to vote on behalf of students who provide their consent. The CRO agreed that there is nothing inherently wrong with this conduct; however, she reiterated that it was allowable only if the voter **had given consent**

[emphasis from CRO].

[12] The Appellant offered testimony that he approached multiple people that day. Although he did not directly address the interaction with Ms. Gwozdz he explained his general procedure as follows: He would approach an individual and ask whether they had voted in the SU elections yet? If answered in the negative, he would inquire into the individual's interest in having him show them how to vote (i.e., "would you like me to show you how?") The Appellant would go to the voting site, provide a phone (or use a voter's laptop or the voter's phone) and have the voter enter their CCID and password. After that, the candidate would have them enter their student identification number. The Appellant would at some point during this exchange, potentially at the beginning or as voters entered their login details, have general conversation with the sole purpose of pitching his platform and requesting a vote for himself. Eventually, he would ask: "Do you want me to vote for you?" (or "would you mind me voting for you?"). His actions would vary depending on the outcome of the last question.

[13] We stress again that although this conduct may appear to be the equivalent of a politician staring over your shoulder at a voting pole and to some an affront to the secret ballot that is fundamental to the democratic process; **it is permissible by current Students' Union election rules.** It is beyond our statutory authority to pass any comment on our thoughts on whether this type of campaigning is appropriate. Its relevance to the issue goes only as far as providing that the Appellant was not conducting himself in an inappropriate manner. As the CRO points out, this is not the reason for his disqualification. The issue rests on whether or not the Appellant voted on Ms. Gwozdz's behalf **without her consent.**

[14] The Appellant also provided several witnesses corroborating that this was the procedure he followed. A witness appeared in person testifying that an identical situation had happened with her, except she had provided consent and testified that she had not met Mr. Sleiman before that meeting. Two typed witness statements were also provided on the Appellant's behalf, without an objection from the CRO. All three statements support the Appellant's narrative. The CRO did not object to the panel accepting the written witness statements. In her opinion it made no difference whether or not the Appellant brought 3 witnesses or 20; the only



issue was whether he committed fraudulent voting in the case of Ms. Gwozdz. While we agree with the CRO's opinion, this evidence supports the notion that the Appellant had a procedure, or script, which he reiterated with **any** individual he approached.

[15] Mr. Ward testified at the appeal on behalf of the CRO. Given Mr. Ward's technological expertise was connected to the evidence, the panel was assisted by his testimony. In brief, his analysis of the data established that 32 votes were casted from the same IP address. The ballots originated from both an android phone, used exclusively on March 5<sup>th</sup>, and an iPhone, used on March 4<sup>th</sup>, that casted nearly all the votes. Mr. Ward's testimony established that an iPhone on either the Telus or Koodoo network casted these votes. However, it was also found that the votes did not have to originate from the same iPhone. Although the iPhone belonging to these networks must have been running the most recent version of iOS, it also could have been the result of several iPhones on those two networks running the most recent version of iOS.

[16] On this basis, although Mr. Ward's testimony is useful in explaining the process, its relevance in deciding the issues in question, is nonexistent. Although due partially to the uncertainty of his findings, the largest reason for attributing no weight to this evidence is that the SU bylaws do not forbid this kind of conduct. In fact the Appellant had registered his phone and paid appropriate campaign costs to use it in this manner. The Appellant does not deny that these events occurred, and this evidence is irrelevant to the issue of consent.

[17] The CRO opened her case by having Ms. Gwozdz provide her statement. At that time Ms. Gwozdz essentially stated an identical account of what the CRO provided in ruling #6 (our summary of that account is at paragraphs 5 and 6 of this decision). The Panel found, however, that issues arose in her testimony when subject to cross-examination by the Appellant's Counsel. At this point it was made clear that a mobile device exchanged hands twice between her and Mr. Sleiman. Ms. Gwozdz could not state with certainty that she saw Mr. Sleiman cast the vote on the mobile device.

[18] The evidence became complicated as Ms. Gwozdz's testimony began to change under cross-examination. It was disclosed that during her

interaction with the Appellant, a friend of hers approached and she may have become distracted in conversation. This detail had not been formerly raised in the email exchange and interview with the CRO. Counsel for the Appellant also argued that this account of events was implausible; given the short timeframe between the phone twice changing hands, and Ms. Gwozdz's account of the timeline, there would not have been enough time for the Appellant to have reached the voting webpage from the student login webpage. Appellant Counsel also points to the fact that Ms. Gwozdz would have seen the ballot page immediately after putting in her student ID number. Ms. Gwozdz did not see the ballot page at that time; although, she admitted that she may have been distracted by the friend who had approached her sat down next to her.

[19] The Appellant also pointed to the fact that Ms. Gwozdz's first email to the CRO stated that Mr. Sleiman thanked her "profusely" at the end of the conversation. The Appellant argued that if he were attempting to tamper her vote, it is unlikely that he would stay to thank her. The Appellant Counsel also suggested that the witness might know the other VP OpsFi candidate, who stands to benefit from the Appellant's disqualification. Ms. Gwozdz denied this accusation, and the Panel accepts Ms. Gwozdz testimony on this point.

[20] This Panel finds that based on her demeanor and candor in answering questions; she was providing her recollection honestly and to the best of her ability. However, its accuracy in recounting the situation also goes towards the Panel's weighing of evidence.

## (II) The Law

[21] In CRO Ruling #6 the CRO cited sections 48 and 49 of *Bylaw 2200* for the appropriate punishment, should a candidate contravene a rule, regulation or bylaw. The relevant contravention relates to the tampering of ballots under *Bylaw 2200(49)(1)(c)*.

[22] In comparing *Bylaw 2200* sections 48 and 49, the Panel found ambiguity relating to the issue of intent. In a plain reading, section 48 seems to [Penalties Available] apply to contraventions made regardless of intent, whereas section 49 [Disqualification] makes no reference to intent.

[23] When section 48 is read as a whole it provides that:

Where a candidate, side manager or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a candidate, the C.R.O. shall assign a penalty that fully counter-balances any advantage gained; and where the contravention was intentional, penalizes the candidate or campaign manger who was or whose volunteer was guilty of the contravention. Penalties available to the C.R.O. shall include... disqualification of the candidate or side manager. [Emphasis Added]

[24] The Panel agrees that the CRO has the ability to penalize candidates who have contravened a bylaw, rule, or regulation, and that under section 48(2)(d), disqualification is one of the permissible penalties. However, the power to penalize comes from both sections 48(1), where intent is irrelevant, and s. 48(1)(b), which explicitly provides that the contravention must be intentional for the CRO to penalize a candidate. There is an explicit disconnect between section 48(1)(b) requiring intent and section 48(1)(a) not.

[25] The question then arises: why does section 48(1)(b) require intent to penalize a candidate? This Panel finds that section 48(1)(a) applies to the campaign generally in the way of counterbalancing fines, whereas section 48(1)(b) applies to penalties issued directly to persons (candidate, campaign manager, volunteers, etc.). **Therefore, since disqualification is a penalty applied directly to persons, to disqualify a person requires that their contravention be intentional.**

[26] The Panel interprets *Bylaw 2200* section 48 to read that penalties to persons require an allegation, and proof thereof, of intention. In other words, the Panel finds that, pursuant to *Bylaw 2200(48)*, the CRO cannot disqualify a candidate, where the contravention of the bylaw, rules, or regulations has not occurred with intent.

[27] When s. 49 is read as a whole, it provides that:

A candidate shall be disqualified where he/she/it is guilty of a contravention that... involves tampering with ballots, voting

procedures, or counting procedures

[28] The issue of intent is silent in section 49. As per provision 4 of the DIE Board Protocols, where rules are silent, discretion lies with the Panel.

[29] Since section 48 explicitly requires intent for disqualification of a candidate, the Panel finds that section 49 should be kept to the same standard. As a general rule, without language to contrary, intent is often required to come to a finding of guilt. Since disqualification is the most serious penalty available through the CROs discretion, it is also reasonable to include intent on this basis. Under this working interpretation, section 49 provides that: A candidate shall be disqualified where he/she/it is guilty of an intentional contravention that involves tampering with ballots.

[30] The Panel also finds that if the intent to tamper votes were not a requirement, it would in essence require proof of the act only. In the current Students' Union election scheme, campaigning is permitted on election days, and honest mistakes in communication may happen. It is not appropriate to potentially disqualify a candidate and set aside, hundreds, if not thousands, of voters' intentions on this basis alone.

[31] The SU has clearly created, in section 48, a provision that shows where intent is and is not required. The Panel rejects the idea that conflicting Bylaws may co-exist (i.e., that section 48 **only** permits disqualification when intent can be proven, but section 49 does not). The Panel also notes that all of Bylaw 2200(49)(1) would be compromised by this conflict, as subsections (a)-(c) would now lack an intent requirement. Specifically, where subsection (b) provides for malicious contraventions, it would seem more logical that malice include a mental intent.

### (III) Application of Law to Facts

[32] In considering the evidence on the whole, the Panel remains uncertain as to whether the exchange between the Appellant and Ms. Gwozdz was an intentional act of voter tampering or not. The Panel found neither side sufficiently persuasive. Although the Panel found Ms. Gwozdz honest in her testimony, due to discrepancies the Panel is not confident in relying solely on her account of events in determining the factual outcome of the incident.

[33] Similarly, the Appellant has not persuaded the Panel based upon on his evidence that Ms. Gwozdz’s account of events is unlikely. He has provided affirmative evidence (witness statements and testimony) to the Panel that he approached individuals on voting day with an election registered mobile device, using a specific script/procedure that he followed with every individual he approached. However, the Panel remains skeptical in regards to his interaction with Ms. Gwozdz.

[34] Upon hearing all of the evidence this Panel remains unconvinced on the facts by either side. The Panel notes that there is a substantial difference between not believing that Ms. Gwozdz testifies honestly and to the best of her abilities, and this Panel questioning her account of the event. This arises from issues in the recalling of evidence correctly, the discovery of new portions of her story, testimony arising from the Appellant’s Counsel, and most importantly, the potential of distraction. It is very likely that something was lost in conversation between the two individuals that was critical to understanding the Appellant’s intent.

[35] Essential to the analysis of issues in this case, is the Panel’s finding that vote tampering must be intentional in order to disqualify a candidate. Part 3 of the DIE Board Protocols, section 22, provides that: “an alleged infringement of Students’ Union legislation or rules must be proven on a balance of probabilities”. The Panel holds that the CRO’s finding of vote tampering has not overcome this burden, as there is insufficient evidence to prove on the balance of probabilities that Mr. Sleiman intended to tamper with Ms. Gwozdz’s ballot in their specific interaction. While the miscommunication warranted Ms. Gwozdz being allowed a revote, it does not necessarily infer the intent to tamper.

[36] Accordingly, we would grant the appeal, quash Mr. Sleiman’s disqualification, and order that Mr. Sleiman be reinstated as a candidate. We would further order the CRO release the election results as soon as practicable.

***Appeal allowed, disqualification overturned***

**A. Mohamed (Tribune)..... I Concur**

**The following are the dissenting reasons of**

**H. Mann, Associate Chief Tribune**

**DISSENT-**

[37] I respectfully disagree with the majority opinion.

[38] In considering the evidence on the whole, I concur with the other tribunes that there remains uncertainty as to whether the exchange that led to the misvote between the Appellant and Ms. Gwozdz was intentional or not. I agree with the other tribunes in recognizing this case stems from miscommunication on the subject of consent between the Appellant and Ms. Gwozdz. The Appellant provided evidence he approached individuals with a specific script and the testimony of his witnesses corroborates his submissions. However, I am not convinced Ms. Gwozdz's account of events is unlikely.

[39] I agree with the other tribunes in the understanding that Bylaw 2200 section 48 explicitly discusses intent while section 49 under the same bylaw is silent. I also agree that the contravention mentioned in Bylaw 2200(49)(1)(a) is found in Bylaw 2200(49)(1)(c). Furthermore, Bylaw 2200(49)(1)(b) has grounds for disqualification in a contravention being malicious or substantially prejudicial to another candidate. I find a contravention to Bylaw 2200(49)(1)(c), which mentions tampering with ballots, voting procedures or countering procedures, to be substantially prejudicial to another candidate and hence, recognize only Bylaw 2200(49)(1)(c) as the relevant statement in regards to allegations made by the CRO.

[40] I disagree with the other tribunes in regards to the implicit assumption of intent required for Bylaw 2200(49)(1). Bylaw 2200(49)(1)(c) clearly states that "a candidate shall be disqualified where he/she/it is guilty of a contravention that involves ... tampering with ballots, voting procedures, or counting procedures." I interpret this clause to be a standalone and succinct statement, devoid of the nature of intent. While the intention of the Appellant cannot be determined on the balance of probabilities, I understand this section to disqualify a candidate regardless of intent.

[41] The evidence of Ms. Gwozdz's ballot displaying the vote for the Appellant when she had instead wanted to vote for another candidate is sufficient to argue that there had been tampering with ballots. Tampering [with ballots] is only explicitly referenced in Bylaw 2200(49)(1)(c). The Oxford Dictionary defines tamper [with] as to "interfere with (something) in order to cause damage or make unauthorized alterations." While it cannot be claimed that the former event occurred, I am confident in stating that the latter scenario occurred as Ms. Gwozdz's ballot read a name she did not wish to vote for.

[42] With a contravention involving tampering established and the issue of intent irrelevant, I would find the candidate guilty of an offense. As stated in Bylaw 2200(49)(1)(c), I would have decided to uphold the decision of the CRO in Ruling #06 and disqualify the Appellant from the election race.

### **The Tribunal Is Unanimous in the Following Recommendations**

[43] We would recommend that the wording of *Bylaw 2200(49)* be clarified in regards to whether the contravention must be intentional for disqualification to be considered. Furthermore, we would recommend a separate clause in *Bylaw 2200* altogether discussing the whole issue of tampering with ballots, voting procedures and counting procedures. We would leave it to the Bylaw Committee and Students' Council to develop appropriate election policies.

[44] It is clear that this decision leaves much to be desired. The Bylaw Committee should consider regulating the scope of candidates' ability to campaign on Election Day. Especially, in regards to voting on behalf of others. While we remain cognizant of the fact that there have been increases in voter turn out by allowing campaigning on election day; special consideration must be given to protect fundamental principles of voting.

[45] We also reiterate the problems in the complaint procedure under Bylaw 2200(47). We offer concurring recommendation with the one brought forward by the DIE Board in Ruling 2014-04, *Azimi v. CRO*.

**DIE Board Ruling 2014-6**

Hearing Details:

Style of Cause: Azimi v CRO

Hearing Date: March 6<sup>th</sup>, 2015

DIE Board Panel Members: Sean Wallace, Chief Tribune

Karamveer Lalh, Tribune

Nikki Way, Tribune

Appearing for the Appellant: Ms. Shakiba Azimi

Appearing for the Respondent: Ms. Jessica Nguyen, Chief Returning Officer

Intervener: Mr. Fahim Rahman

**Issues:**

[1] What is the appropriate remedy for a “tainted election” as issued by CRO Ruling #7 regarding the Vice President Academic race?

**Relevant Material:**

[2] From CRO Ruling #7

4. With the new evidence, the Chief Returning Officer does not believe that the intention of the students that testified in the evidence provided in this ruling were reflected and as a result, the Chief Returning Officer believes that this is a tainted election. The Chief Returning Officer believes that in particular, this may affect the outcome of the Vice President Academic race, given the small margin of votes acquired to break the 50% threshold required to win an election in the second round of voting.

5. ...the Chief Returning Officer seeks DIE Board’s recommendation and direction on finalizing potentially tampered election results as there are no governing bylaws directly related to this situation for the Chief Returning Officer to follow and enforce.



[3] From DIE Board Protocols, Section 23 “Burden of Proof for Elections”

With respect to an appeal of a decision by the Chief Returning Officer, a panel may accept as proven any or all facts set out in the Chief Returning Officer’s decision

[4] From Bylaw 1500(29) “General Powers of Enforcement”

If the Board finds an application for action or application for appeal requires action by the Board may make any order proscribing any remedy the Board considers appropriate and just in the circumstances.

[5] From Bylaw 2200(31) “Restrictions on Campaign Activities”

(2) During voting days, no campaign materials or campaign activities shall be within six (6) meters of any polling station.

[6] From Bylaw 2400(15) “By-Election – Executive Committee and Board of Governors”

- (1) Where another Election is required by virtue of Section 8(14) or Section 8(15), the new Election shall be conducted.
- (2) The Campaign for the new Election shall begin a minimum of five (5) days prior to the commencement of voting as set out in Section 15(4).
- (3) The nomination deadline for the new Election shall occur a minimum of fifteen (15) days prior to the commencement of voting as set out in Section 15(4).
- (4) The voting for the new Election shall occur on two (2) consecutive weekdays to be determined and announced by the C.R.O. at least twenty-one (21) days in advance.

[7] From DIE Board Ruling 2010-05

[16] We rely upon our general remedial discretion under s. 29 of Bylaw 1500 to “proscribe [sic] any remedy... appropriate and just in the circumstances” to order a new election for the VP Student Life position, to be governed by the broad outline set out below. We conclude that the broad wording of s. 29 (and the language is *broad*)

authorizes us to make this order, and in doing so to depart, where appropriate and strictly in the interests of restoring procedural fairness to this election, from certain provisions of Bylaw 2000 [at the time]. Again, we adopt as a governing principle that a remedy under s. 29 must be no broader than the bare interests of fairness require.

### **Decision:**

The Panel was unanimous in their decision:

#### Background

[8] The CRO found in Ruling #7 that evidence of voter tampering “may [have] affect[ed] the outcome of the Vice President Academic race, given the small margin of votes acquired to break the 50% threshold required to win an election in the second round of voting.” The two candidates involved were Ms. Shakiba Azimi and Mr. Fahim Rahman.

[9] Under DIE Board Protocols, section 23, “a panel may accept as proven any or all facts set out in the [CRO’s] decision.” Given the ballot evidence submitted *in camera* by the CRO, and more importantly, that neither party disputes that a “tainted election” may exist, the Panel accepts the CRO’s finding.

[10] However, it is important to note that neither VPA candidate nor their campaign volunteers were accused of voter tampering. Thus, the Panel is left with a “tainted election” where the outcome is already known and no party in the race is at fault.

[11] Despite having won the recent Vice President Academic race, the Appellant has proposed a re-election with a list of terms to reflect the unusual circumstances. Both candidates engaged in what can best be described as negotiations before and during the hearing. The CRO is amendable to these terms provided that both parties are agreeable to the conditions.

[12] The Panel therefore must consider whether a re-election is the most appropriate remedy, and if so, what additional terms are necessary to ensure its fairness.

## Analysis

[13] The Panel agrees that the only means by which a re-election can be ordered is through DIE Board's general remedial discretion under Bylaw 1500(29), whereby the "...Board may make any order proscribing any remedy the Board considers appropriate and just in the circumstances."

[14] In DIE Board Ruling 2010-5 (*Yamagishi v CRO*), an analogous situation occurred where the VPSL race was irreversibly tainted by no fault of either candidate. By ordering a re-election Panel found that:

We recognize that this result has occasioned the parties significant personal inconvenience. While this is regrettable, it must be remembered that the fundamental matter at issue here is not a race between two candidates. Rather, it is an electoral process, sanctioned, ultimately, by the Alberta Legislature through the *Post Secondary Learning Act*, and subject to stringent fairness regulation by the elected representatives of the students of this University.

...as there is nothing more fundamental to student democracy than the fairness and transparency of our electoral processes, we are satisfied that our actions are appropriate here. Nothing short of a new election could effectively remedy the damage that was done in this case.

[15] The Panel agrees with these findings, and finds them applicable in this instance. Although a re-election is inconvenient, undesirable, and should be regarded as a last-choice option, the Panel finds no other suitable option to remedy this tainted election.

[16] Therefore, the Panel orders the March 5-6 results of the VP Academic election quashed, and a re-election to be ordered pursuant to the Appendix attached to this document (and otherwise in accordance with Bylaw 2200).

[17] With regards to the additional terms proposed to govern the by-election, the Panel recognizes that additional rules are necessary given the unusual circumstances of this situation. The Panel considers these with full regard to what is "appropriate and just in the circumstances".

[18] The terms are included in an Appendix attached to this document. The

Panel will only discuss the contentious terms raised at the hearing

[19] Given that a two-candidate race was derailed here, the Panel finds that the by-election must also, in fairness, be a two-candidate race, involving the same two candidates.

[20] With regards to the start of the campaign period, Ms. Azimi had argued for Monday, March 16 at 12:00PM, whereas Mr. Rahman preferred a Tuesday or Wednesday start. Both cited personal scheduling conflicts as part of their reasoning. The CRO expressed a preference for starting as early as possible.

[21] The Panel agrees with the CRO's sentiments. The Panel recognizes that Bylaw 2400(15), which governs executive by-elections in instances where "None of the Above" or a joke candidates wins, requires a five (5) day minimum campaign period prior to voting. This is not binding to this situation, but acts as a useful guideline.

[22] Given that it would be most appropriate to adjoin the VP Academic By-Election with the SU Councillor/GFC election on March 19 & 20 (to improve voter turnout), and that the two candidates require time to re-prepare their campaigns and receive CRO approval of campaign materials, the Panel agrees that starting at Monday at 12:00 PM would extend the campaign period to its reasonable limits.

[23] With regards to the use of electronic devices on voting days, all parties agreed that as the source of controversy and the unwieldy potential for voter tampering, a temporary rule scheme should be implemented.

[24] The Panel notes that the only Bylaw that restricts campaign activities on Voting Days are found in Bylaw 2200(31), whereby "no campaign materials or campaign activities shall be within six (6) meters of any polling station."

[25] Noting that polling stations are no longer used in SU elections, as online voting has allowed many electronic devices (e.g., phone, tablet, laptop) to become a *de facto* polling station, the Panel recognizes that the intent of the Bylaw was to restrict campaign activities within areas where electronic ballots are being cast.

[26] Accordingly, the Panel agrees that while candidates/volunteers may engage in campaign activities on voting days, and even inform students on how to vote (i.e., check their email, provide the website link), their actions should be limited once the student has reached the voter login screen (requiring CCID/password), turning their electronic device into a *de facto* polling station. At this point, candidates/volunteers must move beyond six (6) metres of that student before they have passed the login screen.

[27] The Panel emphasizes that this is a temporary rule scheme under an exceptional judicial remedy, and that Bylaw Committee and Students' Council is best suited to address election policy.

[28] The parties also agreed that as an additional measure of precaution, all candidates/volunteers shall be forbidden from using electronic devices (phone, tablet, laptop) when engaging with students on voting days.

[29] With regards to the campaign budget, the Panel pro-rated the \$550 campaign limit for Executive Committee & Board of Governors elections according to weekdays available, resulting in a \$275 budget limit.

[30] It is important to note that the parties further agreed that these rules shall be binding and included under the CRO's discretion to issue fines & penalties, as per the *Election Regulations and Guidelines* and *Schedule of Fines & Penalties* for the Executive Committee and Board of Governors elections.

## APPENDIX: 2015 Vice-President Academic By-Election Terms

- The VP Academic By-Election will be closed to two candidates:
  - Ms. Shakiba Azimi
  - Mr. Fahim Rahman
- Campaigning will begin on Monday, March 16<sup>th</sup>, at 12:00 PM
- Voting days will be concurrent with SU Council/GFC elections on March 19<sup>th</sup> and 20<sup>th</sup>.
- Campaign budget: \$275.00
- No use of electronic devices (phones, tablets, laptops) by candidates or their volunteers on voting days (March 19/20).
  - Candidates/Volunteers may still approach students on voting days and engage in campaign activities.
  - Candidates/Volunteers may inform students on how to vote (i.e., provide the website link). However, once a student has reached the voter login page on their electronic device, candidates/volunteers must move beyond six (6) metres before the login screen has passed.
- The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)
- Campaign materials (including all posters, banners, and handbills) from the previous election may not be reused.
  - All campaign material must reflect the new voting days
  - All campaign material remains subject to CRO approval
  - No banners shall be affixed prior to the beginning of the campaign period
  - No banners shall be affixed in SUB
- Candidates must use the same social media (Facebook, Twitter) outlets,

but may use new personal websites.

- The parties agree that these rules shall be binding and included in the CRO's discretion regarding fines & penalties, as per the *Election Regulations and Guidelines* and *Schedule of Fines & Penalties* for the Executive Committee and Board of Governors elections.

**DIE Board Ruling 2014-07**

Hearing Details:

Style of Cause: Hudson (Appellant) v. CRO

Hearing Date: March 13<sup>th</sup>, 2015

DIE Board Panel Members:

Sam N. Alzaman, Associate Chief Tribune (Chair)

Lerina Koornhof, Tribune

Asmaa Mohamed, Tribune

**Issues:**

[1] Did the CRO err in not accepting Ms. Hudson's written proxy when provided after the meeting?

[2] (a) Did the CRO err in Ruling #1 by failing to consider Ms. Hudson's situation as an emergency pursuant *Bylaw 2300 s.10 (4)(b)*?

(b) Should issues regarding the exercise of CRO discretion be reviewable by the DIE Board?

**Relevant Legislation:**

[3] From *Bylaw 2300*:

**10. Candidate Registration Meeting**

(1) The C.R.O. shall hold a meeting for all candidates following the nomination deadline but prior to the commencement of the campaign.

(2) All candidates shall either attend the candidates meeting in its entirety or designate, in writing, an agent who will do so.

(3) Where a candidate contravenes Section 10(2), that candidate shall be disqualified.



(4) The C.R.O. may, at his/her discretion, grant exemptions to Section 10(3) to candidates, but shall do so only where

(a) the candidate requesting the exemption does so in writing at least forty-eight (48) hours prior to the commencement of the candidates meeting; or

(b) the candidate informs and provides satisfactory evidence to the C.R.O. of an emergency for which no notice could be given.

### **11. Content of the Candidate and Registration Meeting**

At the candidate and registration meeting, the C.R.O. shall, at minimum

(a) review all relevant bylaws, rules, and regulations, including this bylaw, and respond to questions about same;

(b) announce the time and date of any forums scheduled;

(c) determine and announce which candidates are joke candidates as set out in Section 2 (i);

(d) where two (2) or more candidates have asked to appear on the ballot under names that are either identical or so similar as to be effectively indistinguishable, determine and announce under what names each of the two (2) or more candidates shall appear on the ballot;

(e) announce any methods that will be regularly used to communicate with candidates;

(f) take attendance for the purpose of verifying compliance with Sections 9 and 10.

### **Judgment and reasons delivered by**

**Associate Chief Tribune S. N. Alzaman:**

#### **Facts:**

[4] Ms. Hudson was unable to attend a mandatory meeting for candidates in its entirety. *Bylaw 2300* section 10(2) allows the candidate to attend in person or send an agent on their behalf. Ms. Hudson had a lab that ran late

and she was not able to attend the meeting on time. Ms. Hudson testified that the class had run late only one other time and she thought there was no reason to think differently on the day of the meeting. The CRO (Jessica Nguyen) disagrees with this position. She takes particular issue with nothing in writing being given before the meeting.

[5] Ms. Hudson also states that two people attended on her behalf in case she was late. However, one of them was running for office and could not be both an agent and a candidate attending the meeting. The other friend did attend the meeting in its entirety. When the CRO called for attendance, she called for Jamie Hudson and there was no response. Only when she called the next name did Ms. Hudson's agent actually step forward and say she was there. The CRO points to this as providing evidence that she was not meant to be an agent attending for Ms. Hudson and only stepped forward to attempt to cover for her.

[6] The CRO tentatively allowed the agent to appear on her behalf. After the meeting the CRO checked her email to see if the candidate had emailed her; as this would constitute the "in writing" portion of *Bylaw 2300* section 10(2). No such email existed. Ms. Hudson provided a note detailing her friend as her agent for the candidate meeting at the DIE Board appeal. This letter was admitted to being written after the meeting and was accompanied with the position that section 10(2) does not require the 'in writing' section to be provided before the meeting.

**Decision:**

[7] The Tribunal is unanimous in its reasons and decisions.

**Issue 1- Did the CRO err in not accepting Ms. Hudson's written proxy when provided after the meeting?**

[8] Ms. Hudson did not provide anything in writing before the meeting. At the appeal Ms. Hudson brought a written proxy with both her and her designated agent's signature. She admits that this 'written' document was made after the meeting and not given to the CRO. She states that *Bylaw 2300* is silent on to whom the written document must be given, and when the document has to be 'written' and submitted.

[9] When the rule is silent, discretion lies with DIE Board. Respectfully, we

disagree with Ms. Hudson. *Bylaw 2300* section 10(2) reads as follow: “*All candidates shall either attend the candidates meeting in its entirety or designate, in writing, an agent who will do so.*” The Tribunal finds that this essentially means two things. The bylaw properly deconstructed means the following:

(1) *All candidates shall attend the candidates meeting in its entirety; or*

(2) *All candidates shall designate, in writing, an agent who will attend the candidates meeting in its entirety.*

[10] By splitting section 10(2) into its two halves it is clear that only, as we have labelled it, (2) applies. The Tribunal finds that **an agent cannot be designated without having the designation in writing**. The CRO stated that she tentatively accepted Ms. Hudson’s agent so she could check her email. The CRO stated that if she had received an email at anytime before the meeting Ms. Hudson’s agent would have been accepted. The CRO is correct on this point; had Ms. Hudson provided notice, in writing, even 1 minute before the meeting then she would have met the section 10(2) requirements. As such, it was impossible for the “agent” to attend meeting in its entirety as an agent for Ms. Hudson. We would find that **Ms. Hudson failed to have an agent for the entirety of the meeting**.

[11] For further clarification, this panel will suggest that written notice could be emailed anytime before the beginning of the meeting. A hand written notice, or typed and printed, would be provided to the chair of the meeting during the attendance roll call. The CRO chairs that meeting for the candidates, so contrary to Ms. Hudson’s position it only makes sense that the CRO be provided with the written notice.

**Issue 2- (a) Did the CRO err in Ruling #1 by failing to consider Ms. Hudson’s situation as an emergency pursuant *Bylaw 2300* s.10 (4)(b)? (b) Should issues regarding the exercise of CRO discretion be reviewable by the DIE Board?**

[12] *Bylaw 2300* section 10(4) provides “[t]he C.R.O. may, at his/her discretion, grant exemptions to Section 10(3) to candidates, but shall do so” only in certain circumstances. Ms. Hudson and the CRO both disagreed on the meaning of the term emergency in section 10(4)(b). The CRO

emphasized that even if the class ended on time, at 4:50 PM, Ms. Hudson would have had only 10 minutes to get to the meeting at 5:00 PM. As such, the CRO submitted that anyone should foresee the possibility of an out of town trip running late. Ms. Hudson contends that it was out of her control and since she was unable to provide written notice, this should constitute an emergency.

[13] This panel finds that the dispute over the term ‘emergency’ is irrelevant. There is no requirement for the CRO to accept a candidate’s reasons. The CRO is specifically granted the ability to make this decision based on his/her discretion. The Tribunal has come to the determination that **it is not for the DIE Board to consider whether the CRO exercised his/her discretion appropriately**. In extreme cases it may be possible to overrule the CRO’s discretion; however, we find that this is not one of those cases.

[14] Accordingly, the CRO’s discretion in this case is not reviewable and no written notice was provided pursuant *Bylaw 2300* requirements. The appeal is dismissed.

***Appeal dismissed, disqualification upheld***

**A. Mohamed (Tribune)..... I Concur**

**L. Koornhof (Tribune)..... I Concur**

**DIE BOARD RULING 2014-2015 – 08**

**HEARING DETAILS:**

Style of Cause: Jamali v. CRO  
Hearing Date: March 16<sup>th</sup>, 2015  
Hearing Number: Ruling #08 2014/2015  
DIE Board Panel Members: Harvir Mann, Associate Chief Tribune, Chair  
Asmaa Mohamed, Tribune  
Ritika Banerjee, Tribune  
Appearing for the Applicant: Aila Jamali, candidate for Students' Council (Science)  
Appearing for the Respondent: Jessica Nguyen, Chief Returning Officer  
Interveners(s): None

**ISSUES:**

- [1] Did the CRO err in Ruling #1 by failing to consider Ms. Jamali's situation as an emergency pursuant to Bylaw 2300(10)(4)(b)?
- [2] Should the CRO's conduct regarding exercise of discretion be reviewable by the D.I.E. Board?

**RELEVANT BYLAWS:**

- [3] From Bylaw 2300:

**10. Candidate Registration Meeting**

- (1) The C.R.O. shall hold a meeting for all candidates following the nomination deadline but prior to the commencement of the campaign.
- (2) All candidates shall either attend the candidates meeting in its entirety or designate, in writing, an agent who will do so.
- (3) Where a candidate contravenes Section 10(2), that candidate shall be disqualified.
- (4) The C.R.O. may, at his/her discretion, grant exemptions to Section 10(3) to candidates, but shall do so only where
  - a. the candidate requesting the exemption does so in writing at least forty-eight (48) hours prior to the commencement of the candidates meeting; or

- b. the candidate informs and provides satisfactory evidence to the C.R.O. of an emergency for which no notice could be given.

#### **11. Content of the Candidate and Registration Meeting**

At the candidate and registration meeting, the C.R.O. shall, at minimum

- a. review all relevant bylaws, rules, and regulations, including this bylaw, and respond to questions about same;
- b. announce the time and date of any forums scheduled;
- c. determine and announce which candidates are joke candidates as set out in Section 2 (i);
- d. where two (2) or more candidates have asked to appear on the ballot under names that are either identical or so similar as to be effectively indistinguishable, determine and announce under what names each of the two (2) or more candidates shall appear on the ballot;
- e. announce any methods that will be regularly used to communicate with candidates;
- f. take attendance for the purpose of verifying compliance with Sections 9 and 10.

#### **FACTS:**

[4] Ms. Jamali is a candidate for Students' Council from the Faculty of Science. Ms. Jamali was unable to attend a mandatory candidates meeting in its entirety. She arrived a few minutes late due to circumstances in which she had an exam that started late and ended late. By her accounts, her exam was supposed to run from 3:30 to 4:50, giving her ten minutes to make the candidates meeting. However, the exam commenced later than planned and therefore, Ms. Jamali was forced to stay an extra ten minutes to complete it. Ms. Jamali arrived 5 minutes late for the candidates meeting and remained for the rest. At the conclusion of the meeting, Ms. Jamali informed the CRO of her situation and from her standpoint, the CRO assured her she would not be disqualified pending a review of bylaws first. Her professor also emailed the CRO a few hours after the episode corroborating Ms. Jamali's accounts.

[5] In Ruling #01 however, the CRO disagreed with the applicant's position and disqualified her from the race based on the belief she contravened Bylaw 2300(10)(2) for failing to attend the meeting in its entirety. Ms. Jamali's absence from the first 5 minutes of the candidates meeting meant she had missed the attendance taken by the CRO as per Bylaw 2300(11)(f).

[6] Ms. Jamali did not designate a proxy to attend the meeting on her behalf nor did she provide a written account to the CRO prior to the meeting. By her accounts, she had no reason to believe the exam would take longer than the designated timeframe. Ms. Jamali believed this constituted an emergency scenario outside of her control. She appealed her justification on the grounds that Bylaw 2300(10)(4)(b) exempts a candidate from disqualification where a candidate can provide evidence of an emergency for which notice could not be given prior. Ms. Jamali also reasoned that she had continued

planning her election campaign under the assumption the CRO did not disqualify her. By her accounts, she invested significantly in time and resources. She appealed the CRO's decision to the D.I.E. Board to overturn the CRO's ruling and reinstate her back into the race.

#### **DECISION:**

[7] The Tribunal is unanimous in its decision.

#### **Issue 1 - Did the CRO err in Ruling #1 by failing to consider Ms. Jamali's situation as an emergency pursuant to Bylaw 2300(10)(4)(b)?**

[8] Bylaw 2300(10)(2) reads: *"All candidates shall either attend the candidates meeting in its entirety or designate, in writing, an agent who will do so."* By the applicant's own admission, she did not attend the entirety of the meeting, arriving late and missing the attendance timeframe. Ms. Jamali also did not designate a proxy, as she was unfamiliar with Bylaw 2300. Bylaw 2300(10)(3) reads: *"Where a candidate contravenes Section 10(2), that candidate shall be disqualified."* The panel respectfully agrees with the CRO's decision to disqualify the applicant based on this provision.

[9] Bylaw 2300(10)(4) states: *"The C.R.O. may, at his/her discretion, grant exemptions to Section 10(3) to candidates, but shall do so only where (a.) the candidate requesting the exemption does so in writing at least forty-eight (48) hours prior to the commencement of the candidates meeting; or (b.) the candidate informs and provides satisfactory evidence to the C.R.O. of an emergency for which no notice could be given."* In this case, Ms. Jamali did not inform the CRO prior to the meeting about a potential absence; hence only Bylaw 2300(10)(4)(b) applies here.

[10] Ms. Jamali and the CRO both disagreed on the definition of 'emergency' as defined by Bylaw 2300(10)(4)(b). Ms. Jamali reasons that the change in exam times was an unprecedented and unanticipated outcome which was outside of her control. Hence, she believed this constituted an emergency on the part of the instructor for which she, as the applicant, could not provide notice to the CRO. The CRO argued that the exam was known well in advance and the applicant would only have had 10 minutes to leave her exam and attend the candidate's meeting assuming it ended on time. The CRO reasoned the applicant should have foreseen a potential conflict arising out of tardiness and made the effort to designate a proxy.

[11] The panel finds the reasons of the applicant well-intentioned and sympathizes with her plight; however, the issue of defining 'emergency' is considered irrelevant. As stated by Bylaw 2300(10)(4), the CRO may grant exemptions at his/her discretion. The panel agrees with the CRO's opinion that since the exam date and time were known to the applicant, she should have taken the necessary steps to proactively anticipate the probability of being late to the candidate's meeting and making necessary adjustments.

#### **Issue 2 – Should the CRO's conduct regarding exercise of discretion be reviewable by the D.I.E. Board?**

[12] Though the D.I.E. Board does not operate on the principle of precedence, we refer this issue to *D.I.E. Ruling 2014-07* which dealt with the same issue. It is not in the D.I.E. Board's interests to decide whether the CRO exercised his/her discretion in an appropriate manner. There is no basis to review the

CRO's discretion and overturn the CRO's ruling. The appeal is dismissed and the disqualification of the applicant is upheld.

***Appeal dismissed, disqualification upheld***



## Edmonton Student Alliance Charter

### **Mandate:**

The Edmonton Students' Association (ESA) is a group of post-secondary student associations in Edmonton, Alberta that work to better represent and serve post-secondary students in the Edmonton Region. The group will be focused on sharing information and resources to better coordinate municipal lobbying efforts as well other advocacy areas.

### **Structure:**

ESA will be formed on the basis where each member has a right to a voice. There will be a chair and vice chair who will ensure that meetings are coordinated between schools and key stakeholders in the city. ESA will be made up of student associations whose campuses are based in Edmonton. The chair and vice chair will be elected in May and must be current elected student representatives of a student association who are members of ESA.

The ESA chair and vice-chair shall be elected by simple majority vote of the ESA in May, and their terms are one year. The chair shall serve as spokesperson for the ESA and preside over meetings of the ESA. The vice-chair shall keep minutes of ESA meetings, records of the ESA, and shall act as chair in the event of temporary absence.

Sharing information and pooling knowledge will be directed at common goals versus a more fragmented approach. Information will also be shared for the purposes of knowing what each student association's priorities are in order to coordinate, support and give advance notice when necessary. All information should be considered confidential unless otherwise noted.

### **Meetings:**

The group will formally meet every two months, rotating between the different campuses. The date and initial agenda of meetings will be set by the chair in consultation with members and set with 72 hours notice. Members may attend with any number of representatives, but in reaching consensus a single student representative must be designated as the primary delegate for representing the opinion of their organization. Sub committees of the group will be formed based on the priorities the group sets in May.

Quorum for a meeting of the ESA is a simple majority of current members.

To ensure each member has enough time to consult their own membership, ESA will allow adequate time when circulating prepared materials. As a local organization issues at the local level should be prioritized over those at the provincial or federal levels.

### **Priorities:**

Every year the group will meet at the beginning of May to set the priorities of the group for the year. These priorities will dictate the subcommittees that will be created and the lobbying efforts of the group.

ESA will always remain neutral according to association membership and means of advocacy. The main purpose of ESA is to coordinate on common issues and empower each member.

In order to include the above principles, each member is free to submit advocacy material to be developed and shared through ESA associations. Members are expected to share information for the upcoming agenda in a timely manner so it can be developed and maximize consensus between members. Consensus will be required for developing any ESA positions or approving the release of ESA materials.

A lobby week will be held once a year in November to promote the priorities of ESA to the municipal government and key stakeholders in the region. The week will be organized by the chair and vice-chair and offer opportunities for each member of the ESA to advocate to the municipal government.

**Membership:**

The membership of ESA will consist of post-secondary student associations that have their main campus in the Edmonton Region. Any post-secondary student association may apply following a successful vote of their students' council in writing to the chair for membership that is approved by the ESA at their next meeting. Any member may withdraw from the ESA through a resolution passed by their students' council and informing the chair in writing of their withdrawal. In the event a member ceases to be eligible for membership or following a vote of expulsion by the ESA a student association also may cease to be a member.

By reaching a decision on organizational priorities or on individual material by consensus ensures association autonomy while ensuring the ESA is speaking on behalf of all members. The ESA will ensure the opportunity to all members to contribute to issues and develop them in full and the ESA then remains a central location for information sharing and exchange.

**Fees:**

Membership fees are not levied for the organization. Student associations will be able to individually allocate resources to accomplish the goals of ESA in a manner that satisfies everyone.

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Tyler Ludwig, Concordia Students' Association

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Brenna Hansen, King's University Students' Association

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Hasib Baig, NAIT Students' Association

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Cameron McCoy, Students' Association of MacEwan University

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Jessica Zambonelli, Students' Association of NorQuest College

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Nathan Andrews, University of Alberta Graduate Students' Association

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William Lau, University of Alberta Students' Union

**Food Policy Renewal**

WHEREAS access to food preparation resources on campus is currently limited;

WHEREAS nutrition plays a vital role in the health and wellness of students and therefore can have a can significantly impact on their academic success;

~~WHEREAS nutrition plays a vital role in the health and wellness of students;~~

WHEREAS access to a variety of healthy food and beverage options available on campus is currently limited;

WHEREAS food and beverages sold on campus do not meet the needs of students with a variety of dietary restrictions;

WHEREAS nutritional information provided for food products sold on campus is currently limited;

WHEREAS the purchase of food and beverages incurs a significant financial cost to students;

WHEREAS students living in Lister Centre are required to purchase a mandatory meal plan that can only be used to purchase food and beverages from specific food vendors on campus who accept the plan as payment;

WHEREAS the production, transportation, distribution, and/or consumption of food and beverages can have adverse social and/or environmental impacts;

BE IT RESOLVED THAT the Students' Union advocates that the University increases the availability of diverse and healthy food and beverage options;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University provides an increase of affordable food and beverage options;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University provides and improves access to food preparation resources;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University provides and improves access to water fountains and water bottle refilling stations;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University encourages the sale of organic, local, or Fair Trade certified food and beverage options when competitively priced to reduce its adverse ecological and social impact;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University reduces the ONEcard vendor levy to promote the expansion of its ONEcard service to vendors providing more choice for students who wish to eat on campus;

BE IT FURTHER RESOLVED THAT the Students' Union advocates that the University provide easily accessible nutritional information for all of its food and beverage products;

### **Residence Policy First Principles**

- Residents require livable spaces in compliance with the Province of Alberta's Minimum Housing Standards.
- Residents pay for and expect quality services such as laundry and kitchen equipment.
- Residents need to be able to schedule around maintenance staff entering their units.
- Residence services should follow clear deadlines with respect to inspections and notice of entry.
- Residents should have the opportunity to be present during move-in, interim, and move-out inspections.
- The residence fee schedule should be consistent with costs and approved in a transparent manner.
- The Government of Alberta and the City of Edmonton should remove the burden of municipal property taxes from residences and the University of Alberta should pass any ensuing savings to students in residence or deferred maintenance.
- The Government of Alberta should provide capital funds toward the development of additional student housing.
- The Students' Union should oppose rent and food plan increases beyond CPI unless increased funds benefit students living in residence directly.
- Residence Associations are student representative associations and should have the opportunity to make decisions on behalf of their constituents.
- Residence Associations should have transparent and efficient fee collection, financial regulation, administration, and support in order to function.
- Residence Associations should have a healthy partnership with University of Alberta Residence Services.
- Residence Associations require office space, the ability to communicate with their constituents, and clear guidelines as to their jurisdiction.
- Residence Association executives should be able to live in their residences.
- Departments that work on issues affecting residents and Residence Associations should communicate.
- Residence Associations should be able to host events and programs for their constituents.

WHEREAS Students at Campus Saint-Jean do not have an English language proficiency requirement;

WHEREAS Campus Saint-Jean and its students are a crucial organ to the University of Alberta and its community;

WHEREAS Students currently do not have a bilingual system to apply to U of A scholarships;

WHEREAS the ability to communicate in French or English does not equate proficiency in said language;

WHEREAS official communications from the U of A are only delivered in English, therefore cannot reach students who are not adequately proficient in English;

WHEREAS timely response to emergency communications can be hindered by a language barrier;

WHEREAS administrative interfaces (Beartracks, Bearsden, etc.) are currently only available in English, limiting current and potential students from using them;

WHEREAS student services are essential for students to help maintain a balanced, healthy and academic lifestyle but are currently not broadly available in both French and English;

WHEREAS bilingualism is a Canadian value;

WHEREAS Alberta has the fastest growing french speaking population in Canada according to the 2011 Census.

BE IT RESOLVED THAT the the Students' Union will advocate for a bilingual scholarship and bursary application process;

BE IT FURTHER RESOLVED THAT the Students' Union will advocate to have official University of Alberta communications administered in both French and English in a fashion convenient to students;

BE IT FURTHER RESOLVED THAT the Students' Union will advocate to have emergency University of Alberta communications administered in both French and English;

BE IT FURTHER RESOLVED THAT the Students' Union will advocate to have administrative interfaces (Beartracks, Bearsden, etc.) be available in both French and English

BE IT FURTHER RESOLVED THAT the Students' Union will advocate to increase the availability and scope of student services offered in both French And English.



### Suggested First Principles

1. Students should be able to understand why they received any grade.
2. Students should be able to understand how the assessments they receive are related to the overall course objectives.
3. Grading should be structured to increase student success.
4. Rubrics should be commonly used for the purpose of assessing performance-based learning assignments and be made available to students.
5. The Students' Union should strive to create awareness around the academic support services available to help students improve.
6. Students should explicitly know what is expected of them in any given course in terms of assignments, tests and participation.
7. Students should be regularly made aware of their progress and academic performance in any given course.
8. Students should be made aware of their academic performance before the withdrawal deadline in any given course.



**ORIGINAL**

**IX. HEALTH AND WELLNESS**

WHEREAS the health and wellness of an individual encompasses emotional, mental, physical, spiritual, and sexual health;

WHEREAS the health and wellness of students may be affected by the physical environment on the University of Alberta campuses;

WHEREAS the health and wellness of a student has a direct effect on academic and social success;

WHEREAS students are increasingly susceptible to high levels of stress due to heavy workloads;

WHEREAS there are limited fitness and physical wellness facilities on campus;

WHEREAS there is demand for increased quantity and quality of interfaith prayer and meditation space on campus;

WHEREAS high risk alcohol consumption occurs within the student population;

WHEREAS addictive behavior, including, but not limited to, addiction to computer/internet use and to cognitive-enhancing drugs can be damaging to a student's academic success;

BE IT RESOLVED THAT the Students' Union advocates that the University increase psychological and psychiatric services;

BE IT RESOLVED THAT the Students' Union advocates that the University explore new ways in which to enhance students' mental health;

BE IT RESOLVED THAT the Students' Union advocates that the University enhance physical wellness space;

BE IT RESOLVED THAT the Students' Union advocates that the University enhance sexual health awareness for students;

BE IT RESOLVED THAT the Students' Union advocates that the University increase interfaith spiritual space on campus;

and BE IT RESOLVED THAT the Students' Union advocates that the University encourage safe drinking practices for those who choose to consume alcohol.

## **First Principles**

1. Student health and wellness of an individual includes emotional, mental, physical, spiritual, and sexual health;
2. Student health and wellness suffers whenever any of the prior categories suffers, and has significant impacts on student academic success and social well being;
3. University experience is not limited to academia. Students need support in all aspects of their lives in order to be successful;
4. Students may suffer from addictive behavior, which includes, but is not limited to, addiction to computer/internet use and to cognitive-enhancing drugs which can be damaging to a student's academic success;
5. Services supporting student health and wellness are more than just clinical service;.
6. Students are increasingly susceptible to high levels of stress due to heavy workloads;
7. The current levels of service and availability of facilities on campus do not adequately address student need.



March 24, 2015

To: Council

Re: VPA Report

Hello and welcome to the second-from-last VPA Council Report of the 2014/15 year!

Similarly to last week, I've spent a good chunk of my time preparing for transition and retreat. I was conveniently granted a week-long extension on my transition documents so I've been working on beefing those up for the next person. Just because it's interesting, I'll attach the analytics for the hits on the rulings page of our website to this report.

The most exciting thing in the VP Academic portfolio this week was the release of this year's recipient of the SU and CTL Award for Innovation in Academic Materials, which is associated with the Be Booksmart campaign. Congratulations to Dr. Allen Shostak, who is a professor of Zoology! He has also decided to donate the \$1000 prize to The Landing! For more details look at the release here: <http://su.ualberta.ca/about/news/entry/288/innovative-instructor-lauded/>

You'll see there are a number of policies coming through on the agenda today, one of which is the first-ever (or in memory) Assessment and Grading Policy! I'm very excited that Policy Committee is backing it, because it supports the overall trend of having more policies directing the VP Academic portfolio. More guidance from students is better in terms of advocacy in general, and since assessment and grading has been a part of the VPA's portfolio for as long as the VP portfolio has been around, it seems a good thing to have policy on.

VP Diaz and I are working on a project together with regards to the University's Residence policy. I wrote awhile ago about how Ancillary services wanted to get rid of the old Residences policy and not replace it with anything, but GFC Exec committee tabled the motion and told them to come back with a replacement policy that they had drafted in consultation with students. At first they seemed unwilling to meet with us, then we finally had a (rather antagonistic and patronizing) meeting where we found that the goal is to eliminate student experience aspects (ex: comfort, programming) from the policy, in favour of something that deals only with the operating of the buildings themselves. Additionally, they want to change the rent model to be based on market supply and demand, which basically reads as jacking the rent prices way higher. This is ridiculous given that the purpose and mandate of student residences are very different than other residences and are also targeted at a definable and enumerated constituency. In any case, Diaz and I have drafted changes to the draft policy they gave us and are going to get their feedback on it soon. Maybe they will be more open to discussion when they see our thoughts laid out on paper.

Continuing on the train of disturbing trends in the University, at ASC this morning, amidst a positive discussion on making information about certificates more accessible and easy to understand for students, there was some commentary on how it would be bad if students thought they would get an extra 'point' on their application to medical school if they got a certificate, because students would flood the certificate programs. I was so disappointed and saddened by the heads nodding in agreement around the room. This is a room populated by Associate Deans from almost every faculty, this means that as you



read this, at least some of your Faculty members believe that you are not here to better yourself or enhance your own knowledge. You are here because you are a mindless consumer just trying to make a buck. We NEED to change this narrative, because this is the same narrative by which Market Modifiers and massive tuition and rent increases are justified. This is not the reality, but it is the perception of those with decision-making authority.

Also at ASC, there were two programs cut: Bioinformatics and a joint ENCS program from CSJ/ALES. I was in favour of the Bioinformatics one, the program they had designed was so rigid that many students who entered into it were unable to complete on time, so there was very low uptake. By cancelling this program, it opens the courses up to ~1600 more students that it normally has. For the ENCS program, they are suspending the program for three years in order to save funding, however, there will still be students in the program for at least four years. This proposal was aimed at saving money, however, it is not clear how they intend to do so.

Last Friday, VP Hodgson and I took a trip down to Camrose for the Winter installation of Council of Campus Associations. We had a great discussion that had a major focus on the services that are provided on main campus that are not available to students on satellite campuses. Members also suggested changes to COCA to make it even better for next year!

The subcommittee of CLE that I am on that is working towards better using technology in learning met again last week and we all talked about the possible recommendations we might make to the larger committee based off of the survey data we now have. This looks promising, but it will probably spill over into next year.

The Student Library Advisory Committee met again last week as well. It is definitely one of the best committees that I sit on (and that is saying something since I sit on ~55-60). It is new this year, but it looks like it will still be going strong next year. Keep an eye out for the opening of applications for that committee. One of things that makes it so great is that it is primarily composed of students and it is student directed. The people who organize and facilitate it are open to discussion, questions, and considering new ideas. It was truly a pleasure to work with these students and library staff this year.

GFC last week was interesting (as usual), as the leadership college AND the new budget model were up for discussion. There were many great questions asked about the PLLC, for example, staff were asking why a non-academic unit is making academic decisions, and we were asking why students are being admitted to a certificate program that does not yet exist. But this was not an opportunity to suggest changes to the program, more so an attempt to appear willing to accept feedback. At this point in time I am not overly concerned about the new budgetary model. I know that the new President and Provost would have to be on board with it first, and then after that it would be years before it could be implemented, so really, we are looking at a date in 2017 or 2018 at the earliest. The administration is aware of our concerns with the model broadly and they have demonstrated willingness to address our issues.



Since my next report will be more of a goals update than a report written in plain language like this one, let me take this opportunity to thank you all. It's been a pleasure to work with many of you this year, and I wish the best to you in the future.

All the best,  
Kathryn Orydzuk

Feb 25, 2015 - Mar 18, 2015

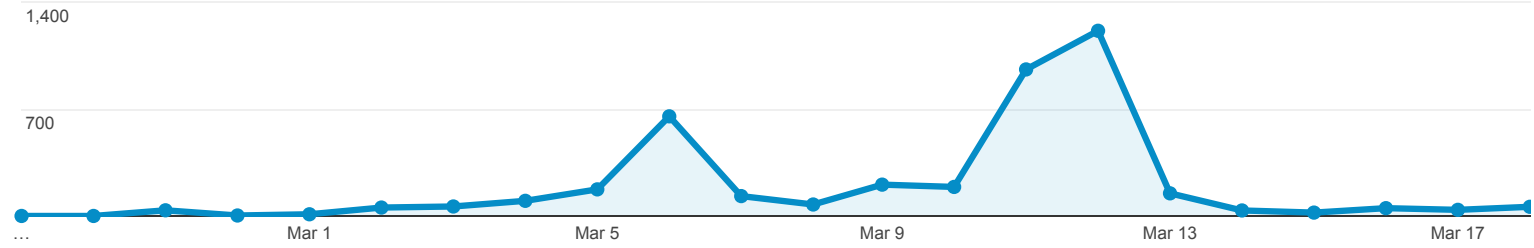
# Pages

ALL » PAGE: /governance/elections/rulings/

All Sessions  
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## Explorer

### Pageviews



Page	Pageviews	Unique Pageviews	Avg. Time on Page	Entrances	Bounce Rate	% Exit	Page Value
	4,221 % of Total: 3.24% (130,335)	2,242 % of Total: 2.27% (98,655)	00:03:44 Avg for View: 00:01:17 (189.21%)	827 % of Total: 1.87% (44,235)	59.98% Avg for View: 48.28% (24.23%)	35.37% Avg for View: 33.94% (4.22%)	\$0.00 % of Total: 0.00% (\$0.00)
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