DIE BOARD RULING 2012-11

HEARING DETAILS:

Style of Cause:	Mah v. CRO
Hearing Date:	March 19th, 2013
Hearing Number:	Ruling #11 2012/2013
DIE Board Panel Members:	Cian Hackett, Associate Chief Tribune, Chair
	Eve Coppinger, Tribune
	Rebecca Gormley, Tribune
Appearing for the Applicant:	Stephanie Mah
Appearing for the Respondent:	Farid Iskandar, Chief Returning Officer of the Students' Union

BACKGROUND:

Ms. Mah filled out an online application form with a short biography, thinking that it was the appropriate form to run for the General Faculties Council election for Faculty of Science undergraduate representatives. This form was confirmed at the hearing as the "GFC Committee Student Application Form" found on a University Governance webpage run by the University of Alberta. She submitted the form by the nomination deadline for the election, which was Tuesday, March at 5:00 pm.

As she did not receive further instructions about her nomination, on Wednesday Ms. Mah visited the elections office and spoke with Shane Crawford, the Deputy Returning Officer of the Students' Union. Mr. Crawford showed Ms. Mah the Students' Union nomination package which was posted online, and Ms. Mah confirmed that it was not the same as the form that she had filled out online. Because she had not submitted a completed nomination package by the deadline, Ms. Mah was not permitted to run in the General Faculties Council election.

Both Mr. Iskandar and Ms. Mah agreed that the language used on the University Governance form was confusing. Mr. Iskandar argued that it would not be fair to allow a candidate to run who had not filled out the correct form. There are 27 candidate running for positions on General Faculties Council in the current election, all of whom accessed and submitted a complete nominations package. It was found that the "GFC Committee Student Application Form" could be accessed through a link on the Discover Governance webpage of the Students' Union's website, which is separate from the Elections webpages. Mr. Iskandar agreed to include this potential confusion in the transition of his position and to communicate the confusion to Discover Governance.

ISSUES:

[1] Should the DIE Board uphold the decision of the Students' Union elections office to not allow the applicant run for General Faculties Council?

RELEVANT BYLAWS:

[2] **From Bylaw 2300, section 5:**

5. Candidate Nomination Deadlines

> The C.R.O. shall determine and announce the deadlines for the nominations of candidates prior to the end of November each year, to occur not fewer than nine (9) days before the date of the Faculty Councillor Election.

[3] **From Bylaw 2300, section 6:**

6. Candidate Nomination Packages

> (1) The C.R.O. shall make available to every member nomination packages not fewer than twenty (20) days before the nomination deadline as set out in Section 5.

[4] **From Bylaw 2300, section 8:**

8. Acceptance of Candidate Nominations

> Where a member submits valid nomination papers, as set out in Sections 6(3) and 7 and prior to the nomination deadline as set out in Section 5, that member's nomination shall be accepted by the C.R.O. within twenty-four (24) hours of the nomination deadline.

DECISION:

The following decision was made unanimously.

[5] While the panel finds that the candidate made an honest mistake, the panel finds that the decision of the Students' Union elections office is reasonable and consistent with Students' Union bylaw, as the deadline for nominations to run in for an undergraduate representative position on General Faculties Council had passed without the submission of the correct documentation. The panel is satisfied that the Chief Returning Officer did make the nomination package available to every member.

[6] The DIE Board does not have the authority to make rulings on the websites of external parties, such as the University of Alberta, and acknowledges that the Students' Union had no control over the University Governance form in question.