

Team DiBrina vs. USC Elections Committee:

On Monday, January 30th, Team DiBrina submitted a violation allegation against Team Tobi to the USC Elections Committee under section 11.1 (Fair Play) of By-law #2, which states:

“Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, libel, slander, general sabotage of the campaigns of other candidates, misrepresentation of fact, and malicious or intentional breach of this By-law or applicable regulations.”

The incident submitted was related to a post in the Facebook group Dumbledore’s Army (a USC ratified club), which has 254 members as of February 1st, as seen in Appendix A. The post was made by [REDACTED] who has been an active volunteer of Team Tobi and meets the criteria of campaign volunteer as prescribed by By-law #2.

The text of his post is as follows (edits to spelling and grammar were made for clarity) and it can be seen in its original form in Appendix B:

“Hey guys!

I want to thank [REDACTED] for the email about the upcoming election. Last year, there was a 21.6% voter turnout. The lowest for a university of our size in the country.

Student’s Council Apathy is such that a number of positions on the Social Science Students Council went unopposed.

However, [REDACTED] told you why she’s voting for Team David.

I’m going to tell you why I’m voting for and helped campaign for Team [Tobi](#).

When talking about the USC, policies and more, Tobi and Landon have never used the word “I”. They have run on the idea of students. Social Sci students what this, Club students want that, USC has to be accountable to the students. They are going to extend USC office hours and bring them down out of the Ivory Tower and into the UCC proper.

They are deeply concerned about Mental Health and hate that there are long wait times, and generally a student has to tell their story more than once to get help. They are proposing a mental health triage in the Wellness Centre to figure out a student’s needs and get them quick access to them.

*Lastly, because they were the outsiders, but are now the voice of the students. The other platforms are **long time Student Politicians. They are going to keep doing things they way they have been.** If you don't believe me, look at the debates, look at the **recent CHRW funding "debate", look at the Indigenous Students club getting de-ratified.** Status Quo. Some slates have even **entered into negotiations with outside businesses BEFORE getting elected, before consulting with students** and are talking about closing a UCC business, again without referendum or consultation. This concerns me deeply. They tell you they know how to play the game, and I believe them. Ask yourself what the USC has done for you and your \$800.*

I want you to vote.

I want you to vote informed. Read the issues, look at the platforms, talk to people. Do it because you believe in the Slate, not because someone told you to (me included... though if you vote for Team Tobi because of that, I promise not to complain too hard!!!).

██████ sent out the email, I've done this... if there's a Supporter for team Jan/Mohammad - I'm asking you to please post so we can get all sides!!!"

We have no issue with majority of this post as it is reasonable to post a favourable comment for the team one is supporting and it is positive to encourage people to vote. However, we take great issue with some text within the highlighted paragraph, specifically the bolded aspects.

Given that this violation was submitted under Fair Play we wanted to clearly define some key terms within the rule. For clarity and reasonableness, we used the definitions from Dictionary.com.

Libel: defamation by written or printed words, pictures, or in any form other than by spoken words or gestures.

Defame: to attack the good name or reputation of, as by uttering or publishing maliciously or falsely anything injurious; slander or libel; calumniate:

Misrepresent: to represent incorrectly, improperly, or falsely.

Fact: something that actually exists or is known to exist or have happened

Using these definitions, there are multiple instances where ██████████ attempted to defame the character of Team DiBrina and/or misrepresent facts.

1. **“long time Student Politicians. They are going to keep doing things the way they have been”**

One of the primary campaign slogans for Team DiBrina was “doing things differently”. Implying that we would want to keep things the same is incongruent to how we’ve run our campaign and the points we put in our platform. The only purpose of saying this was to create a negative impression on our campaign team and was not rooted in any facts or demonstrated evidence.

Moreover, this line should be used to establish that this entire paragraph was directed towards Team DiBrina. By saying the ‘other slates are long time Student Politicians’ can only reasonably be directed towards Team DiBrina. The only other slate is Team Jan/Mohammad, in which both candidates have little to no USC experience, and have run on a campaign where they frequently use the term ‘outsider’ to describe themselves.

2. **“recent CHRW funding ‘debate’,”**

Building on the previous sentence, ██████████ said that we’d keep doing things the same as the previous years. One example he cites is the recent debate on CHRW (Radio Western) funding at a USC Council meeting, which resulted in an upcoming referendum with the option to decrease the radio station’s student levy. What ██████████ was attempting to do was to blame what happened with CHRW on Team DiBrina, since both candidates are active on USC Council. He is saying that as ‘student politicians’ we are responsible for what happened. While we have no problem accepting responsibility for our decisions, what ██████████ said was a significant misrepresentation of fact. Firstly, it is implying that we had control over what happened with CHRW, but ignores the fact that there are roughly 50 members of Council who made this decision collectively. Moreover, he is trying to use this example to paint a false divide between Team DiBrina and Team Tobi on this issue. Had Team Tobi come out against this decision it would be reasonable to criticize us on these grounds. However, during this debate Mr. Tobi Solebo was granted speaking rights and spoke in favour of the motion that ultimately passed at Council (watching the video of the Council meeting will provide evidence of this). Therefore, ██████████ distorted the situation to make it appear that only Team DiBrina favoured this, when both candidates did, and this instance should be counted as violating fair play as this was an unfair representation of fact from an arm’s-length party/campaign volunteer.

3. ***“Indigenous Students club getting de-ratified,”***

Furthermore, [REDACTED] points to the de-ratification of the Indigenous Students’ Association (ISA) as another reason why change is needed (and implicitly why students should vote for Team Tobi). This statement is problematic and a misrepresentation in multiple ways. Firstly, in similar fashion to his remark about CHRW, [REDACTED] is attempting to paint Team DiBrina as responsible for this since we are ‘long time student politicians’. However, unlike with CHRW, no member of Team DiBrina had influence in any part of the decision to de-ratify the ISA, as this decision is solely under the jurisdiction of the Clubs Governance Committee (CGC). Given that Team DiBrina could not have impacted this decision, any implication that we did should be seen as a misrepresentation of fact. Moreover, it was presented without providing any context, which adds to the distortion and misrepresentation of the truth. Additionally, this is another instance in which he implies a separation of what Team DiBrina would do in a given situation versus what Team Tobi would do. This is a blatant mischaracterization of the truth, as Mr. Landon Tulk (the vice-presidential candidate for Team Tobi) is the only candidate for USC Executive who presently sits on CGC and therefore, he is the only one who could have had any impact on the decision.

4. ***“entered into negotiations with outside businesses BEFORE getting elected, before consulting with students”***

This is a categorically false statement and is a distortion, misrepresentation of fact, and an attempt to defame Team DiBrina’s character in the eyes of students. Firstly, it needs to be stated that we have not entered into any negotiations with any outside businesses before getting elected. The largest extent of our discussions with the implied ‘outside business’ (Freshii) is a tweet signalling that they would be open to being ‘closer’, implying interest in a campus location. Given that [REDACTED] is a mature university student he has a reasonable expectation to be able to differentiate a tweet expressing potential unqualified interest and formal negotiations.

Moreover, the tweet is the only public evidence of our interaction with Freshii. Therefore, [REDACTED] is inventing facts to suit his argument for Team Tobi, which is a clear violation of Fair Play.

Moreover, there is a claim that Team DiBrina did not consult with students. This is also categorically false. Prior to releasing our platform Team DiBrina sent a broad range of consultation surveys to USC Clubs, student entrepreneurs, faculty councils and other campus stakeholders. Some of the feedback we received touched on a lack of healthy food options on campus, which is why those perspectives were reflected in the Team DiBrina platform. Therefore, any claim that there was no consultation with students is factually misleading and a misrepresentation, specifically since the consultation was often discussed throughout the campaign in public events, such as the debates, of which [REDACTED] (as a campaign volunteer) reasonably had attended. Choosing to ignore that fact creates a misrepresentation of fact.

When submitted to the USC Chief Returning Officer (CRO), she responded by email saying the following:

“In consultation with members from the EGC we have come to the conclusion that this isn't a violation of section 11.1. This maintains the spirit of elections, it is a post that does not directly slander or libel another team, though they are being critical of opponents they are not being offensive.”

This response is problematic in numerous ways. Firstly, stating that it maintains the spirit of the elections and that it does not directly impact another team is incongruent. Given the language of the post, its spirit was clearly aimed to target Team DiBrina over any other slate. Moreover, there are many demonstrated aspects where [REDACTED] attempts to defame or lower the standing of Team DiBrina in the eyes of students by falsely attributing negative campus events to them even when there was no direct connection and no context provided. Furthermore, the CRO's response does not detail the misrepresentation of facts in any way, even though it was central to the violation allegation submission.

Lastly, the CRO claims this was solely being critical of an opponent. This shows a failure to differentiate between legitimate criticism and false claims intended to create false divides. There are many aspects of the Team DiBrina campaign that are open to reasonable and effective criticism. However, what [REDACTED] did cannot be passed off as just criticism when he misrepresented the truth to further his argument, when many of his claims had no factual basis.

In conclusion, the Appeals Board should find that the CRO and EGC was unreasonable in their dismissal of this violation submission to the broad and targeted defamatory statements and

numerous misrepresentations of fact. The Appeals Board should sanction Team Tobi with a major violation for this offence.