

Team DiBrina vs. University Students' Council Elections Governance Committee

On Tuesday, January 31st, Team DiBrina submitted a violation complaint against Team Tobi on the basis of violating Section 11.4 of By-law #2 (Benefits Acquired by Virtue of Office), which reads:

"Candidates and campaign volunteers are not entitled to use in their campaign any service or tangible benefits conferred on them by virtue of any position in any organization on campus. This includes, but is not limited to, mailing lists, office space, office supplies, equipment, advertising space, and secretarial services"

The nature of this complaint was an incident in which [REDACTED] who was [REDACTED] [REDACTED] for Orientation Week in 2016, posted in the [REDACTED] Soph Team group encouraging the Soph Team to vote and get their frosh to vote, while expressing a clear preference for Team Tobi. Evidence of this post can be seen in Appendix A.

The Chief Returning Officer (CRO) dismissed the complaint stating:

"The EGC has come to the conclusion that the posts made by sophs in their respectful groups do not warrant further investigation. It is the EGC's findings that neither [REDACTED] nor [REDACTED] are volunteers of Team Tobi, and thus Team Tobi cannot be held responsible for their actions. The EGC believes that Team Tobi could not have reasonably foreseen that these individuals would post in their soph Facebook group. Due to the fact that these individuals are not campaign volunteers, section 11.4 can not be applied."

Firstly, it is important to note that the Elections Governance Committee (EGC) rejected the claim solely on the basis that they did not determine [REDACTED] and the other Soph to be campaign volunteers of Team Tobi. More specifically, it is implied that had either been viewed as a campaign volunteer, they would be "held responsible for their actions". Therefore, should [REDACTED] [REDACTED] be proved to be a campaign volunteer, this action must result in a violation. Should this be proven, it could have been reasonably foreseen that [REDACTED] would post in their support.

By-law #2 defines a campaign volunteers as follow:

“means an individual, group, or organization who a Candidate knew, or reasonably ought to have known, would assist that candidate with campaigning. An organization will be deemed to be a volunteer of a Candidate if the candidate is a member of the organization. Knowingly and actively distributing more than one of the same type of campaign item to an individual shall result in that individual being deemed a volunteer.”

It states that *“Knowingly and actively distributing more than one of the same type of campaign item to an individual shall result in that individual being deemed a volunteer.”* Throughout the campaign period, ██████████ posted multiple times to her Facebook account in support of Team Tobi. This included updating her cover photo multiple times to a Team Tobi banner, sharing a link encouraging students to vote for Team Tobi, sharing a Her Campus article about the slate and sharing the Gazette article announcing their candidacy. These can be found in Appendix B.

By-law #2 defines campaign materials as:

“any item, giveaway, design, sound, symbol or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate.”

Therefore, ██████████ sharing two of the campaign related articles or updating her cover photo twice to the “I’m Voting Team Tobi” banner, mandates that she must be considered a campaign volunteer under By-law #2 since she actively distributed a symbol/design twice. Given this, it could have been reasonably foreseen that she would aide Team Tobi’s campaign, including posting in her Soph team’s Facebook group, and Team Tobi must be held responsible for her actions.

Furthermore, ██████████ was featured in campaign material for Team Tobi through an endorsement. This endorsement was publicly displayed on Team Tobi’s website as well as shared on their social media channels. Unfortunately, Team Tobi removed their website and social media channels following the close of balloting so exact photo evidence can’t be obtained. However, Appendix C shows a result from a Google of “██████████ team tobi”, which demonstrates that she is connected to the page and is featured among other pictures of endorsers. As well, we can provide multiple witnesses who would attest to the fact that ██████████ publicly endorsed Team Tobi. Should Team Tobi wish to dispute this fact, they should be given the opportunity to do so.

Moreover, it should be noted that [REDACTED] and Mr. Solebo had a pre-existing relationship through Western's Orientation program.

Given this endorsement, there is no way for [REDACTED] to promote the election as a neutral third-party, when it is clear she had taken a public stance. There is no manner in which [REDACTED] can separate herself from the campaign of Team Tobi, and they must be held responsible for her actions.

Additionally, another [REDACTED] Soph [REDACTED], posted in the same Facebook group encouraging Sophs to vote. It should be noted that [REDACTED] was also an active member of Team Tobi. On this post, [REDACTED] commented, "#TEAMTOBI", thereby removing any potential for her to be seen as unbiased. This can be found in Appendix D.

Should Team Tobi wish to contest by stating that [REDACTED] was meant to be neutral, her public endorsement of their slate, being defined as a campaign volunteer, and actively commenting in their favour on another post within the same group must eliminate any potential for neutrality.

Moreover, her encouragement of the Soph team to vote and encourage their frosh to vote, could have had a significant impact on the outcome of the election. The [REDACTED] Soph team is approximately 90 people and according to Western's Office of Institutional Planning and Budgeting there were 1,590 first year students in [REDACTED] in 2015-16. Enrollment for 2016-17 likely remained reasonably stable.

Lastly, this should be determined to be a violation of Section 11.4 since as Head Soph, [REDACTED] likely has administrative power on the Facebook and would not have been able to make the post or be in the group if she did not hold that position.

Overall, the Appeals Board should find that the Elections Governance Committee erred in judgment by not classifying [REDACTED] as a campaign volunteer and designate her as such. Moreover, based on this classification, the Appeals Board should find Team Tobi in breach of Section 11.4 of the By-law and sanction them with a major violation.