

# 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** Farah Elgaweesh

**E-mail**

[REDACTED]

**Phone Number**

[REDACTED]

**This application is for a:**

Appeal of a Chief Returning Officer Ruling

## 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**

Attached to the document at the end of the form.

## 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 Verghese (Chief Returning Officer)

## Anticipated Witnesses

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

**Anticipated Witness**

Abdul Abbasi (incoming Vice-President External)

## Signature



## 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



DIE Board Appeal - Ruling \_7, ...pdf

**Direct any questions to:**

DIE Board Registrar

[governance@su.ualberta.ca](mailto:governance@su.ualberta.ca)

SUB 6-24

## **DIE Board Submission**

**Farah Elgaweesh's appeal of C.R.O ruling [#7](#), [#8](#), and [#16](#)**

## I. Summary of the Facts

1. The Chief Returning Officer is Jacob Verghese and the Deputy Returning Officer is Sithara Naidoo.
2. On March 6th, at 8:30am, Elgaweesh and candidates Lisa Glock, Renson Alva, and Abdul Abbasi had a meeting to discuss issues with affiliation with third parties. In this meeting, a candidate asked Verghese about potential penalties and he proceeded to inform the candidates that the most probable outcome is getting fined. In a subsequent question, it was asked if it is a possibility that these fines might result in disqualification if candidates exceed their budgets, and Verghese clarified that going over the budget due to fines will not result in us getting disqualified, but instead us not getting reimbursed for our expenses.
  - a. The incoming VPX, Abdul Abbasi is willing to attest to this fact.
3. On March 7th, at 12:02 PM, Elgaweesh requested an “in-person meeting with Verghese and Sithara Naidoo, the Deputy Returning Officer to clarify this matter.” [Email 2](#)
4. On March 7th, at 2:00 PM, the Elections Office declined Elgaweesh’s request for an in-person meeting with Verghese and Naidoo. [Email 3](#)
5. On March 7th, at 6:00 PM, the campaign period ended.
6. On March 11th, at 5:13 PM, Naidoo sent Elgaweesh an email with three additional C.R.O. rulings on three different matters (Ruling 8, Ruling 15, and Ruling 16).

7. On March 11th, at 4:00pm, Ruling #7 was made public on the UASU's website. Our campaign never received a copy of this ruling directly from Verghese or Naidoo.
8. Verghese incorrectly identifies the individual in question. The individual involved in this matter is not the campaign manager. Elgaweesh's campaign managers according to her declaration is Marija Cvetkovska and Zino Ugbawa.
9. The individual in question has always had a [disclaimer](#) on their account bio stating "opinions expressed here are my own and don't represent any organizations."  
[\(screenshot 2\)](#)
10. Verghese incorrectly states "the account was made private". The individual's account was never made public and has remained private throughout the campaign period.
11. On March 5th at 4:38pm, Elgaweesh's campaign reached out to SJP UAlberta via instagram informing them that she doesn't give consent to this endorsement. She informed them that their endorsement is against the UASU bylaws. SJP UAlberta thanked Elgaweesh for the information and refused to remove the post. ([screenshot 3](#))

## II. The Issues and Our Argument

A key issue here is the competence of Verghese in executing his duties as Chief Returning Officer.

As Chief Returning Officer, Verghese has the responsibility to oversee the implementation of Bylaw 310, 320, and 330. In our opinion, Verghese failed to do the following

- a. Communicate in a fair and timely manner with Elgaweesh as a UASU Candidate.
  - Throughout the election, Elgaweesh's campaign was limited by Verghese's failure to respond within the 24 hour timeframe as mentioned in the nomination package. Furthermore, there are tangible discrepancies in response times between candidates.
  - Throughout the campaign period, Elgaweesh's social media manager on numerous occasions attempted to get Verghese to approve campaign posts. In one instance, Verghese took between March 2nd and 6th to approve a campaign post. [Email 5](#) [Email 6](#) During this same time period, Verghese approved an undisclosed candidate's post within a 3 minute response time.
  - Verghese also failed to inform Elgaweesh of alleged violations in a timely manner. In February 2024, she allowed him to follow her social media account. During the candidates meeting, he informed candidates that he will be monitoring the candidates accounts. Verghese had a reasonable responsibility to be monitoring the account and to inform Elgaweesh of these alleged violations. From our understanding, these unapproved stories range from Tuesday, March 5th to Wednesday, March 6th.

Elgaweesh's only responsibility was to ensure that Verghese was kept privy to her activities on social media which she fulfilled.

- In a meeting with candidates accused of colluding with a third party, Verghese contradicted the established norm by informing candidates that they will not be disqualified if they go over budget due to fines but rather would not receive a reimbursement.

1. As previously mentioned, the incoming VPX, Abbasi is willing to attest to Verghese's contradiction. Abbasi is willing to attest that the CRO wasn't clear in his communications that this was only regarding SJP as he submitted in his response to another appeal.

- b. Ensure that Elgaweesh has a copy of the complaint.

- Bylaw 320, 16.2 is as follows "The C.R.O. shall provide a copy of the complaint form, with the complainant's student identification number blacked out, to each respondent."
- Elgaweesh nor her campaign ever received a copy of the complaint for these 2 allegations or the other 7 allegations. Verghese according to Bylaw 320 failed to provide this to our campaign.

In some of these instances that Verghese has issued rulings on, little context is provided regarding the alleged violations. With these failures noted above, we would like to take the opportunity to address the alleged violations.

**On Ruling #7, our opinion is as follows:**

1. "\$15.00 in punitive fines for continued breach of bylaws" is excessive in our opinion. It is reasonable to assume that the student's intentions by informing Verghese of the alleged violation was that he would immediately act on it. From our understanding of Verghese's

ruling, he failed to act. Rather than immediately informing our campaign manager that her actions were in violation of the rules within 2 business days (Bylaw 320.16) – he observed her team violating the rules. We are confused as to why Verghese never raised this complaint with our campaign or with the campaign manager.

2. If Verghese repeatedly failed to uphold the UASU bylaws in a fair and timely manner, it is unreasonable to punish candidates for the failures of the Election Office.
3. Furthermore, this ruling appears to be issued outside of the 2 business days (Bylaw 320.16), we would argue that Verghese shouldn't be able to retroactively issue fines if he failed to address alleged violations in a timely and fair manner.
  - a. While Bylaw 320.16 makes no mention of a remedy, we believe that the only reasonable remedy is for Verghese not to be able to retroactively issue fines. It is clear that the intention behind this bylaw was to ensure that Verghese and C.R.O addressed alleged violations in a timely manner to prevent further violations and maintain the integrity of the elections.

**On Ruling #8, our opinion is as follows.**

1. Verghese incorrectly identifies the individual in question. The individual involved in this matter is not the campaign manager. Elgaweesh's campaign managers according to her declaration is Marija Cvetkovska and Zino Ugbawa.
2. The individual in question has always had a disclaimer on their account bio stating "opinions expressed here are my own and don't represent any organizations."
3. Verghese incorrectly states "the account was made private". The individual's account was never made public and has remained private throughout the campaign period.
4. In Verghese's ruling, he states that Elgaweesh's campaign acted in bad faith. We would argue that there was no bad faith whatsoever and would like to explain the context of the individual's comments.



- a. The individual in question was not attempting to critique the fact that any candidate was unable to attend forums. The individual was simply recognizing the hardwork and dedication that Elgaweesh had put into her campaign especially considering her heavy course content as a nursing student. This is evident by the [story](#) that was accompanying the note.
  - b. This individual's comments were simply misinterpreted. They never intended for it to come across as criticism of a very valid reason for not attending a forum. This is evident by the fact that the individual took the note down and [posted an apology](#) similar to [Nathan Perez's apology](#).
5. We would like to **state unequivocally that the suggestion that this individual's comments were directed towards a specific in a malicious manner is demonstrably false** by the evidence above.
6. Furthermore, this ruling appears to be issued outside of the 2 business days (Bylaw 320.16), we would argue that Verghese shouldn't be able to retroactively issue fines if he failed to address alleged violations in a timely and fair manner.
  - a. While Bylaw 320.16 makes no mention of a remedy, the only reasonable remedy is for Verghese not to be able to retroactively issue fines. It is clear that the intention behind this bylaw was to ensure that the C.R.O addressed alleged violations in a timely manner to prevent further violations and uphold the integrity of campaigning during the elections.

**On Ruling #16, our opinion is as follows.**

1. This ruling appears to be issued outside of the 2 business days (Bylaw 320.16), we would argue that Verghese shouldn't be able to retroactively issue fines if he failed to address alleged violations in a timely and fair manner.

- a. While Bylaw 320.16 makes no mention of a remedy, we believe that the only reasonable remedy is for Verghese not to be able to retroactively issue fines. It is clear that the intention behind this bylaw was to ensure that Verghese and C.R.O addressed alleged violations in a timely manner to prevent further violations.
2. We agree with Verghese that this relationship is unclear to his office and if he had taken reasonable steps to investigate this matter, he would have discovered there is no connection between SJP and Elgaweesh's campaign.
  - a. On March 5th at 4:38pm, Elgaweesh's campaign reached out to SJP UAlberta via instagram informing them that she doesn't give consent to this endorsement. She informed them that their endorsement is against the UASU bylaws. SJP UAlberta thanked Elgaweesh for the information and refused to remove the post.  
[\(instagram\)](#)

Elgaweesh and her campaign took every reasonable step to follow Verghese's guidance in rejecting the group's endorsement. It is clear by this text message that Elgaweesh did everything she could and the group simply refused to comply with her request.

### III. Our Asks of the Board

Based off the arguments that we have raised above, we request the board do the following

- IV. Overturn the following of Verghese's ruling #7, #8, and #16 unless Verghese is able to demonstrate that he completed the following requirements under Bylaw 320, 16.3;
  - 1. Notify, via e-mail, the Chief Tribune of D.I.E. Board with:
  - 2. The reason for extension of the investigation period; and
  - 3. The anticipated date and time the ruling will be released, not to exceed 72 hours after the deadline.
- V. Order that Verghese release the complaint forms for these alleged violations alongside the date and time that they were submitted.

Verghese repeatedly failed to address campaign violations that were raised by students in a timely and fair manner. We never received a single documentation proving that any student had submitted a complaint form throughout this election.

As we have clearly pointed out, this is a requirement under bylaw and is good faith practice. Elgaweesh should have every ability to see the complaint and the evidence for the alleged violation. In our opinion, Bylaw 320.16 while unclear seeks to provide candidates with a reasonable expectation of C.R.O timelines. Verghese's rulings clearly fell outside of these parameters and as a result should be null and void due to the disadvantage presented.

If these rulings did not fall outside of these parameters, we believe that sufficient evidence has been provided to refute these claims and we will submit further in person.

## **VI. Bylaw References**

### **Bylaw 320, 16.1 (Complaints)**

1. Where a complaint is received within two (2) Business Days of the alleged contravention, and where the original complaint form is provided to the C.R.O., the C.R.O. shall rule on that complaint.
2. Where a complaint is received and is found to be complete as set out in Section 01(1), the C.R.O. shall rule on the complaint within two (2) Business Days of receiving the complaint.
  - a. If the C.R.O. requires more time to investigate the complaint they shall, prior to the deadline:
    - i. Notify, via e-mail, the Chief Tribune of D.I.E. Board with:
      - a. The reason for extension of the investigation period; and
      - b. The anticipated date and time the ruling will be released, not to exceed 72 hours after the deadline.
    - ii. Provide a carbon copy to the complainant and the Manager of Discover Governance.
  - b. The C.R.O. shall include this notification as an appendix to the final ruling.
3. (Bylaw 320 Section 16.2) The C.R.O. shall provide a copy of the complaint form, with the complainant's student identification number blacked out, to each respondent.