

# DIE Board Hearing Application

Please note that this information will all be public. While the UASU's practice is to redact email addresses and phone numbers from publicly posted DIE Board hearing applications, the information provided may be kept, used, and disclosed in keeping with the operations of the DIE Board, UASU Bylaws, and Alberta's Personal Information Protection Act.

If necessary, the Students' Union DIE Board Registrar may contact you to confirm that you are a student.

NOTE: Under the DIE Board Protocols, the DIE Board reserves the right to reject applications that it judges to be frivolous or vexatious.

**Name** Aamir Mohamed

**E-mail** [REDACTED]

**Phone Number** [REDACTED]

**This application is for a:** Appeal of a Chief Returning Officer Ruling

## Reason for Application

Describe the specific violation of a bylaw or rule, your specific interpretation question, or the specific errors made by the DIE Board or the CRO. If you want the Board to issue some kind of order, explain what you think the Board should do. You may also attach additional written submissions or supporting documents at the end of this form.

### Reason

Reasons for the complaint

Chang and the ESS disseminated information via social media and the EnggLink mailing list regarding Mohamed's resignation that created a social climate that prevented Mohamed from being able to fully participate in the Students' Union Council and GFC elections. The hostility volunteers faced when they went out to campaign for Mohamed reflects the climate that was created by Chang and the ESS knowingly disseminating this information less than 12 hours before voting opened, and damaged Mohamed's reputation to the Engineering student body. Furthermore, the EnggLink email contained a secret message in the bottom of the letterhead that says "ahhh, freedom", which Engineering students would have seen and may perceive as an official sentiment the ESS has towards Mohamed, which is that the organization is better off without him and further damages his reputation with the Engineering student body.

We believe that Chang and the ESS were negligent in their responsibility to ensure all members of the investigation were protected, specifically in regards to Mohamed, and acted carelessly in disseminating the information regarding Mohamed's resignation and endangered his well-being by publicly announcing his resignation and revealed he was under investigation for allegations of misconduct. Furthermore, we have reason to believe that a student in the ESS tipped off the Gateway about Mohamed's resignation, as an article was published on March 17th. This appears particularly targeted and malicious as the ESS and many other Faculty Associations have seen executives resign or be impeached over the last year, yet the Gateway has never written on any of those matters. While the ESS meeting minutes are public, in a balance of probabilities and due to the immediacy with which the article was published, it is reasonable to assume that someone from the ESS tipped them off about the story. By publicizing the information about

Mohamed's resignation, by leaking it to the Gateway as well as on Instagram and via the EnggLink mailing list, the ESS created a situation wherein Mohamed's reputation and identity was put out publicly in association with allegations of misconduct and has endangered his safety and well-being. There has been no attempt by Chang and the ESS to manage this situation carefully, when they could have waited until the investigation was complete to publicly disclose what the findings were, or they could have announced Mohamed's resignation without disclosing the allegations of misconduct. At every step of the way the ESS has neglected their duty to treat Mohamed as a student with equal rights to the rest of the Engineering student body and created an environment in which hundreds of students are aware of his identity and the allegations against him, yet he is not aware of who they are. We believe that the sensitive nature of the investigation and the vague language used by the ESS and those involved has only led to more rumors and speculation among the student body, and has left Mohamed in an unsafe situation with minimal protection as a result of Chang and the ESS' negligence and perceived ill-will towards Mohamed.

The ESS' activities has opened up the University to risk as they are now liable for defamation and malicious reputation damage of a student, opening up the University to reputational damage. The ESS has put Mohamed and his reputation at unacceptable risk.

The ESS tolerated and allowed Chang and co-conspirators to engage in violation of the Student Conduct Policy, specifically Sections 1(c) and 2(c) under Schedule A - Interpersonal Misconduct (see above). Chang and the ESS utilized their positions within the ESS to publicly humiliate Mohamed and cast doubt on him prior to the Council and GFC election and endangered his safety and wellbeing by releasing the information regarding his resignation and investigation before DoS has completed their investigation into the matter.

The ESS created an unacceptable risk to Mohamed's person by publicly disseminating defamatory information that was purposefully vague and misleading regarding the nature of his resignation and the current investigation being done by DoS. Furthermore, the digital materials disseminated by the ESS via Instagram and the EnggLink mailing list were defamatory as they purposefully stated Mohamed was being alleged of physical misconduct, when this information was not necessary to be included in the official statement, nor is the investigation complete, and the allegations are therefore not proven to be true. The inclusion of such information had no bearing on the information that was to be shared regarding Mohamed's resignation. The dissemination of the statement was also discriminatory in that the ESS has seen multiple resignations in the last two years yet has not released an official statement on any of these matters, aside from Mohamed's resignation.

We believe Chang and the ESS did not operate in good faith and utilized their social media and mailing list to publicize Mohamed's resignation and cast doubt on him as a candidate in order to influence the Council and GFC in Chang's favour, as he was running against Mohamed.

#### Reason for Appealing CRO's decision

The elections office alleges that Michael abstaining in the March 18 meeting shows due distancing from the decision made by the ESS as an organization. The CRO failed to consider other statements which show Michael's contribution during that meeting.

The elections office also alleges that they cannot control the operations of the ESS as an organization but fail to recognize the influence the actions of the organization had on the election. The influence occurred and can be substantiated with witness statements. At the same time, the influence gave unfair advantage to Michael Chang specifically given their involvement throughout.

Through an appropriate investigation the elections office should have been able to see that the ESS acted completely out of nature and it was in attempt to influence the election.

#### How were election rules broken, in your opinion?

Chang utilized his position and influence in the ESS to ensure they release a public statement regarding Mohamed's resignation prior to the start of voting on March 19th at 9am. Chang and Mohamed are running for the same position of Engineering Representative for Students' Council and GFC. The Post (see attached) was posted on the evening of March 18th at around 9pm on the ESS Instagram account

@essualberta. As of 6:20pm on March 19th the post has received 333 likes and 516 shares. The post was also shared to the ESS Instagram story, the view count is currently unknown but due to the engagement with the post as well as the ESS's Instagram follower count, the view count can be assumed to be in the hundreds at least.

We also believe that the ESS acted maliciously and with ill intent towards Mohamed in order to affect his elections campaign, as is evidenced in the secret message left in the bottom of the ESS email letterhead that says "ahhh, freedom". The ESS intentionally committed election interference in order to advantage Chang and disadvantage Mohamed, and utilized their connections to the Engineering student body in order to spearhead a smear campaign against Mohamed and his reputation, despite the investigation being open and pending. The ESS openly discussed the impact of releasing and disseminating the information regarding Mohamed's resignation and investigation, yet proceeded with releasing the email and Instagram post less than 12 hours before voting, which is highly suspicious, and at the very least careless and negligent.

None of this behaviour qualifies as good faith, and Chang and the ESS knowingly engaged in these activities, as on multiple occasions they expressed an understanding of the impact the information would have on the election in their March 13th BoD meeting, yet proceeded with the activities anyway.

## Remedies

### Section 17 (1):

Where a Candidate, Volunteer, or side has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a Candidate or side, the C.R.O. shall assign a penalty that

- (a) fully counter-balances any advantage gained; and
- (b) where the contravention was intentional, penalizes the Candidate, Campaign manager, or side manager who was or whose Volunteer was guilty of the contravention.

### Section 17(4):

A Candidate or side shall be disqualified where they are guilty of a contravention that

- (a) cannot be counterbalanced by a lesser penalty;
- (b) is malicious or substantially prejudicial to another Candidate or side; or
- (c) involves tampering with ballots, voting procedures, or counting procedures.

In terms of the remedy sought for this situation, we believe that Chang and the ESS must be held accountable for providing Chang with a substantial advantage in the Council & GFC Election. Chang and the ESS's conduct qualifies as malicious and prejudicial against Mohamed and we believe that disqualification is the best course of action in order to counterbalance the hundreds if not thousands of views, clicks, and impressions their Instagram posts and email received that inherently seek to tarnish Mohamed's reputation.

If the Elections Office does not seek to penalize Chang with disqualification, we seek to counterbalance the advantage the ESS's communications has given to Chang's campaign and the damage it has done to Mohamed's campaign through punitive fines that reflect the penalties laid out on Page 16 of the Nomination Package regarding Campaign Period Infractions.

Violation: Inappropriate campaigning by a third party (without distancing): see Bylaw 320 section 11(6-7)  
Counterbalancing Fine: \$10 + \$0.10 for each individual reached

Punitive Fine: \$50

These fines would apply to the Instagram post, Instagram story post, and the EnggLink email.

## Proposed Respondent(s)

List the individual(s) alleged to have infringed a rule or who are otherwise adversely involved in interest to

your application. If you are appealing a CRO Ruling, list the CRO and any candidates involved.

### **Proposed Respondent**

Michael Chang and Engineering Students' Society (ESS).

## **Anticipated Witnesses**

List other individuals involved in the case who can contribute to the Hearing, if any.

### **Anticipated Witness**

Mariam Sharaf, Manyu Rathour.

### **Signature**

A handwritten signature in black ink, appearing to read "Mariam Sharaf".

## **Attach File**

Although not required, you may attach additional written submissions or supporting documents for the Board to consider, including any relevant facts, a copy of any Students' Union legislation or rules relevant to your arguments, and your position on the matters in issue. These submissions will help the Board understand the nature of your complaint or request for interpretation. The Board may rule against you if you do not provide sufficient reasons for your application.

**Please submit as a single document.**

*If you're unsure of how to combine multiple separate documents, you can save all documents as a PDF and use [PDF Merge](#).*

**Direct any questions to:**

DIE Board Registrar

[governance@su.ualberta.ca](mailto:governance@su.ualberta.ca)

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