

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

Style of Cause:	Reference Re: Bylaw 2000
Hearing Number:	Ruling # 01 2011/2012
Hearing Date:	June 20, 2011
DIE Board Panel Members:	Megan Mickalyk, Chief Tribune, Chair; Joanna Waldie, Associate Chief Tribune; Tim Mallett, Tribune

ISSUES

- [1] 1) Are "slate-like" campaigns allowed under Bylaw 2000?
- [2] 2) Is expertise of volunteers (e.g. design or web development skills) excluded from "No Joint Use of Resources," Bylaw 2000(37)?

RELEVANT LEGISLATIVE PROVISIONS

- [3] **From Bylaw 2000:**

37. No Joint Use of Resources

No two (2) or more candidates or sides shall jointly use any resources, including tables, posters, banners, and budgets but excluding volunteers.2000 (13)

38. Endorsements

- (1) Any member with the exception of the C.R.O, the D.R.O.s, and incumbent members of the Executive Committee who are not also candidates shall be free to endorse any candidate.
- (2) Any member with the exception of the C.R.O, the D.R.O.s, candidates, and incumbent members of the Executive Committee shall be free to act as a volunteer for any candidate.
- (3) Notwithstanding Section 38(1), regulations regarding the endorsement of candidates by Students' Union employees not referenced in Section 38(1) shall be subject to the Students' Union operating policy.
- (4) Notwithstanding Section 38(2), regulations regarding the capacity of Students' Union employees not referenced in Section 38(2) to act as a volunteer shall be subject to the Students' Union operating policy.
- (5) Incumbent members of the Executive Committee and the incumbent Board of

Governors Representative are allowed to endorse sides in a Students' Union election

55. General Labour

For purposes of Section 53, general labour and any expertise had by a significant portion of the population, including, but not limited to, poster design, web page design, and web page programming, shall be considered to have a fair market value of zero.

DECISION

[4] **Issue One:** Candidates may endorse each other, and there is no restriction on running a similar platform. However, candidates cannot form "slate-like" campaigns to the extent that such activity would result in profiting off of one another's resources. This is contrary to s. 37 which prohibits joint use of resources.

[5] **Issue Two:** So long as it is an expertise shared by a significant portion of the population as per s. 55, then it is not an issue to have the same volunteer doing general labour for different candidates, as there is no budget value assigned.

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

[6] With respect to the first issue, s. 38 of Bylaw 2000 allows candidates to endorse one another. However, there are limits on the extent of such an endorsement. An endorsement cannot extend to the point where one would derive a benefit from another candidate's resources, as s. 37 disallows joint use of resources. Deriving a benefit from another candidate's resources (for example through promotion or endorsement on another candidate's poster) would constitute sharing of resources. Resources include anything which comes from a campaign budget. Consequently verbal endorsements would not be considered resources, and are not inconsistent with s. 37. However, any campaign materials which would be deemed, at the discretion of the CRO, as collectively identifying candidates, would be indicative of a shared benefit, and thereby contrary to this Bylaw. D.I.E. Board is cognizant of the fact that candidate platforms can appear on campaign materials such as posters and banners; and that candidates may choose to use similar platforms. However our interpretation of Bylaw 2000 would not place limits on the degree of similarity amongst candidate platforms. A candidate's platform is indicative of the values which a candidate wishes to put forth; they are not put on banners or posters for the sake of collective identification.

[7] Regarding the second issue, so long as the expertise falls within the definition provided in s. 55, there is no reason the expertise of a volunteer involved with more than one campaign would be limited by the s. 37 "no joint use of resources" provision. Section 55 provides that "...any expertise had by a significant portion of the population... shall be considered to have a fair market value of zero" (s. 55, Bylaw 2000). Consequently, such volunteer expertise would not be construed as a resource which impacts a candidate's budget.

THE FOLLOWING ARE THE REASONS OF WALDIE, ASSOCIATE CHIEF TRIBUNE

I concur.

THE FOLLOWING ARE THE REASONS OF MALLET, TRIBUNE

I concur.