

6. The Office of the CRO received a notification about an Elevate UMSU's Volunteer's Facebook posts.
- Brandon Wozniak was the subject of complaint 2018-002, which was the subject of a recent appeal to the judicial board.
 - Elevate UMSU indicated that it would remove Brandon from its volunteer list on February 28 due to his role in the incident.
 - As of 10:18 AM on March 8 (the date of the incident), Brandon still appeared on Elevate UMSU's volunteer list, which was a google document provided by Sydney Cadieux.
 - Between 10:18 AM and 4:00 PM on March 8, Elevate removed Brandon from its volunteer list, and added some new volunteers to the bottom of the list.
 - Brandon had shared Elevate UMSU official materials several times on Facebook after Jakob indicated that Brandon was no longer going to be a volunteer (see screenshots in Image 12).
 - Brandon's Instagram "bio" on March 8 says "Jakob Sanderson is the coolest, most caring person on the planet" (see Image 13)
 - Brandon was found to have shared a Facebook post on March 8 about Future UMSU, featuring messages about Jehan and Athena, two Future UMSU Candidates (see Image 14).

Image 12: Campaign materials shared by Brandon

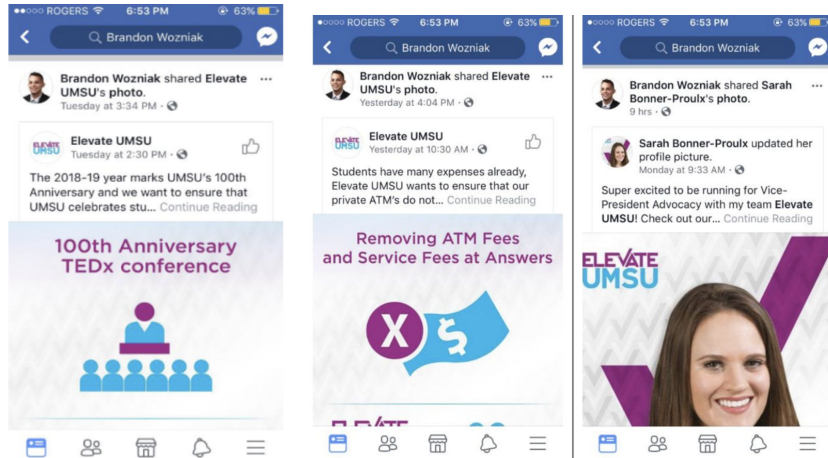


Image 13: Brandon's instagram page

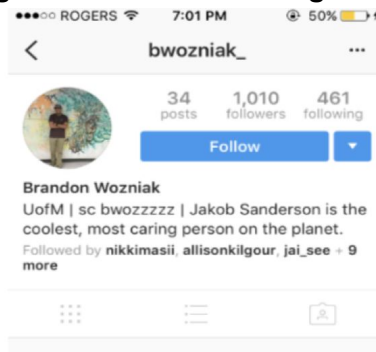


Image 14: Brandon's negative campaigning



7. After gathering information pertaining to Brandon's social media activity, Brandon met with the CRO late in the afternoon of March 8, between 5:30 and 6:00 PM.

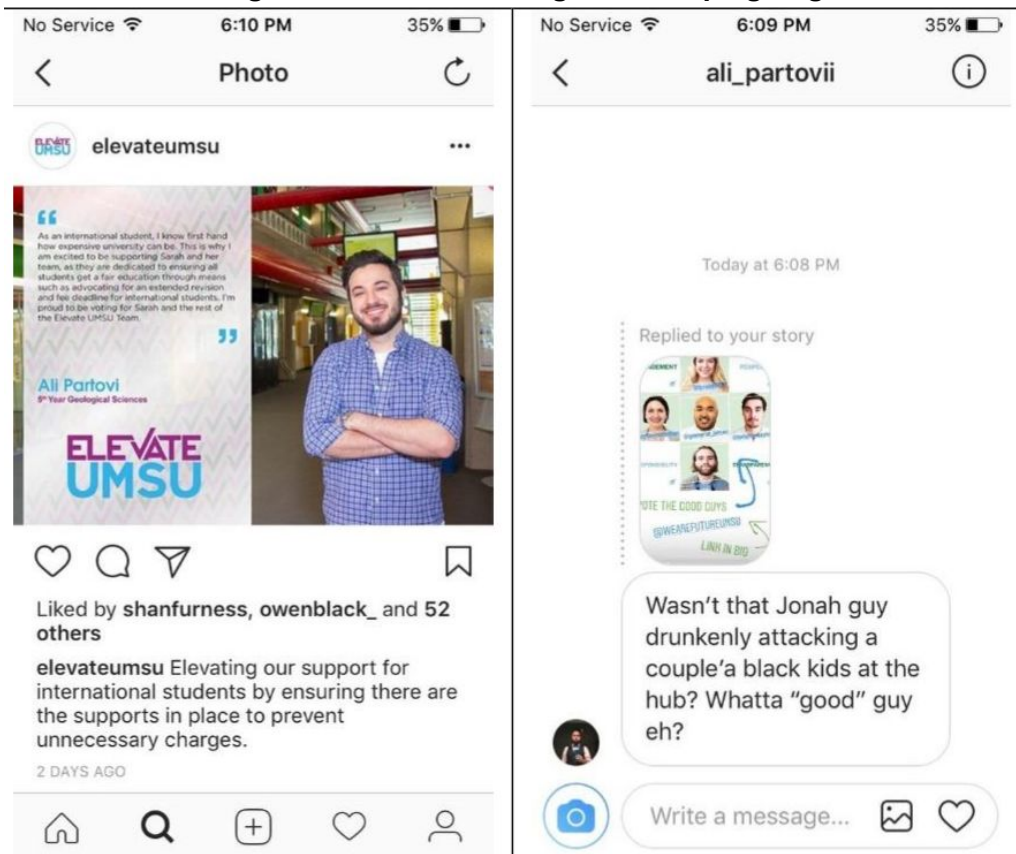
- a. Brandon said he was not a volunteer, and thus not bound by election rules.
- b. Brandon suggested that the CRO should police every UMSU student's Facebook pages to ensure they are not volunteering if they are not on volunteer lists, which we indicated was impossible.
- c. Brandon repeatedly challenging the competency of the CRO, telling her she had lied about complaint procedures during the previous complaint, and asking how many years she had served as CRO, questioning her qualifications for the position.
- d. Brandon appeared to be trying to get the CRO or DRO to admit that Brandon did not break any rules. Near the end of the interview, he seemed to think that the DRO had confirmed that the other side had been negative campaigning, when really this is not what was indicated.
- e. After this exchange, Brandon picked his phone off of the desk and abruptly left the room.
- f. The DRO saw Brandon outside St. John's College at approximately 6:30 PM on the evening of the interview, and asked if the conversation had been recorded. Brandon said yes. When asked why, he said "because you're bad" and walked into a classroom.
- g. Elevate's Jakob Sanderson has confirmed that Brandon recorded the conversation. Brandon sent a copy to Jakob.
- h. Jakob Sanderson called the CRO on March 8 at 8:47 PM and apologized about Brandon's disrespectful behaviour towards

her. Jakob Sanderson also indicated him and his slate are going to put out a statement regarding events that transpired over the last two days that shone a negative light on the campaign for UMSU executive. The Office of the CRO was already planning on including this in “Penalty Assigned” section of the Ruling Form.

8. Additionally, this complaint drew the CRO’s attention to the conduct of Elevate UMSU volunteer Ali Partovi.

- a. Partovi is a volunteer for Elevate UMSU. He submitted a “testimonial” photo supporting Elevate UMSU and is featured on the slate’s volunteer list.
- b. Patrovi sent the following message over Instagram

Image 15: Ali Partovi’s negative campaigning



Ruling on the alleged breach

1. The Office of the CRO finds that Ryjan was a volunteer under the definition of SR(1)(S) which includes any individual on the volunteer lists as well as “furthermore...any member of the union who is **campaigning** or scrutineering on behalf of a candidate, slate or side.

- a. While Ryjan was not on the volunteer list, he was **campaigning** for Elevate UMSU via social media.

- b. Ryjan complied with requests to remove the post, and the Office of the CRO finds that Ryjan acted in good faith in removing the post.
- c. Ryjan did not realize he could be considered a “volunteer” by sharing Elevate campaign materials as an UMSU student, which amounts to campaigning under SR(1)(S).
- d. Since Ryjan was a volunteer, he breached SR 9E (negative campaigning), since the material did not focus on Elevate UMSU and attacked Jonah Wasylak and Future UMSU.
- e. Elevate UMSU breached its responsibility under ERM Section XXIV Part 1 to ensure volunteers followed election rules, and Elevate UMSU must be “responsible to the CRO for the conduct of its volunteers,” which includes negative campaigning.
- f. Even though Ryjan breached election rules, Elevate UMSU and Ryjan eventually corrected the action by removing the post.
- g. The positive conduct by Elevate UMSU, as well as Ryjan’s insistence that he was not a volunteer, show that this was a minor breach of election rules, which did not warrant its own penalty against slate members.

2. The conduct of Annie Beach was also a breach of SR 9E (negative campaigning) and ERM Section XXIV Part 1 (bad faith campaigning).

- a. Annie shared a post labelling Jonah a racist, and sharing various allegations. This did not focus on the campaign Annie was registered to volunteer for; rather, it focused on Jonah alone.
- b. Annie complied with the request to remove the photograph, yet her conduct is found to be more severe than Ryjan, since she was on the volunteer list and was instructed by Elevate UMSU about negative campaigning rules (whereas Ryjan did not appear on the list, and acted innocently).
- c. Elevate UMSU is responsible for Annie’s conduct and may be penalized, since she was a volunteer of the slate.
- d. As a precedent, negative campaigning by a volunteer was also considered in **Complaint 2018-002**. This decision confirms what is set out in SR 8E: slates are responsible for the conduct of their volunteers, and may be assigned demerits.

3. Brandon Wozniak’s behaviour was the most severe incident of negative campaigning, as he added additional attacks against Jehan and Athena (see Image 14). Furthermore, Brandon did not admit any wrongdoing in the incident. Brandon suggests he was not a volunteer, but he appeared on the volunteer list on the morning of the incident, and had engaged in the conduct of a volunteer throughout the campaign period. The CRO finds:

- a. Brandon breached SR 9E by negatively campaigning as a volunteer for Elevate UMSU.

- b. Brandon also did not show “good faith” and did not act reasonably by calling the DRO “bad” and secretly recording a conversation with the DRO and CRO.
- c. The fact that Brandon immediately sent the recording to Jakob is further evidence of Brandon’s allegiance to Elevate UMSU, and whether or not he was on the volunteer list at the precise moment of his harmful post is not relevant.
- d. Consideration was also given to the facts that Brandon was a repeat offender of this same rule (see **Complaint 2018-002**), who had not been removed from the volunteer list until hours before the incident, and that he showed a disrespect for the election and towards the CRO.
- e. Jakob Sanderson has a copy of the recording of the conversation between Brandon and the CRO, which confirms the severity of the incident.

4. Ali’s conduct also amounts to negative campaigning in violation of SR 9E, as he was an official volunteer on the volunteer list, and chose to reply to Future UMSU materials by noting that Jonah “attacked” students.
- a. However, this breach was given no weight in assigning the overall penalty, because the message was sent via a private instagram direct message rather than publicly, and the CRO did not have an opportunity to interview Ali about the breach in the interests of completing this ruling in a timely manner.
 - b. Ali’s conduct did not add additional demerits for Elevate UMSU.

5. Taken together, the incidents show that Elevate UMSU breached ERM Section XXIV Part 1, which says each campaign shall...(a) ensure that all...**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.
- a. Jakob admitted during the meeting about Annie’s conduct that he had *not* yet messaged all 100+ volunteers not to share the posts, since it would be a lot of work, putting Elevate at a disadvantage. This showed the slate’s reluctance to follow election rules.
 - b. Not until the rules were clearly breached twice did Elevate UMSU ensure volunteers were aware of, and in compliance with, election rules.
 - c. Furthermore, many individuals, including Ryjan, were distributing Elevate UMSU materials on social media without being featured on the volunteer list. While it is difficult to ensure that every UMSU member who campaigns is on the volunteer list, the rules state that any individual who “campaigns” for a slate is a “volunteer” and must be an UMSU student on the official volunteer list to engage in this conduct.

	<p>d. Since unlisted individuals including Brandon and Ryan were campaigning, Elevate UMSU was in violation of <u>SR 8D</u> which says: “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>6. The Office of the CRO also finds that the original “UMSAN” post in Image 1 contains violence, and its sharing violates <u>SR 9D</u> which prohibits violence and intimidation. The post says “the people will drown racists” and “escalate the struggle,” which is intimidating towards Jonah and the Future UMSU Slate, who are the subjects of the post.</p> <p>7. Additionally, the CRO finds it is necessary to assign an additional penalty to Jakob Sanderson for his negative campaigning via Facebook message to Annie Beach (see Image 9). This post breached <u>SR 9E</u> (negative campaigning) since it did not focus on Jakob’s campaign, and also demonstrates bad faith on the part of Jakob for the following reasons:</p> <ol style="list-style-type: none"> a. Jakob called Jonah’s actions “super gross” b. Jakob said he wanted “everyone to know” about Jonah’s actions. c. Jakob said “sadly” Annie would need to remove the post. <p>8. Jakob was also the main contact point with the CRO throughout the events that transpired on March 8, and often pushed back against requests from the CRO to remove materials or speak to volunteers. Together, Jakob’s comments demonstrate unreasonable and irresponsible behaviour, and did not show good faith, which is a violation of <u>ERM Section XXIV Part 1</u>.</p> <p>9. Finally, the Office of the CRO appreciates that Elevate UMSU has offered (in response to this complaint) to make a public Facebook statement condemning negative campaigning and focusing on a fair and good faith campaign. However, the Office of the CRO finds that Future UMSU has already suffered great disadvantage as a result of the events of March 8. Not until this complaint was submitted did Elevate offer to comment publicly.</p> <p>10. The CRO and DRO issue this ruling late in the evening of Thursday, March 8 so it is available prior to the final day of the election, March 9. Voting closes at 4:30 PM on March 9, and the Office of the CRO urges slates to refrain from any acts of negative campaigning or similar violations.</p>
<p>Penalty assigned</p>	<p>10 demerits is the penalty for negative campaigning according to <u>Appendix 6</u> to the Supplemental Rules. The CRO finds that an additional penalty is warranted for the “series of repeated violations” that occurred, according to <u>ERM Section XII Part 2</u>. This penalty is based primarily on the comments by Annie (who is on the volunteer list), Brandon (who was on the volunteer list</p>

until he was coincidentally removed hours before the incident), and Jakob (throughout the day) on behalf of the Elevate UMSU Slate.

The rationale in ERM Section XII Part 1 for assigning a penalty includes counterbalancing a disadvantage, and penalizing violations. Elevate UMSU gained an advantage from the multiple offences of negative campaigning against Jonah, Jehan, and Athena. The slate's conduct and the conduct of its volunteers showed bad faith behaviour and should be discouraged.

The reasoning for the additional penalty to Jakob Sanderson is set out above.

The Office of the CRO assigns:

- 25 demerits to Jakob Sanderson.
- 15 demerits to Owen Black.
- 15 demerits to Sarah Bonner-Proulx.
- 15 demerits to Carly Mastromonaco.
- 15 demerits to Mbuli Matshe.

The Office of the CRO is asking Elevate UMSU to send out a post on social media to reach their supporters and inform them of a positive campaign and the negative campaigning ruling in the Supplementary Rules.