



University  
of Manitoba  
**STUDENTS'  
UNION**

# Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
February 20, 6:13 pm	2020-001	

*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](mailto:cro@umsu.ca) or 204-391-2358. Submissions preferred via email.*

<b>Complainant name</b>	Stephen Gatphoh, Samantha Tumlos,
<b>Complaining email address</b>	<a href="mailto:gatphohs@myumanitoba.ca">gatphohs@myumanitoba.ca</a> , <a href="mailto:Samantha.tumlos@umanitoba.ca">Samantha.tumlos@umanitoba.ca</a> ,
<b>Date and time of incident</b>	Monday 17 <sup>th</sup> Feb 2020 12:12 pm
<b>Specific section(s) of the Election Rules that are alleged to have been breached</b>	<p>1. Candidate Nomination Package Section 3.B.vii “may use Social Media to message groups of no more than five people for the purpose of forming a slate or soliciting volunteers, who have solicited a response from them or who they are already follow them”</p> <p>2. Candidate Nomination Package Section 5.A “Candidates, Sides and slates are barred from using UMSU resources to aid in their Campaign, create campaign materials or gain an unfair advantage over any opposing Candidate, Slate or Side unless approved by the Office of the CRO”</p> <p>3. UMSU Bylaws Section IX.8 “Any individual occupying an UMSU position of title shall not endorse in any way or engage in any form of campaigning for or against any candidate or team running in an UMSU election, or seeking any position within a Student Association, Recognized Organization or Student Group.”</p> <p>4. UMSU Governance &amp; Ops Manual Section IX.15 “UMSU reserves the right to both review and either approve or deny all advertising material from a sponsored event or organization that would contain the logo or name of UMSU, and shall inform all applicants of this.”</p>

<p><b>Specific Slate, Candidate or Referendum Side that is alleged to be in breach</b></p>	<p>Slate: 'UMSU for You'</p> <p>Members: Jelynn Dela Cruz, Tino Dogo, Kristin Smith, Brendan Scott, Savannah Szocs</p>
<p><b>Specific facts which, if proved, constitute a breach.</b></p> <p><b>(Continue on separate page as necessary.)</b></p>	<p>The attached screenshot shows UMSU For You's volunteer Google form link being shared in a council group chat that was clearly prohibited by the CRO and DRO at the all candidates meeting. The group, containing 21 council members is a clear breach of the aforementioned clauses, specifically Section 3.B.vii of the Candidate Nomination Package.</p> <p>Furthermore, the cause for concern is not just the fact that the volunteer form was circulated in a group chat but also that the text preceding the form advertises it as an official UMSU photoshoot for the peer tutoring program. We believe that the misuse of the UMSU identity as a way to recruit more volunteers is unfair advantage towards other slates that are running for this year's election. Thus, this is not just a clear violation of the Candidate Nomination Package Section 5.A, but can also be considered as an exercise of power and influence that negatively affects other candidates. Conclusively, this is also a breach of UMSU Bylaws Section IX.8.</p> <p>Further to the misuse of the UMSU name and identity, this complaint also references Section IX.15 of the UMSU Governance and Ops Manual. We believe that no candidate nor slate should be affiliated nor be endorsed (directly or indirectly) by the same Union that they seek elections for. Once again, this is further proof of violations to candidates' right to a fair, democratic, and equitable election process.</p>

<p><b>Evidence of these facts.</b></p> <p><b>(Continue on separate page as necessary.)</b></p>	<p>As mentioned above, the attached screenshots that contain the message and the link to the accused slate's volunteer form references the violations to multiple clauses of various UMSU governing documents. Additional screenshots the further proves the size of the group (e.g. 21 members of a council) is also attached to this complaint.</p> <ul style="list-style-type: none"> <li>- In addition to these screenshots are personal accounts and information that is possibly being disseminated to each council member's assigned floor in residence. We believe that this message and link might have been distributed to more students based on personal experience that council members and RAs are responsible for sharing information like this to members of the residence community.</li> </ul>
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## OFFICE OF THE CHIEF RETURNING OFFICER

University of Manitoba Students' Union

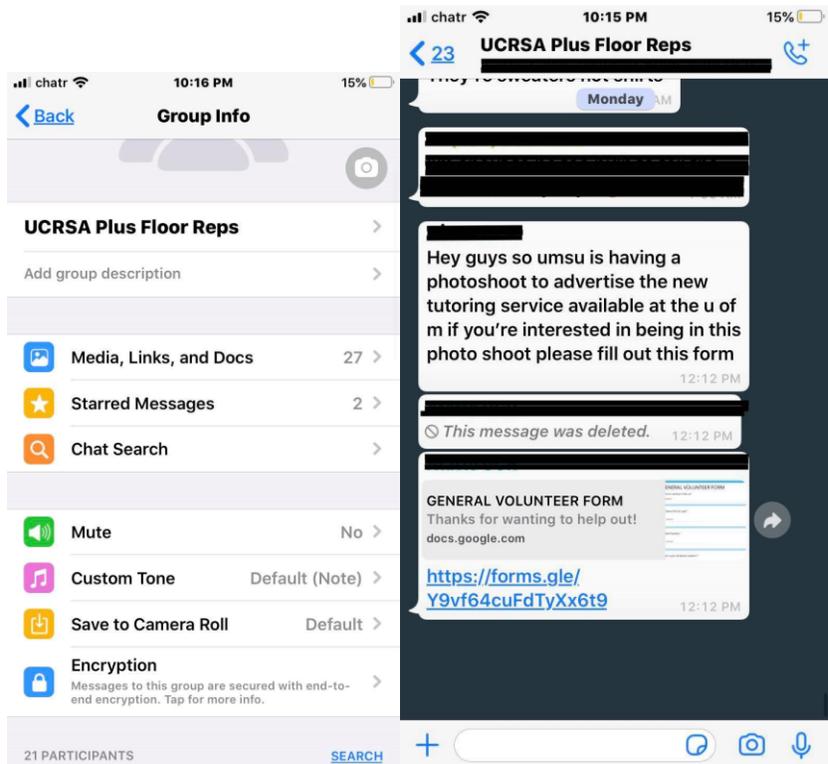
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### Ruling Form

<b>Ruling #</b>	2020-001
<b>Date and time ruling posted</b>	Saturday February 22 2020 @ 4:30 pm
<b>Deadline to appeal (48 hours from posting)</b>	Tuesday February 24 2020 @ 4:30 pm
<b>Concerning Complaint #</b>	2020-001
<b>Summary of the allegation</b>	A volunteer of UMSU For You sent a link for a volunteer sign-up sheet for UMSU for You to a group of 21 UMSU Members, stating that the link was for an UMSU Peer-Tutoring photoshoot.

<p><b>Summary of the parties to the complaint</b></p>	<p>UMSU For You; Our UMSU</p>
<p><b>Does the CRO have jurisdiction?</b></p>	<p>Yes</p>
<p><b>Applicable Election Rules</b></p>	<p><b><u>Definition of Volunteer:</u></b>  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><b><u>Conduct of volunteers:</u></b>  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><b><u>Definition of Pre-Campaigning</u></b></p> <p>Nominations Package 3, A: Pre-Campaigning shall be considered to have occurred when any Candidate, Slate or Side or any Volunteer has been found to have Campaigned outside of the Campaign Period as defined by the Election Rules.</p> <p>Nominations Package 3, B, vii: Candidates, Slates and Sides may, before the <b>Campaign Period</b>; may use Social Media to message groups of no more than five people for the purpose of forming a Slate or soliciting volunteers, who have solicited a response from them or who they are already friends with or who already follow them.</p>
<p><b>Finding of facts</b></p>	<p>1) Our UMSU provided the Office of the CRO photographic evidence of the group chat where the UMSU For You volunteer sent the link (see below)</p>



- 2) The link attached was found to direct to UMSU For You's volunteer sign-up sheet
- 3) In speaking with the UMSU For You Slate, the slate has stated that the sending of the link was a mistake – an error in copy-pasting the wrong link to the group chat.
- 4) In response to the complaint filed, UMSU For You campaign manager Riley Shannon stated the following:  
"I've talked to [volunteer] and it appears the sending of our volunteer form into a group chat was a mistake on his end. I do disagree with the assertion in the complaint that our campaign in any way was trying to intentionally violate rules set out by your office. I also thoroughly reject their notion that anyone on our campaign or any of our volunteers were trying to use our positions on UMSU-or UMSU's own recruiting to benefit our campaign. It was a mere case of the wrong attachment on a message and we apologize to all slates and the office of the CRO for this mistake. We will be further reaching out to [volunteer] and all volunteers to make sure they fully understand all rules to avoid any errors in the future."

<p><b>Ruling on the alleged breach</b></p>	<p><b><u>Findings:</u></b></p> <ol style="list-style-type: none"> <li>1. Due to the facts that Our UMSU has provided, the CRO finds that an infraction of rule 3, subsection B, vii in the nominations package has been committed by a volunteer of UMSU For You</li> </ol> <p>*Please refer to Nominations Package, Appendix 3 – Pre-Campaigning</p> <ol style="list-style-type: none"> <li>2. Whereas the link has been sent as a mistake, and not an attempt to covertly sign up volunteers.</li> <li>3. Whereas no member of the group chat is currently a volunteer for UMSU For You except the volunteer who sent the message (The names of those in the Group Chat have been omitted from this complaint in order to protect the contact information of the group chat members)</li> <li>4. Whereas the complaint filed is the first complaint filed in the 2020 UMSU Election</li> <li>5. Whereas the volunteer was signed up by Jelynn Dela Cruz</li> </ol>
<p><b>Penalty assigned</b></p>	<p><b>The Office of the CRO assigns:</b></p> <ol style="list-style-type: none"> <li>1. Jelynn Dela Cruz (President Candidate – UMSU For You) 5 demerits.</li> <li>2. A warning to slates and all candidates that volunteers are to be just as informed of the rules and regulations of UMSU elections and a reminder that volunteers will be held just as culpable of rule violations as candidates henceforth. No further warnings will be provided for any violation.</li> <li>3. A restriction of any member of the group chat in question from becoming a volunteer for any slate in the 2020 UMSU Election as a preventative measure from any further possibility for pre-campaigning. Any volunteer who is currently volunteering for a different slate, candidate, or community representative will be allowed to continue to volunteer.</li> </ol>