



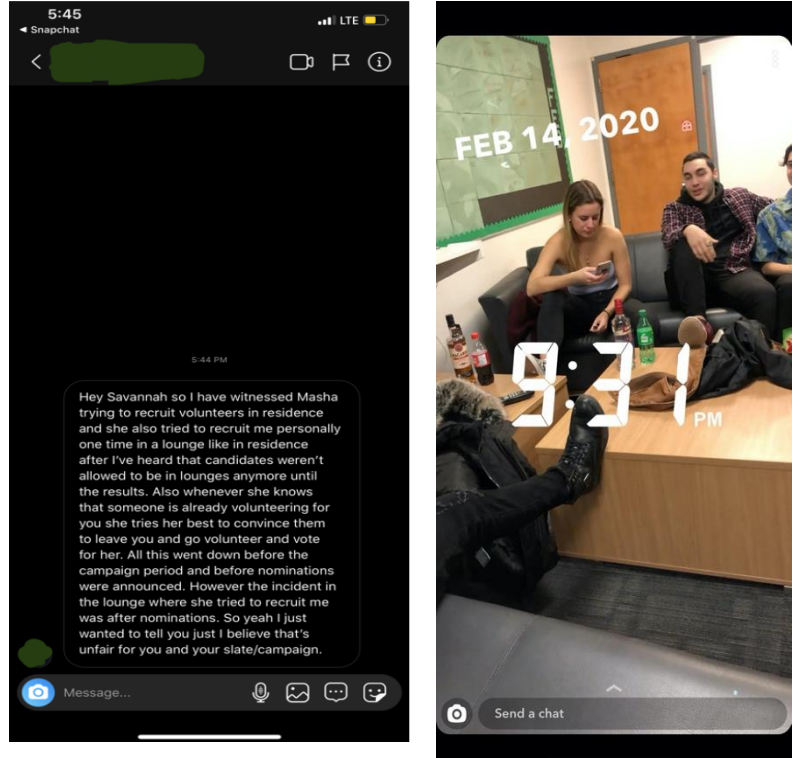
University  
of Manitoba  
**STUDENTS'  
UNION**

# Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
February 22, 5:51 pm	2020-003	

*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>	Riley Shannon
<b>Complaining email address</b>	shannonr@myumanitoba.ca
<b>Date and time of incident</b>	Friday, February 21 2020
<b>Specific section(s) of the Election Rules that are alleged to have been breached</b>	<p>Pre-Campaigning</p> <p>Campaigning Section XXIII</p> <p>4. No Member of the Union shall campaign either for or against a Candidate, Slate, or Side after the opening of the nomination period and prior to the campaign period, with the exception of: a. private campaign organizing meetings involving recognized campaign volunteers. b. the collection of signatures for nomination forms and referenda petitions. c. the normal duties required of the current members of the UMSU Executive and Council. d. private conversations to recruit Volunteers.</p>
<b>Specific Slate, Candidate or Referendum Side that is alleged to be in breach</b>	<p>Connect UMSU</p> <p>Masha Bak</p>

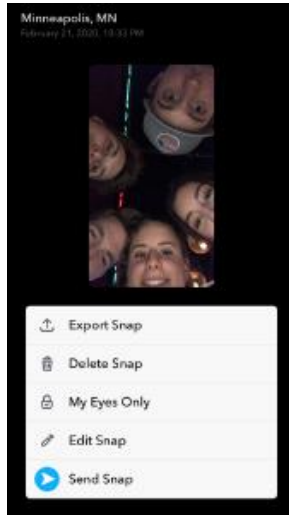
<p><b>Specific facts which, if proved, constitute a breach.</b></p> <p><b>(Continue on separate page as necessary.)</b></p>	<p>It has been revealed that Masha was campaigning to residence students soliciting support prior to the campaign date. Moreover, it was clearly stated that following the all candidates meeting these actions were not to take place in University of Manitoba Residences. Not only was it evident she was soliciting volunteers, she was campaigning in residence <i>PRIOR</i> to the campaign period.</p> <p>These are two irreconcilable issues that are explicitly laid out as rules for us. Rules are created to mandate a fair and equitable election process, not to allow for people to whimsically ignore,</p> <p>Masha has made it clear that she does not respect the authority of the rules, her competitor, or the office of the Chief Returning Officer by intentionally disobeying the rules that we were given to ensure a fair, equal, and respectful election.</p>
<p><b>Evidence of these facts.</b></p> <p><b>(Continue on separate page as necessary.)</b></p>	

**OFFICE OF THE CHIEF RETURNING OFFICER**  
University of Manitoba Students' Union

# Ruling Form

<b>Ruling #</b>	2020-003
<b>Date and time ruling posted</b>	Monday February 24 2020 @ 10:00 am
<b>Deadline to appeal (48 hours from posting)</b>	Wednesday February 26 2020 @ 10:00 am
<b>Concerning Complaint #</b>	2020-003
<b>Summary of the allegation</b>	Candidate Masha Bak allegedly was pre-campaigning in a residence, particularly in a residency lounge, of which the CRO restricted use from during the pre-campaign and campaign period.
<b>Summary of the parties to the complaint</b>	Connect UMSU
<b>Does the CRO have jurisdiction?</b>	Yes
<b>Applicable Election Rules</b>	<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, B, iii. consult privately with Members of the Union, including elected officers of the Union or any other student council or association, employee of the union or employee of the university regarding their Campaign;</p> <p>iv.: privately discuss their intention to run as a Candidate or as a member of a Slate, or to register a Side, with friends or groups of no more than five;</p> <p>Nominations Package, 8, F: 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>Supplementary Rules: Any slate, individual executive candidate, and community representative who is a resident of Pembina Hall, Mary Speechly Hall, Arthur V. Mauro Hall, University College Residence, St. Pauls College Student Residence, or St. Andrews College Students Residence are restricted from accessing any council or lounge space, unless pre-approved by the Office of the CRO.</p>

<b>Finding of facts</b>	<ol style="list-style-type: none"><li>1) UMSU for you stated that one of their volunteers had seen Masha campaigning in the residency lounge, despite being told directly by the CRO that the lounges were restricted for candidates during the election period. The volunteer additionally stated that Masha had asked him to volunteer for her campaign while in residence. The volunteer stated that this took place on February 14, the day of the all candidates meeting.</li><li>2) The volunteer supplied photographic evidence of Masha inside a residency lounge, with a date stamp of February 14 on the photo (photo above).</li><li>3) The volunteer for UMSU For You began to volunteer for UMSU For You on February 10.</li><li>4) In response to the allegation, Connect UMSU's Tino Hove stated the following: The date of the alleged incident February 21st, Masha actually not in the country she was in Minnesota so she could not have done.</li><li>5) Connect UMSU provided a photo of Masha in Minnesota, with the date stamp of February 21 (photo below)</li></ol>



- 6) The volunteer for UMSU For You in conversation with the Office of the CRO stated that he was aware of Masha in the residency lounge on February 14 and informed the slate of the violation of February 21.
- 7) In conversation with the Office of the CRO, Masha argued that on the afternoon of February 14, her and Connect UMSU candidate Cayden Thomson requested to the CRO that they be permitted to use the residency lounge that evening, as members of the Resident Student's Association Council (RSAC) were using the space to prepare for a social. As the preparations were purely social and access to the space gave the candidates no advantage over any other candidate, the CRO permitted use of the space.
- 8) Candidate Masha Bak additionally stated the following by email: On the day of February 14th, 2020 I was in lounge in Mary Speechly residence lounge pre partying for the social planned by RSAC, AMSA, and ASBC with the permission from Karan that Cayden, Tino and I was allowed to be in the lounge that night. I was telling people that were mostly my volunteers/ council members about my restrictions while running for UMSU. This includes my restriction with going to Condo, study lounges, working shifts for RSAC and such and that my volunteers need to be cautious as well. [Volunteer] asked me what I was talking about and explained it to him, then I mentioned that I was sorry that I didn't ask him for being one of my volunteers and he responded saying he was volunteering for the UMSU For You slate anyway. I said that I didn't mind and that he could do whatever he wanted. I said no such thing with asking him to be on my team and no convincing was happening.

<p><b>Ruling on the alleged breach</b></p>	<p><b><u>Findings:</u></b></p> <ol style="list-style-type: none"> <li>1. As the CRO permitted the use of the space to candidates of Connect UMSU for purposes of a social gathering, there can be deemed no violation of the rules according to the nominations package, ERM, and Supplementary Rules. The candidates received no advantage by utilizing the space to prepare for a social gathering. Additionally, Masha had been granted authorization by the office of the CRO after clarifying the rules, and was told by the CRO that she could be in a lounge for the night of the social.</li> <li>2. As the report was made on the 21<sup>st</sup> for an alleged violation which took place on the 14<sup>th</sup>, no violation can be reasonably reported. As the violation was reported by a volunteer, and volunteers are expected to follow and understand all election rules and regulations, the 48 hour threshold had been passed to file a complaint.</li> <li>3. Furthermore, as no violation took place on the 21<sup>st</sup>, as the 21<sup>st</sup> represents only the day the volunteer for UMSU For You reported the alleged violation to the slate, the date and time of the incident is deemed invalid.</li> <li>4. Though Masha was talking about the election with friends and colleagues in the lounge, as well as asking for volunteers, this does not constitute pre-campaigning, as candidates are allowed to speak one-on-one in private about their intention to run, and to speak in private requesting members of UMSU volunteer for their campaign.</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. Masha Bak (Connect UMSU – Vice president community engagement): No Penalty</li> </ol>