

**UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

REPORT NUMBER 39 OF THE ELECTIONS COMMITTEE

March 17, 2005

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on March 17, 2005 in the Falconer Room, Simcoe Hall, as Elections Overseers, in accordance with Chapter III(8) of the *Election Guidelines 2005*, with the following members present:

Professor Michael Marrus (In the Chair)
Mr. P.C. Choo
Mr. Stefan Neata

Secretariat:

Mr. Paul Holmes (Chief Returning Officer)
Mr Andrew Drummond (Secretary)

In Attendance:

Mr. Husain Aboghodieh, respondent
Mr. Isaac Apter, witness for the complainant
Mr. Shaun Chen, complainant
Ms. Sarah Nasser, complainant
Mr. Howard Tam, Vice-President, University Affairs, Students' Administrative Council

The meeting was held in open session.

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

Purpose of Meeting

The meeting was called by the Secretary of the Elections Committee to hear a complaint registered by Ms. Sarah Nasser and Mr. Shaun Chen, candidates in the 2005 student elections for the Governing Council. Their complaint was that actions taken by Mr. Husain Aboghodieh during the elections campaign violated the rules of campaigning as set out in the *Elections Guidelines 2005*. Mr. Holmes, as Chief Returning Officer, had conducted an investigation of the several complaints and referred two of the complaints – one involving inappropriate postering by the respondent, and one involving misrepresentation of facts in campaign literature distributed by the respondent – to the Overseers for decision.

Mr. Holmes briefly summarized the case.
The Chair then invited Ms. Nasser to make a statement. Ms. Nasser summarized how she believed her posters had been torn down within minutes of their being placed.

The Chair then invited Mr. Aboghodieh to respond. On the matter of improper postering, he noted that he and his campaign workers had taken care not to obstruct any other candidates' posters; in particular, he referred members to the pictures available in documentation which showed how he and his running mate had deliberately placed their posters in prominent positions without obstructing others'.

On the second question, Mr. Aboghodieh stated that he realized his error in making the claim that computer science students paid \$9000 in tuition. He agreed that he had misrepresented facts in his campaign materials, but had done so unintentionally, and apologized for having done so.

Deliberation

There then followed an *in camera* discussion, during which all non-members were asked to absent themselves. Mr. Holmes and the Secretary remained.

Decision

The Committee was unanimous in making the following decision:

- 1) In general, the Committee believed that Mr. Aboghodieh's actions were not a flagrant undermining of the action or conduct of the Elections and therefore found that he should not be disqualified from electoral contention.
- 2) The allegations of improper postering had not been established. Having heard the evidence and the response, the Overseers concluded that the charges against Mr. Aboghodieh, had not been proven on a balance of probabilities.
- 3) Mr. Aboghodieh had acknowledged that he had unintentionally misrepresented facts in the campaign, and had therefore breached the *Elections Guidelines*. One demerit point was assigned for unintentional misrepresentation of facts.

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