

Ruling #15

March 2014 Executive and BoG Election

Using Social Media to Disparage Another Candidate

Parties to the Ruling

- Fabian Gonzalez, Candidate for VP Student Life
- Wayne DeFehr, Chief Returning Officer

Applicable Bylaws, Rules, and Regulations

- 49. Disqualification
(1) A candidate shall be disqualified where he/she/it is guilty of a contravention that
b. is malicious or substantially prejudicial to another candidate or slate;

Facts

1. It is expected that all candidates are familiar with the Election Bylaws and with the Regulations and Guidelines in the Nomination Pack.
2. The complainant has brought to the attention of the CRO disparaging remarks made in social media that, either directly or by implication, attempt to discredit not only the complainant's campaign, but also the complainant's character. Indeed the complainant has supplied several screen shots as evidence to support the serious complaint that is raised.

Ruling

1. While such regrettable words and actions by Mr. Fabian Gonzalez against the complainant promote a negative spirit during the campaign period, in fact the only Bylaw that speaks to harmful comments launched by one campaign against another is that of 49.1(b). The question here is whether these comments by Mr. Fabian Gonzalez reach the standard of maliciousness or substantial prejudice in their attacks against the complainant and his campaign, and the answer is that they do not.

Penalty

1. Since Mr. Fabian Gonzalez has not violated Bylaw 49.1(b), no penalty will be assessed.

So decided: Monday, March 10, 2014 at 10:00. Time limit for appeal: Tuesday, March 11, 17:00.