

**DISCIPLINE, INTERPRETATION AND ENFORCEMENT (DIE) BOARD  
APPLICATION TO INITIATE A HEARING OR APPEAL**

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<b>Applicant Name</b> <i>(include organization/group name, if applying on behalf of organization/group)</i>	Aditya Rao, appearing for Students United for Progressive Action
<b>Student ID #</b>	[REDACTED]
<b>Phone #</b>	[REDACTED]
<b>Email Address</b>	agrao@ualberta.ca

**This application is for a:**

<input checked="checked" type="radio"/>	DIE Board Hearing
<input type="radio"/>	Appeal of a DIE Board Decision

**Summary of Complaint, Request for Interpretation, or Appeal of Board Decision**

*(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.)*

**Appeal: CRO Ruling #3, 2011**

Please find attached a document outlining the position of the appellant.

Given that the deadline to cease all intra-faculty slate campaigning by 1800 hours on Monday the 21st, 2011 makes this a time sensitive issue. Please consider this also a request to hold a hearing before 1800 hours on Monday the 21st, 2011.

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**Proposed Respondent(s) & Contact Information**

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

CRO

**Anticipated Witnesses (if any)**

**ALTHOUGH NOT REQUIRED, YOU MAY ATTACH ADDITIONAL WRITTEN SUBMISSIONS FOR THE BOARD TO CONSIDER**, including (a) any relevant facts, (b) a copy of any Students' Union legislation or rules relevant to your arguments, and (c) 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.**

Aditya Rao

Signature

*(type name if submitted electronically)*

March 21, 2011

Date

**DIRECT ANY QUESTIONS TO:**

Chief Tribune, DIE Board  
c/o Registrar, DIE Board  
2-900 Students' Union Building  
[sga@su.ualberta.ca](mailto:sga@su.ualberta.ca)

**SUBMIT PAPER OR ELECTRONIC APPLICATIONS TO:**

Registrar, DIE Board  
2-900 Students' Union Building  
[sga@su.ualberta.ca](mailto:sga@su.ualberta.ca)

## **Facts**

The CRO's ruling has been to uphold the DIE board's interpretation that slates are not permissible under Bylaw if running for seats within the same faculty.

The CRO has ruled that the intra-faculty branch of the slate Students United for Progressive Action (SUPA) is no longer legal. The slate may decide to run a single candidate in the Faculty of Arts under the slate SUPA along with preexisting SUPA candidates in Engineering and Campus St. Jean, or with any new candidates from other faculties.

## **Position of the Applicant**

As per sections 6 and 29 of the Protocol Guide for the DIE Board, the slate Students United for Progressive Action is being represented by myself - Aditya Rao, currently a candidate under the slate for the Faculty of Arts and the campaign manager for the slate.

Bylaw 2000 defines a slate in the following manner under section 2:

"slate" shall be any two (2) or more candidates each running for a different position who choose to run under the guidelines for slates as opposed to the guidelines for individual candidates

Section 17, *Candidate Nomination Deadlines*, of Bylaw 2000 states:

The C.R.O. shall determine and announce the deadlines for the nominations of candidates prior to the end of November each year, to occur not fewer than

- a. thirteen (13) days before the date of the Executive Committee and Board of Governors Election; or
- b. nine (9) days before the date of the Faculty Councillor Election.

Section 18(3), *Candidate Nomination Packages*, of Bylaw 2000 states:

Valid Nomination Packages shall contain:

- a. a signed acceptance of the nomination by the proposed nominee
- b. a signed letter from the proposed nominee's faculty confirming that he/she is in good academic standing under University regulations
- c. a statement, signed by the proposed nominee, identifying the name under which he/she wishes to appear on the ballot, and
  - i. for Executive and Board of Governors nominees, papers soliciting the names, faculties, years, signatures and student identification numbers of at least fifty (50) members identifying themselves as nominators as well as a fifty dollar (\$50.00) deposit in the form of cash or a certified cheque or money order payable to the Students' Union,
  - ii. for General Faculties Councillor and Students' Union Councillor nominees, papers soliciting the names, faculties, years, signatures, and student identification

numbers of at least ten (10) members registered in the same faculty as the nominee as nominators;

Section 19, *Restrictions on Candidate Nominees*, of Bylaw 2000 states:

- (1) No member shall be nominated for more than one (1) of the positions contested in each election.
- (2) Notwithstanding Section 19(1), members may be nominated for both Students' Council and General Faculties Council within the same election.
- (3) Members of Students' Council and its standing committees, in order for their nomination papers to be valid are required to take a leave of absence from their duties for the period beginning with the nomination deadline and ceasing with the conclusion of voting of the election in which they are contesting a position. The following exceptions apply:
  - a) Any member of Students' Council contesting an executive position when the race is uncontested,
  - b) An executive contesting a Councillor position when the race is uncontested,
  - c) Any member of Students' Council, excluding members of the Executive, contesting a Councillor position.

For the purpose of this section, any race solely contested by a joke candidate shall be considered uncontested.

- (4) Where a member contravenes Section 19(3), all of the member's nominations shall be declared null and void.

Section 20, *Acceptance of Candidate Nominations*, of Bylaw 2000 states:

Where a member submits valid nomination papers, as set out in Sections 18(3) and 19 and prior to the nomination deadline as set out in Section 17, that member's nomination shall be accepted by the C.R.O. within twenty-four (24) hours of the nomination deadline.

Students United for Progressive Action complied with the deadlines set out by the CRO under Section 17 of Bylaw 2000 and all subsections of Section 18(3) of Bylaw 2000 during the nomination process. All subsections of Section 19 were also complied with by members of SUPA, and the CRO accepted the nomination packages of SUPA candidates under Section 20.

Prior to submitting their nomination packages, the members of SUPA solicited signatures on the nomination packages by making it clear that they were to be running as a slate of candidates, and not as individual candidates. Individuals that nominated candidates under SUPA to run for Students' Council, therefore, did so under the assumption that they were nominating candidates under a Slate, and not candidates who were running as independents. The CRO's decision to require at least 5 members of the Arts portion of SUPA to run as individuals would make these nomination packages null and void, for running as independents after having been nominated to run as slate would result in our nominators and voters losing faith in our candidacy, and even so, in our democracy.

SUPA filed the Slate application form 24 hours prior to the nomination deadline following sections 30(1) and 30(2) in Bylaw 2000 which state:

- (1) Candidates wishing to run as a slate shall notify the C.R.O. in writing of their desire within twenty-four (24) hours of the nomination deadline.
- (2) Candidates providing written notification to the C.R.O under Section 30(1) shall include a slate name, which shall not be the same as or a reasonable derivation of the name of any registered federal or provincial political party or referenda/plebiscite side.

SUPA was granted qualification by the CRO to contest the elections as a slate and was therefore under the understanding, on account of approval by the CRO, that this was after having complied with all relevant sections in Bylaw 2000. Since candidates under SUPA were granted candidacy because no bylaws were deemed to have been contravened by the CRO, I submit to DIE Board that as per para 10 in DIE Board's Ruling 5, it would be unjust to disqualify the Intra-faculty portion of the slate from the elections when the slate has undoubtedly been approved by the CRO, and has therefore every reason to believe their candidacy to be legal. This disqualification is a penalization for a breach of bylaw not maliciously intended by SUPA.

Notwithstanding that this ruling comes after an election where a slate contested the elections successfully without this being brought to light, this ruling comes at a time when more than half the campaign period has expired, making it extremely difficult for voters to make an informed decision in less than 72 hours. In other words, this ruling comes at a time when the slate has campaigned and spread what will now become misinformation for over half the campaign period. It is no easy task to educate voters during Council elections - voters of whom an average of under 10% turn out to vote for Students' Council elections. To re-educate these voters in a period that is less than half the campaign period granted to all other candidates is a formidable task for any candidate, and gives all other candidates an unfair advantage, undermining the very democratic process DIE Board seeks to preserve and leaving this election, in the Board's own words, "irreparably tainted."

Since the CRO's ruling is on DIE Board's interpretation, the interpretation warrants some discussion. As per DIE Board Ruling 3, the concept of collusion is applicable only to individuals running in the same race. Given that a race for Students' Council elections is being defined as being the contest for all seats within one faculty, individual candidates are able to endorse candidates in other faculties under Ruling 3. Additionally, DIE Board's interpretation here suggests that slates are only permitted if no two candidates within the slate are running for seats within the same faculty. This restriction on slates makes the very notion of a slate an inconsequential and unnecessary one, since collusion across faculties is already permitted. However, DIE Board's interpretation of the CRO's question also states that Slates are, in fact, "clearly legal" in general. There is no use for a slate across faculties when collusion across faculties is already permitted. It only makes sense then, that the purpose for a slate would be to allow candidates to collaborate and run together in the same faculty.

DIE Board's interpretation in Ruling 7 is that "Bylaw 2000 does not appear to provide any inference that slates are to be exempt from [§39.1]." We submit, however, that Bylaw 2000 does, in fact, appear to provide some inference that slates are to be exempt from §39.1. We arrived at this conclusion through the observation that all sections in Bylaw 2000 restricting campaign activity explicitly include the word "slate" in their language, except for §39.1. In particular, the following sections explicitly refer to slates, and distinguish them from "candidates":

- §32
- §33
- §35
- §36.1.a, §36.1.b, §36.1.c
- §37.a, §37.c
- §38
- §39.2
- §42.2
- §45.1, §45.2
- §46.4
- §48
- §53
- §55.1, §55.2, §55.3, §55.4, §55.5, §55.6.a, §55.6.b, §55.6.d, §55.6.e
- §56.1, §56.2, §56.3, §56.4, §56.5
- §72.1

§39.1, however, only talks of candidates, and does not specify slates. If one assumes "candidates" to include candidates within a slate, the language no longer remains consistent with the rest of Bylaw 2000 as demonstrated above.

We understand that other than granting an exception and upholding the CRO's ruling, DIE board may also call a new election for the Faculty of Arts race. We do not believe that a new election is in the best interests of students or is a good use of resources. Moreover, a new election would have adverse effects on the mental health of candidates if it were to be held entering into Final exams. This is in addition to the fact that students are going to be more likely to lose their faith in our democratic system, and less likely to vote if subjected to two re-elections.

The only recourse that we see fit in this situation, and which we request be undertaken by DIE Board is that DIE Board direct Council to draft legislation clarifying these sections of Bylaw 2000 before next election, and grant an exemption for this election citing lack of malicious intent on the part of the Arts candidates under SUPA. We submit to DIE board that given the undesirable consequences this decision will have on our democracy, DIE Board use its power to issue a stay on this election, allow it to proceed in the manner that previous elections have, and permit slates to run within the same faculty in this election.

