

Ruling #5

March 2015 Executive and BoG Election

Use of Non-Universal Resources – Shakiba Azimi, Candidate for Vice President Academic

Parties to the Ruling

- Shakiba Azimi, Candidate for Vice President Academic
- Rabib Alam, Primary Volunteer for the Shakiba Azimi campaign
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2200 §28 (Non-Universal Resources)
- Elections Regulations & Guidelines §1.4 (Reporting of Keys)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

Facts

1. Shakiba Azimi, candidate for Vice President Academic, was present at the mandatory candidates' meeting on February 12 at 18:00. All Regulations & Guidelines and Bylaw were covered at the meeting.
2. Bylaw 2200 §28 stipulates that "No individual candidate or side shall make use of any resource that is not (a) available to all candidates and sides;...or (c) accounted for as part of that candidate's or side's campaign expenses."
3. The Schedule of Fines & Penalties stipulates the following as a violation that may have a counterbalancing and/or punitive fine: "Malicious or intentional violation of elections bylaw and rules".
4. The Schedule of Fines & Penalties stipulates the following as a violation that has a \$25.00 punitive fine: "Failure to report keys within 24 hours of the nomination deadline." As per Elections Regulations & Guidelines §1.4 (Reporting of Keys), this applies to candidates and their primary campaign volunteer.
5. The Vault is a space that only residents of HUB and their guests have access to via keycard. Rabib Alam, Primary Volunteer for the Shakiba Azimi, has access to this space, but did not report this to the Chief Returning Officer.
6. An informal complaint was made that The Vault was left with paint marks in many locations after the Shakiba Azimi campaign was using the space to prepare campaign materials. This was confirmed to be true through surveillance footage and acknowledgment of the Shakiba Azimi campaign.
7. On March 2, the Chief Returning Officer spoke both in person and through email to the Shakiba Azimi campaign team about (1) the use of The Vault as campus space not accessible by all candidates and (2) the damage to property. Both of these contraventions to bylaw were stated and understood by candidate Shakiba Azimi in the initial conversation.
8. The Shakiba Azimi campaign team responded quickly to the Chief Returning Officer's email stating that they would be able to clean up the mess and the Chief Returning Officer is satisfied that this was done quickly and the space was left the way it was originally found. No damage to property was found.
9. The Shakiba Azimi campaign team stated that they had tried to clean the paint when they initially used the space, and that the paint can be removed. However, the Chief Returning

Officer believes there was intent to leave the space uncleaned as the contravention was discovered four days of days after painting had occurred.

10. The only other contravention to bylaw is that this is use of campus space that is not universally accessible. The Chief Returning Officer attempted to contact the complainant for evidence of video surveillance to determine how much time the Shakiba Azimi campaign was using The Vault for to prepare materials. The Chief Returning Officer received a reply that this footage may not be available.
11. The Chief Returning Officer then attempted to contact the Shakiba Azimi campaign twice through email (once on March 2 and once on March 3) and once in person (on March 4) regarding following up with the dates and times that the team used The Vault to prepare materials.
12. The Shakiba Azimi campaign team finally responded on Thursday, March 5 at 8:55 AM stating the following:

Hi Jessica,

We thought you were referring to the time that we were there cleaning, hence the reason we gave that window. In terms of using the space, to the best of our knowledge, it was used Friday February 20 from 1-6:30 and Thursday February 19 from 1:30-4:00. That should be the right times, if you go through the videos and see times that we've missed its not due to dishonesty, but inability to remember or find texts that would give us any indication that we used the space at another time. Hopefully this information will resolve the issue.

11. The Chief Returning Officer is satisfied that this information about the dates and times that the space was used is accurate.
12. The Chief Returning Officer feels no need to involve to complainant in this ruling as her primary complaint was that the paint could not be removed. The paint has been removed since. The Chief Returning Officer has reviewed surveillance videos and has spoken with the complainant and the complainant is satisfied with the cleaning.

Ruling

1. All candidates and sides are required to read, understand, and comply with all Rules & Regulations and Bylaws and were informed as such in the nomination package and at the mandatory candidates' meeting. Shakiba Azimi, candidate for Vice President Academic was in attendance at the mandatory candidates' meeting.
2. The Vault is space on campus that is not accessible to all candidates.
3. The Chief Returning Officer has reason to believe that the Shakiba Azimi campaign team for intended to leave The Vault uncleaned, resulting in a punitive fine.
4. Candidates and campaign managers are required to report their keys and access to any buildings or rooms they may have. Rabib Alam, campaign manager for Shakiba Azimi, did not report his access to The Vault to the Chief Returning Officer.
5. The Chief Returning Officer does not believe that use of this space provided the Shakiba Azimi campaign an advantage, and no counterbalancing fine will be assessed.
6. The Chief Returning Officer believes that there was intent to use the space knowing that it was not universally accessible, resulting in a punitive fine.

Penalty

1. The Shakiba Azimi campaign will be assessed a punitive fine of \$20 for each hour (9 hours) spent in the unauthorized room, for a total of \$180.
2. The Shakiba Azimi campaign will be fined \$25 for failure to report all access to rooms on campus.
3. The Shakiba Azimi campaign will be fined \$10.00 per day for each day that the space was left uncleaned for, for a total of \$40.00.

So decided on: Friday, March 6 @ 3:00. Time limit for appeal: Sunday, March 7 @ 11:00.

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union