



DECISION OF THE APPEALS PANEL OF THE RYERSON UNIVERSITY BOARD OF GOVERNORS ELECTION PROCEDURES COMMITTEE

Members of the Panel: J. Hanigsberg (Chair), D. MacLellan (Secretary, Election Procedures Committee), C. Scanlan (Returning Officer, Election Procedures Committee), [REDACTED] (constituency representative).

May 4, 2006.
Room 1410 Jorgenson Hall
Ryerson University

J. Hanigsberg wrote the decision on behalf of the Appeals Panel:

Decision of the Appeals Panel

This is an appeal from a decision of the Election Procedures Committee rendered on March 30, 2006.

Facts

On March 28, 2006, the Assistant Secretary of the Board of Governors received and forwarded to the Election Procedures Committee a complaint from one candidate, [REDACTED], against another candidate [REDACTED] (the "Candidate"). The complaint was that campaigning or canvassing was taking place in favour of [REDACTED] during the voting period on an electronic medium called Facebook.com by another Ryerson University student contrary to the procedures for elections to the Board of Governors, which state that "all canvassing, in any form, by anyone, is to cease at midnight preceding the proclaimed day(s) of election or voting." On March 30, 2006 at 12:13 p.m. [REDACTED] was given notice by the Assistant Secretary of the Board of Governors that a complaint had been made against [REDACTED]. The document "Policies and Procedures related to Board of Governors Elections and University Referenda 2005" can be found on the Board of Governors web site (http://www.firefly.ryerson.ca/governors/elections_referenda/ryepolicy.htm).

Decision Below

The Election Procedures Committee (the "Committee") convened on March 30, 2006 at 4:45 p.m. to consider the evidence before it. The Committee deliberated on the complaint based on the evidence provided by the complainant. In addition the Committee asked Ryerson University Computing and Communication Services to provide some background on Facebook.Com.

Based on the evidence before it the Committee decided:

- (1) That there had been a violation of the election procedures in that campaigning or canvassing had happened during the voting period;
- (2) That the penalty imposed should be disqualification of the Candidate.

It should be noted that the Committee's deliberations and decision all took place before the results of the election were known. Once the ballots were counted the results showed that the Candidate would not have won any of the available student positions on the Board of Governors.

The Appeal

Ryerson University's policies and procedures on elections to the Board of Governors are largely silent on the appeal process. As Chair of the Appeals Panel I decided that the student member of the panel would be chosen by the Candidate. I further decided to allow the Candidate to make oral representations before the Appeal Panel in addition to the written representation he had previously made. These oral submissions were heard on May 4, 2006.

After deliberation, the Appeals Panel made the following decision:

- 1) To uphold the decision of the Committee that there was a violation of the election procedures. The Appeals Panel upheld the decision of the Committee that there had been campaigning or canvassing during the voting period;
- 2) To overturn the decision of the Committee that the proper penalty was disqualification of the Candidate;
- 3) That the penalty issue being moot, because the election was completed and the Candidate would not have won a student seat on the Board of Governors even if a different penalty had been imposed, the Appeals Panel would not render a decision on what proper penalty it might have substituted for the penalty issued by the Committee.

Therefore, we dismiss the appeal of the Candidate on the issue of violation of the election procedures and allow his appeal on the issue of the penalty. We chose not to impose a substitute penalty on the grounds of mootness.

While not a matter before the Appeal Panel, we do believe that the "Policies and Procedures related to Board of Governors Elections and University Referenda 2005" are vague and in need of broader policy review. We would strongly

recommend that the Board of Governors Secretariat initiate such a review and that the Candidate and other interested students be encouraged to participate.

Dissent

██████████ dissented only on the first issue of the Appeal Panel's decision and would have overturned the decision of the Committee on the issue of whether there was a violation of the election procedures.

Julia E. Hanigsberg
Chair, Appeals Panel of the
Election Procedures Committee
Dated: May 15, 2006