

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 81 OF THE ELECTIONS COMMITTEE

February 14, 2018

To the Executive Committee,
University of Toronto.

Your Committee reports that it met on Wednesday, February 14, 2018 at 1:00 p.m. in Room 3210, William G. Davis Building, University of Toronto Mississauga with the following members present:

Sal Spadafora
Jeff Collins
PC Choo

Regrets

Aidan Fishman
Keith Thomas

In Attendance

The Respondent

Secretariat:

Mr. David Walders, Secretary

Mr. Anwar Kazimi, Deputy Secretary of the Governing Council and Chief Returning Officer (CRO)

Mr. Patrick McNeill, Assistant Secretary of the Governing Council and Deputy Returning Officer (DRO)

Ms Cindy Ferencz-Hammond, Assistant Secretary of the Governing Council and Deputy Returning Officer (DRO)

1. Chair's Remarks

The Chair welcomed members and guests to the meeting. The Chair explained that the meeting had been scheduled to consider an alleged severe violation in connection with the election for full-time undergraduate students to the University of Mississauga Academic Affairs Committee. He noted that, under Appendix A of the *Election Guidelines 2018* (the *Guidelines*) a “severe violation” was one characterized by a deliberate and substantial effort to undermine the elections process” which included “contravening or undermining the secrecy of the balloting/voting process”.

2. Overview of Mandate of Election Overseers.

The Chair reminded members that part of the mandate of the Elections Committee, as stipulated in the *Guidelines*, was to serve as Election Overseers and, in that capacity, to consider any question arising from the conduct of elections as outlined in the *Guidelines*. The decision of the Election Overseers in such matters was final and not subject to any further review or appeal. As well, details of confirmed violations, including the offending candidate's name, would be highlighted on the Governing Council's elections website and, in web-based elections, of the voting website, for such time as the Election Overseers deemed appropriate.

3. Presentation of Charge of Alleged Violation by the Chief Returning Officer

Mr. Kazimi, the Chief Returning Officer (CRO) presented the charges to the Overseers. On Thursday, February 8th, 2018 at 2:53 p.m., Ms Cindy Ferencz Hammond, the Deputy Returning Officer at the University of Mississauga (UTM), received an email from a member of the UTM community alleging that the respondent was handing out flyers while holding a laptop, which had the voting website open. In connection with this, the respondent was soliciting random people to cast votes in the respondent's favour. This allegation was substantiated with photographic and video evidence. The respondent was informed via email to cease this action immediately. The respondent was then contacted by telephone by the CRO and in the ensuing conversation, the respondent admitted to the alleged conduct. The appellant was informed that the matter would be brought before the Election Overseers.

Mr. Kazimi explained that the respondent had signed a nomination form on January 12, 2018 to participate in the election as a candidate, wherein the respondent agreed to abide by the *Guidelines*. The respondent had also attended an information session for candidates on January 18, 2018, during which campaign rules and campaign violations were discussed.

Mr. Kazimi then presented his recommendation that the respondent be disqualified from the election with immediate effect and that all votes cast in the respondent's favour be null and void. He further recommended that any campaign expenses incurred by the respondent in connection with the candidacy be eliminated.

The Chair invited the respondent to address the allegations. The respondent admitted to the allegations, and expressed as a desire to remain as a candidate in the election.

The Committee moved *in camera*.

4. Deliberation by Election Overseers

The CRO was consulted on procedural matters pertaining to the *Guidelines*.

Following deliberation, the Committee reached the following decision:

- That the respondent be disqualified from the election with immediate effect and that all votes cast in the respondent's favour be null and void.
- That any campaign expenses incurred by the appellant in connection with the respondent's campaign be eliminated.
- That, in accordance with Appendix A of the *Guidelines*, the details of the violation, including the respondent's name, be noted on the Governing Council's elections website, from 12:00 p.m. on April 5th, 2018 until 12:00 p.m. on April 12th, 2018.

The meeting adjourned at 1:55 p.m.

Secretary
February 14, 2018

Chair