

## 2022 GSA General Election: CRO Decision In the Matter of Janmejy Rao and Iraban Turjo - 3 March 2022

### Preamble

The complaint filed by Janmejy Rao, a candidate for the position of Vice-President External in the 2022 GSA General Election (hereafter “the Complainant”), against Iraban Turjo, a candidate for the position of Vice-President External in the 2022 GSA General Election (hereafter “the Respondent”), alleges two separate breaches of GSA Bylaw and Policy. Both will be addressed below. In order to illustrate the measures taken to effect an informal resolution to this matters, a full timeline has also been included.

### Summary of the Alleged Breaches

The first alleged breach related to social media posts:

<b>Sunday, 27 February</b>	
4:43 am	The Complainant emailed the Chief Returning Officer (hereafter “the CRO”) and alleged that the Respondent was campaigning on the basis of nationality and that this was discriminatory.
11:00 am	The CRO requested that specific examples be provided.
4:51 pm	The Complainant provided a screenshot of a post made in the Facebook group of the Bangladeshi Students’ Association at University of Alberta. In the screenshot, the Respondent comments that he is looking forward to representing Bangladeshi students on GSA Council. Following receipt of this, the CRO consulted with the Deputy Returning Officer (hereafter “the DRO”) and they agreed that the statement was not inherently discriminatory but did constitute a factual error as the stated duties in GSA Bylaw and Policy of the GSA Directly-Elected Officers are to represent all students in GSA Council and not a confined constituency (in this case Bangladeshi students).
5:34 pm	The CRO emailed the Complainant to advise him of this and to note that, while GSA Bylaw and Policy indicated that campaign materials posted on social media did not require the approval of the CRO, the CRO would direct the Respondent to change the post as it was factually incorrect.
6:04 pm	The CRO sent the above message to the Respondent.
6:33 pm	The Respondent apologized for the post and noted that it had been altered. The CRO confirmed this by visiting the page.
9:25 pm	The CRO contacted the Complainant to confirm that the post had been changed. The CRO did not receive a further reply from the Complainant and considered the matter settled informally.

The second alleged breach related to the emailing of campaign materials:

<b>Sunday, 27 February</b>	
9:47 pm	The Complainant notified the CRO that they believed the Respondent was emailing graduate students <i>en masse</i> (sending messages both to and from a UAlberta account) whom the Complainant believed were not personal contacts of the Respondent. The Complainant wished to know if the email content had been approved by the CRO and expressed that they felt their campaign had been disadvantaged.
10:17 pm	The CRO noted that, while usage of moderated mailing lists was prohibited by GSA Bylaw and Policy, there was no prohibition against candidates contacting large numbers of individuals whom they regarded as personal contacts.
11:20 pm	Following two additional emails received from the Complainant on this matter, the CRO responded that, at the All-Candidates’ Meeting, it was noted that “common sense” was to be applied when contacting individuals that

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	a candidate believed to be personal contacts. The CRO noted that candidates may believe they are contacting “personal contacts” and should clearly advise people receiving their messages that they can opt out of receiving future ones, which was a feature of the Respondent’s messages. The CRO advised the Complainant that if the individuals who had directly received the emails responded saying that they did not wish to receive future emails and then did, then that would be a violation of regulations and those parties should be encouraged to notify the CRO directly if their request to not receive further emails was ignored. Regarding whether or not the Respondent had sought approval from the CRO for the messages, the CRO’s confirmed that their approval had not been sought and that they would address this.
11:34 pm	The CRO contacted the Respondent to provide an explanation and correct the issue.
11:44 pm	The Respondent apologized for the circulation of the unapproved messages and expressed they did not know they needed to have such messages approved. The Respondent agreed to send an email to the original recipients noting the error, which he said was made in good faith. The Respondent also asked for the CRO to now approve the content of the original message and the CRO provided approval. The CRO also confirmed that the Respondent had been officially directed by the CRO to send a correction and reminded the Respondent that messages sent to and from a UAlberta email address should only be sent to personal contacts.

<b>Monday, 28 February</b>	
12:08 am	The CRO wrote to the Complainant to note that the Respondent had been directed to send a correction email, noting that the previous message they circulated had not been approved by the CRO. The Complainant was also reminded to encourage those who had received the email to contact the CRO directly if they also wished to lodge a complaint.
2:22 pm	The Complainant expressed to the CRO that they felt the sending of the messages had irreversibly damaged their campaign and indicated that they believed the only acceptable form of a correction email would be one that named the other candidates in acknowledging that the unapproved messages were sent and that indicated that their campaigns had been harmed.
3:09 pm	The CRO contacted the Respondent with this message and provided a draft of a correction email for the Respondent to consider. Then the CRO confirmed to the Complainant that they communicated this to the Respondent and asked if they were willing to agree to this attempt at informal resolution. It was noted to all parties that this was an attempt at informal resolution that could be rejected.
10:32 pm	The Respondent replied to the CRO noting that they had already sent out a correction (providing a screenshot of this) and that they were concerned about “spamming” recipients by sending a third email. They also indicated that several individuals had already contacted them to indicate they did not wish to receive further messages, creating further concerns about sending another email.
11:10 pm	The CRO responded and noted that the Respondent was free to reject the attempt at informal resolution.

<b>Tuesday, 1 March</b>	
10:45 am	The Respondent contacted the CRO to note that they were rejecting the CRO’s suggestion concerning informal resolution.
11:41 am	The CRO communicated the Respondent’s choice to the Complainant.

A formal complaint was filed on the afternoon 1 March 2022. The Complainant repeated the alleged breaches as described above and alleged that the Respondent had not sent any correction mails (described as issue two) (ie, either the initial one the Respondent told the CRO he would send, or the second correction with more specific language that the Complainant had

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requested as a part of the informal resolution process). Furthermore, the Complainant indicated that while the first issue described above had been informally resolved, they now included it as part of their formal complaint.

In support of the allegation that the Respondent had emailed non-personal contacts *en masse*, the Complainant provided three screenshots of the original email sent by the Respondent (provided to the Complainant by individuals who requested anonymity). In support of the allegation that the Respondent had posted discriminatory content, the Complainant provided the same screenshot of a post made in the Facebook page of the Bangladeshi Students' Association at University of Alberta as described above. This screenshot was taken at 3:23 am on Sunday, 27 February (before the CRO had contacted the Respondent directing that the post be altered and the Respondent complying).

Subsequent to the filing of the complaint, the Complainant contacted the CRO and asked that certain additional measures be taken, including checking all votes received by the Respondent against a list of the recipients of the Respondent's original email.

Following receipt of this complaint, the CRO contacted the Respondent to provide a formal response, as per the process outlined in GSA Bylaw and Policy. In their response, the Respondent confirmed all of the information relayed above with: they were unaware that emails sent to and from a UAlberta address required approval of the CRO, immediately apologized for their oversight, got approval for future messaging, and issued a correction email (sharing screenshots to substantiate this). The Respondent likewise indicated that, while they were worried about sending too many emails, they wanted to ensure the issue was resolved effectively and, as such, had also reconsidered their earlier decision to not send a second correction email. This email was accordingly sent out (and it acknowledged that the Respondent's initial email was a mistake that disadvantaged the campaigns of the other two candidates in this race, naming each – which was what the Complainant previously indicated they wished to be included in a second correction email). The Respondent supplied screenshots in support. The response also indicated that the messages were sent to individuals with whom they had an e-class with or who they knew through mutual friendship circles and that they believed this was sufficient to consider them personal contacts. The Respondent likewise noted that their emails included an option for recipients to decline future contact, so that even if the Respondent's belief that they were personal contacts was incorrect, a mechanism was in place to address this.

### List of Parties To the Complaint

**Complainant:** Janmejy Rao, candidate for GSA Vice-President External

**Respondent:** Iraban Turjo, candidate for GSA Vice-President External

### Summary of Reasons For the Decision

- With respect to the first matter described above (which the Respondent did not address in their response), GSA Bylaw and Policy affords the CRO the opportunity to work towards informal resolution. In this instance, the Respondent complied immediately with my directive to him to alter the language in the social media post. As the issue was rectified promptly, and I do not believe the statement in question rises to the level of discrimination (ie, the post noted the Respondent was excited to represent graduate students of his nationality; it did not encourage people to not vote for others of different nationalities, nor did it assert that the Respondent's nationality made them a better candidate, etc than candidates of other nationalities). I do not believe GSA Bylaw and Policy was breached in this instance.
- GSA Bylaw and Policy clearly notes that campaign materials sent to and from UAlberta email addresses must be approved by the CRO and that it is the responsibility of candidates to familiarize themselves with the relevant regulations and abide by them. In this regard, the Respondent did breach the provisions of GSA Bylaw and Policy. However, the Respondent, before a formal complaint was filed, apologized for this and complied with my directive that a correction email be sent. I believe a good faith error was made in this instance. I also appreciate that the Respondent did not feel a second correction email was necessary (as the Complainant indicated he wanted to be sent) and did not wish to spam people. As this was at the stage of informal resolution, the Respondent was free to decline to send a second correction email. I will also note, as described above, that the Respondent has now reconsidered this and sent a second correction email in the interests of resolving this matter (providing screenshots as proof). While the complaint alleges that no initial correction email was sent, proof of this in the form of screenshots were provided in the response.

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- With respect to whether the messages were sent *en masse* to non-personal contacts, GSA Bylaw and Policy does not define “personal contacts” as any such definition would be subjective and open to multiple differing interpretations. At the All-Candidates’ Meeting, candidates were informed that, to determine whether someone was a personal contact, common sense should be used and that personal contacts were people that candidates had an established relationship with, people they “knew.” By including in all emails to perceived personal contacts a means to decline receiving further emails, candidates are able to make initial good faith assumptions about who is a personal contact and then correct those assumptions based on the responses they get and refrain from further contact with those individuals who do not see themselves as the personal contacts of the candidates.
- The screenshots provided by both the Complainant and the Respondent clearly indicate that this messaging was present in the emails that the Respondent sent and I am satisfied with the Respondent’s explanation that, by virtue of being in class settings and having mutual friends with the recipients, it was reasonable that he considered them personal contacts. I do not believe GSA Bylaw and Policy was breached in this instance. Likewise, while the Complainant has asserted that hundreds and even thousands of graduate students received these emails, no proof of this has been offered and no other complaints have come forward.
- Acknowledging that the section of GSA Bylaw and Policy prohibiting candidates from sending emails to and from UAlberta addresses without the content being approved by the CRO was undeniably breached, the impact of this breach on the outcome of the 2022 GSA General Election was considered. I have determined that there is no basis to believe that this particular breach would have substantially changed the outcome of the 2022 GSA General Election (that individuals may have been contacted by a candidate does not mean they would necessarily have voted for that particular candidate over another candidate – likewise, the content of the message said nothing negative or otherwise inflammatory about the other candidates, which is why I approved its circulation after the fact). Finally, the breach was promptly addressed by the Respondent, who also then took further remedial action to satisfy the concerns of the Complainant. As the provisional results of the election (released as the adjudication of this complaint was in progress) demonstrate, the Complainant received more votes than the Respondent and so it seems inaccurate to suggest that the Respondent’s action damaged the campaign of the Complainant in any appreciable way.

### Decision

As per GSA Bylaw and Policy, Section 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.” It is clear that there was one breach of GSA Bylaw and Policy (as noted above, I am not of the opinion that any other breaches occurred). However, I do not believe that this relatively minor breach (which was promptly rectified by the Respondent, well before a formal complaint was filed) altered the outcome of this highly contested race for Vice-President External, and no penalty will be issued. It seems further unnecessary to do so as the Complainant (as per the provisional results of voting) received more votes than the Respondent.

As noted above, subsequent to the filing of this complaint, the Complainant contacted the CRO and asked that certain additional measures be taken, including checking all votes received by the Respondent against a list of the recipients of the Respondent’s original email. When voters access the ballot they are assured that their votes are cast anonymously. I think it is inappropriate for a CRO to violate this by checking the votes of individual graduate students and decline to do so. Likewise, that someone was contacted by a candidate and later voted for that candidate is not a clear indication that the only motivation they had for voting that way was because they were contacted.

I appreciate that in an election, candidates hard work to advance their campaigns and sometimes oversights can occur. I appreciate the quick responses and willingness to approach informal resolution, as well as issue corrections, that has been demonstrated in this instance. After working through this complaint with the GSA Elections and Referenda Committee, we are united in expressing the hope that, in all election processes, candidates will run positive campaigns, correct missteps that may occur, honour the provisions of GSA Bylaw and Policy to treat all involved with respect, and work to uphold the integrity of the elections process and the reputation of the GSA.

### Process By Which the Decision Was Reached

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In reaching this decision I carefully considered both the formal complaint and the formal response, as well as consulted extensively with the DRO and the GSA Elections and Referenda Committee, as per the requirements of GSA Bylaw and Policy, Section D.POL.10.1.d.x.

### Listing of All Applicable GSA Bylaws and Policies

- GSA Bylaw and Policy, Sections D.POL.10.1.a and D.POL.10.1.b
- GSA Bylaw and Policy, Section D.POL.10.1.d.x
- GSA Bylaw and Policy, Section I.POL.6.3
- GSA Bylaw and Policy, Section I.POL.10.10.b
- GSA Bylaw and Policy, Section I.POL.10.10.b.i
- GSA Bylaw and Policy, Section I.POL.10.2
- GSA Bylaw and Policy, Section I.POL.10.3

### Appeals of This Decision to the GSA Appeals and Complaints Board

As per GSA Bylaw and Policy, “decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)” (Section I.POL.11.6) and “candidate(s) or referendum campaign member(s) have twenty-four (24) hours from the time the CRO’s decision is deemed delivered to submit an Appeal (Section H.POL.15.2.b).

“Deemed Delivered” is defined such that an email is deemed to have been delivered twenty-four (24) hours from the time it was sent (GSA Bylaw and Policy, Section H: Definitions).

Complete GSA Bylaw and Policy on the GSA ACB and appeals of a CRO decision can be found [here](#).