



University
of Manitoba
**STUDENTS'
UNION**

Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
February 25, 11:00 am	2020-006	

*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 204-391-2358. Submissions preferred via email.*

Complainant name	Karan Saxena
Complaining email address	saxenak@myumanitoba.ca
Date and time of incident	Tuesday February 25, 2020, 9:30 am
Specific section(s) of the Election Rules that are alleged to have been breached	<p>Nominations Package 6, B: The CRO may require Candidates, Slates and authorized representative(s) of Sides and Campaign Managers to attend any meetings deemed mandatory by the CRO.</p> <p>D. Failure to attend any mandatory meeting may result in penalties up to and including disqualification.</p> <p>E. Permission may be granted by the CRO to miss any mandatory meeting up to 24 hours in advance of the scheduled meeting time. The 24-hour notice period may be waived in the event of emergency situations as deemed appropriate by the CRO.</p> <p>Nominations Package 7, A: Any communication, advice or direction given between the Office of the CRO and any member of a Slate, or Campaign Manager, or member of any Side committee shall be deemed to have been between all members of that Slate, Campaign or Side.</p> <p>D. Oral communication on behalf of the CRO is deemed to be of the same force and effect as written communication.</p>

Specific Slate, Candidate or Referendum Side that is alleged to be in breach	Connect UMSU
Specific facts which, if proved, constitute a breach. (Continue on separate page as necessary.)	<p>Tino Hove, candidate for Connect UMSU, did not attend the daily campaign meeting which was scheduled on February 25 at 9:00 am. Tino warned the CRO 10 minutes before the beginning of the meeting that he would be late or possibly miss the meeting, far surpassing the 24 hour window needed for the CRO to know a candidate will not be attending.</p> <p>During the all candidates meeting, and in subsequent meetings, the Office of the CRO stated that it was expected that all candidates attend daily campaign meetings. This was a stipulation that was agreed upon by all candidates. This dismisses a subsection in the nominations package which previously stipulated that only one member of a slate needed to attend each daily meeting.</p>
Evidence of these facts. (Continue on separate page as necessary.)	<p>The CRO was texted 10 minutes prior to the meeting, informed that the candidate will be late.</p> <p>All other executive candidates were in attendance, and each serve as an eyewitness.</p>

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

Ruling Form

Ruling #	2020-005
Date and time ruling posted	Tuesday February 25, 2020 @ 3:30 pm
Deadline to appeal (48 hours from posting)	Thursday February 27, 2020 @ 3:30 pm
Concerning Complaint #	2020-006
Summary of the allegation	Tino Hove (Vice president finance and operations – Connect UMSU) was absent from a mandatory daily campaign meeting, without a 24-hour notification to the CRO that he would be absent.
Summary of the parties to the complaint	Connect UMSU
Does the CRO have jurisdiction?	Yes
Applicable Election Rules	<p>Nominations Package 6, B: The CRO may require Candidates, Slates and authorized representative(s) of Sides and Campaign Managers to attend any meetings deemed mandatory by the CRO.</p> <p>D. Failure to attend any mandatory meeting may result in penalties up to and including disqualification.</p> <p>E. Permission may be granted by the CRO to miss any mandatory meeting up to 24 hours in advance of the scheduled meeting time. The 24-hour notice period may be waived in the event of emergency situations as deemed appropriate by the CRO.</p> <p>With the exception of the All Candidates Meeting, Candidates, Slates and Sides may send one representative or Campaign Manager to attend a mandatory meeting on their behalf.</p>

<p>Finding of facts</p>	<ol style="list-style-type: none"> 1) A daily campaign meeting was scheduled for Tuesday February 25 at 9:00 am. All executive candidates are required to attend. 2) Candidates are able to notify the CRO with a 24-hour notice that they are unable to attend. Tino did not give notice to the CRO. 3) At 8:47 am, Tino text messaged the CRO stating: “Hey Karan my bus got cancelled and the next one is late so I will be late for the meeting today or may not make it.” 4) At 9:02 am, Tino text messaged the CRO stating: “On the bus now I most probably won’t make it in time it’s usually a 15min ride to get to school. Sorry about this.” 5) In Response to the complaint, candidate Tino Hove stated the following: I was unable to attend the meeting for reasons outside of my control that could not have been notified at any point prior to when the text message was sent. The bus was cancelled I dont know in advance when a bus is cancelled I cannot tell that a bus will be cancelled until it doesn’t show up at which point I notified the CRO. The first text message was sent upon the earliest moment that I realized that I would be late the second when the following bus arrived and knew I could not make it. I also don’t control the speed at which buses drive therefore I believe it is unjustified to be penalized for a fault of Winnipeg transit and doing all that was within my power which was to notify the CRO of the situation

<p>Ruling on the alleged breach</p>	<p><u>Findings:</u></p> <ol style="list-style-type: none"> 1. While Tino notified the CRO that he would be late, the notifications were sent after the necessary period for notifications. Because of this, his absence represents a violation of the election’s rules and regulations. 2. While the candidate missed due to a late bus, candidates should prepare to arrive ahead of schedule to ensure they are on time.
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<p>Penalty assigned</p>	<p>The Office of the CRO assigns:</p> <ol style="list-style-type: none"> 1. Tino Hove (Vice president finance and operations – Connect UMSU): 10 demerits
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