

Federation of Students Council

Agenda for the meeting of November 20, 2016 @12:30pm
Student Life Centre Multi-Purpose Room

Speaker:	Alexander Wray
Secretary:	Sacha Forstner
Expected Attendees:	Christos Lolas, Sarah Wiley, Tomson Tran, Antonio Brieva, Alexa Fuentez, Antonio Clarke, Denton Liu, Spencer Dobrik, Midori Armstrong, Matthew Gerrits, Alex Liu, Tristan Potter, Patrick Melanson, Charles Teasdale, Razan Qaoud, Muhammed Tahir, Norman Hu, Mistry Harsh, Quentin Cheung, Aryeh Fortinsky, Marcus Abramovitch, Deanna Priori, Jeremy Spira, Illia Sucholutsky, Injeong Yang
Excused Attendees:	Adrian Machado, Natasha Crasto, Brian Schwan

1. Approval of the Agenda

2. Consent Agenda

- a. Approval of Minutes from the October 16th Meeting
- b. Council accepts the following reports for information:
 - i. Report of the President
 - ii. Report of the Vice-President, Internal
 - iii. Report of the Vice-President, Operations and Finance
 - iv. Report of the Vice-President, Education
 - v. Report on Learn and Quest Feedback
 - vi. Report of Educational Advisory Committee
 - vii. Report of Councillor Melanson, MATH
 - viii. Report of the Elections and Referenda Officer
 - ix. Report of the Elections and Referenda Appeals Committee
 - x. Report on Councillor Attendance
- c. Motion: Resolved, Council tasks the Policies and Procedures Committee to revise *Feds Policy 24: Online Refundable Ancillary Opt Out System* in accordance with already received feedback from Councillors.

3. Reports and Updates

- a. For Information:
 - i. Executive Updates
 - ii. Delegations to Council
 - iii. Officers Updates
 - iv. Standing Committee Reports
 - v. Special Committee Reports

4. Special Orders

- a. Ontario Undergraduate Student Alliance Presentation – 1230pm

5. General Orders

- a. Motion to Remove Councillors
 - i. Resolved, Council removes the following councillors: _____ for violating Council procedure on attendance.
- b. Motion to Censure (Mistry)
 - i. WHEREAS, Chris Lolos has treated the WPIRG referendum result as low priority and has made a minimum effort to bring the issue up to the Board of Governors; thus resulting in students being forced to pay the WPIRG fee for one additional term.
 - ii. RESOLVED, Chris Lolos be censured over his laissez-faire approach to his responsibilities regarding the WPIRG referendum.
- c. Elections 2017/18 (Lolas)
 - i. Resolved, Council appoints Reba Nauth as the Elections and Referenda Officer for the 2017/2018 election of Feds Executives and Students' Council
 - ii. Resolved, Council establishes the following dates for the 2017/2018 election period:
 - 1. Nominations: Nov 21, 2016 at 10am to Jan 23, 2017 at 4pm
 - 2. All-Candidates Meeting: Jan 23, 2017 at 530pm
 - 3. Interim: Jan 23, 2017 at 4pm to Jan 30, 2017 at 10pm
 - 4. Campaign: Jan 30, 2017 at 10pm to Feb 15, 2017 at 10pm
 - 5. Voting: Feb 13, 2017 at 10am to Feb 15, 2017 at 10pm
- d. General Meeting Proxies (Clarke)

WHEREAS:

 - i. Student representation is an integral part of the Federation of Students' general meetings; and
 - ii. Students have expressed interest in participating in general meetings but are prevented from doing so due to heavy course loads, particularly around the time of the meetings; and
 - iii. Student Councillors have a demonstrated interest in accurately representing their constituents and are some of the best points of contact for obtaining their constituents' opinions;
 - iv. Now, therefore, be it RESOLVED that:
 - v. The Federation of Students official supports Student Councillors holding multiple proxies for students within their constituencies,

providing an equal opportunity for busy students to participate in decision making; and

- vi. Student Council requests the Board of Directors draft a proposed amendment for Section V Sub-Section E of the by-laws to allow for Student Councillors holding multiple proxies within their constituencies, to be presented for review and approval at a future Council meeting, no later than one meeting before the next scheduled General Meeting
- e. For Discussion:
 - i. Unfinished Buildings Policies (Abramovitch)
 - ii. General Meeting Proxies (Clarke)
 - 1. Electronic Form Submission
 - 2. Personal Information Collection
 - iii. Naming Criteria for Buildings (Lolas)
 - iv. OUSA Policy Objectives (Mistry)

6. Other Business

7. Announcements

8. Adjournment

**Federation of Students
STUDENTS' COUNCIL
October 16, 2016, SLC MPR**

Present: Alexander Wray† (Chair), Sacha Forstner† (Secretary), Reba Nauth† (Assistant Secretary), Christos Lolas, Brian Schwan, Deanna Priori, Sarah Wiley, Alex Liu, Alexa Fuentes Valdez, Antonio Clarke, Denton Liu, Hayley Barnes, Jeremy Spira, Marcus Abramovitch, Midori Armstrong, Muhammed Tahir, Norman Hu, Patrick Melanson, Tomson Tran

Absent: Adrian Machado*, Antonio Brieva*, Aryeh Fortinsky, Charles Teasdale, Harsh Mistry, Iliia Sucholutsky*, Matthew Gerrits, Natasha Crasto, Quentin Cheung, Razan Qaoud, Spencer Dobrik*, Tristan Potter*

†*Non-Voting Member*

**Excused*

CALL TO ORDER

The regular meeting of Students' Council assembled at 12:30 in the SLC MPR. Speaker Alexander Wray took the Chair, and Sacha Forstner acted as Secretary. The Chair verified that the meeting was properly constituted in accordance with the Corporation's bylaws, policies, and procedures, that due notice had been given to all members, and that a quorum was present.

The Chair called the meeting to order at 12:40.

I. APPROVAL OF THE AGENDA

Council heard a motion to approve the agenda for the meeting, as circulated.

Lolas and Melanson. Carried.

II. CONSENT AGENDA

Council heard a motion to approve all items on the consent agenda, including:

1. The minutes from the September 24 2016 meeting;
2. The updated list of Fall 2016 Service Coordinators for ratification;
3. All submitted reports for information.

Vice President Priori offered clarification regarding the updated list of Service Coordinators, explaining that the change was due to a resignation and replacement in one of the Services.

Clarke and Schwan. Carried.

III. REPORTS

President Lolas

The Needles Hall "One Stop Shop" services transformation continues to move forward. The project will start by including the Registrar's Office, Student Success Office, and Graduate Studies Office. Feds is currently pressing for it to include Student Accounts as well, but faces

some hesitation from UW Finance. Most of the hesitation stems from a desire by Finance to keep all their departments under one roof. Feds is suggesting some alternatives, including the idea of training someone in the Registrar's Office to respond to the most common student needs relating to Finance.

Orientation is conducting a small review to assess its position following the change in the schedule of Orientation Week. Minor tweaks are expected, but at this stage are unknown. UW's proposed Sexual Violence Policy will be presented to Senate on October 17th, and is expected to be formally approved by the Board of Governors on October 25th. Some internal disagreements are expected, particularly regarding the line management of the Sexual Violence Response Coordinator.

Vice President Operations and Finance Schwan

Bomber will be holding multiple events in the near future. Feds is carrying forward with the Legal Insurance survey for students, once the exec resolve several logistical issues. The Survey may be done by email, or through short in-person surveys.

Vice President Internal Priori

A survey has gone out to students in the Affiliated and Federated Institutions of Waterloo, with the intent of assessing what services those students have access to and how they use them. Planning has begun for Feds On Tour and for Wrap-Up Week, the latter of which is expected to include satellite campuses this year.

Among the services, the Food Bank is preparing for its annual Trick or Eat event, Warrior Tribe is working with Athletics in preparation for the "Battle of Waterloo" at the Aud, and Women's Centre is preparing for its Love Your Body Week.

The Volunteer Extravaganza is on Monday November 14th; all Councillors are invited.

Vice President Education Wiley

The Stakeholder Relations Officer has been hired and will begin transitioning with the role; advocacy priorities are proceeding as per the report submitted.

Speaker Wray

The Annual General Meeting will be held on October 27th at 17:00, attendance is required for all Councillors.

Speaking as Chair of the Board – the Bylaws Cleanup has been completed and will be presented at the General Meeting for ratification. An amendment to the revisions will be proposed at the meeting respecting the amending formula, which would change the requirement that Council co-approve future changes to the articles respecting Council and elections to a requirement that Council be consulted by Board on the changes. Board could not reach a decision on this proposal, thus it will be decided at the General Meeting.

IV. WPIRG REFERENDUM STANCE

Council heard a motion to call on the University of Waterloo Board of Governors to cease collection of the Waterloo Public Interest Research Group (WPIRG) fee, effective Winter 2017.

Abramovitch and Spira.

Councillor Abramovitch presented his motion, which would call on the University to act immediately in the aftermath of the September 28th referendum results, citing the feedback included in the submitted Council reports as evidence of a student desire to see the WPIRG fee removed swiftly.

Councillors expressed general support for the motion on the grounds that it reflects the result of the recent referendum, however, President Lolas informed Council that it is unlikely the University will be acting to implement the change prior to the Spring. According to the University Vice President of Administration and Finance, there isn't enough time to implement the change between the Board of Governors meeting on October 25th and the posting of Winter fee statements. Thus the change will likely be voted on at the February Board of Governors meeting.

The question was called, and the motion carried.

V. QUEST AND LEARN

Councillors were thanked for including student feedback regarding Quest and LEARN.

A Councillor asked a follow-up question regarding a desire expressed by constituents to make it mandatory for instructors to upload their lectures online. Vice President Wiley responded that such a suggestion was certainly worth considering, but falls outside the scope of this project.

VI. WEEKEND MIDTERMS

Vice President Wiley updated Council regarding the issue of Saturday midterms tabled at the last meeting. The University's plan is to remove the requirement that instructors holding midterms on Saturdays be obligated to offer a weekday accommodation to students who request it. Religious accommodations would not be impacted. Feedback solicited from Councillors and their constituents has indicated a generally negative response to this proposal, though some have been favourable to the suggestion, even going so far as to suggest Sunday midterms as well, citing the benefit of having the entire class and the instructor in one room for the exam. However, Arts and Engineering in particular have taken strong stances against the topic. Fortunately, Senate Undergraduate Council did not have time to reach a decision at their October meeting, and so will be considering it in November.

Council heard a motion to take a stance against Saturday midterms.

Melanson and Spira.

Lolas and Fuentes Valdez move to recess for 5 minutes. Carried.

Council recesses from 13:20 until 13:27.

Schwan and Tran move to amend the motion to read as follows:

Resolved, Council delegates the responsibility for drafting and approving a formal stance against weekend midterms to the Education Advisory Committee.

The question was called on Schwan's amendment, and it carried.

Discussion resumed on the primary motion. Councillors expressed a desire to have EAC inform Council of its final decision in a timely fashion. Vice President Wiley committed to following up.

The question was called on the primary motion as amended, and it carried.

VII. STUDENT RENTAL ADVERTISING

Councillor Abramovitch led a discussion regarding student housing in the local community. The issue of high rise buildings not being completed by the time students need to move in has become an annual issue, and many of these rental companies advertise in-person in the Feds-managed Student Life Centre. Abramovitch suggested Feds consider barring those companies from advertising.

Councillors expressed general support for the intent, but had some reservations. Concerns included a fear that preventing them from advertising wouldn't solve the core issue, and that there is no effective way to prevent leasing companies from talking about unfinished buildings. Councillors agreed that Feds should take steps to educate students about housing issues, and make efforts to drive policy change. Pursuant to that, Vice President Wiley updated Council on her recent efforts regarding housing, including marketing campaigns, partnership with community legal services, media engagements, and outreach to the Ministry of Housing.

Councillors discussed the possibility of a housing forum involving students and Councillors to discuss these issues. It was agreed to discuss this topic in further detail at another time.

VIII. OTHER BUSINESS – CHANGES TO COUNCIL PROCEDURE

Council heard a motion to amend the Procedure XX, retroactive to May 2016, such that the elected membership on the Campus Life Advisory Committee, Internal Administration Committee, and Internal Funding Committee lasts for one year.

Priori and Melanson.

Vice President Priori explained that there is not sufficient time or resources to train a new set of members for these committees every 4 months, thus year-long seats are needed.

The question was called, and the motion carried.

IX. ANNOUNCEMENTS

President Lolas informed Council that the UWaterloo Brand Refinement Project team will be presenting at the November Council meeting with an update on their work.

ADJOURNMENT

Adjournment was moved at 13:50.

Melanson and Tran. Carried.

Chris Lolas President

November 2016

Federation of Students
University of Waterloo

Executive Report

SLC/PAC Expansion

Little of note to report. Some preliminary landscaping discussions are underway. Rough furniture layouts are about to begin, insofar that they affect electrical and lighting requirements. Security systems have been roughly placed. A/V is being developed in detail.

Policy 42 - Sexual Violence

The Board of Governors, at the demand of the Faculty Association, chose to delay approval of the *procedures* associated with the policy. The policy has been approved, but the details within the procedures will need to be approved at the December emergency meeting of the Board. The changes the faculty have requested appear to be small in importance, and will not have a great impact on the eventual process.

Other

Senate met on October 17. There was a great deal of discussion relating to the university's strategic plan, in particular those metrics concerning the student experience.

FOC hiring is underway, it may be that the next team is selected by this meeting.

General Meeting failed to reach quorum, items will instead be presented at a future GM.

UW is investigating more options into improving the CIF facility and adjacent fields.



Deanna Priori Vice President Internal Report

November 2016

Federation of Students
University of Waterloo

A few big items I am working on:

1. Working with CLAC to re-write service review procedure.
2. COPs EOT meeting is coming up, we will be discussing plans for a Winter term event, as well as a recap of this term.

Updates from September/October:

- **Colleges Survey** was completed. The data gained will help Feds engage with the students affiliated with the university colleges.
- Continued discussions at Undergraduate Student Relations Committee regarding the **Pharmacy** fees in fourth year, working toward an answer of why they exist in the manner they do.
- **IAC** has been continuing to meet weekly
- **Wrap Up Week** happened from November 14-18th with activities such as therapy dogs, pop up salad bars in the libraries and free massages.
- Continuing to **visit society** executive/council meetings, learning about different governance structures and meeting very involved students!
- **Volunteer Extravaganza** was November 14th, free food and giveaways to thank our incredible volunteers!
- I went as one of Feds' delegates to the **OUSA General Assembly** excellent opportunity to meet students from other student unions, learn from them, as well as participate in discussion about OUSA's policy papers.
- I had the opportunity to speak on a panel at the **Centre for Innovation Campus Mental Health** conference. I spoke about our services, specifically MATES, Glow and the Women's Centre.
- From November 14 – 18th **Feds is on tour** to the satellite campuses, and from 21-25th we will be in different locations on main campus handing out snacks and chatting with students!

Best of luck with your final assignments! No fun activities happening in the near future for me to really share. Please practice self-care while heading into this stressful time of year!

If you have any comments, concerns, complaints or compliments about campus life (or anything about the university and Feds) feel free to reach out!

ypin@feds.ca | @uwFedsVPI | SLC 1104



Sarah Wiley

Vice President Education

Report

November 2016

Federation of Students
University of Waterloo

0.0 Announcements

OUSA General Assembly: 12 student representatives from Waterloo went to the OUSA General Assembly where we passed OUSA policy on Rural and Northern Students, Sexual Violence Prevention and Response, and Ancillary Fees.

Centre for Innovation in Campus Mental Health Conference: The VP Internal and I attended a conference in Toronto on campus mental health.

Weekend Midterms Stance: The Education Advisory Committee formally wrote a stance against the proposed change to Saturday midterms.

Student Housing: President Feridun Hamdullahpur agreed to send a letter to the Minister of Housing, Chris Ballard, voicing support for Feds advocacy in regards to student housing. Minister McGarry also agreed to bring up the issue in Cabinet, and MPP Fife agreed to ask Minister Ballard a question in Question Period about the issue.

1.0 University-Related Activities

1.1 Feds Committees:

Education Advisory Committee

Responsibilities: To advise the Vice President Education on academic issues facing Waterloo students.

Synopsis: Passed a stance against the proposed change to Saturday midterms, update given on Feds policy on syllabi, discussion about course evaluations.

Government Affairs Advisory Committee

Responsibilities: To advise the Vice President Education on Feds lobby efforts and membership to external political organizations.

Synopsis: Discussed OUSA's annual plan, OUSA membership agreement, federal priorities, and international student's issues.

Co-op Students Council

Responsibilities: To advise the Vice President Education on co-op related issues facing Waterloo students.

Synopsis: Discussed Waterloo Works, Co-op 2.0, and co-op fees.

1.2 University Committees:

Undergraduate Student Relations Committee

Responsibilities: A forum to discuss undergraduate student issues in a broad sense at UW.

Synopsis: Discussed student fees at satellite campuses.

Co-operative Education Council

Responsibilities: A forum to review and to advise Co-op at UW.

Synopsis: Talked about why students leave co-op, and reviewed latest co-op statistics.

Senate Undergraduate Council

Responsibilities: To consider questions involving academic quality and undergraduate studies and provide recommendations to go forward to Senate

Synopsis: Agenda and minutes can be found here: <https://uwaterloo.ca/secretariat-general-counsel/committees-and-councils/senate-undergraduate-council/senate-undergraduate-council-agenda-and-minutes>

Course Evaluation Task Force (Sacha Forstner)

Responsibilities: Investigating how course evaluations are done and how to improve them.

Synopsis: Published a report on their findings, the university community has been asked to provide feedback.

Outstanding Academic Programming Theme Group

Responsibilities: Enhance the learning experience for all students, reshape the traditional classroom and expand the impact and reach of Waterloo programs.

Synopsis: Has not met since last council meeting.

Experiential Education Theme Group

Responsibilities: Build world-ready graduates who are at home in culturally diverse environments.

Synopsis: Has not met since last council meeting.

Provost Advisory Committee on Timetabling

Responsibilities: Look into scheduling and in particular the new scheduling system.

Synopsis: Has not met since last council meeting.

Student Technology Advisory Committee

Responsibilities: Look into scheduling and in particular the new scheduling system.

Synopsis: Discussed Learn, student engagement, and Office 365.

Undergraduate Operations Committee

Responsibilities: Makes non policy decisions on undergraduate issues.

Synopsis: This meeting is confidential.

Teaching and Learning Spaces Committee

Responsibilities: Look into improving teaching and learning spaces on campus

Synopsis: Discussed a best and worst classroom contest.

Academic Integrity Communications Working Group

Responsibilities: Fostering a culture of academic integrity on campus.

Synopsis: Has not met since last council meeting.

HeforShe Campus Advocates

Responsibilities: This committee consists on the HeforShe representatives who are not associated with a faculty. We discuss different ways of making Waterloo campus more inclusive to people of all genders.

Synopsis: Discussed plans for the upcoming Ideathon.

2.0 External Activities

2.1 Municipal/Regional-level

Town & Gown Steering Committee, City of Waterloo (Antonio Brieva)

Responsibilities: Bring together a smaller group of municipal stakeholders to assist with direction-setting for the broader Town & Gown Committee.

Synopsis: Has not met since last meeting

Town & Gown Committee, City of Waterloo (Antonio Brieva)

Responsibilities: Represent UW students to all of the stakeholders involved in the Town & Gown Association, bring forward student concerns, and identify opportunities for integration in the community.

Synopsis: Has not met since last meeting

Housing Sub-Committee: Has not met since last meeting.

Return to Campus Sub-Committee: Has not met since last meeting.

2.2 Provincial-level

Ontario Undergraduate Student Alliance (OUSA)

Responsibilities: Represent UW students to the provincial government through an alliance of like-minded undergraduate student associations. For more information on OUSA visit:

www.ousa.ca.

Synopsis: A group of twelve students from University of Waterloo including myself went to the OUSA General Assembly in London. At the General Assembly we debated and finally passed three policy papers. These policy papers were Sexual Violence Prevention and Response, Rural and Northern Students, and Ancillary Fees. Sexual Violence Prevention and Response was written in part by Antonio Brieva and I. At the General Assembly we also accepted the auditor's report and chose the policy papers that will be written next term. The policy papers for next term will be Access, International Students and Municipal Issues. I will be writing the Municipal Issues paper with Andrew Clubine.

Ontario Undergraduate Student Alliance (OUSA) Steering Committee

Responsibilities: Represent UW undergraduate students to OUSA.

Synopsis: Discussed plans for the General Assembly, recent lobby meetings, selected priorities for Lobbycon (sexual violence, data centralization and tuition) and the upcoming work integrated learning campaign.

2.3 Federal-level

U15 Federal Advocacy Group

Responsibilities: To advocate on behalf of students to the Federal Government.

Synopsis: Planned upcoming trip to Ottawa. Priorities will be Indigenous students access and undergraduate research opportunities.

3.0 Meetings with Decision-makers

3.1 University-level:

President Feridun Hamdullahpur: The Exec met with Feridun to discuss student engagement, innovation culture, student housing, and sexual violence. Feridun agreed to send a letter to Minister Ballard voicing his support for Feds advocacy efforts in relation to student housing.

Associate VP Academic Mario Coniglio: Discussed program reviews and student involvement with them.

Government Relations Director Rob Esselment: Discussed recent and upcoming lobby meetings as well as the tuition framework and funding formula.

Registrar Ray Darling: Talked about one stop shop, mandatory registration policy, operationalizing the Feds syllabi policy, and a degree audit tool for Quest.

CECA Director of Student and Faculty Relations Rocco Fondacaro: Talked about OUSA's #myWILis campaign that is coming up, co-op stat calculation, and co-op fee transparency.

FAUW Reps Shannon Dea and Heidi Engelhardt: Discussed Feds Syllabi policy.

Provost Ian Orchard: The Exec talked to Ian about sexual violence, Stratford campus, and international tuition.

3.2 Municipal/Regional-level:

3.3 Provincial-level:

Minister Kathryn McGarry: The VP University Affairs from Laurier and I met with the Minister to talk about sexual violence and student housing. The Minister agreed to speak in support of Feds advocacy efforts in regards to student housing at Cabinet.

MPP Catherine Fife: Antonio Brieva and I met with MPP Fife to talk about sexual violence and student housing. MPP Fife agreed to ask Minister Ballard a question in Question Period about student housing in Waterloo.

3.4 Federal-level:

3.5 Other:

5.0 Upcoming Activities

Advocacy Lobby Week- 14th -17th

OUSA #myWILis 21st - 25th

OUSA Lobbycon 28th - 1st

MEMO

TO: Sarah Wiley, Vice President Education, Federation of Students
FROM: Sacha Forstner, Academic Affairs Commissioner
RE: Improvement of Quest and LEARN
DATE: October 28th, 2016

Student Ideas for Improving Quest and LEARN

Background and Summary of Feedback

Online systems play a comprehensive role in students' daily lives, from the time of course selection and enrolment, through the completion of the courses themselves. Understanding these systems and their interaction with the student academic experience is essential to developing a set of coherent standards and advocating for positive change.

Student Councillors were asked to collect and report on feedback regarding the University's Quest and LEARN systems, with the intent that such feedback would be used by the Federation of Students to develop a policy on learning management systems or the student experience online.

When asked for feedback on the Quest system, Councillors identified the following issues:

- A need for a complete overhaul of the user interface and user experience, with a particular focus on mobile use, access to (and the ability to modify) the class schedule, and an integrated calendar that accounts for holidays and breaks;
- A need for degree audits, and the ability to track changes made to majors and minors;
- Difficulty accessing to tax forms;
- A need for greater clarity re: fee statements that specify a fee's status as refundable, opt-out, or mandatory.

When asked for feedback on the LEARN system, Councillors identified the following issues:

- A need for updates to the user interface and user experience, including a complete overhaul of the mobile version aimed at improving its functionality, simplified access to Library Course Reserves, and a decluttering of the notifications tab;
- The lack of clear standards regarding course organization, use of LEARN, or specific documents to be provided using the system;
- An inability to filter out unwanted emails sent through the LEARN system.

In addition to the above, students recommended that LEARN, Quest and several other online resources be integrated. By doing this, it was suggested LEARN could be set up to display a centralized schedule of classes that includes midterm dates and assignment deadlines.

Recommendations

The UI and UX of Quest and LEARN should be redesigned. The systems should be interconnected, and integrated with other campus resources, including the schedule of classes, the undergraduate calendar, and the library course reserves. All courses should be required to use LEARN, and it should be mandatory for the course outline, all assignments, and grades to be posted on the system.

However, *at this time the Commission does not recommend moving forward on an online experience policy for Feds.* There do not appear to be substantive systemic issues in this area that cannot be addressed through operations-level discussions.

Federation of Students - Education Advisory Committee
Meeting Report - Saturday Midterm Policy Change Stance
November 1st, 2016

Present: Sarah Wiley (Chair), M. Gerrits, R. Nauth, A.M. Hayman, P. Melanson, S. Forstner, A. Francis, X. Li

Absent: T. Tran, A. Jayakaran, M. Fong, S. Sreetharan, I. Sucholutsky, J. Gulbranson

At the October 16th Council meeting EAC was tasked with the following:

Resolved, Council delegates the responsibility for drafting and approving a formal stance against weekend midterms to the Education Advisory Committee.

The following stance was passed unanimously by EAC:

WHEREAS:

1. The University of Waterloo's official instructional hours are Monday through Friday, 08:30-22:00; and
2. Instructors who hold midterm examinations outside of the official instructional hours are currently required to provide an alternate writing time during instructional hours to any student who requests it; and
3. Many students use weekend hours to complete coursework, visit their families, work part-time-jobs, and participate in extracurricular activities; and
4. Appropriate work-life balance is important for student mental health and wellbeing;

Now, therefore, be it **RESOLVED**, that the Education Advisory Committee approves the following on behalf of Students' Council:

1. The Federation of Students officially opposes the University's proposal to normalize weekend midterms by removing the requirement for instructors to provide students with alternate accommodations to write their midterms during official instructional hours; and
2. The Vice President, Education shall be tasked to work with appropriate University personnel to develop a strategy for accommodating midterm room needs in a way that ensures accommodations should remain available to students who are unable to write midterms on weekends.

Consultations and Meetings

- Met with Associate Dean Undergrad for Math, Steve Furino, and other Mathsoc exec to talk about issues in the Math faculty. Furino was excited about the upcoming University-level budget restructuring, since much more funds would be allocated to Math faculty --> new “M4” building. But also there is opportunity for students to influence allocation of these \$millions
- Went to meetings of EAC, CSC, CEC, GAAC and helped edit drafts of council stance on weekend midterms
- Updated Mathsoc council on activities within capacity of Mathsoc VPA, specifically upcoming renovations in MC
- Attended faculty meetings (UAC in Math faculty) about decreasing the section size of Math 137, 138. An interesting thing that came from this meeting was that Steve Furino mentioned “math cohorts, but not really cohorts” in that the same group of students would be initially placed in the same Math 135 and 137 and possibly CS 135 sections. Similar to Engineering cohorts, but much less stringent. “Fuzzy duckling groups”?
- Mathsoc organized “Party with Profs” which was very successful. Also pi day where we ate a lot of pi.
- Represented student governments in Fall 2016 open house.

Future Steps

- Write reports to put in mathNEWS for Feds, Mathsoc involvement
- Meet further with Steve Furino and Mathsoc exec
- Amend CS Club Code of Conduct (a CSC GM has been called to amend the code of conduct, I will propose amendments to temporarily fix the code of conduct in time for next week then keep up consultations with police services to propose new long-term amendments to better the code of conduct)

Federation of Students Referendum Report

Fall 2016

Prepared by:
Reba Nauth
Elections & Referendum Officer

Acknowledgements

I would like to thank the members of the Elections and Referendum committee (ERC), the Elections and Referenda Appeals committee (ERAC), the Executive, the Research and Policy officer, and the FEDS Marketing Team for their contributions to the success of this referendum.

Waterloo Public Interest Research Group (WPIRG) Referendum

Timeline:

September 12-15: Interim Week

September 14: All committees Meeting

September 19-28: Campaign Period

September 21: Debate, 8pm

September 26-28: Polling Period (10am 26th - 10pm 28th)

September 29: Results Announced

October 25: Final decisions made by ERC and made publically available

October 26: All receipts submitted

November 1: Reimbursement cheques issued

Results

8788	Total Votes Cast (Waterloo Public Interest Research Group)
1579	Keep the mandatory, refundable \$4.75 per academic term fee for WPIRG (Waterloo Public Interest Research Group)? Number of votes
7156	Remove the mandatory, refundable \$4.75 per academic term fee for WPIRG (Waterloo Public Interest Research Group)? Number of votes
53	Declined votes

Allegations & Appeals

A total of 58 allegations were processed through the course of the referendum, subjected to grouping at the discretion of the ERO. A total of 16 appeals were made. A complete list of allegations handled by the ERO, ERC, and ERAC can be seen in Appendix A.

Suggested Changes to the Elections & Referenda Procedure

Please refer to the submission by the Research and Policy Officer/Stakeholder Relations for a comprehensive account of policy recommendations offered this term.

1. Define protocol for incidents outside the outlined timeline.

As it currently reads, the Elections and Referenda procedure does not indicate whether its rules should be extended to incidents that predate the Interim period. In the capacity of ERO, I

operated under the assumption that policing actions before and after the outlined referendum period was ill-advised and not in the spirit of Feds. However, it is my recommendation that rules are presented to govern the period between the referendum or election being called and the commencement of the Interim Period.

2. Explicitly state that interim rules apply before All-Committees meeting

I urge clarification of the statement indicating that candidates and committee-members are expected to adhere to the procedures in the days preceding the All-Committees' or All-Candidates' meeting as ignorance of policy is not justifiable grounds for violation.

3. Include weekends in the referendum timeline breakdown

I believe the procedure regarding weekends should be noted in the policy, as rules are not suspended over the weekend despite the exclusion of Saturdays and Sundays in the timeline denoting the various periods of the referendum. My recommendation is to state that the weekend belongs to the period of the Friday immediately preceding it or include the weekend days in the timeline breakdown.

4. Set two voting members out of four as quorum for ERC

Should ERC remain a 5-person committee (including the Chair), quorum should be set at 2/4 voting members. Quorum is understood to be 51% and over for Feds committees. This referendum had an irregularly high volume of allegations, requiring ERC to meet constantly. Gaining attendance by three people did not facilitate quick turnaround with regard to decisions, which in turn slowed down the appeals process and may have compromised the integrity of the referendum. As this is a 4-person committee, setting 2 people as quorum should be accepted as 2/4 is closer to 51% than 3/4 and best facilitates the application of the policy in a timely fashion.

5. Maintain the undefined turnover period for ERC decisions

Should ERC remain a 5-person committee, I believe it is imperative that its undefined turnover period is protected. As outlined above, coordinating meetings with volunteers at a time that coincides with midterms and concentrated deadlines does not facilitate timely decisions and may compromise the integrity of the referendum.

6. Extend the defined turnover period for ERAC rulings

While this is best explained by the ERAC chair, administrative barriers occur for meetings of three. Both appeals and allegations need to be handled with attention and care and rushing this, especially in such a high-volume referendum, can compromise the integrity of the process.

7. Make explicit valid terms of appeals

Superfluous appeals were regularly submitted during the referendum, as committee members regarded the ERAC process as a ‘second chance’ at receiving a verdict that agreed with them. I recommend the policy outlines that appeals must ONLY be submitted if: 1) new information has come to light regarding the decision or 2) a procedural error has been made by the ERC, presented with evidence that supports this. Appeals simply reiterating rationale from the original allegation should not be processed through ERAC as this undermines the authority and sovereignty of the ERC and the procedure as a whole.

8. Explicitly grant ERO the power to dismiss superfluous allegations

Due to the high volume of recommendations made during this referendum, I recommend that ERO is explicitly granted the power to dismiss superfluous allegations. To ensure transparency and guard against corruption, I recommend that the ERO must divulge to the Research and Policy Officer or the ERAC Chair a list of dismissed recommendations and the rationale.

9. Explicitly grant ERAC chair the power to dismiss superfluous appeals

As the ERAC Chair checks the power of the ERO, symmetry is essential to the system. I believe that the ERAC Chair should have the power to dismiss appeals that simply reiterate rationale from the original allegation or are otherwise superfluous (for example, if an identical appeal has been made and ruled on). I would expect a similar mechanism for transparency as outlined in Recommendation 8.

10. Create allegations and appeals forms

Creating allegations and appeals forms would help guard against superfluous allegations and centralize the process. I recommend having one member handle all the forms for their committee to prevent duplicate submissions of allegations from the same committee. Using the form should clarify valid appeals as well (e.g. explicitly asking what new information has come to light, and if a procedural error has been made).

11a. Redefine parameters of ERC

I believe ERC should either be disbanded or be reduced to a maximum of two seats. Coordinating meetings with the ERC unnecessarily complicated and slowed the administration of justice during this referendum. Additionally, the hiring process of the ERC does not guard against committees attempting to ‘stack’ the committee in the favour.

11b. Strengthen hiring process of ERC and ERAC with greater transparency

Should ERC be disbanded or reduced in size, ERAC must be filled with an emphasis on transparency. ERAC will rise in importance as it checks the power of the ERO, which will be strengthened through this recommendation. ERAC should be screened for biases during the hiring process and explicitly warned against supporting either side of the referendum question.

12. Create mechanism through which the ERO, members of ERC, or ERAC can be removed should evidence of acted bias and corruption come forward

During the referendum, two seats on ERC were accused of operating under bias for different sides of the referendum question. Despite these allegations being provided without sufficient proof, there was no available mechanism to replace them should it have been necessary. I recommend that greater emphasis is placed on ensuring the neutrality of ERC, ERAC, and ERO members in the hiring process and a mechanism is creating through which they can be removed if it is revealed that their decisions have been influenced by personal motivations.

13. Explicitly grant sign-in privileges to ERO for the Feds computers

In order to hold ERC meetings with the use of a projector, the ERO requires a log-in to the Feds computer system. Out of the generosity of Feds staff I was able to use the projector and hold meetings for the most part, but this required staff to stay late.

14a. Create bank accounts for the referenda committees and stipulate that all finances must be routed through this bank account.

Budget transparency is an issue in the Feds referenda/election process, as its basis is an honour system. If Feds seriously wishes to work against committees exceeding the \$500 budget, they should provide a bank account with the \$500 and mandate that all transactions operate within this account only (as it is done with Feds Clubs). Alternatively--

14b. Remove the \$500 limitation on budget.

The \$500 limitation on budget is neither adhered to nor enforced effectively, so I recommend removing it. The demerit point system should not apply to the budget. I recommend continuing the \$500 reimbursement for submitted receipts and encouraging a full budget to be submitted, but one cannot expect this to be the complete budget if the limit remains at \$500. Alternatively--

14c. Stipulate that the ERO must have access to an ongoing budget spreadsheet denoting committee expenses throughout the campaign period.

This suggestion is not mutually exclusive to 14a or b. I recommend that the ERO has access to ongoing budgets as they are created during the referendum. This suggestion works best with 14b as honesty and transparency will be better ensured without threat of punishment for exceeding \$500, but can be used in the 14a system as well.

15. Take a stance on covertly-obtained evidence

Covertly-recorded video was submitted repeatedly during this referendum. I do not wish to endorse this, but having this sort of evidence allowed for evidence to be submitted to support allegations. Covertly recording footage, without consent, of individuals is very difficult to police,

but Feds has the opportunity to refuse to consider evidence of this nature to reduce its prevalence.

16. Repeal item requiring committees and candidates to bear responsibility for all online postings by third parties

This item is nearly impossible to adhere to, as the Internet is vast and enforcing it would require an infringement upon freedom of speech. This item should be repealed as it is neither possible nor desirable.

17. Mount the voting system entirely online

I recommend that physical ballots are not used in elections or referenda as they have consistently had a negligible effect on the outcome, and require the hiring of polling clerks, manning of polling booths, and a waste of manpower and resources that could be more effectively reallocated.

18. Enforce that only Federation of Students members may campaign on behalf of a referendum committee

19. Define ‘endorsement’ in the policy to differentiate it from ‘campaign’

Endorsements are by no means prohibited by the Elections policy. Due to the combination of items stating that only students may join referendum committees and only referendum committee members may campaign, endorsements can easily be misinterpreted as acts of campaigning by non-committee members. The definition of campaign likely needs to be reworked to accommodate a separate definition for ‘endorsement’, as the current one (2.2.1) includes any activity designed or likely to influence the outcome of an elector’s vote— this would encompass an endorsement.

20. Compile a record of existing precedents made by past EROs

Having a record of precedents made available to the ERO would assist in consistency between referenda and elections. Additionally, this record would help with institutional memory.

Polling Clerks & Booths

Polling clerks and booths were handled by the Research and Policy Officer/Stakeholder Relations. Six polling clerks were hired for a duration of three polling days, from 10am-4:30pm each day. One polling booth operated from the Student Life Centre in the Great Hall. A negligible number of physical ballots were obtained through this method.

Budgets

Please find the breakdown of submitted receipts from the KEEP and REMOVE committees in Appendix C. The total submitted budget of the REMOVE committee was \$490.43, and the total submitted budget of the KEEP committee was \$425.60. Note that two receipts from Fortinos grocery store were not counted in the reimbursement budget as there is no precedent for food items being reimbursed nor recognized as campaign expenses within the Feds system.

Please direct any questions, comments, and concerns to elections@feds.ca.

Respectfully,
Reba Nauth
FEDS Elections & Referenda Officer

Appendix A

Notation clarification-- [For decision rendered, against decision rendered, Abstentions]

Allegations

1. Abramovitch v KEEP committee

An allegation of early campaigning was made by Marcus Abramovitch, Committee Chair of Remove, against the Keep Committee of campaigning outside the campaign period (4.4.5). A video was sent in showing Saam Koukpari, a former member of the WPIRG Board of Directors allegedly campaigning in favour of an opt-out system for funding in the Student Life Centre at a station set up for WPIRG refunds. ERC has ruled that there is no violation of Elections Procedure because the video is taken out of context, and it is virtually impossible to determine the subject's message beyond the odd word. ERC is willing to revisit this should more evidence come to light regarding this specific incident. No demerit points assigned, [2-1, 1].

2. Abramovitch v KEEP committee

An allegation was made by Marcus Abramovitch against the KEEP committee of early campaigning (4.4.5). The alleged incident was a video post in which the Board of WPIRG discuss their 'stage names'. ERC has voted against assigning demerit points because the video was not related to the topic of the referendum and is not designed to nor likely to influence an electors' vote. No demerit points assigned, [3-0, 1].

3. Abramovitch & Sucholutsky v KEEP committee

An allegation of early campaigning (4.4.5) was made against the KEEP committee by Ilia Sucholutsky and Marcus Abramovitch surrounding WPIRG's distribution of pamphlets discussing the organization's activities and use of funds. ERC has voted against assigning demerit points because the group is allowed to perform its operations as a club, which includes describing what the fund goes toward, especially during its refund period. No demerit points assigned, [3-0,1].

4. Abramovitch v KEEP committee

An allegation of early campaigning (4.4.5) was made against the KEEP committee by Marcus Abramovitch. A Facebook post by WPIRG was shared in the Waterloo Chemistry Club Facebook Group by Carolyn Earnest. The shared post publicized WPIRG's upcoming event "Dr. Chanda Prescod-Weinstein in Waterloo!". ERC voted against assigning demerit points because WPIRG is allowed to continue its operations as a club and fulfill its mandate, which includes encouraging community participation, [3-0, 1].

5. Abramovitch v KEEP committee

An allegation of early campaigning (4.4.5) was made against the KEEP committee by Marcus Abramovitch. A photo was submitted of the QNC walls with the words "What weighs

you down?" and contact information for WPIRG underneath. ERC has voted against assigning demerit points to KEEP because this fulfills the organizational mandate of WPIRG and does not relevantly further their campaign agenda or refer to the referendum question. No demerit points assigned, [3-0, 1].

6. Abramovitch v KEEP committee

An allegation of early campaigning (4.4.5) was made against the KEEP committee by Marcus Abramovitch, focusing on the Facebook comments of Brandon Love, a board member of WPIRG. The Facebook comments defend WPIRG's diversity of perspectives on political issues, notably to clarify his attendance of events held at the School of Public Interest. ERC rules that this is not an instance of early campaigning because the evidence submitted lacks necessary context to fully understand the situation. Furthermore these comments appeared to be WPIRG functioning within its mandate, independently of the referendum. No demerit points assigned, [2-0, 2].

7. Bone & Sucholutsky v KEEP Committee

An allegation of early campaigning was made against KEEP by Heather Bone and Ilia Sucholutsky regarding an email sent to multiple students advertising two upcoming WPIRG events and the referendum. ERC votes against assigning demerit points to KEEP due to the context in which the referendum was presented. The referendum was mentioned in a newsletter meant to notify the public of events involving WPIRG without creating a call-to-action toward one side of the referendum (e.g. "Vote to KEEP WPIRG's automatic fee"). ERC felt there was insufficient evidence proving the presentation of the referendum within the newsletter was likely or designed to influence an elector's vote. No demerit points assigned, [2-1,1].

8. Abramovitch v KEEP committee

An allegation was made against the KEEP committee of early campaigning (4.4.5) by Marcus Abramovitch. WPIRG's Facebook cover photo and a subsequent post advertised their upcoming event "Let Physics be the Dream it Used to Be" featuring Dr Chanda Prescod-Weinstein. ERC rules that this is not an instance of early campaigning by team KEEP and instead an example of WPIRG fulfilling their mandate. No demerit points assigned, [3-0, 1].

9. Abramovitch v KEEP committee

An allegation was made against KEEP committee of early campaigning (4.4.5) by Marcus Abramovitch. WPIRG posted an article published by *theGuardian* about rent strikes in the United Kingdom. ERC rules that this is not an instance of the KEEP committee campaigning before the campaign period as it is WPIRG fulfilling its mandate as an organization. No demerit points assigned, [3-0,1].

10. Abramovitch v KEEP committee

An allegation was made against the KEEP committee by Marcus Abramovitch in the form of a video depicting Sidra Hasan, a KEEP committee member, of approaching students and informing them about the opt-out/opt-in funding systems. ERC rules that there is not sufficient evidence in the video to suggest that Sidra Hasan is campaigning, as the sound quality is extremely poor. No demerit points assigned, [3-0,1].

11. Bone v KEEP committee

An allegation was made by Heather Bone against the KEEP committee of early campaigning (4.4.5) for posting a Twitter advertisement for the Prescod-Weinstein event. The ERC rules that this does not count as early campaigning on the part of the KEEP committee and is an instance of WPIRG fulfilling its mandate as an organization [3-0,1].

12. Pourdeilami v KEEP committee

An allegation was made by Kashayar Proudeilami of early campaigning (4.4.5) against the KEEP committee regarding five posts from the WPIRG instagram account. The posts were: 1) A photo advertising the "what weighs you down" mental health awareness campaign, 2) a post describing the mental health awareness campaign, 3) a short video depicting members of the WPIRG board winking, 4) an advertisement of their 'Comedy Night with Kristina Wong' event, and 5) a group photo from an event featuring dark matter poetry. ERC rules that this does not constitute early campaigning as these are instances of WPIRG fulfilling their mandate as an organization and the content is not likely to nor designed to influence an elector's vote. [3-0,1].

13. Armstrong & Sucholutsky v KEEP Committee

An allegation of misrepresentation was filed by Ilia Sucholutsky and Midori Armstrong against the KEEP committee for representing the REMOVE committee's character and the referendum question (4.4.5) as seeking to remove WPIRG altogether rather than to remove the opt-out system. The items presented in this allegation are the wpirg website and a Facebook post culminating in the statement "That's why we're voting to KEEP wpirg!". ERC ruled against issuing demerit points because while this is not the exact wording of the referendum question, there is no structure in place at the moment that could support WPIRG without the opt-out fee, and Feds has outlined that it is not willing to support a system to collect the WPIRG fee. WPIRG is not misrepresenting the case in that it is seeking to KEEP the group as it currently exists. No demerit points assigned, [3-1,0].

14. Armstrong & Sucholutsky v KEEP Committee

An allegation of misrepresentation was filed by Ilia Sucholutsky and Midori Armstrong against the KEEP committee for representing the REMOVE committee's position as seeking to remove WPIRG altogether rather than to remove the opt-out system. The items presented in support of this allegation are posters including the hashtag "#keepwpirg". ERC ruled against issuing demerit points for the reasons mentioned in Allegation #13 [3-1].

15. Sucholutsky v KEEP Committee

An allegation of misrepresentation (4.4.5) was filed by Ilia Sucholutsky against the KEEP committee for its supporter, FossilFreeUW, misrepresenting the committees as “YES/NO” instead of “KEEP/REMOVE” and thereby creating bias. FossilFreeUW released a statement endorsing the KEEP committee in the upcoming referendum. ERC voted to assign 3 demerit points for misrepresentation of character. The committees have specifically been named “KEEP/REMOVE” to remove bias, which was deliberated at length with the advisement of ethics professors. To be misrepresented as the ‘NO’ committee is not a negligible disadvantage, and is grounds for misrepresentation. Per 8.1.6, committees are responsible for monitoring and ensuring the compliance of procedures with all third-party postings; **three demerit points were assigned**, [1-0, 3].

16. Sucholutsky v KEEP committee

An allegation of misrepresentation was filed by Ilia Sucholutsky against the KEEP committee for its supporter, FossilFreeUW, misrepresenting the REMOVE committee as being comprised exclusively of members of the group ‘Opt-In UW’. ERC rules that the language of the article in question does not indicate that the REMOVE committee is exclusively comprised of Opt-In UW members, and thus is not an instance of misrepresentation. No demerit points assigned, [4-0].

17. Sucholutsky v KEEP committee

An allegation of misrepresentation was filed by Ilia Sucholutsky against the KEEP committee for its supporter, FossilFreeUW, misrepresenting the platform of the REMOVE committee. The subsidiary allegedly described the REMOVE committee’s platform as being framed around dislike of the current fee system. ERC rules that while the author of the FossilFreeUW piece omitted information on REMOVE’s platform points, but did not outwardly misrepresent them. No demerit points assigned, [4-0].

18. Sucholutsky v KEEP Committee

An allegation of misrepresentation was filed by Ilia Sucholutsky against the KEEP committee for its supporter, FossilFreeUW, allegedly misrepresenting the composition of the REMOVE committee as solely right-wing students who oppose social causes. ERC rules that the language in the article does not indicate that the REMOVE committee is solely right-wing and thus is not a misrepresentation, [4-0].

19. Hu v Khatib

An allegation of misrepresentation of character was filed by Norman Hu of the REMOVE committee against Jana El Khatib of the KEEP committee, regarding an alleged accusation of ‘organizing an internet raid’. ERC has ruled there is not enough evidence indicating misrepresentation of character due to lack of a full, reliable transcript of events [4-0].

20. Sucholutsky v KEEP committee

An allegation of misrepresentation was filed by Ilia Sucholutsky against the KEEP committee for the comments of a KEEP supporter on Facebook. ERC rules that the comments do not constitute misrepresentation, [4-0].

21. Sucholutsky v KEEP committee

An allegation of misrepresentation of character was filed by Ilia Sucholutsky regarding the statement published to Facebook by the KEEP committee supporter who protested at the debate. The statement identifies the REMOVE committee as the ‘defund’ side. ERC rules that KEEP is not responsible for the actions of this individual as there is no demonstrable mutual connection between the protestor and the REMOVE committee. No demerit points assigned, [4-0].

22. Sucholutsky v KEEP Committee

Ilia Sucholutsky alleges that the Facebook statement of the protestor at the debate contains a public allegation against the REMOVE committee, stating that the REMOVE Committee misrepresented “WPIRG, the fee, their financing[...]”, and called for the committee to be investigated. ERC ruled against assigning demerit points to KEEP because the individual called for both sides to be investigated and cannot be connected to either side of the referendum due to a lack of demonstrable and mutual connection. No demerit points assigned, [4-0].

23. Sucholutsky v KEEP committee

A minor violation (4.4.5) allegation was filed by Ilia Sucholutsky against the KEEP committee for removing and placing ‘REMOVE’ posters in the trash. ERC rules that it is unclear whether a KEEP committee member tore down the poster and as such does not assign demerit points [3-0, 1].

24. Abramovitch v KEEP committee

An allegation was made by Marcus Abramovitch against the KEEP committee for covering a REMOVE poster as a minor violation of procedure. ERC voted against assigning demerit points as the action is not demonstrably linked to the KEEP committee [1-3].

25. Yeung v REMOVE committee

An allegation was filed by Julie Yeung of the KEEP committee against the REMOVE committee for misrepresentation of character (4.4.5), regarding in the parody website “wprig.org”. While REMOVE is responsible for monitoring all third-party postings to ensure they are in compliance with the procedure, it is impossible for REMOVE to police the contents of the internet. ERC ruled against assigning demerit points because there is a lack of demonstrable connection between REMOVE and the website [4-0].

26. Yeung v REMOVE Committee

An allegation was filed by Julie Yeung of the KEEP committee against the REMOVE committee for misrepresentation of WPIRG's budget in REMOVE's campaign materials. Specifically, KEEP disputes the claim that 75% of WPIRG's budget is spent on non-student salaries. After analyzing WPIRG's budget, ERC rules that there is no misrepresentation [3-0, 1].

27-34. Sucholutsky v KEEP committee

Eight allegations were made by Ilia Sucholutsky against the KEEP committee for misrepresentation relating to a KEEP supporter posting eight identical messages on different Facebook group pages. The posts allegedly used the term 'KeepWPIRG' in a manner that implied WPIRG would not continue to exist without the opt-out system, . Due to precedent established in Allegation #13, ERC rules that there is no misrepresentation [3-0, 1].

35. REMOVE v KEEP

An allegation was made by the REMOVE committee for misrepresentation of character against the KEEP committee. The offending Facebook post allegedly implied that should the REMOVE committee succeed in implementing an opt-in system for WPIRG funding, harassment of certain groups on campus would occur. ERC made no ruling because the nature of evidence presented is inconclusive and it is not the function nor within the scope of ERC to rule in such cases, [0-0, 4].

36. El Kahtib v Hu

An allegation was made by Jana El Khatib against Norman Hu of misrepresentation of WPIRG's character (4.4.5). He allegedly lessened WPIRG's public reputation by indicating that the group actively 'smeared the reputations' of councillors and has 'no right to be involved in student politics' via Facebook post. **ERC rules that a minor violation, incurring 3 demerit points, has occurred** [3-0, 1].

37. Sucholutsky v KEEP committee

An allegation has been filed against the KEEP committee by Ilia Sucholutsky for misrepresentation on two Facebook posts. In the post, KEEP described that should the opt-out system be replaced with an opt-in system, WPIRG would be 'systematically removed'. ERC votes that this is not a misrepresentation in keeping with Allegation #13 [4-0].

38. El Khatib v REMOVE committee

An allegation was filed by Jana El Khatib against the REMOVE committee for misrepresentation of character or statements due to a Facebook comment by an alleged REMOVE supporter pertaining to the budget of WPIRG. ERC rules to assign no demerit points because there is no demonstrable link between the commenter and the REMOVE committee [4-0].

39. **KEEP v REMOVE**

An allegation has been filed by KEEP against the REMOVE committee for misrepresentation by an individual who made statements indicating that WPIRG profits off the ‘ignorance of students’, thereby intentionally misrepresenting WPIRG and sullyng the reputation of the KEEP committee. ERC rules that because there is a demonstrable link between the individual and the REMOVE committee, and because the statements asserted non-falsifiable information as truth, misrepresentation has occurred [2-1, 1]

40. **El Khatib v REMOVE**

An allegation has been made by Jana El Khatib against the REMOVE committee for misleading voters through content on their website concerning WPIRG’s nature and activities. ERC rules that there is no misrepresentation and that the original allegation contained a misquote. No demerit points assigned, [3-0, 1].

41. **Hu v KEEP committee**

An allegation was filed against the KEEP committee by Norman Hu for a minor violation of procedure for displacing REMOVE posters for the benefit of displaying KEEP posters in desired configuration. ERC rules that there is no minor violation due to lack of indication that KEEP instigated the act [3-0, 1].

42. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation based on REMOVE’s email allegedly conflating the REMOVE committee with the NO team of the Sever Ties Referendum. ERC rules that this is not a misrepresentation because the two referenda were presented as separate events and provided a factually correct account of the two referenda was provided; no conflation was found. No demerit points assigned, [3-0, 1].

43. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation based on REMOVE’s description of the WPIRG fee as ‘mandatory’ instead of ‘mandatory refundable’. ERC rules that this is not misrepresentation when taken in context and due to precedent in which omitting parts of the referendum question was not ruled as a misrepresentation allegation. No demerit points assigned, [3-0, 1].

44. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation based on a Facebook post in which the fee is described as \$9.50, instead of \$4.75/academic term as it appears in the referendum question. ERC rules that this is not a misrepresentation because the fee was not described as \$9.50/academic term. No demerit points assigned, [3-0,1]

45. **KEEP v REMOVE**

KEEP accuses REMOVE of a major violation of procedure (4.4.5) for allegedly employing Craig Draeger a third party individual and non-student, to campaign with the REMOVE committee. ERC rules that this is not a violation of procedures because there is insufficient evidence that Craig Draeger was employed or campaigning for the REMOVE committee. No demerit points assigned, [1-0, 3].

46. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation of the referendum question in a Facebook video in which the WPIRG fee is not described as being refundable. ERC felt insufficient evidence was provided. No demerit points assigned, [1-1,2]

47. **REMOVE v KEEP**

REMOVE accuses KEEP of a minor violation of procedures by allegedly sending unsolicited emails urging recipients to vote to keep the WPIRG fee. ERC cannot reach a decision on this allegation as the recipient in the evidence provided was ‘undisclosed list’; thus no evidence has been provided confirming nor denying that the emails are unsolicited. No demerit points assigned, [1-1,2].

48. **KEEP v REMOVE**

KEEP accuses REMOVE of harassing KEEP committee and WPIRG members online, notably calling them ‘scumbags’ and ‘cowards’. ERC rules that there is no violation of procedures because the REMOVE committee cannot be held responsible for the voice of a third party with no demonstrable connection to the committee. No demerit points assigned, [3-0,1]

49. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation of the relationship between WPIRG and its action group ‘Food Not Bombs’. **ERC rules that there is a misrepresentation** as there is no evidence submitted confirming the mistreatment of the action group. Mistreatment of the group is not public information and therefore their claim unduly negatively depicts the nature of the relationship between WPIRG and its action group. 3 demerit points assigned, [2-1,1].

50. **KEEP v REMOVE**

KEEP accuses REMOVE of a major violation for the use of a meme whose content is allegedly fuelling of anti-Black racism. ERC rules that this is not a violation due to the context provided by the medium. No demerit points assigned, [3-0,1]

51. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresentation (4.4.5) for the Facebook comments of a third-party individual aligning KEEP with communist political ideology. ERC rules that there is

no violation because the individual has no demonstrable nor mutual link to the REMOVE committee, and thus cannot be held responsible for the actions of supporters. [3-0,1]

52. KEEP v REMOVE

KEEP accuses REMOVE of a minor violation regarding harassment, for demanding an apology from a WPIRG board member regarding the organization's description of him as a 'single-issue candidate'. The single-issue is here identified as the overturning of the WPIRG's former opt-out fee collection system. ERC rules that this does not constitute a violation as evidence has been presented of the councillor's contributions to other issues on campus, and because the councillor is speaking in a manner independent from his affiliation with the REMOVE committee. No demerit points assigned, [3-0,1]

53. KEEP v REMOVE

KEEP accuses REMOVE of misrepresentation for alleging that WPIRG blocked the REMOVE committee's actions at the Feds General Meeting involving the vote for this referendum. This incident precedes the interim period for the referendum and thus is not within the purview of ERC decisions.

54. REMOVE v KEEP

REMOVE accuses KEEP of exceeding the permitted budget due to reports of seeing committee members and a WPIRG staff member campaigning, and for having Facebook advertisements. In light of insufficient evidence provided to demonstrate that said individuals were paid to campaign, that the Facebook advertisements occurred, and of testimony that the WPIRG staff member did not receive pay for supporting the KEEP committee, ERC rules that there is no demonstrated incidence of overspending. [2-0, 2]

55. REMOVE v KEEP

REMOVE accuses KEEP of overspending the budget of \$500 due to an individual allegedly hired to campaign for five hours for the Keep Committee, at a predicted cost of \$22/hour. ERC rules that there is no overspending of the budget because no evidence has been submitted verifying that the individual was paid or, in fact, campaigned. [4-0].

56. REMOVE v KEEP

REMOVE accuses KEEP of a major violation of procedure (4.4.5) for lying to the ERO about a non-community, non-committee member, and non-Waterloo student member being involved in the campaign. ERC rules that no major violation has occurred as insufficient evidence was provided, [4-0].

57. KEEP v REMOVE

KEEP accuses REMOVE of a major violation for hiring a non-community, non-committee member, and non-Waterloo student to campaign on behalf of REMOVE. ERC rules

that there is no major violation because there is insufficient evidence that the individual was paid to campaign or actively campaigned for the REMOVE committee beyond the role of an endorser, [2-0,1].

58. **KEEP v REMOVE**

KEEP accuses REMOVE of misrepresenting WPIRG, and thus the character and statements of the KEEP committee, to students who approached their booth in the Student Life Centre. ERC rules that no misrepresentation has occurred due to the compromised circumstances surrounding the submitted evidence. The evidence demonstrated that the student asking the boother questions was a non-representative sample as she was identified as a member of the KEEP committee. No demerit points assigned, [3-0,1].

Appeals

Please note that more detailed explanations can be found in the ERAC chair's report. This section has been prepared by the ERAC for posting on the Feds website.

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

After multiple reviews, no member of the Committee was able to discern what was said in the video submitted as evidence by REMOVE. Furthermore, no additional evidence was submitted by the appellant at the time of appeal, despite an invitation from the ERC to do so. Due to the video's unintelligibility and short duration, alone it fails to establish the basic context needed to verify the existence of the proactive discussion regarding the WPIRG fee that would normally constitute an act of campaigning as defined in §2.2.1 of the Procedures.

APPEAL #3 (ALLEGATION #6) [Early Campaigning by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The appeal by REMOVE rests on the argument that WPIRG Board member Brandon Love's comments would have the effect of engendering support for WPIRG, and thus would constitute an act of campaigning "designed and/or likely to influence voters" as per §2.2.1 of the Procedures. A defense of WPIRG's existence as an organization would indeed constitute such an act. However, it is not sufficiently clear that Love's comments were intended to directly or indirectly defend WPIRG's presence on-campus. With REMOVE having failed to establish this necessary context, testing the influence of Love's comments against the definition of campaigning in §2.2.1 yields the rationale utilized in Appeal #1. Thus it is the Committee's opinion that the influence of Love's words is too far removed from the referendum to be considered campaigning under §2.2.1, and so it is not reasonable to hold KEEP responsible in this instance.

APPEAL #4 (ALLEGATION #7) [Early Campaigning by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) overturns the decision of the Elections and Referenda Committee (ERC) regarding this allegation.

This allegation concerns a direct reference to the referendum in an official WPIRG communication. The ERC was unable to determine whether or not the evidence submitted by REMOVE constituted an act of communication “designed to influence an elector’s vote,” as would be required in order for it to meet the definition of campaigning under §2.2.1 of the Procedures. It is this Committee’s opinion that information regarding the referendum, coming directly from an entity that has a clear and obvious stake in the outcome, is sufficiently likely to influence voters, and thus meets the §2.2.1 definition of campaigning. Furthermore, the Committee infers that this email was not sent to the public at large, but presumably to a list of subscribers. This inference exacerbates the situation, as subscribers to a WPIRG mailing list are likely to be supporters of the organization, and so this act of communication may be viewed as a call to action. Such a call clearly constitutes pre-campaigning, and it is reasonable to hold KEEP responsible for allowing such behaviour to occur.

KEEP is assigned two (2) demerit points for campaigning outside of the campaign period. [Vote: 3-0]

APPEAL #5 (ALLEGATION #10) [Early Campaigning by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The appellant alleges that the phrase “have you heard about the referendum” appears in the video submitted as evidence by REMOVE in the original decision. No member of this Committee was able to isolate a verbal or visual reference to the referendum in the video, even following multiple reviews by each committee member. In fact, it appears that the individual in question is informing the people standing in line for the fee refund of the refund process, using the phrase “you have to show your ID.” It follows from the rationale used in Appeal #2 that the Committee cannot verify the existence of an act of campaigning as defined in §2.2.1 of the Procedures.

APPEAL #6 (ALLEGATIONS #13, 14) [Misrepresentation of REMOVE by KEEP]

Appellant: REMOVE

Chair’s Note: These allegations were considered under a single appeal due to their near-identical subject matter, evidence, and underlying principles.

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for these allegations.

The appellant claims that KEEP’s marketing of their team’s objective as being to “keep WPIRG” constitutes a misrepresentation of REMOVE’s goals, a clear offence under §4.4.5 of the Procedure. While the Committee recognizes and firmly believes in the importance of truth in messaging, it is also important that both sides have the opportunity to – within reason, and without being dishonest – attempt to frame the issue at hand and the goal of the referendum in

their own way. That is what it means to campaign. The appellant alleges that KEEP's chosen frame is dishonest due to the low likelihood of WPIRG's disappearance in the event of a REMOVE victory. The Committee believes that it is not unreasonable for KEEP to make such a prediction, as such an outcome is not by any means unforeseeable, and so KEEP's chosen framing fails to meet the test for misrepresentation under §4.4.5.

APPEAL #7 (ALLEGATIONS #16, 17) [Misrepresentation of REMOVE by a KEEP Supporter]
Appellant: REMOVE

Chair's Note: These allegations were considered under a single appeal due to significant overlap in subject matter, and the fact that ERC's ruling on each allegation is concerned with the same sentence in the submitted evidence.

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for these allegations.

Both of these allegations are concerned with how FossilFree UW's endorsement of KEEP frames REMOVE. Particular concern revolves around the sentence: "The [REMOVE] Committee, built from members of the Opt-In UW group is framing their argument in terms of opposition to the mechanics of the optional fees system uses." The Committee accepts ERC's rationale that this sentence does not imply that REMOVE members only come from Opt-In UW, but that Opt-In UW was a building block in the foundation of REMOVE. Furthermore, the sentence lacks the exclusive language to suggest that REMOVE's platform is only built around issues with the existing fee structure. Moreover, a certain amount of narrative-building is to be expected in any third-party endorsement. It is not apparent that FossilFree's representation of REMOVE in this instance falls outside the scope of reasonable campaigning discussed in Appeal #6, thus in the Committee's opinion, this allegation fails to meet the test for misrepresentation under §4.4.5.

APPEAL #8 (ALLEGATION #18) [Misrepresentation of REMOVE by a KEEP Supporter]
Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

This allegation concerns the possible misrepresentation of REMOVE in a paragraph of FossilFree UW's endorsement of KEEP, as being a movement characteristic of right-wing efforts to "attack the left on campuses over the past few years."

After careful and thorough deliberation and a detailed examination of the text in question, the Committee finds that, while the text does make associations and implications through a series of sentences in close proximity to one another, it does not seek to expressly state that members of REMOVE embody the right-wing values in question. Furthermore, the text of the appeal must be considered. §4.3.2 of the Procedure states that "the appellant must include in their appeal, their reasoning for disagreement with the decision of the ERC ...". The Committee interprets this to mean that the onus is on the appellant to make a case as to why the ERC's decision was flawed. However, the appeal received by the Committee regarding this allegation seeks to make no such case. It is not reasonable for this Committee's members to be relied on to assert their personal

views in the absence of a presented argument, especially when dealing with subject matter as open to interpretation a!

s “misrepresentation of character.” Therefore the Committee sees fit to dismiss this appeal.

APPEAL #9 (ALLEGATION #19) [Misrepresentation of REMOVE by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The evidence submitted by REMOVE fails to establish a direct, intentional link between El Khatib’s comment and Hu’s inference. This is largely due to the appellant’s failure to provide appropriate context for the comments. The Committee finds that the evidence is insufficient to establish an instance of misrepresentation under §4.4.5 of the Procedure.

APPEAL #10 (ALLEGATION #20) [Misrepresentation of REMOVE by a KEEP Supporter]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The resolution to this allegation relies on understanding whether or not Safati’s comments could be reasonably construed as an instance of misrepresentation of REMOVE under §4.4.5 of the Procedure, and – if so – whether it is reasonable to hold KEEP responsible for his behaviour. It is the Committee’s opinion that the comment displayed in the submitted evidence does not constitute an act of misrepresentation. While there is no denying that Safati’s comment is highly opinionated, aggressive, and openly disdainful of REMOVE, he makes no insinuation at all regarding REMOVE’s character. The appellant cites the line “go back to whatever holes you crowd out of” as an attempt to represent REMOVE as being subhuman or vermin, but this line is merely a common colloquialism – albeit a disrespectful one.

Furthermore, Safati is not a member of KEEP. While it is true that §8.1.6 of the Procedure assigns the referendum committees responsibility for ensuring that third-party activity is Procedure-compliant, it is crucial that this rule be applied only within a reasonable, realistic scope. In the Committee’s opinion, the purpose of §8.1.6 is to regulate the behaviour of prominent campus entities and public figures. It would not be reasonable to hold KEEP responsible for the words or actions of every individual with a “KEEP-positive” opinion on the referendum. It therefore follows that KEEP cannot be held responsible for Safati’s comments.

APPEAL #11 (ALLEGATION #21) [Misrepresentation of REMOVE and a Minor Violation by a KEEP Supporter]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

This allegation concerns the disruptive behaviour of a self-identified KEEP supporter at the referendum debate, and a social media post by that same supporter immediately following the debate. The appellant claims that Dineen’s behaviour constitutes a minor violation of the

Procedure under §4.4.5, and that her reference to REMOVE as “the defund side” misrepresents the character of REMOVE as per the same section.

The Committee makes note of Dineen’s claims that her actions were done to make known her belief in the illegitimacy of the entire referendum. As an individual, she has every right to peacefully protest, and to subsequently be held personally responsible for her actions. However, there is no direct link between her and the members of KEEP. Thus it follows from the reasoning in Appeal #10 that it is not reasonable to hold KEEP responsible for Dineen’s actions.

Furthermore, it is quickly ascertained from the reasoning in Appeal #6 that her statements do not meet the test for misrepresentation under §4.4.5.

APPEAL #12 (ALLEGATION #22) [Making Public Allegations Against REMOVE by a KEEP Supporter]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The primary focus of this appeal is on the fact that it is an offence to “make public allegations that other . . . committees have violated the rules,” under §4.4.5 of the Procedure, in light of comments by a self-identified KEEP supporter that both committees should be investigated for misrepresentation of character.

There are two basic ways to interpret this procedure. The first is to read it as meaning that neither side is permitted to publicly accuse the other of having broken the rules. While this is not an unreasonable interpretation, it has already been established in Appeal #11 that it would be unfair to hold KEEP responsible for Dineen’s actions and comments.

The other way to read this offence is to infer that neither side is permitted to publicly disclose the existence of allegations that have not yet been made public. The Committee believes this interpretation of the text more accurately reflects its intent. As the submitted evidence does not remotely suggest that Dineen, a non-member of KEEP, was aware of any ongoing allegations that she then made known to the public, this appeal is easily dismissed.

APPEAL #13 (ALLEGATION #23) [Minor Violation by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

In the Committee’s opinion, the submitted evidence for this allegation does not provide sufficient context to establish the fact that it was a member of KEEP who tore down REMOVE’s poster.

There are multiple entities on campus who may have done so. Furthermore, even if this was done by a KEEP Supporter – and such an action would certainly violate the spirit of the procedure – it is clear from the reasoning in Appeal #10 that individual supporters of a campaign committee have a certain autonomy for which that committee, in the absence of a direct link, cannot reasonably be held responsible.

APPEAL #14 (ALLEGATION #24) [Minor Violation by KEEP]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) upholds the decision of the Elections and Referenda Committee (ERC) to assign no penalty for this allegation.

The Committee notes that the REMOVE poster in the submitted evidence is not being directly covered by a KEEP poster, but by an unknown third-party poster which is, in turn, covered by the KEEP poster. Furthermore, it is important to note that putting posters on top of one another at this particular location is far from unusual. There is no evidence to suggest that this incident was anything but isolated. The Committee therefore concludes that there is insufficient evidence of a concerted effort by KEEP to campaign unfairly. Thus this allegation fails to meet the standard for a minor violation of the Procedure under §4.4.5.

APPEAL #15 (ALLEGATION #36) [Minor Violation by REMOVE]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) overturns the decision of the Elections and Referenda Committee (ERC) regarding this allegation.

After examining the provided evidence, it is the Committee's opinion that Hu's comments are expressions of personal opinion. Even when his comments adopt a plural tone, it is clear that he is speaking from the perspective of a student councillor, on behalf of other councillors and former council candidates. It follows that it is beyond the scope of §8.1.6 of the Procedure to hold REMOVE responsible for Hu's behaviour.

The demerit points assigned by the ERC for this allegation are revoked. No new demerits are assigned at this time.

APPEAL #16 (ALLEGATION #39) [Misrepresentation of KEEP by a REMOVE Supporter]

Appellant: REMOVE

The Elections and Referenda Appeals Committee (ERAC) overturns the decision of the Elections and Referenda Committee (ERC) regarding this allegation.

This allegations concerns the social media endorsement of REMOVE by a prominent supporter who has in the past been linked with the Opt-In UW movement. While the Committee acknowledges Patel's prominent links with Opt-In UW, the fact he is neither a member of REMOVE nor a current student presents difficulties – following from Appeal #10 – with holding REMOVE accountable under §8.1.6 for Patel's comments. These difficulties are exacerbated by the fact that Patel's statements do not directly or indirectly indicate that he is speaking on behalf of REMOVE. More importantly, in the Committee's opinion, Patel's comments do not deal directly with the character of KEEP or statements by KEEP, nor do they make any insinuation regarding the character of WPIRG as an organization. Patel's claim – that he and others were disrespected by WPIRG in the past – is a subjective, personal opinion. It would not be reasonable for a personal opinion expressed in a supporter's endorsement to be considered misrepresentation under §4.4.5 of the Procedure. The demerit points assigned by the ERC for this allegation are revoked. No new demerits are assigned at this time.

Appendix B: Registered Committee Members

Registered Committee Members

KEEP

1. Shalaka Jadav
2. Swetha Kulandaiv
3. Jana El Khatib
4. Sidra Hasan
5. Julianna Yeung

REMOVE

1. Marcus Abramovi
2. Khashayar Pourde
3. Abram Braithwait
4. Sally Dong
5. Heather Bone
6. Ilia Sucholutsky
7. Midori Armstrong
8. Kashayar Pourdeil
9. Anthony M. Lalli
10. Steve Tang
11. Edward Tilin
12. Caleb Voskamp
13. Justin Pualin
14. Alexa F
15. Harsh Mistry
16. Norman Hu
17. Jeremy Spira
18. Denton Liu
19. Mounir El-Chouei

Appendix C: Budgets

KEEP:

Receipt#	Item	Total	
1	"web stuff" Shoppers Drug Mart	29.46	
2	Fortinos	40.92	not counted
3	"web stuff" Shoppers Drug Mart	29.46	
4	Fortinos	34.5	not counted
5	FedEx, KEEP Posters	124.86	
6	FedEx, KEEP Posters	241.82	
			425.6

REMOVE:

Receipt #	Item	Total	
1	Tape, Chalk, stationary from Staples	14.17	
2	Display Board, Staples	16	
3	Staples purchase	265.55	
4	Facebook ads	30	
5	Vistaprint	124.28	
6	Walmart	40.43	490.43

Federation of Students Referendum – WPIRG Fee

Supplementary Report on Appeals

Fall 2016

Prepared By:
Sacha Forstner
Chair, Elections & Referenda Appeals Committee

Acknowledgements:

I would like to thank the members of the Elections and Referendum Appeals Committee for their time, diligence and dedication throughout the referendum.

Summary of Appeals

The ERAC heard sixteen appeals representing a total of twenty-five allegations. Of these twenty-five, twelve were allegations of early campaigning by KEEP, eight were alleged instances of misrepresentation of REMOVE by KEEP, one was an alleged instance of misrepresentation of KEEP by REMOVE, three were alleged minor violations of the Procedure, and one related to an alleged publication of undecided allegations. In three instances, the committee chose to hear the appeals as blocs due to fundamental similarities in substance.

In thirteen out of sixteen cases, the Committee chose to uphold the initial decision of the ERC. In three instances, the ERC's rulings were overturned:

1. An allegation of early campaigning by KEEP was overturned, resulting in two demerit points assigned to KEEP.
2. An allegation of a minor violation by REMOVE was overturned, resulting in the revoking of demerit points from REMOVE.
3. An allegation of misrepresentation by REMOVE was overturned, resulting in the revoking of demerit points from REMOVE.

REMOVE was the appellant in all cases.

For a full list of all appeals submitted, and the exact text of all ERAC rulings, please refer to the Elections Officer's report on the referendum.

Bases and Precedents for Appeals Rulings

	Description	ERC Decision	ERAC Decision	Basis
1	8 allegations of early campaigning by KEEP	No penalty	Uphold	Outside reasonable scope of §2.2.1
2	Early campaigning by KEEP	No penalty	Uphold	Insufficient standard of evidence
3	Early campaigning by KEEP	No penalty	Uphold	Insufficient evidence, as per Appeal #1.
4	Early campaigning by KEEP	No penalty	Overtake	Mass communication within the scope of §2.2.1
5	Early campaigning by KEEP	No penalty	Uphold	In sufficient evidence, as per Appeal #2.
6	2 allegations of misrepresentation by KEEP	No penalty	Uphold	Reasonable framing of debate is outside scope of Procedure.

7	2 allegations of misrepresentation by KEEP	No penalty	Uphold	Reasonable framing of debate as per Appeal #6.
8	Misrepresentation by KEEP	No penalty	Uphold	Insufficient evidence and lack of substance from appellant.
9	Misrepresentation by KEEP	No penalty	Uphold	Insufficient evidence to establish context.
10	Misrepresentation by a KEEP supporter	No penalty	Uphold	Reasonable criticism is outside scope of procedure. No direct link between the offending individual and KEEP – outside reasonable scope.
11	Misrepresentation and Minor Violation by a KEEP supporter	No penalty	Uphold	No direct link as per Appeal #10. Reasonable criticism as per Appeal #6.
12	Making public allegations by KEEP	No penalty	Uphold	No direct link as per Appeal #11. Insufficient grounds for appeal.
13	Minor violation by KEEP	No penalty	Uphold	Insufficient evidence, and no direct link as per Appeal #10.
14	Minor violation by KEEP	No penalty	Uphold	Insufficient evidence to establish context or pattern.
15	Minor violation by REMOVE	Penalty – Demerits Assigned	Overtake	Out of the scope of §8.1.6.
16	Misrepresentation by a REMOVE supporter	Penalty – Demerits Assigned	Overtake	Non-student is out of reasonable scope of §8.1.6. Endorsements reasonable under scope of Procedure.

Committee Recommendations/Conclusions

The ERAC had several overarching concerns during the referendum.

The first concern was regarding the quantity and quality of the appeals submitted. Appeals should be submitted only when the appellant has clear and detailed reasoning to refute the decision of the ERC, or when additional evidence is available that the ERC was unable to consider. However, the Committee received many appeals for allegations that had been thoroughly and duly considered by the ERC, with rationales that made no attempt to undermine the basis of the ERC's rulings. Furthermore, the quantity of allegations suggests that one or more parties may not have been acting in good faith during the referendum – and good faith

operations are essential to the democratic process. Council may want to consider amending Procedure 10 to include a penalty for allegations made frivolously or in bad faith.

The second concern was in relation to the scope of Procedure 10, and the role of ERAC in determining cases regarding misrepresentation of character. While campaigning honestly and in good faith is important, the Committee members were very sensitive to the free speech rights of the participants in the referendum, and worked hard to identify reasonable interpretations of procedure that would not risk potentially infringing upon those rights. Furthermore, the current wording of the procedure effectively requires ERAC to serve as arbiters of truth and lies, which made the Committee uncomfortable. Council may want to consider narrowing the scope of the provisions in §4.4.5 of Procedure 10 regarding misrepresentation.

The final concern was in relation to the scope of §8.1.6 of Procedure 10 as it pertains to the monitoring of third parties by referendum committees. ERAC determined it was outside the reasonable scope of the procedure to hold the committees responsible for the behaviour of non-students, or students without a clear and demonstrable link to a referendum committee. However, future appeals committees could interpret §8.1.6 differently. Council may want to consider narrowing the scope of Procedure 10 to specify that “third parties” means public entities and individuals on campus, as well as those individuals who can be clearly linked to a referendum committee.

It is the opinion of the Committee that the interpretation and application of Council Procedure 10 during this referendum was carried out reasonably and in good faith.

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Please direct any questions, comments, or concerns, regarding this report to sforstner@uwaterloo.ca.

Respectfully submitted,

Sacha Forstner, Chair
Elections & Referenda Appeals Committee
Federation of Students

Speakers Report on Councillor Attendance

Pursuant to Council Procedure and requests from Councillors for a summary of absences, the following Councillors are subject to a removal vote for unexcused absences:

- Councillor Fortinsky, Science
- Councillor Teasdale, Science
- Councillor Mistry, Math

The following Councillors have one unexcused absence, that was not properly discounted by the Speaker for being absent:

- Councillor Gerrits, Environment
- Councillor Crasto, Arts
- Councillor Cheung, Math
- Councillor Qaoud, Stratford

The following Councillors have four total absences, but the Speaker has ruled to discount them as they were outside of the travel zone and did not yet have access to a remote method with which to participate:

- Councillor Crasto, Arts
- Councillor Sucholutsky, Math

All other Councillors have either recorded excused absences or no absences.

Respectfully submitted,

Alexander Wray, Speaker

PROVIDED FOR INFORMATION

FEDERATION OF STUDENTS
POLICY

Number: 24
Effective: June 8, 2014
Replaces: November 25, 2007

Online Refundable Ancillary Fee Opt Out System

WHEREAS the current system for processing refunds for non-society, non-endowment, refundable ancillary fees does not encompass a comprehensive online opt-out system; and

WHEREAS the lack of a comprehensive online opt-out system creates an unnecessary burden on University of Waterloo undergraduate students; and

WHEREAS in addition to easing the burden on students, a comprehensive online opt-out system would necessarily make non-society, non-endowment groups more responsive to students;

BIRT The Federation of Students supports the employment of a comprehensive online opt-out system for non-society, non-endowment, refundable ancillary fees levied by the University of Waterloo; and

BIFRT in achieving the aforementioned comprehensiveness, the Federation of Students supports an online system that has as a compulsory component, a display of information about the work of the affected organization before a University of Waterloo undergraduate student can opt out of said organization's fee.