

DIE Board Hearing Application

Please note that this information will all be public. While the UASU's practice is to redact email addresses and phone numbers from publicly posted DIE Board hearing applications, the information provided may be kept, used, and disclosed in keeping with the operations of the DIE Board, UASU Bylaws, and Alberta's Personal Information Protection Act.

If necessary, the Students' Union DIE Board Registrar may contact you to confirm that you are a student.

NOTE: Under the DIE Board Protocols, the DIE Board reserves the right to reject applications that it judges to be frivolous or vexatious.

Name Andie Hansen

E-mail

[REDACTED]

Phone Number

[REDACTED]

This application is for a:

DIE Board Hearing

Reason for Application

Describe the specific violation of a bylaw or rule, your specific interpretation question, or the specific errors made by the DIE Board or the CRO. If you want the Board to issue some kind of order, explain what you think the Board should do. You may also attach additional written submissions or supporting documents at the end of this form.

Reason

Please see the attached PDF.

Proposed Respondent(s)

List the individual(s) alleged to have infringed a rule or who are otherwise adversely involved in interest to your application. If you are appealing a CRO Ruling, list the CRO and any candidates involved.

Proposed Respondent

Jacob Varghese
Sithara Naidoo
Farah Elgaweesh

Anticipated Witnesses

List other individuals involved in the case who can contribute to the Hearing, if any.

Anticipated Witness

Andie Hansen
Andrew Schultz

Signature

Andie Hansen

Attach File

Although not required, you may attach additional written submissions or supporting documents for the Board to consider, including any relevant facts, a copy of any Students' Union legislation or rules relevant to your arguments, and your position on the matters in issue. These submissions will help the Board understand the nature of your complaint or request for interpretation. The Board may rule against you if you do not provide sufficient reasons for your application.

Please submit as a single document.

If you're unsure of how to combine multiple separate documents, you can save all documents as a PDF and use [PDF Merge](#).

File upload



Appeal.pdf

Direct any questions to:

DIE Board Registrar

governance@su.ualberta.ca

SUB 6-24

Bylaw 330.08 states (emphasis mine),

The C.R.O. or at least one (1) D.R.O. shall

a) supervise the counting of ballots electronically, when necessary;

b) post final results within two (2) Business Days of ALL complaints and appeals being resolved;

...

e) post unofficial results at any time, including during counting; and

f) store the ballots in a secure place for at least two (2) weeks after completing the last recount.

This bylaw makes a distinction between final results and unofficial results. While unofficial results may be posted at any time, final results shall be posted within two (2) Business Days of all complaints and appeals being resolved.

Conversely, this states that final results should not be posted before all complaints and appeals are resolved.

The bylaw does not define the difference between unofficial and final results. However, I believe that the CRO and DRO should have taken more care to distinguish between unofficial and final results in communications. For the average student member, the results posted at 9 pm and later covered by The Gateway seemed final for all intents and purposes.

The Gateway's election results article stated:

"Layla Alhussainy, a fourth-year sociology and religious studies student, won the vice-president (academic) position over Farah Elgaweesh, a first-year nursing student. The SU Elections Office did not release the number of votes counted in the race, as they were removed from counting. Sithara Naidoo, the SU's deputy returning officer, confirmed that Elgaweesh was disqualified from the race."

According to Bylaw 320.16, candidates have two (2) Business Days to submit a complaint. I'm unaware of whether Elgaweesh filed a complaint before Naidoo's statement was issued to *The Gateway*. However, it seems reasonable that Naidoo's statement was inappropriate.

While it would have been unusual, a more prudent decision would have been to withhold the results of the VPA election pending a likely appeal. Alternatively, Naidoo should have clearly noted in communications to The Gateway that election results were unofficial.

Bylaw 330.08 does not compel the CRO or a DRO to state publicly that results are unofficial. However, this is strongly implied. Otherwise, the distinction made between unofficial and final results makes little sense. As noted above, from the student body's perspective, the results would be assumed to be final.

Another more reasonable action would have been to clearly state that Alhussainy was the interim-elect due to a possible disqualification of Elgaweesh. This was not done until 10:50 pm on March 7.

The Gateway article states: "At 10:50 p.m., the SU posted that Alhussainy was named the interim-elect, but confirmation will come after a Discipline, Interpretation, and Enforcement (DIE) Board hearing."

This should have been clearly communicated to *The Gateway* in original communications. Since it was not, it is a likely violation of Bylaw 330.08 due to the rights offered to candidates by Bylaw 320.16.

Finally, there is one more issue. According to Bylaw 320.17(4),

A Candidate or side shall be disqualified where they are guilty of a contravention that (a) cannot be counterbalanced by a lesser penalty.

As noted in another DIE ruling (2024-03-07), "As disqualification is an extraordinary remedy for not abiding by the Bylaw, the actions of a candidate would have to exceed simple behavior of breaching Section 11(5)."

As a student observer, I urge you to consider whether disqualification is truly a reasonable penalty for the alleged violations that Farah has committed.