

**DECISION OF THE APPEAL PANEL OF THE RYERSON UNIVERSITY BOARD OF GOVERNORS ELECTION
PROCEDURES COMMITTEE**

Members of the Panel: J. Hanigsberg (Chair), J. Lum (Secretary, Election Procedures Committee), Abdullah Snobar (Alumni Representative).

March 25, 2010.
Room 1312 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 Returning Officer rendered on March 24, 2010.

Facts

██████████ is a student candidate for the Board of Governors. On Saturday March 20th, ██████████ sent an email to a number of student members of course unions. The Returning Officer received a complaint that ██████████ had violated the Election Procedures by using an official email listserv of course unions to which he had access as Ryerson Students Union (RSU) Commissioner for Course Unions and Student Groups. Article 9.3 of the Election Procedures states:

9.3 Use of Institutional Email or Phone or On-Line Groups

The use of telephone or email system groups or institutional (University, course union, student union, etc.) listservs or on-line groups to broadcast or send messages is not permitted. For greater certainty ALL candidates are strongly encouraged to seek the advice of the Returning Office before use of listservs or broadcast groups to ensure that their use would not constitute prohibited activity under these procedures. [Emphasis in the original]

Decision Below

The Returning Officer notified ██████████ of the complaint against him and required that he meet with her. Ms. Redmond heard the evidence provided to her by ██████████

██████████ and found that there had been a violation of article 9.3 of the Election Procedures. Based on this violation Ms. Redmond disqualified ██████████ from the election. She made him aware of his right to appeal under the Election Procedures.

The Appeal

██████████ made both written and verbal representations to the Appeal Panel. After deliberation, the Appeal Panel made the following findings:

1. ██████████ used an RSU listserv in order to create his own personal email groups for his own purposes prior to the election. Having done so he then used those lists for campaigning. While this use might not be a clear violation of article 9.3, it is certainly a grey area and ██████████ should have contacted the Returning Officer for advice prior to sending the email. ██████████ was aware that he was entitled to contact the Returning Officer for advice and we are disappointed that he did not do so in this case.
2. ██████████ exercised poor judgment in not consulting with the Returning Officer, however it is unlikely that the email that he sent created any significantly unfair advantage in relation to other students since the individuals to whom he sent the email all had email addresses listed in a directory available to any student on request.
3. ██████████ is a sincere individual who was not trying to cheat in the election.
4. Therefore, the decision below is reversed; ██████████ is reinstated in the election with a warning that no similar behaviour would be tolerated in the future.



Julia E. Hanigsberg
Chair, Appeals Panel of the
Election Procedures Committee
Dated: March 30, 2010