

DISCIPLINE, INTERPRETATION, AND ENFORCEMENT BOARD

Citation: Koohkan v Glock et al., 2024-03-12

BETWEEN:

Matin Koohkan

Applicant

- and -

**Lisa Glock
Jacob Verghese**

Respondents

- and -

Prometheus Voaklander (Intervenor)

Interveners

**SECTION 11(1), 11(5) DECISION
BYLAW 320**

Panel Members:

**Leighen Janzen, Associate Chief Tribune
Kamryn Wiest, Tribune
Rebekah Mitchell, Tribune**

Hearing Date:

March 12, 2024

Witnesses for the Applicant: Michael Griffiths

Witnesses for the Respondent: N/A

Witnesses for the Intervener: N/A

The reasons of the unanimous Board are delivered by R. Mitchell and K. Wiest.

LEGISLATION

UASU Article III, Definitions

“7. ‘Campaign Activity’ shall be any act, planned or organized by or on behalf of any Candidate that is calculated to convince Members to vote in any given way;

37. ‘Volunteer’ shall be any individual who assists in Campaign activities.”

Bylaw 320, Section 11(1)

“Each Candidate or side manager shall act reasonably and in good faith, and specifically shall

(a) ensure that each Volunteer engaging in Campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;

(b) ensure that each Volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in Campaign activities on their behalf; and

(c) report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.”

Bylaw 320, Section 11(5)

“A Candidate or side in a Students’ Union election may distance themselves from a third party in the event the third party effectively conducts Campaign activities under the following conditions:

(a) the Candidate or side must demonstrate to the C.R.O. that the third party acted without the consent of the Candidate or side; and

(b) the Candidate or side must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized Campaign Activity by that third party.”

Bylaw 320, Section 17(4)

“A Candidate or side shall be disqualified where they are guilty of a contravention that

(a) cannot be counterbalanced by a lesser penalty;

(b) is malicious or substantially prejudicial to another Candidate or side;
or

(c) involves tampering with ballots, voting procedures, or counting

Procedures.”

Regulation 320.15, Section 2(3)

“Where the C.R.O. determines that a Candidate or side has exceeded or falsified its Campaign Expense limit

(a) the Candidate or side manager shall be disqualified;

(b) that Candidate or side shall be prohibited from engaging in further Campaign activities;

(c) notice of this shall be posted with the Campaign Expense records;

(d) the violation will be communicated directly to the Candidate or side manager in question;

(e) the C.R.O. may recommend to the D.I.E. Board that further action be taken against that the Candidate or side manager, and/or any Volunteers.”

FACTS

[1] This is an appeal of ruling number 6 made by the Chief Returning Officer (“CRO”). The Applicant, Matin Koohkan (“Koohkan”) alleges the Respondent, Lisa Glock (“Glock”) contravened a number of bylaws, during and after her campaign for President, including Bylaw 320, Section 11(1), Bylaw 320, Section 11(5), Bylaw 320, Section 17(4), and Regulation 320.15, Section 2(3).

[2] The Applicant held that Glock had an affiliation with the Young Communist League (“YCL”) and Students for Justice in Palestine (“SJP”), specifically that she misrepresented her involvement to the CRO, and that members of SJP acted on behalf of her campaign with her knowledge.

[3] Both the SJP and the YCP provided Instagram endorsements to Glock, which she shared on her story, each time with permission from the CRO.

[4] Koohkan also submitted that presidential candidate Michael Griffiths (“Griffiths”) received inflammatory public social media comments during the campaign, which they confirmed personally.

[5] An audio file, which was consensually shared from February 22nd, 2024 confirmed Glock’s friendship with a member of SJP, and her knowledge of a course SJP would be pursuing on social media regarding the election.

[6] Once Glock became aware of the SJP's Instagram "Picks" post, she took steps to distance herself from SJP by direct messaging them and releasing a statement condemning any bullying of her opponent. There is no evidence that Glock consented to the SJP's posts.

[7] Glock maintained that she formally met with SJP once to understand the needs of Palestinian students, and to inform her campaign. It was in this single meeting that she was told of SJP's plans to put pressure on incumbent executives regarding Palestine. Later, SJP members were present while Glock filmed a video with a camera borrowed from SJP for her campaign.

[8] While campaigning, Glock stated that she passed out three campaign stickers for personal use to her friend from SJP. The Applicant submitted that "multiple pieces of campaign material" were given to Glock's friend which should have been claimed as a Campaign Activity expense. There was no conclusive evidence given regarding the number of materials passed out.

[9] Intervenor Prometheus Voaklander from the YCL asserted the Revolutionary Communist Party and the Young Communist League are distinctly separate entities. This assertion was made in response to the Applicant's initial grouping of the allegation concerning the covering of Griffiths' campaign posters by both organizations.

[10] There was no evidence provided of an association between Glock and the YCP, nor of who covered the posters, or if they were affiliated with Glock.

ISSUES

[11] The issues before this Board are as follows:

1. *Was Lisa Glock affiliated with the SJP or YCL?*
2. *If there was an affiliation, was there a breach of the bylaws?*
 - a. *Covering of Posters*
 - b. *Table Campaigning Activities*
 - c. *SJP Social Media "Picks" Post and Audio File*
3. *If there was a breach, what remedy/punishment should be construed?*

ANALYSIS

Issue 1: Was Lisa Glock affiliated with the SJP or YCL?

[12] To determine whether Glock was affiliated with either the SJP or YCL, the definitions of Volunteer and Campaign Activity from the UASU Article III must be considered.

[13] There was no evidence to suggest Glock, the YCL, or Prometheus Voaklander were affiliated in any way to meet these definitions.

[14] The creation of a campaign video meets the definition of a Campaign Activity. Glock's friend was present during the filming of this video, and thus participated in the Campaign Activity becoming a Volunteer. The SJP also provided feedback for the creation of this video, as such Glock does have an affiliation with this group. Despite this, the other activities outlined below were not on behalf of Glock and therefore, do not constitute a Campaign Activity.

Issue 2: If there was an affiliation, was there a breach of the bylaws?

A. Covering of Posters

[15] No evidence was presented on who covered the posters and whether or not that specific individual was affiliated with Glock. There was also no evidence on whether Glock knew of this occurring, therefore this cannot be a breach of "good faith" by Glock or any of her volunteers as outlined by Bylaw 320, s 11(1).

B. Table Campaigning Activities

[16] There is no conclusive evidence on how many campaign materials were provided to the SJP table. Therefore, it cannot be decided on a balance of probabilities whether this was a Campaign Activity in which Glock or her friend, a volunteer, was involved. Therefore, this activity cannot suggest the third party SJP was effectively conducting a Campaign Activity requiring Bylaw 320, s 11(5) to be enacted and the materials at this table do not need to be claimed as a Campaign Activity expense under Bylaw 320.15, s 2(3).

C. SJP Social Media "Picks" Post and Audio File

[17] The audio file from February 22, 2024 suggests Glock was aware of the activities SJP would be pursuing and thus could be deemed a Campaign Activity on her behalf. As per Bylaw 320, s 11(5), a Candidate may distance themselves from a third party in the event the third party effectively conducts Campaign activities under the following two conditions:

- (a) the Candidate or side must demonstrate to the CRO that the third party acted without the consent of the Candidate, and
- (b) the Candidate must demonstrate to the CRO that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized Campaign Activity by that third party.

[18] The first condition has been met as there is no evidence to show Glock consented to this act being done via an Instagram post, who would have posted it, and the extent of the language and following bullying that occurred. The second condition is also met as Glock distanced herself from the third-party after she saw their approach to the campaign by way of direct messaging them and releasing a statement condemning the bullying of her opponent.

Issue 3: If there was a breach, what remedy/punishment should be construed?

[19] No breach of any of the above bylaws was found to occur. Glock has already paid various fines in relation to similar breaches and we find that to be enough. This was not an intentional or malicious act by Glock and therefore, disqualification is not called for as under Regulation 320.15, s 2(3). Even if a breach had been found, the Respondent's proposed election process would be denied as it would not satisfy the needs or perspectives of the Student Body. That would not be a just and equitable remedy as the original presidential race was only 2 candidates, so allowing for 10 different applications would not be akin to the presidential election in question. Therefore, if a breach was found, we would rule for a re-election. However, no breaches were found to have occurred and therefore, no new remedy or punishment is given.

DISPOSITION

[20] The issues before this Board, and the answers to those issues, are as follows:

1. Was Lisa Glock affiliated with the SJP or YCL?

[21] Lisa Glock has affiliation with the SJP through a volunteer and her involvement in planning certain Campaign Activities. She is not affiliated with the YCL or the intervenor.

2. If there was an affiliation, did a breach of the bylaws occur?

[22] A breach occurred through the SJP's social media "Picks" post, but Glock took appropriate steps to distance herself from this third-party Campaign Activity. No other breaches were found.

3. What is the proposed remedy?

[23] Since no breaches were found, no new remedies are being proposed. This includes not

disqualifying Glock, no re-election, and no proposed presidential selection process.

Appeal Dismissed.