

Appeal Decision — CSU 2022 Decision #2 Re: Slating and Logo Violation - Lohit Goyal

On March 29, 2022, I issued “Decision CSU 2022 #2 Re: Slating and Logo Violation”, in which I disqualified Lohit Goyal, candidate for Vice-President External, but declined to disqualify Karandeep Singh, candidate for President, from the election (the “Original Decision”). On the same day, Lohit filed an appeal of the Original Decision.

Lohit appeals the Original Decision on two grounds:

- I see that the CSU election administrator decision response to complaint #3 mentions {a logo violation that did not lead to a disqualification}. It states it is believed the infraction did not have an impact on the results on elections. However, about the same complaint in decision response #2 I have been disqualified as stated below.
- I would also like to highlight the that many candidates have been given a warning/ chance to correct their doings and obey the rules even after directly violating the election rules.

The CSU Election Procedures (BD-06.1), Section on Appeals govern appeals of decisions of the Elections Administrator. This section provides that appeals of decisions of the Elections Administrator are to be made to the Elections Administrator. In essence, the section provides for a mechanism for the Elections Administrator to reconsider their own decisions.

The section also provides that an appeal must include “the decision being appealed”, “a description of the suspected errors made by the elections administrator”, a “statement of the remedy being sought”, a “the remedy being sought by the appellant”, and “supporting documentation that the appellant wishes to be considered”. In this case, the appellant has not provided any supplementary documentation. My consideration of the appeal will therefore be based on the documentation that has already been provided to me.

The CSU Election Procedures section on Appeals states:

Upon receipt of an application for appeal, the elections administrator must consider the merits of the appeal, with the onus being on an appellant to prove that the elections administrator erred in the original decision. In considering an appeal, the elections administrator may request written responses from the complainant, respondent, or interested parties in the original complaint.

With respect to the first ground of appeal, Lohit states that in the decision on complaint #3, a complaint regarding the unauthorized use of logos, the decision refrained from disqualifying the candidate, while in this case, it was the evidence submitted in complaint #3 that was used to disqualify him in complaint #2. However, the disqualification decision in complaint #2 was based on slating, which is a much more serious offence than a logo violation that was considered in complaint #3.

With respect to the second ground of appeal, Lohit claims that other candidates received warnings for their misdemeanours. Indeed, this is the case, however, there are some violations that warnings are provided for and others that are not. The inappropriate use of a logo is a lesser election violation and thus often is merited with a warning during the campaign, whereas slating is deemed a serious offence, as I informed the candidates during the candidate orientation session.

Considering the whole of the appeal, I find that the appellant has not discharged their onus of proving that the Elections Administrator erred in determining that Lohit engaged in violations of the election regulations, and that such violations were of sufficient magnitude to warrant disqualifying Lohit from the election. Accordingly, I decline to reverse or alter the Original Decision.



Ron Laufer
Elections Administrator

Appeal from Lohit Goyal

I would like to formally appeal to the disqualification dated March 29, 2022 by CSU election administrator on complaint #2.

I see that the CSU election administrator decision response to complaint #3 mentions

“The post in question is seemingly the creation of a non-candidate. Nevertheless, this kind of campaigning is not permitted under the CSU rules. However, candidates that committed logo infractions were provided warnings throughout the campaign and after the campaign is complete, there is little I as Election Administrator can do with regard to sanctions, other than disqualifying candidates. Given the fact that I’ve only been made aware of this violation after the election has been completed, I will not issue any sanction at all as I don’t believe this infraction had an impact on the results of the election. Given this, the complaint is dismissed.”

It states it is believed the infraction did not have an impact on the results on elections. However, about the same complaint in decision response #2 I have been disqualified as stated below.

CSU election administrator decision response #2 mentions

“However, a separate complaint was received (Complaint #3), not about slating, but about the unauthorized use of the Capilano University logo. It included a screenshot of an Instagram post that was shared by Lohit (see Appendix 1). This post was created by an individual supporting both Lohit and Jashan. This post, in and of itself is a clear example of slating. While Lohit did not create the post that campaigns for both Jashan Brar and Lohit, Lohit did choose to amplify it by reposting it. I repeated on numerous occasions during the candidate orientation meeting that slating is taken very seriously and is a serious offence. While looking at the evidence of concerns regarding possible slating together with this clear example of slating in Appendix 1, I have no choice but to disqualify candidate Lohit Goyal. I do not have sufficient evidence to do the same for Karandeep Singh.

Regarding the allegation that Karandeep Singh used the CSU logo in an unauthorized manner on his campaign material.

CSU Procedure BD-06.1 states:

The following forms of campaigning are prohibited: ... (e) using the logo of the Capilano Students’ Union, Capilano University, or a national or provincial student organization, or of any of their services, divisions, departments, or student groups, so as to suggest an organization’s endorsement of the candidate’s campaign;

It is plain and obvious that Karandeep used the CSU logo on his Instagram profile and he admits to the fact. This is a violation of the above-mentioned campaign procedures. Indeed, I did issue warnings to a few other candidates that made the same kind of violation and required them to remove them immediately, but I was not made aware of each of the candidates’ violations. Given the fact that I’ve only

been made aware of this violation after the election has been completed, I will not issue any sanction at all as I don't believe this infraction had an impact on the results of the election."

I am unsure why CSU election administrator decision #2 disqualifies me while CSU election administrator decision #3 states I may not have had any impact on the results of the election. The complaint in both the decisions is same but the final decision varies.

I would also like to highlight the that many candidates have been given a warning/ chance to correct their doings and obey the rules even after directly violating the election rules.

It is clear from the Appendix 1 in the decision report by CSU Election administrator, the post is posted by a non-candidate and just reposted by me about 3.5hours (17 March, 2022 at 1:33 pm) before the election result.

On the other hand, other candidates used Capilano University logo on their social media post or accounts even after knowing it is against the election rules. Yes, they were notified about it on 16 March 2022 by CSU Election Administartor to remove it immediately. But the Capilano University logo was on other candidates' social media for close to 24 hours, as most candidates had it up on the 15 March, 2022 and removed it only by late 16 March, 2022. All these candidates were given a chance to correct it.

Since I was not among the ones violating it, I never received any warning email. I believe it was only sent to candidates who were used the logo at first.

How is it fair that I be disqualified for a less violating act than other candidates who violated the election rules directly for close to 24 hours and instead of being disqualified given a warning/chance to correct their doing, but I who just reposted a post created by a non-candidate without violating anything on my own social media account, no warning email sent be disqualified.

I would like to ask a question, what would have impacted the election result more?

The use of Capilano University logo on candidate's social media for close to 24 hours or repost of a post by non-candidate for just 3.5hours.

Note: I would like to state that no warning email about removal or use of Capilano University logo was sent to me at any time or date by CSU or CSU election administrator.

I would request the concerned to please look into the decision because I feel the decision of my disqualification is unjust and unfair when compared to all other candidates. All candidates taking part in the CSU election should be treated equal.