

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

REQUEST TO APPEAL A DECISION BY THE CHIEF RETURNING OFFICER

DATE:

Wednesday March 5, 2003

D.I.E. BOARD MEMBERS PRESENT:

Chris Samuel, Chair

Perry Grewal

Lucas Lau

Debora Philips

Vincent Tong

APPEAL DETAILS:

APPELLANT: Chris Jones

RESPONDENT: Alexandra Taylor, Chief Returning Officer (C.R.O.)

SUMMARY OF ALLEGATION AND RESPONSE:

Mr. Jones believes that by issuing a ruling and then withdrawing it, the C.R.O breached Bylaw 2500 Section 5b, which requires the C.R.O to act fairly, because Mr. Jones was not provided the opportunity to demonstrate his innocence. As well, the fine, temporary as it was, forever denied Mr. Jones the use of those funds during a critical stage of the elections. Furthermore, Mr. Jones believes that the C.R.O. is not allowed to withdraw a ruling since the only appeal mechanism is via D.I.E. Board. Lastly, despite withdrawing her ruling, the C.R.O. still insisted publicly that her case was right at the candidates meeting on Tuesday March 4. As a result, Mr. Jones believes that the reputations of both Helen McGraw, President of the Debate Society, and the Debate Society were tarnished.

DECISION:

The D.I.E. Board believes that since no specific provision prohibits the C.R.O. from withdrawing a ruling, the C.R.O is allowed, strictly by default, to withdraw a ruling. It should be noted, however, that by issuing a ruling the C.R.O. assumes the role of a judge, and, as practiced, judges do not normally withdraw their own rulings. Such action is often left to an appeal court. In this instance then, it should have been the D.I.E. Board that withdrew or overturned the C.R.O's original ruling. As for as denying Mr. Jones the opportunity to demonstrate his innocence and the use of \$35, as well as Mr. Jones' belief that the reputations of the Debate Society and its President were tarnished, the D.I.E. Board believes that none of these complaints are substantive. With regards to the C.R.O. publicly stating that she was right despite withdrawing her ruling, the D.I.E. Board believes that such comments are not conducive to presiding over an equitable and impartial election, as required by Bylaw 2500 Section 5b. Consequently, the D.I.E. Board finds the C.R.O. in breach of this bylaw and recommends that the C.R.O. be more cautious of her words in the future.

RECOMMENDATIONS:

The D.I.E. Board recommends that Students' Council amend the necessary bylaws (namely Bylaw 2100) to prevent the C.R.O. from withdrawing a ruling because such action is usually reserved for a higher court (namely the D.I.E. Board).

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at dieboard@su.ualberta.ca .