

OFFICE OF THE CHIEF RETURNING OFFICER

University of Manitoba Students' Union

Ruling Form

Ruling #	2018-003
Date and time ruling posted	Tuesday, March 6 @ 5:00 PM
Deadline to appeal (48 hours from posting)	Thursday, March 8 @ 5:00 PM
Concerning Complaint #	2018-003
Summary of the allegation	<p>Between 3 and 4 pm on Friday, March 2, Mbuli Matshe of Elevate UMSU is alleged to have approached Harsimran (Harry) Singh, a volunteer from Future UMSU and previous acquaintance, in an effort to intimidate him on the campaign floor in University Centre. Mbuli is alleged to have put the volunteer into an "arm lock" and is alleged to have questioned why Harry was campaigning against Mbuli. Harry suggests the incident was intimidating and threatening.</p> <p>All parties agree that Owen Black, another Elevate UMSU candidate, came over to intervene, ending the altercation.</p>
Summary of the parties to the complaint	Mbuli Matshe of Elevate UMSU Harry Singh of Future UMSU
Does the CRO have jurisdiction?	Yes
Applicable Election Rules	<p><u>ERM Section XXIV: Campaign Standards and Prohibitions</u> 1. Each campaign shall act reasonably, responsibly, and in good faith.</p> <p><u>Supplemental Rule 9: Campaigning and Campaign Materials</u> D. The use of violence or intimidation while campaigning is strictly prohibited.</p>
Finding of facts	<p>1) The CRO requested a written response from Mbuli Matshe of Elevate UMSU.</p> <ul style="list-style-type: none"> a) Mbuli acknowledges that he went up to Harry on Friday, March 2 when he noticed Harry handing out Future UMSU handbills. b) Mbuli says he "went up to him and joked around" saying "where's the love" and "why aren't you volunteering for us." c) Mbuli says Harry told him he had known members of Future UMSU for a long time, to which Mbuli said "That's fair" and gave "an awkward handshake hug" d) Mbuli says Owen Black then joined the conversation, jokingly asking Harry whether he was harassing other volunteers. The encounter ended soon after.

	<p>2) The CRO also requested a written response from Owen Black of Elevate UMSU, which was provided at the same time that Mbuli provided his response.</p> <ul style="list-style-type: none"> a) Owen says he asked whether Mbuli was harassing the volunteers, in a “joking” voice, to make clear to Harry that nothing threatening was being said. b) Owen describes the incident as full of laughter, and non-threatening. c) Owen says he “confirmed” that the parties had a previously established relationship. d) Owen disputes the time of the incident, saying nobody from Elevate UMSU was present on the floor of University Centre at 4:00 on Friday. He argues the complaint should be dismissed for “falsifying complaint information.” He does not deny that a conversation occurred on Friday afternoon. e) Owen encouraged the office of the CRO to view the videotape of the incident. <p>3) The CRO interviewed Harry Singh, the volunteer, about the incident.</p> <ul style="list-style-type: none"> a) Harry says Mbuli put his hand on his shoulder and squeezed his arm. b) Harry says one Future UMSU volunteer may have been nearby, but that volunteer was seated eating food and unable to hear the encounter. c) Harry says that after the incident, the Elevate UMSU members left the campaign floor after between 5 and 10 minutes after speaking to Harry. Harry and some other volunteers stayed for approximately 30 minutes after. d) Harry did not speak to Mbuli after the incident. e) Harry said he spoke to representatives of Future UMSU at their daily afternoon campaign meeting about the incident, who informed him that a complaint could be filed. f) Harry says he is not especially close to Mbuli, calling him an acquaintance from residence on campus. g) Harry said the encounter was “not friendly” and “aggressive.” <p>4) The CRO requested video footage of the University Centre campaign tables from between 3:00 and 4:00 PM on the date of the incident.</p>
<p>Ruling on the alleged breach</p>	<p>*The Ruling was not made in the 24 hour time frame due to the delay caused by attempting to obtain access of Video Footage from Security Services.</p> <p><u>Findings:</u></p> <p>1) The Office of the CRO finds that the dispute over the precise time of the incident is not enough to dismiss the complaint, as this does not amount to “falsifying” complaint information, which was suggested by Elevate UMSU. All parties agree an encounter between Mbuli and Harry occurred on the campaign floor on Friday afternoon.</p> <p>2) However, the video evidence could not be obtained from Security Services, despite our requests. Furthermore, the video evidence would not offer an audio recording of the words exchanged, which is an essential component of this encounter. The Office of the CRO finds it necessary to make a ruling without the video evidence, and even if there was video evidence, it may not have been of any assistance to this decision. Each slate urged the Office of the CRO to consider the videotape, which indicates that neither party believes what appears on the videotape is especially harmful to their story.</p> <p>3) The Office of the CRO found conflicting and inconclusive evidence on this allegation. The interviews with each party gave a different story of the exchange, and the Office of the CRO is unable to establish that one party is more credible than the other. As a result, the CRO cannot conclude that election rules were breached.</p>

Penalty assigned	None The Office of the CRO has spoken with both slates (Elevate UMSU & Future UMSU) to ensure they act reasonably, responsibly, and in good faith for the rest of the Election Period. The Office of the CRO also addressed to the slates that each campaign should only associate with their Volunteers and not Volunteers of the opposing slate.
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