

### Ruling #18 Summary

Unsolicited campaigning in MSA groupchat and postering violations.

### Parties to the Ruling

- Jacob Verghese, Chief Returning Officer
- Sithara Naidoo, Deputy Returning Officer
- Abdul Abbasi, Vice President External Candidate
- Logan West, Vice President External Candidate
- President of the Muslim Students' Association (MSA)

### Elections Office Jurisdiction

Unsolicited campaigning was done by Mr Abbasi's volunteer which was done in the MSA groupchat.

### Applicable Bylaws, Rules, and Regulations

- General Nomination package pg 5 "Volunteers, defined as anyone who assists in any campaign activity, are bound by the same rules as candidates. It is the candidate's responsibility to inform their volunteers of the election rules. Candidates are responsible for the actions of their volunteers and may be subject to penalties as a result of their volunteers' conduct"
- Bylaw 320, Section 11(1) "Each Candidate or side manager shall act reasonably and in good faith, and specifically shall
  - (a) ensure that each Volunteer engaging in Campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;
  - (b) ensure that each Volunteer complies with all bylaws, rules, regulations, and orders while engaging in Campaign activities on their behalf; and
  - (c) report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately."
- Bylaw 320, section 17.2: "Penalties available to the C.R.O. shall include (a) a fine to be counted against the Candidate's or side's Campaign Expenses..."
- Bylaw 320, section 17.3: "The C.R.O. shall draft a schedule of fines and penalties as an appendix to the rules and regulations concerning this bylaw."
- General Election Nomination Package, page 8: "Like physical materials, campaign materials used on social media must be approved by the CRO before being made public."

- General Nomination package, page 8: "Candidates must provide the CRO with a list of all account URLs for social media platforms; the CRO needs to follow or otherwise track those accounts before they can be used for campaigning."
- General Election Nomination Package, page 11: "While the Bylaws require disqualification in several situations, they also give the Chief Returning Officer significant latitude to enforce penalties as appropriate in other situations, including a fine to be counted against the candidate's campaign expense limit."
- General Nomination Package pg 6 "Candidates and campaign sides are distinct entities from student groups and should not use any influence they hold with a student group to gain an undue advantage"
- Lau vs CRO DIE Board ruling 2013-06.

## Findings

1. On Monday, March 11 at 17:55, VP External candidate Logan West sent the CRO a formal complaint. The CRO required more time to investigate the complaint, as outlined in bylaw 320.16.03 until the end of the day on March 14.
2. VP External candidate Mr Abbasi on call on March 12th confirmed to us that he was a part of the MSA group chat for 3 years and is not an active member. He has also stated that the President of the association is his volunteer.
3. The MSA President has sent out an email on behalf of the MSA and this was given to the election office before this complaint.
  - a. In the email, it states "We also have a substantial online following, over 14,000 across all of our platforms, including over 3,200 followers on Instagram, over 2,600 mailing list subscribers, and 1,000+ members in each of our Discord server and WhatsApp communities."
    - i. Mr Abbasi says that he is also present in the WhatsApp group chat and as Mr. Abbasi has demonstrated good faith throughout this election, we believe that it is only being posted in this one WhatsApp group chat.
    - ii. The group chat is 370 individuals.
    - iii. The MSA President did post on their MSA WhatsApp chat about the MSA picks.
    - iv. MSA posted on their Instagram about their MSA picks which indicates which candidates aligned with their views to represent the Student Union Executive best.
    - v. The MSA President was seen campaigning in ETLIC. Handpicks on who to vote were given to individual people.
4. Use of tape for postering was agreed to by Mr Abbasi and this caused posters to be destroyed in the process.
5. Mr Abbasi was a choice for the SJP picks. Mr Abbasi has non affiliated himself with SJP publicly and it was to the satisfaction of the C.R.O. There are no direct ties with any of the members of Mr. Abbasi volunteer team and he has confirmed that he had asked them to ensure that he would uphold his non-affiliation status.

6. "It is also important to note that a third-party individual informed Ms West that the MSA refused to endorse West due to her identity as a queer woman."; "Multiple students have reported harassment from the MSA towards queer people on this campus, indicating that this is a pattern of behaviour by the organization." These quotes were in the complaint given to the Election Office and no evidence proves this.

## Ruling

- The Election Office does not see the emails sent to the executive candidate as a breach of bylaws and regulations because student groups of the university can reach out to the executives.
- Mr Abbasi has told the Election Office that he has not used any form of campaigning in this group chat. He has acted in good faith in this election period and the election office believes that he has followed the rules to the best of his abilities.
- The MSA President was seen campaigning in ETLC and giving out leaflets which is allowed within bylaws and regulations.
- In light of the evidence provided, the Election office feels that the allegation regarding discrimination based on gender and sexual identity is better addressed by the Dean of Students (DoS) and Student Group Services. The Election Office will notify the DoS about the situation so they can handle it better.
- The Election Office does conclude that the MSA President has broken the rules by sending a message in the group chat. This is considered unsolicited campaigning and the precedent has been made in the Lau vs CRO DIE board ruling 2013-06.
- Mr Abbasi has agreed to the use of tape and due to this has caused some damage to the walls and posters.

## Penalty

Mr Abbasi has shown good faith to the election office and believes there was no malicious intent behind the MSA President's posting in the WhatsApp group chat.

The Election Office assesses the fine as  $\$10.00 + \$0.10 * 370$  (number of members in a group chat) =  $\$47.00$ .

Use of tape that has caused damage to posters, walls etc. We have assessed the fine to be  $\$2.00 * 1$  (Number of posters) =  $\$2$ .

## Appeal

Rulings of the CRO may be [appealed to the DIE Board](#) by current undergraduate students, using the DIE Board Application Form, within 12 working hours of the ruling being posted. This ruling was posted at 10:00 AM on Friday, March 15th and the deadline for appeal is 1:00 PM on Monday, March 18th.