

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

Style of Cause:	Cox v. C.R.O.
Hearing Number:	Ruling #3 2010/2011
Hearing Date:	February 22, 2011
DIE Board Panel Members:	Megan Mickalyk, Chief Tribune, Chair; Joanna Waldie, Associate Chief Tribune; Audrey Jun, Tribune;
Appearing for the Appellant:	Natalie Cox
Appearing for the Respondent:	Jaskaran Singh, Chief Returning Officer, Student's Union Scott Fenwick, D.R.O. Marketing
Intervener(s):	Craig Turner

BACKGROUND

The Regulations and Guidelines released by the C.R.O. contain a provision stipulating that "Candidates are prohibited from endorsing or acting as a volunteer for any other candidate."

This is broader than the language contained in Bylaw 2000 §39(1) which states that:

- (1) No candidate shall
 - a. act as a volunteer for another candidate; or
 - b. endorse another candidate within his or her own race.

Appellant Natalie Cox requested that the C.R.O. define collusion consistently with the language of Bylaw 2000 §39, and refrain from altering or expanding this definition.

Ms. Cox further requested that it be noted on record that her actions in bringing this appeal forward do not constitute pre-campaigning on behalf of any candidate she may volunteer for.

The C.R.O., Jaskaran Singh, requested that it be noted on record that at no point did he suggest or imply that Ms. Cox's actions could constitute pre-campaigning, or that bringing a motion to D.I.E. Board would constitute campaigning activity.

There was also initial confusion regarding how campaign manager was to be defined, however this issue has been resolved between the parties prior to the hearing and is no longer relevant to this decision. The parties also agree that concerns regarding the extent of the C.R.O.'s duties and authority will not be addressed at this point in time.

ISSUE

Is the proper definition of collusion the endorsement of others within a candidate's own race, or is the definition more broad, including endorsing candidates external to a candidate's own race?

RELEVANT LEGISLATIVE PROVISIONS

Excerpts from Bylaw 2000:

39. Endorsements

(1) No candidate shall

- a. act as a volunteer for another candidate; or
- b. endorse another candidate within his or her own race.

(2) Any member with the exception of the C.R.O, the D.R.Os, candidates, and incumbent members of the Executive Committee shall be free to act as volunteers for or endorse any candidate, or slate.

POSITION OF THE APPELLANT

Ms. Cox contended that §39(1) of Bylaw 2000 is intended to qualify §39(2), and that the appropriate definition of collusion is this more restricted interpretation.

Ms. Cox also noted that if collusion is interpreted in the manner suggested by the C.R.O., this would contradict other provisions within Bylaw 2000 relating to slates, in particular, that individual members of slates would not be permitted to endorse fellow members of their slates.

POSITION OF THE RESPONDENT

The C.R.O., Mr. Singh submitted that §39(1) of Bylaw 2000 is not intended as a qualifier to §39(2). Mr. Singh proposed that the broader definition is correct. He submitted that it would not be appropriate for one candidate to endorse other candidates in another race, as this becomes a non-universal resource, and creates an unfair advantage.

DECISION

The correct definition of collusion is that prescribed by §39(1) of Bylaw 2000, endorsement of candidates within one's own race.

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

The Regulations and Guidelines ought to be consistent with the language of Bylaw 2000. The Board finds that collusion, as defined within these materials, must not prescribe a broader scope than what is contained in §39(1) of Bylaw 2000. This section prescribes that "No candidate shall a. act as a volunteer for another candidate; or b. endorse another candidate within his or her own race." Any definition of collusion must be consistent with this provision.

Further, the Board finds that the wording of §39(2) was not intended to detail the specific restrictions on candidates, but rather to explain what members other than candidates (and C.R.O.s, D.R.O.'s and incumbent members of the Executive Committee) were allowed to do. As this section operates to define what are permissible activities for members who are not candidates, it was unnecessary to include the additional wording of "within one's own race."

The D.I.E. Board finds that the Regulations and Guidelines must be consistent with the above-noted definition of collusion. It is requested that the C.R.O. amend the relevant materials to reflect this holding.

THE FOLLOWING ARE THE REASONS OF WALDIE, ASSOCIATE CHIEF TRIBUNE

I concur.

THE FOLLOWING ARE THE REASONS OF JUN, TRIBUNE

I Concur.