

**UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

REPORT NUMBER 63 OF THE ELECTIONS COMMITTEE

February 3, 2011

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on Thursday, February 3, 2011 at 12:38 p.m. in Room 229, Simcoe Hall, with the following members present:

Professor Bill Gough (Chair)
Ms Diana Alli
Professor Emeritus Michael Marrus
Mr. Olivier Sorin*

Regrets:
Ms Shirley Hoy

Secretariat:

Ms Mae-Yu Tan

In Attendance:

Mr. Anwar Kazimi, Chief Returning Officer
The Student

*Participated by teleconference

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 2011 Governing Council election candidate in the Part-time Undergraduate Student Constituency.

Mr. Kazimi had conducted an investigation and had 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. With respect to campaigning matters, the Committee was responsible for considering charges of campaign violations made by the CRO against a candidate and deciding on the appropriate action to be taken. Decisions of the Election Overseers were final and were not open to review.

Allegation of Violation of Campaign 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 campaign period.¹ On January 26, 2011, while reviewing the candidate statements that had been submitted to the Office of the Governing Council as part of the 2011 election nomination forms, Mr. Kazimi had discovered that the student's campaign website was active. Mr. Kazimi had immediately contacted the student, asked him to deactivate the website, and had reminded him of his obligation to abide by the rules outlined in the *Election Guidelines 2011*. In his written responses to Mr. Kazimi dated January 26 and 27, 2011, the student had acknowledged his error in having made public his campaign website before the start of the campaign period and had expressed his sincere apologies. The student had indicated that he had removed all of the content from his website and had asked the web provider to disable his site. The student informed the Committee that he had not intended to contravene the *Election Guidelines 2011*. Due to his inexperience in building websites, he had mistakenly omitted to select a setting that would have made his website private and therefore inaccessible by the public. Both the student and Mr. Kazimi noted that the events had occurred prior to the announcement of the candidates for the Governing Council election on January 27, 2011. As such, the public would not have been informed of the student's website address contained in his candidate statement.

Members then posed questions for the student and Mr. Kazimi. The Chair thanked Mr. Kazimi and the student for their comments, and the Committee moved *in camera* to deliberate, with the Secretary remaining.

Decision

After deliberation, having taken into account the definitions of a "serious" and a "severe" violation,² the Committee unanimously reached the following decision.

The Committee has determined that the letter of the *Election Guidelines 2011* appears to have been violated. However, no evidence was presented that the student attempted to gain an unfair advantage in the elections process and no unfair advantage was achieved. In the opinion of the Committee, while the student mistakenly made public his campaign website prior to the start of the campaign period, no campaign violation was committed.

¹ The campaign period, Thursday, February 17, 2011 at 9:00 a.m. to Friday, March 11, 2011 at 5:00 p.m. is noted in Appendix A: Guidelines for Campaigning and Enforcement of the *Election Guidelines 2011*, pages 83-89.

² The "*Serious and Severe Violations*" section of the *Election Guidelines 2011* (page 88) states that "A Serious violation is one which contravenes the spirit and letter of these Guidelines in an attempt to gain an unfair advantage in the elections process but does not itself constitute a substantial effort to undermine that process.... A Severe violation is one characterized by a deliberate and substantial effort to undermine the elections process."

Other Business

The Committee discussed ways in which the election process might be improved in the future. The Committee recognized that the CRO was required to investigate possible cases of campaign violations and was of the view that the role of the CRO should be clarified even further in the *Election Guidelines 2012*. The CRO's liberty to use his/her discretion when deciding whether or not to lay a charge of a campaign violation should be more evident in the *Guidelines*. The Committee agreed to continue its discussion of ways of improving the elections process at its meeting in June, 2011.

The meeting adjourned at 1:30 pm.

Secretary
February 3, 2011

Chair