

Parties:

- Complainant - Anonymous Complainant
- Respondent - Ajibola Adigun (Jibs) - A candidate for the position of VP Student Life in the GSA General Re-Election 2024
- DRO - Zain Patel

Original DRO Decision:

The initial complaint has multiple components and each element was deliberated upon carefully while also factoring in the Respondent's response as it applies.

1. The first point of the complaint is the Instagram post that allegedly slanders unnamed individuals. The caption of this post reads "in the course of the past GSA elections, some people have lied and bore false witnesses". The Respondent did not directly address this Instagram post in his response.

a. Despite the post not specifically naming any individuals, the context of the post is obvious as it pertains to the ACB decision to rerun the VPSL position, the information for which is publicly available on the GSA website. In conjunction with the publicly available information, Upon analysis, the DRO finds that the Instagram post is indeed slanderous and defamatory in nature towards the witnesses involved in the ACB decision.

b. Relevant Bylaws

i. I.POL.6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.

ii. I.POL.10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.

2. The second component of the complaint discusses two mass emails sent out to members of the GSA council. The DRO will address the first email here.

a. The first email was sent on Friday March 15th at 10:19AM (verified in both the screenshot evidence and the email received by the DRO).

b. The primary recipients of the email were the GSA president and GSA executive director. Several parties were cc'd in the email, including the DRO's personal email, Speaker, Deputy Speaker, and the former ACB Chair. The email was also received by several council members (likely via bcc), both current and former (this information was confirmed by councilors and by the Respondent).

c. In the email, the Respondent declares his candidacy for the rerun of the VPSL election - "My name is Ajibola Adigun (Jibs), a Doctoral Student in Educational Policy Studies at the University of Alberta, a candidate for Vice-President (Student

Life) in the GSA elections held February 27-29, 2024 and a candidate in the rerun of the GSA Vice-President (Student Life) position on March 19 -21, 2024.”. As such, this email is considered a campaigning email. The Respondent emails non-personal contacts, contravening I.POL.10.10.b.

d. In this email, the Respondent seeks to have GSA Council overturn the ACB ruling to dismiss an appeal of the CRO Decision regarding formal complaint between K Ahmed and A Adigun -- Mar 7, 2024 regarding a discriminatory remark as well as early campaigning. Note that according to H.POL.15.7b, ACB decisions are final and binding. GSA Council can not overturn ACB decisions. This was made clear to candidates at the All-Candidates Meeting for the VPSL rerun which took place on Monday March 11 2024.

e. Additionally, in this email, the Respondent questions the competency of the ACB, including the former ACB Chair. The wording used by the Respondent in this email is disrespectful and, based on observations by the DRO over the course of the elections, a continuation of a pattern of harassment towards GSA Officers by the Respondent. The accusatory remarks towards the ACB and ACB Chair about their alleged failure to complete their duties in this email are interpreted by the DRO as disrespectful and slanderous/defamatory especially considering the widespread mailing. Additionally, the Respondent has no evidence to suggest that the ACB chair failed in her duties.

f. It should be noted that the candidate explicitly refuses to accept an ACB ruling against him "As I have maintained before, the mentioning of the curious coincidence of nationality is not equivalent to a racially-charged comment. As events unfold, the charges of racism will be determined by a more appropriate body.". This email to council seeking to overturn an ACB decision, and this vague message as quotes are both considered to be a clear attempt to circumvent H.POL.15.7b.

g. The Respondent cites B.BYL.3.5, which states “All GSA members of the GSA must exercise shared responsibility in monitoring the performance and conduct of GSA Officers, and monitoring for potential conflicts of interest and/or conflicts of commitment among GSA members, as defined in Section H”. While accountability of GSA Officers is crucial, the approach taken by the Respondent via the mass email does not respect the spirit of this bylaw. H.POL.6.2.a explicitly states the protocol for monitoring GSA officers is by going through the ACB, and it is not sending mass emails out to GSA representatives.

Relevant Bylaw and Policy:

B.BYL.3.5 All GSA members of the GSA must exercise shared responsibility in monitoring the performance and conduct of GSA Officers, and monitoring for potential conflicts of interest and/or conflicts of commitment among GSA members, as defined in Section H: Performance, Conduct, Responsibilities, and Attendance, and the GSA Appeals and Complaints Board.

I.POL.11.3.e If a person provides information on an anonymous basis, that information and the request for anonymity will be assessed on a case-by-case basis.

I.BYL.1.1 The fundamental principle underlying GSA elections is that they are to be fair, respect the wishes of voters, and conducted in a manner that reflects the excellent, positive reputation of the GSA.

I.POL.6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.

I.POL.9.3 At the All-Candidates Meeting, the CRO will provide each candidate with all relevant GSA Bylaw and Policy on elections and on the GSA Appeals and Complaints Board, as well as information concerning campaigning.

I.POL.10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.

I.POL.10.10.b Candidates will circulate campaign materials through email only to their personal contacts and will not utilize moderated mailing lists

I.POL.10.10.d.i Candidates will not use the University or GSA logos on any physical or electronic campaign materials.

I.POL.11.6 Unless otherwise stated in GSA Bylaw or Policy on elections, decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)

H.POL.6.2.a Complaints about the performance or conduct of GSA Officers or about conflict of interest or commitment relating to GSA Officers.

H.POL.14 Complaints About the Performance or Conduct of GSA Officers, Including Complaints About Conflict of Interest or Commitment

H.POL.15.7.b GSA ACB Hearing Committee decisions are final and binding

H.POL.15.7.b - GSA ACB Hearing Committee decisions are final and binding.

Decision:

in accordance with H.POL.15.7.a of the GSA Bylaw and Policy, the Appeals and Complaints Board (ACB) Hearing Committee has the authority to uphold or deny the appeal in part or in full. The Committee may also take any necessary actions, including re-running an election or referendum, to ensure adherence to the guiding principle of GSA Elections and Referenda: fairness, respect for voters' wishes, and conduct reflective of the GSA's excellent reputation.

Given the gravity of the infraction, the ACB has decided to increase the vote deduction to 65%. The violations include:

1. Illegal campaigning: The sending of two emails as campaign materials; voter deduction for reaching out to non-personal contacts during the campaign period twice, in breach of I.POL.10.10.b, resulting in a 10% deduction (5% for each email).
2. The imposition of a 50% penalty is a measured response to the egregious actions of slander and personal attacks against other candidates, GSA Officers, and witnesses, as well as the breach of privacy of several students. These actions are in direct contravention of policy I.POL.10.2, which explicitly prohibits any form of campaigning that contains slander, discriminatory content, or ad hominem attacks on individuals. The severity of the penalty is justified by the gravity of the infractions. Slander and defamation not only undermine the integrity of the electoral process but also inflict harm on the individuals targeted. Additionally, breaching the privacy of students is a serious violation that erodes trust within the academic community. The 50% deduction serves as a deterrent to such conduct and underscores the importance of maintaining a respectful and fair campaign environment. It reflects the commitment of the Graduate Students' Association (GSA) to uphold the principles of fairness, respect, and integrity in all aspects of its operations, including elections and referenda.
3. Usage of the University of Alberta logos in two separate campaign posts without approval, resulting in a 5% voter deduction (2.5% for each infraction).

Consequently, the total deduction will be 65%. ACB's decision to uphold the deduction underscores its commitment to ensuring that all campaign activities adhere to the high standards set forth by the GSA and that any violations are met with appropriate consequences. The ACB dismissed the appeal.

Signed,

Christina Saed

Christina Saed
GSA ACB Hearing Committee Vice-Chair