



University
of Manitoba
**STUDENTS'
UNION**

Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
March 8, 2018 at 8:15 PM	2018- 005	CK

*All complaints must be submitted to the CRO, using this form, within 48 hours of the alleged breach.
Contact the CRO at cro@umsu.ca or 204-770-0757. Submissions preferred via email.*

Complainant name	Anthony Wightman
Complainant student #	7721305
Complaining email address	wightmaa@myumanitoba.ca
Date and time of incident	UMSAN Repost Allegations 21:22 3/7/18, 12:00 3/8/18, 16:56 3/8/18, 18:09 3/8/18 Volunteering and support by Brandon Wozniak: at present
Specific section(s) of the Election Rules that are alleged to have been breached	ERMXI1 b, c: No Candidate, Slate, or Side may distribute or use, and the CRO cannot approve, Campaign Materials which: b. contain libel or slander (based on consultation with legal counsel if necessary). c. are factually incorrect. ERMXXIV1: Each campaign shall act reasonably, responsibly, 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. b. be responsible to the CRO for the conduct of its Volunteers. SR9D: The use of violence or intimidation while campaigning is strictly prohibited. SR9E: 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.
Specific Slate, Candidate or Referendum Side that is alleged to be in breach	Jakob Sanderson, Carly Mastromonaco, Mbuli Matshe, Sarah Bonner-Proulx, Owen Black

<p>Specific facts which, if proved, constitute a breach.</p> <p>(Continue on separate page as necessary.)</p>	<p>For reference – please consider in the decision of guilt and assignment of penalty.</p> <p>ERM XII1: Where a breach has occurred, regardless of cause or the intent of the parties involved, and that breach has provided an unfair advantage to a campaign, the CRO shall assign a penalty that: a. fully counterbalances any unfair advantage gained. b. penalizes the campaign for committing a violation; and is of the same type or character as the advantage which was gained. c. Penalties available to the CRO include, but are not limited to: g. limits, restrictions, and prohibitions on any type of campaigning, for any period of time. h. disqualification.</p> <p>ERM XII2: 2. A penalty may be assessed for an individual breach, or for a series of repeated violations that in aggregate constitute a greater breach.</p> <p>ERM XII3: A candidate shall only be disqualified where they commit a serious breach that: a. cannot be counterbalanced by a lesser penalty; c. involves repeated violations for which lesser penalties have already been imposed.</p> <p>ERM XIII3: 3. Offences and infractions considered to be committed by an entire slate, or by a campaign manager shall be evenly divided between the entire slate.</p> <p>SR1S: “Volunteer(s)” shall be as defined by Section I (1) (p) of the Election and Referendum Manual of the University of Manitoba Students’ Union 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>SR8D: People found to be Campaigning on behalf of and at the direction of any Candidate, Slate or Side while not being on the volunteer list may result in penalties for the Candidate, Slate or Side for which they are Campaigning up to and including disqualification.</p> <p>SR8E: 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>The allegations against Jonah Wasylak (VPFO candidate, Future UMSU) are considered common knowledge. This is because of the Facebook group UManitoba Student Action Network – Revolutionary Student Movement. At the time of this complaint, the page’s post on Jonah Wasylak, containing text detailing allegations against and photos of Jonah and his teammates, has</p>
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been shared 47 times. These shares have presumably been re-shared.

Violence and intimidation:

“We will make sure everyone on campus is aware of this information, and will escalate the struggle against the racist if this is not done in a timely manner”

“Racists get the fuck out! Together the people will drown racists in a sea of resistance”

Negative campaigning:

Repeated slandering of Jonah as a racist and categorization as such.

Slander and libel, factually incorrect: the allegations of a ban are untrue.

This has vastly transcended the bounds of good faith. Elevate and their campaign manager have not ensured that their volunteers are responsible for their actions, and they have failed to recognize the definition of what a volunteer is. They have failed to be responsible to the CRO on three counts:

1. They have conversationally justified re-posting of allegations because they “aren’t not true” – conversation between Sanderson and CRO
2. They have been leisurely in addressing these complaints, and have failed to pre-emptively warn volunteers who are not on the volunteer list (who also count as volunteers) – evinced by the length for which posts have remained up
3. They have refused to adhere to their responsibilities to the CRO – namely, telling volunteers to desist (Brandon Wozniak) – evinced by Wozniak’s continued advocacy for Elevate

Elevate UMSU volunteers have attached their own personal messages. Here’s an example.

Brandon Wozniak on Jehan: “I have had very bad experiences with Jehan promising [to] buy me food last year with student’s money if I helped him get elected.”

Brandon Wozniak on Athena: “I had Athena try to publicly embarrass me to my biochemistry class.”

Brandon Wozniak, and the other individuals in question, are by association responsible for the statements made in the original post, if they like, share, or comment on it. As proved by precedent, so are the rest of Elevate. Elevate is also responsible for any likes and comments on the original post or repost, as they have admitted – they instructed their volunteers to stop liking, commenting, and sharing. To reiterate: individuals cannot share or support Elevate material, and the post in question. They have.

Elevate have neglected to take any action in the present situation. Elevate have failed to fulfill their promises to drop volunteers or clarify their duties. This has led to an irreparable disadvantage, for Future UMSU. Demerits should be distributed evenly across the slate.

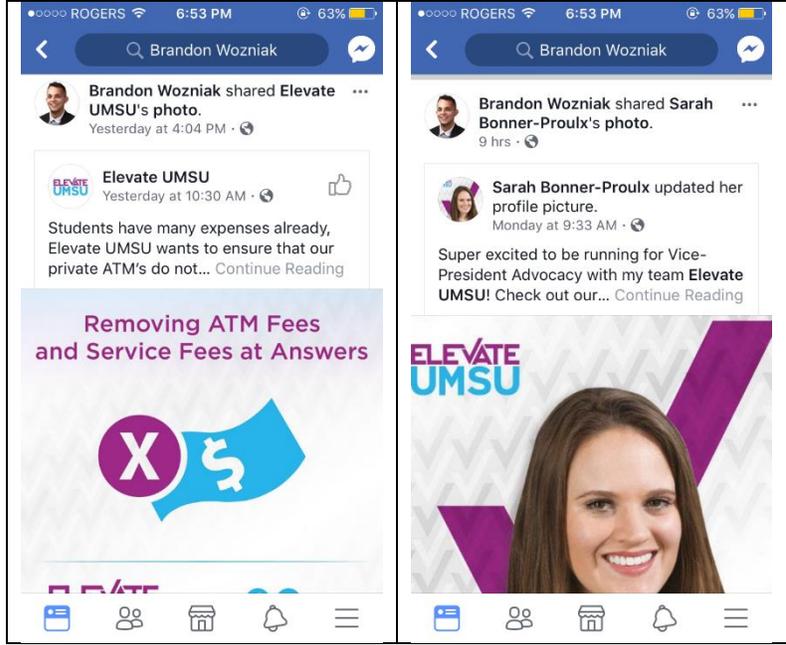
Penalties, in short, must 1) be of the character of the advantage gained 2) may be assessed for an individual breach, or for a series of repeated violations that in aggregate constitute a greater breach.

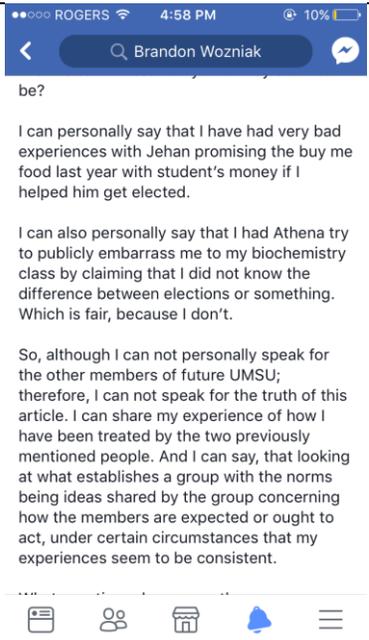
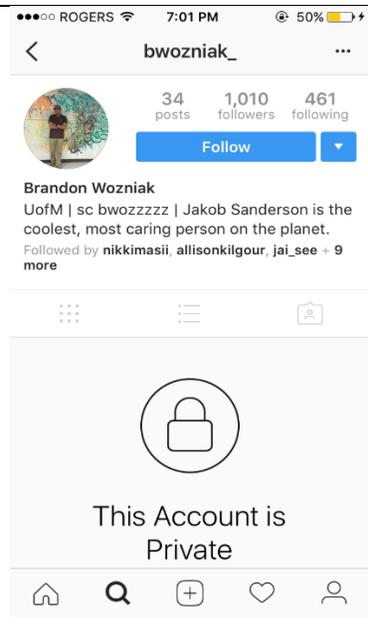
Brandon Wozniak is one example. The violations attributed to him, and thus Elevate, are applicable to the other examples attached to this document.

Evidence of these facts.

(Continue on separate page as necessary.)

Wozniak continuing to post after being told not to (Skarban incident).
 Tuesday, the day of the incident, after he had been told to desist, and today (bottom right).





Annie Beach

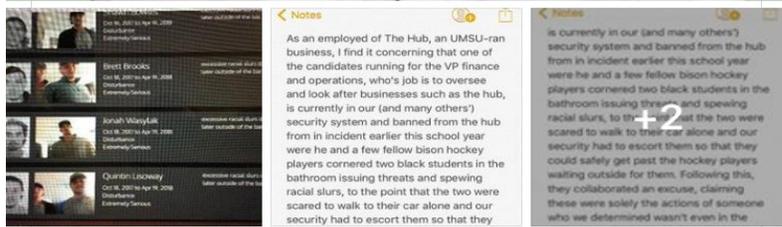


Ryjan Pugoy

MTS 3:37 PM 42%



Ryjan Legaspi Pugoy



19

1 Comment 3 Shares

Like

Comment

Share



Ryjan Legaspi Pugoy



Yesterday at 2:38 PM · 2

Hey friends! I would encourage all of you to for **Elevate UMSU!** I've personally worked with a few of the people on this slate and I'm glad to support them!



Ali Partovi



I'll send more evidence as it arises.