



University  
of Manitoba  
**STUDENTS'  
UNION**

# Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
February 26 11:51pm	2020-009	

*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 Nicole Tumlos, Chimdi Chijioke, Evan Friesen
<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> , <a href="mailto:chimndinma.chijioke@gmail.com">chimndinma.chijioke@gmail.com</a> , <a href="mailto:fries251@myumanitoba.ca">fries251@myumanitoba.ca</a>
<b>Date and time of incident</b>	Monday Feb 24 2:15 pm
<b>Specific section(s) of the Election Rules that are alleged to have been breached</b>	<p>1. UMSU Elections and Referenda Manual Section XXIV.1.d "Each campaign shall act reasonably, responsibly, and in good faith. Further, each campaign shall: (c) comply with any University rules, regulations, policies, and procedure"</p> <p>2. UMSU Governance and Operations Manual Section XXV.4 "A Safe Environment can be defined as a space which does not condone behaviour, language, or action that is likely to undermine the dignity, safety, self-esteem or productivity of any of its members or employees and prohibits..."</p>
<b>Specific Slate, Candidate or Referendum Side that is alleged to be in breach</b>	Connect UMSU ; Tino Hove
<b>Specific facts which, if proved, constitute a breach.</b>  <b>(Continue on separate page as necessary.)</b>	Our UMSU is filing a complaint against Tino Hove after a volunteer reported to us that he had invaded their personal space and acted aggressively after asking the volunteer a question. The volunteer reports that Hove has used his height to his advantage when asking the question, effectively making the volunteer feel intensely shaken and intimidated. After the volunteer complied with Hove's request, Hove reportedly did not apologize or say anything afterwards, only going back to his teammates saying that he 'got what he needed'. OUR UMSU does not condone this behavior especially to any volunteer, who dedicate their time and

	<p>effort for OUR UMSU's cause and this is in direct violation of the University's Workplace Health and Safety Policy and reinforced by Section XXIV.1.d of the UMSU Elections and Referenda Manual in addition to UMSU's Safe Environment Policy as outlined in Section XXV.4 of the UMSU Governance and Operations Manual.</p> <p>Our UMSU would like an apology be made in the interests of maintaining good spirit.</p>
<p><b>Evidence of these facts.</b></p> <p><b>(Continue on separate page as necessary.)</b></p>	<p>Witness statements:</p> <p>[witness 1] : The way that Tino spoke to the volunteer over tape was appalling. Not only would it constitute as bullying but should also be acknowledged as harassment. The tone was quite harsh and there was no regard for personal space on his end.</p> <p>[witness 2]: He walked up to the volunteer and violated her personal space. The way he asked for tape was very aggressive and unnecessary and his tone was very accusatory. I was very taken aback by his aggressive tone.</p>

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

<b>Ruling #</b>	2020-008	
<b>Date and time ruling posted</b>	Tuesday February 25, 2020 @ 3:30 pm	
<b>Deadline to appeal (48 hours from posting)</b>	Thursday February 27, 2020 @ 3:30 pm	
<b>Concerning Complaint #</b>	2020-009	
<b>Summary of the allegation</b>	During postering, candidate Tino Hove alleged that a volunteer for Our UMSU had taken his roll of masking tape. After stating twice that they did not take the tape, Tino cornered the volunteer and asked repeatedly if they had taken his tape. Finally, out of fear, the volunteer gave the masking tape to Tino, despite the volunteer being the owner of the tape.	
<b>Summary of the parties to the complaint</b>	Connect UMSU	
<b>Does the CRO have jurisdiction?</b>	Yes	
<b>Applicable Election Rules</b>	<ol style="list-style-type: none"> <li>1. UMSU Elections and Referenda Manual Section XXIV.1.d "Each campaign shall act reasonably, responsibly, and in good faith. Further, each campaign shall: (d) comply with any University rules, regulations, policies, and procedure"</li> <li>2. UMSU Elections and Referenda Manual Section XII, 3: A candidate shall only be disqualified where they commit a serious breach that: <ol style="list-style-type: none"> <li>a. cannot be counterbalanced by a lesser penalty.</li> <li>b. involves tampering with ballots, balloting, voting or counting procedures.</li> <li>c. involves repeated violations for which lesser penalties have already been imposed.</li> </ol> </li> <li>3. UMSU Elections and Referenda Manual Section XII, 1: The CRO shall assign demerits to candidates for violations of the Election Rules. If a candidate obtains 50 demerit points they shall be disqualified immediately and if the voting period has not occurred their name shall be struck from the ballot. A candidate has the right to appeal this penalty to the Judicial Board. If a valid appeal is filed within 48 hours the candidates name shall remain on the ballot, pending a verdict from Judicial Board.</li> <li>4. Nominations Package 2, B: No Candidate, Slate, Side or Volunteer shall act in any way that is disrespectful, intimidating or hostile/violent towards the Office of the CRO.</li> <li>5. Nominations Package 9, D: The use of violence or intimidation while campaigning is strictly prohibited.</li> </ol>	

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<b>Finding of facts</b>	<p>1) On Monday February 24, at 6:04 pm, a volunteer for Our UMSU reached out to the Office of the CRO with the following message:</p> <p>Today at approximately 2:25 PM in front of 202 Fletcher Argue while talking to my friends [witness 1] and [witness 2], Tino Hove from Connect UMSU invaded my personal space and made me feel small. He asked me if I took their team's masking tape as he got closer and closer to my face with his stature, cornering me into the wall in front of my friends. He is physically bigger and taller than me. Regardless of the conversation, the fact that he made me feel intimidated speaks volumes</p> <p>I just want to let you know that me and my team are going to file a complaint, but I would need time to process my emotions. Due to the nature of this situation, I respectfully ask the office of the CRO to file my complaint as anonymous but still coming from our slate because of personal and emotional reasons.</p> <p>2) Because of the nature of the complaint, and due to the volunteer's request, a grace period was given to the slate to both decide whether or not to file a complaint, and how to move forward. The volunteer's request to remain anonymous was granted by the Office of the CRO.</p> <p>3) In conversation with the Office of the CRO, [witness 1] and [witness 2] both corroborated the volunteer's report, stating that Tino entered the space on his own and bullied them into giving up their tape. Both insisted that the volunteer did not take the tape from anyone else.</p> <p>4) In response to the report Connect UMSU stated the following:  Tino: I was putting up posters, I returned to our table where we were putting tape on the posters on finding our tape missing. One of our volunteers(Vimbai Gudu) let me know that a lady described as wearing glasses with brown/blonde hair and Caucasian in appearance came by proceeded to take the tape from our</p>

table and use it to put up her posters and left going in the direction of the mid exit doors by the ASBC doors. I then proceeded in that direction, a person fit that description holding tape. Then standing at a socially acceptable distance and asked "did you get the tape from that table in the lounge?" her response was "this is our tape" I replied "but did you get it from the table that was in the lounge?" then she proceeded to say "I got it from the bookstore but you can have it" I replied "oh, okay thanks" then she handed me the tape and I proceeded to put up our posters.

Sia: Me and Tino we're putting posters up in the arts lounge, we then went downstairs to the greenhouse cafe to put our banner up. Then we went back upstairs to the art lounge, when we returned Tino's friend (Vimbai Gudu) was looking over the posters. Then I noticed that one tape was missing and I asked her "do you know where the missing tape went?" She replied " that there is this girl who was wearing glasses and was putting up posters and she took the tape from the table" Then me and Tino split up to opposite ending of the arts lounge, we then met back up then proceeded to look together for this individual, Then Vimbai said she went towards the ASBC office, we went towards the offices together (me and Tino) Tino went next to the office while I loitered next to the microwaves which is next to the office to not over crowd her and waited to see if she would return the tape. The interaction that I saw was Tino asking for the tape, I couldn't hear her response, Then after awhile I witnessed she handed the tape over to Tino.

Vimbai Gudu: Date:24 February 2020

Location: Arts library

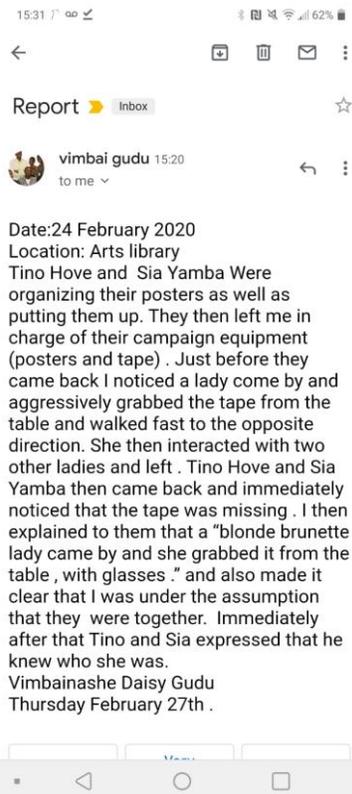
Tino Hove and Sia Yamba Were organizing their posters as well as putting them up. They then left me in charge of their campaign equipment (posters and tape) . Just before they came back I noticed a lady come by and aggressively grabbed the tape from the table and walked fast to the opposite direction. She then interacted with two other ladies and left . Tino Hove and Sia Yamba then came back and immediately noticed that the tape was missing . I then explained to them that a "blonde brunette lady came by and she grabbed it from the table , with glasses ." and also made it clear that I was under the assumption that they were together. Immediately after that Tino and Sia expressed that he knew who she was.

Vimbainashe Daisy Gudu

Thursday February 27th .

Further remarks: I find this as a personal attack on my character slanderous and inflammatory I would like this issue dealt with very seriously towards the accusing state and am looking into legal and or institutional ramifications towards the accuser. As stated above we were simply trying to retrieve the tape that was taken from our table and she simply fit the description provided and had tape in hand. I was not at all aggressive nor did I accuse her of anything I simply asked if she had gotten the tape from the table further more the tape was offered to me and handed to me I was not domineering nor aggressive.

- 5) Conncet UMSU provided the photgraphic account from Vimbainashe Daisy Gudu (provided below):



- 6)

- 7) The volunteer, who is profiled as Caucasian with blonde/brown hair by Connect UMSU, in no way reflects the volunteer in question. This highlights the fact that the person who may have taken tape, compared with the person Tino confronted, were not the same person.
- 8) At 1:53 pm on February 27<sup>th</sup>, Tino called The CRO as The CRO was in class. Later at 1:54 pm, he sent The CRO the following three text messages: "I need to come see you about this complaint right now", "Or Myles", "I have witness who were present".
- 9) At 2:05 pm on February 27<sup>th</sup>, Tino called The DRO asking where The DRO was. The DRO stated they were headed to class. Tino demanded to speak with either The DRO or The CRO about the report filed. When The DRO reiterated that they had to go to class, Tino stated that he must speak with someone immediately, that the allegations made were categorically false and that he would not accept waiting. Tino stated he was bringing a witness, external to the slate, who would stand as a witness to the reports event, and that she would speak in defense of him. The DRO stated they would only speak to the witness and would not speak to anyone else.

Tino came to the office with Nicholas Mikolajek (campaign manager) and Sia Yamba. Tino was angry with the report made. No witnesses beyond Sia arrived to speak at his defense.

Tino was visibly upset that the report was filed, stating categorically that the event did not take place as the report suggests. Tino stated that he spoke to a white woman with blonde-brown hair. Tino asked where they had gotten the tape from, the volunteer stated that they had gotten it from the bookstore but offered to give it to him anyways. Tino stated that Sia was a witness to the event.

Tino requested camera footage from the building, The DRO stated that was not very plausible as the University does not provide camera footage to students.

Tino requested to know how he could get to the bottom of the case and asked if he could respond with a report of slander by Our UMSU.

The DRO told Tino that any response to the report had to come in writing, and that Connect should take a step back and reflect on the response to the report.

	<p>Tino's behaviour, while not yelling or shouting, was aggressive in nature, and Tino's insistence that he must speak to the CRO/DRO was done in attempt to bully the Office into speaking to him without warning. This is not the first case in which Tino has been forcefully insistent with the CRO or DRO, despite repeated cases in which the CRO has told all candidates that intimidation or forceful behaviour is strictly prohibited.</p> <p>10) While Sia Yamba stated that she was a witness to the reported event, Sia stated in conversation with the DRO that she held back from the event, standing by the microwaves in the Arts Lounge. She additionally stated that she could not hear what the volunteer was saying to Tino, only what Tino was saying to the volunteer. Therefore, it can scarcely be considered that Sia was witness to the event. Additionally, [witness 1] and [witness 2] stated that they themselves did not see Sia in the Arts Lounge at all, as they lingered around the lounge after the reported event.</p>
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<p><b>Ruling on the alleged breach</b></p>	<p><b><u>Findings:</u></b></p> <ol style="list-style-type: none"> <li>1. Tino displayed a willingness to intimidate and pressure a different slates volunteer into confessing to a mistake they did not commit, thereby giving up campaign materials due to fear of intimidation. As the profile of the person who took the tape does not match the person who filed the report, there were no grounds to confront any volunteer.</li> <li>2. Additionally, in trying to reason with the Office of the CRO, Tino repeatedly pressured the DRO into agreeing with his claims, additionally threatening legal action to Our UMSU and the volunteer should the allegation be ruled as legitimate. These threats, coinciding with the facts presented on the report, demonstrate a violation of several by-laws, most fundamentally "UMSU Elections and Referenda Manual Section XXIV.1.d"</li> <li>3. The Office of the CRO must make judgements "on an evidence-based system by which demerits will be given to the complainant if their case does not prove without a reasonable doubt that by-law or rule was broken." As there is no substantive evidence that the by-law was not broken, the CRO must make a judgment based on presented facts.</li> </ol>
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<b>Penalty assigned</b>	<b>The Office of the CRO assigns:</b>  <ol style="list-style-type: none"><li data-bbox="544 283 1518 373">1. Tino Hove (Vice president finance and operations – Connect UMSU): Disqualification on grounds of intimidation of candidate's volunteers, as well as the Office of the CRO.</li></ol>
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