

**UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

REPORT NUMBER 58 OF THE ELECTIONS COMMITTEE

February 10, 2010

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on Wednesday, February 10, 2010 at 4:00 p.m. in Room 229, Simcoe Hall, with the following members present:

Mr. Stephen Smith (In the Chair)
Ms Diana Alli
Professor Ronald H. Kluger
Mr. Olivier Sorin

Regrets:
Mr. Gary P. Mooney

Secretariat:

Ms Mae-Yu Tan

In Attendance:

Mr. Anwar Kazimi, Chief Returning Officer
The Student

In this report, all items are reported to the University Affairs Board for information.

Purpose of Meeting

The meeting was requested by Mr. Anwar Kazimi, the Chief Returning Officer (CRO), to consider a charge of a campaign violation against a 2010 Governing Council election candidate in the Full-time Undergraduate Student Constituency I.

Mr. Kazimi had conducted an investigation into the matter and subsequently referred the matter to the Election Overseers for their consideration.

Introduction

The Chair welcomed Mr. Kazimi and the respondent to the meeting. He explained that the Elections Committee was charged with acting as overseers of the elections process for the Governing Council and the Academic Board, hearing any disputes that arose from the process. Decisions of the Election Overseers were final and not open to review.

Allegation of Violation of Campaigning Rules Against The Student Brought Forward by the CRO

Mr. Kazimi summarized the allegation that the candidate's website had been activated prior to the start of the permitted campaign period. On February 1, 2010, while reviewing the candidate statements that had been submitted to the Office of the Governing Council as part of the 2010 election nomination forms, Mr. Kazimi had noted a reference to a campaign website in the student's statement. Upon visiting the website, Mr. Kazimi had discovered that it was active and contained clear reference to the student's candidacy in the Governing Council elections. The website listed the voting period and encouraged individuals to vote for the student. Mr. Kazimi immediately contacted the student by telephone and asked him to deactivate the website. During their conversation and in a follow-up email, Mr. Kazimi reminded the student of his obligation to abide by the rules outlined in the *Election Guidelines 2010*. The campaign period, Friday, February 19, 2010 at 1:00 p.m. to Friday, March 12, 2010 at 5:00 p.m. was noted in Appendix A: Guidelines for Campaigning, pages 99-103.

In his written response to Mr. Kazimi dated February 2, 2010, The student stated that, on February 1, 2010 at 2:16 p.m., he had received a message from his web designer that material had been posted to the website. The student indicated that, upon receipt of that message, he had immediately contacted his designer and instructed him to deactivate the website; he believed that it was against the campaigning rules to have the website posted at that time.

Mr. Kazimi informed the Election Overseers that ample notice of the importance of reading the *Election Guidelines 2010* had been made available on the Elections website, on the *Checklist for the Governing Council Nomination Form*, on the nomination form itself, and in an email sent on January 28, 2010 to all election candidates, including the student. He concluded that, in his opinion, a campaign violation had been committed by the student.

Invited to comment, the student told the Committee that, although his designer had registered a website on his behalf, he did not believe that he was responsible for any content that appeared on the site, as it was the right of his designer to post any material online. Although he acknowledged the existence of an agreement between him and his designer to create and maintain the website, the student stated that his designer was the owner of the website. The student emphasized that he had not intended to contravene the *Election Guidelines 2010*, and in his opinion, he had not done so, as he had not authorized material to be posted to the website.

During the subsequent questioning and discussion, all members of the Committee focused on a candidate's responsibility for the actions of his/her associated party made on his/her behalf.

The Chair thanked Mr. Kazimi and the student for their comments. The non-members then withdrew from the meeting, and the Committee moved *in camera* to deliberate, with the Secretary remaining.

Decision

After deliberation, the Committee unanimously reached the following decision.

(a) The Student: Campaign Violation

(i) Campaign Period

The Committee determined that the student had begun campaigning prior to the start of the campaign period, thus violating the rules contained in Appendix A of the *Election Guidelines 2010*. In the opinion of the Committee, this constitutes a serious violation of the *Guidelines*, regardless of whether or not there was intention on the student's part to gain an unfair advantage in the elections process.

Penalty:

The Committee has determined that the student has committed one serious campaign violation.

The Committee therefore assesses the following sanction against the student:

That the student be prohibited from using any electronic media for campaign purposes between Friday, February 19, 2010 at 1:00 p.m. and Wednesday, February 24, 2010 at 9:00 a.m. This includes the use of such electronic media as an election website, election blog, electronic social networking tools, or other electronic aids whose use would normally require the notification of and access by the CRO.

Pursuant to Appendix A of the *Election Guidelines 2010* (Publication of Confirmed Violations, page 103), details of the confirmed violation, including the name of the offender, will be published on the Governing Council elections website (<http://www.governingcouncil.utoronto.ca/elections.htm>). The Committee has determined that such information will be posted immediately and will remain posted on the website until Wednesday, February 24, 2010 at 9:00 a.m.

The meeting adjourned at 5:17 pm.

Secretary
February 12, 2010

Chair