

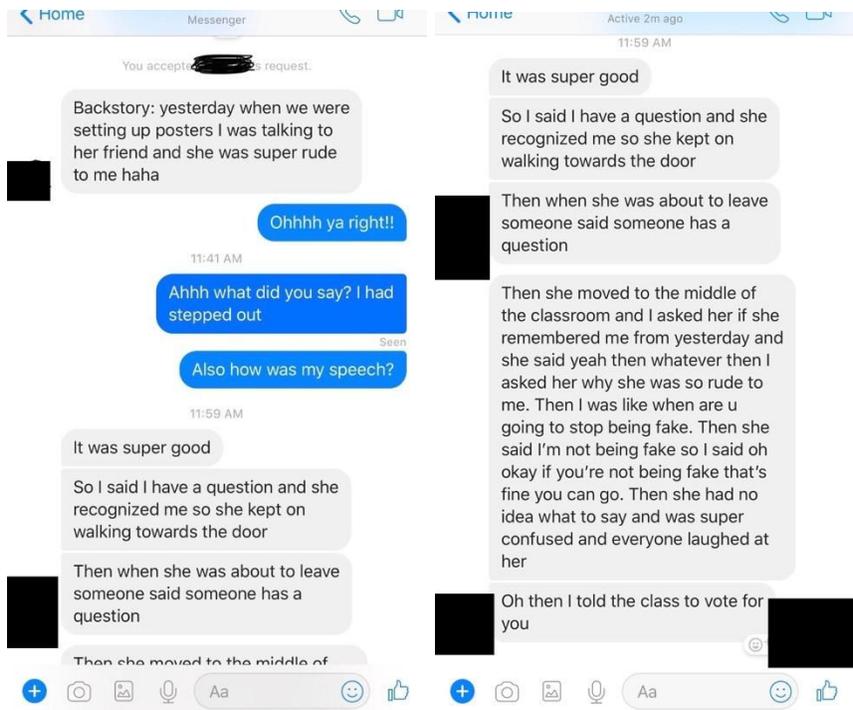
OFFICE OF THE CHIEF RETURNING OFFICER

University of Manitoba Students' Union

Ruling Form

Ruling #	2018-002
Date and time ruling posted	Wednesday February 28 2018 @ 11:00 am
Deadline to appeal (48 hours from posting)	Friday March 2 2018 @ 11:00 am
Concerning Complaint #	2018-002
Summary of the allegation	Athena Skarban (Vice President Advocacy Candidate - Future UMSU Slate) was intimidated with slander while giving a classroom talk in front of students by one of Elevate UMSU's volunteers. Owen Black (Vice President External Candidate - Elevate UMSU Slate) gave a classroom talk before Athena Skarban (Vice President Advocacy Candidate - Future UMSU Slate).
Summary of the parties to the complaint	Elevate UMSU Slate
Does the CRO have jurisdiction?	Yes
Applicable Election Rules	<p><u>Definition of Volunteer:</u> ERM 1(1)(p): "Volunteer" means any individual who engages in campaigning or scrutineering on behalf of a candidate, slate, or side"</p> <p>SR 1.S. "Volunteer(s)" shall be as defined by Section 1(1)(p) of the ERM...and furthermore shall be defined as any member of the union who is campaigning or scrutineering on behalf of a candidate, slate or side."</p> <p>SR 1.T. "Volunteer List" shall be defined as a document submitted to the CRO once a candidate, slate or side has begun their recruitment of Volunteers during the Nomination or Pre-Campaign Periods; which includes the full names and student numbers of the individuals of the union who are campaigning or scrutineering on behalf of a candidate, slate or side.</p> <p><u>Conduct of volunteers:</u> SR 8. E. "All Candidates, Slates and Sides are directly responsible for the conduct of their Volunteers. Any conduct which is in contravention of any Election Rules will be considered to have been undertaken by the Candidate, Slate or Side for which the Volunteer is Campaigning, and penalties will be assessed and applied to said Candidate, Slate or Side."</p>

	<p>SR 8. F. "It is the responsibility of all Candidates, Slates and Sides to ensure their Volunteers are aware of and comply with all Election Rules, Bylaws, Supplementary Rules and Appendices."</p> <p>ERM XXIV(1): Each campaign shall act reasonably, responsibility, and in good faith. Further, each campaign shall: (a) ensure that all Candidates, Campaign Managers and Volunteers are aware, understand and comply with the Election Rules and all other relevant rulings, orders and rules</p> <p><u>Classroom talks:</u></p> <p>SR 9. B. "Candidates are permitted to introduce themselves to classrooms / academic sessions during class time based on the following:</p> <ul style="list-style-type: none"> (i) The professor or instructor approves the introduction. (ii) The introduction is no longer than two (2) minutes in length. (iii) Candidates do not directly solicit votes during classroom talks; rather, they may only encourage students to vote." <p>SR 9. D. "The use of violence or intimidation while campaigning is strictly prohibited."</p> <p>SR 9. E. "Negative campaigning, attack advertisements, or any campaign material that does not focus specifically on the candidate that the material is meant to endorse will not be permitted and will be subject to penalty, up to and including disqualification."</p>
<p>Finding of facts</p>	<ol style="list-style-type: none"> 1) The CRO requested a written response to be prepared by Jakob Sanderson (President Candidate - Elevate UMSU Slate) and Owen Black (Vice President External Candidate - Elevate UMSU Slate). <ol style="list-style-type: none"> a) Jakob Sanderson disputes that Owen was in the room for the incident. b) Jakob Sanderson provides the volunteer, where the volunteer acknowledges he asked "when are you going to quit being so fake" and said "the entire biochemistry looked at her and started laughing so she left." c) Jakob Sanderson asked the volunteer to refrain from any antagonizing actions. d) Jakob Sanderson suggests parts of the complaint were exaggerated, and largely off-base. e) Jakob Sanderson has notified the Office of the CRO that the Individual is no longer a Volunteer for their Slate due to the event that occurred. 2) The CRO interviewed and questioned Sydney Cadieux (Elevate UMSU's Campaign Manager) in person. <ol style="list-style-type: none"> a) Sydney provided the Individual's name. b) The CRO confirmed that the individual is an UMSU student. c) The CRO found the individual on Elevate UMSU's Volunteer List. d) Sydney provided screen shots from a Facebook Message between the Individual and Owen Black (Vice President External Candidate - Elevate UMSU Slate). Grey messages are from the Individual and blue messages are from Owen Black (Vice President External Candidate - Elevate UMSU Slate) – confirmed by the CRO.



- 3) The CRO interviewed and questioned Matt Van Schepdael (eyewitness testimony provided by Athena Skarban (Vice President Advocacy Candidate)).
 - a) Matt Van Schepdael (eyewitness testimony provided by Athena Skarban (Vice President Advocacy Candidate) confirms that the Individual was on his phone right after the event occurred.
 - b) Matt Van Schepdael (eyewitness testimony provided by Athena Skarban (Vice President Advocacy Candidate) confirms the words rude and fake were said about Athena by the Individual.
 - c) Matt cannot confirm Owen Black (Vice President External Candidate - Elevate UMSU Slate) was laughing or smirking.
- 4) The CRO contacts the Professor (Diana Mlinar) of Biochemistry II Class (343 Drake Centre, 11:30) where the classroom talks By Athena Skarban (Vice President Advocacy Candidate) and Owen Black (Vice President External Candidate - Elevate UMSU Slate) occurred.
 - a) The Professor was not present for any of the classroom talks.
 - b) No candidates asked the Professor permission to give a classroom talk before the lecture.

Ruling on the alleged breach

***Due to the 24 hour time frame these are the rulings until further investigation is carried out:**

Findings:

1. Due to the facts that the Professor provided to the CRO, the CRO finds a breach of the rules committed by Athena Skarban (Vice President Advocacy Candidate - Future UMSU Slate) and Owen Black (Vice President External Candidate - Elevate UMSU Slate). Athena Skarban and Owen Black did **not**

	<p>receive permission from the Professor to conduct a classroom talk. The CRO finds this is in violation of:</p> <p>SR 9. B. "Candidates are permitted to introduce themselves to classrooms / academic sessions during class time based on the following: (i) The professor or instructor approves the introduction. (ii) The introduction is no longer than two (2) minutes in length. (iii) Candidates do not directly solicit votes during classroom talks; rather, they may only encourage students to vote."</p> <p>*Please refer to SR, Appendix 6 - Campaigning in Prohibited Location.</p> <p>2. The CRO was made aware by a Facebook Message between the Individual and Owen Black (Vice President External Candidate - Elevate UMSU Slate), that the Individual told the class to vote for Owen Black. This is because the volunteer himself has admitted to breaching election rules. The volunteer's conduct in soliciting votes clearly breached SR 9.B, as the volunteer admitted via Facebook. The CRO finds this to be in violation of:</p> <p>SR 9.B: "Candidates are permitted to introduce themselves to classrooms / academic sessions during class time based on the following: (i) The professor or instructor approves the introduction. (ii) The introduction is no longer than two (2) minutes in length. (iii) Candidates do not directly solicit votes during classroom talks; rather, they may only encourage students to vote."</p> <p>SR 8.E: "All Candidates, Slates and Sides are directly responsible for the conduct of their Volunteers. Any conduct which is in contravention of any Election Rules will be considered to have been undertaken by the Candidate, Slate or Side for which the Volunteer is Campaigning, and penalties will be assessed and applied to said Candidate, Slate or Side."</p> <p>*Please refer to SR, Appendix 6 - Campaigning in Prohibited Location.</p>
<p>Penalty assigned</p>	<p>The Office of the CRO assigns:</p> <ul style="list-style-type: none"> ● Jakob Sanderson (President Candidate - Elevate UMSU Slate) 10 demerits ● Owen Black (Vice President External Candidate - Elevate UMSU Slate) 20 demerits ● Carly Mastromonaco (Vice President Student Services Candidate - Elevate UMSU Slate) 10 demerits ● Mbuli Matshe (Vice President Finance and Operations Candidate - Elevate UMSU Slate) 10 demerits ● Sarah Bonner-Proulx (Vice President Advocacy Candidate - Elevate UMSU Slate) 10 demerits ● Athena Skarban (Vice President Advocacy Candidate - Future UMSU Slate) 10 demerits <p>*Each member of the Elevate UMSU slate is penalized for the breach of the election rules by their volunteer.</p>