

April 4, 2022

Appeal Decision — Decision CSU 2022 #5 Re: Voting Solicitation Violation

On March 29, 2022, I issued “Decision CSU 2022 #5 Re: Harassment, Duress & Poster Violation”, in which I disqualified Jashan, candidate for Capilano Business & Professional Society Vice-President, from the election (the “Original Decision”). On March 31, 2022, Jashan filed an appeal of the Original Decision.

Jashan appeals the Original Decision on one ground:

- The election administrator's decision reply had voting receipts attached. Based on those receipts, the complaint stated I was in cafeteria at 10:27:48 on March 15. This can be proven wrong by the staff member on the CSU's member services desk at that time because I was at the CSU desk at that time expressing my concern regarding my name not appearing on the email.

If the election administrator investigates thoroughly (checking cameras or asking people mentioned in this email) it can be confirmed that I was at the Member's desk at time. This is a solid proof that the decision has been made in the wrong person's favour.

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.

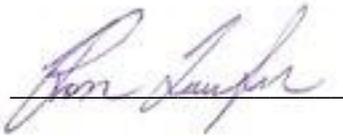
The CSU Election Procedures section on Appeals states:

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 grounds for appeal, Jashan states that he was at the CSU members desk in another building at the time the event in question occurred and provides email addresses for two individuals

that he says were with him at the time. Indeed, I'm aware that Jashan was concerned about which members could vote for you on the first morning of the election as we exchanged emails starting at 9:30 am when you first visited the CSU members desk to share your concern. I do not believe you stayed at the CSU member desk the entire time you had this concern. In fact, as per your request in your appeal, the matter was verified with campus security that you were indeed in the cafeteria at the time of the event in question. The claim that the allegations are untrue given the time of the alleged event and where you were at the time remain inconsistent with the evidence before me.

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 Jashan engaged in violations of the election regulations, and that such violations were of sufficient magnitude to warrant disqualifying Jashan from the election. Accordingly, I decline to reverse or alter the Original Decision.

A handwritten signature in blue ink, appearing to read "Ron Laufer", is written over a horizontal line.

Ron Laufer
Elections Administrator

Appeal from Jashan

Thu, Mar 31,
1:34 PM

Jashan Preet Singh Brar

Hello Ron,

I hope you are doing well

I would like to submit my appeal regarding the decision taken by election administrator of disqualifying me from this election.

The election administrator's decision reply had voting receipts attached. Based on those receipts, the complaint stated I was in cafeteria at 10:27:48 on March 15. This can be proven wrong by the staff member on the CSU's member services desk at that time because I was at the CSU desk at that time expressing my concern regarding my name not appearing on the email. I was so much worried about my name not appearing in the email that I stopped campaigning for myself at that moment and stood at the CSU desk to submit my query. The tension in my mind can be explained by your colleague @John, who contacted me at that moment. My presence at CSU desk can also be confirmed from the below mentioned campaigners who were along with me at the CSU member's desk. The names of campaigners along with their respective emails are:

1. Arushi Chopra- *****@my.capilanou.ca
2. Shagun Verma- *****@my.capilanou.ca

The wrong timings being stated on my presence in the wrong building clearly shows that it is a cooked-up story meant to disqualify me from this election.

The response from the election administrator stated that

“Get Furthermore, I reached out to campus security to see if they could verify the general events described at this time and they were able to verify that someone fitting Jashan’s description was approaching various groups of students in the cafeteria at that time and handling other people’s phones.” If the election administrator investigates thoroughly (checking cameras or asking people mentioned in this email) it can be confirmed that I was at the Member’s desk at time. This is a solid proof that the decision has been made in the wrong person's favour.

Ron, I'm very disappointed by your decision of disqualifying me from this election. I took this election very seriously. I read all rules and regulations beforehand and abided them heartily. I worked hard for this election. The unofficial results announced that Jashan Brar got 180 votes while his opponent got only 82 votes. The person selected by the majority is disqualified. How

would upcoming candidates feel when they read this "a candidate who got 180 votes is disqualified and the candidate with only 82 votes is declared as the winner?" This will not only discourage the upcoming candidates from participating in elections at Capilano university but also questions the spirit of elections i.e. the person who is selected by the majority is not declared as the winner. I welcomed your previous decision with due respect and will respect your upcoming response no matter what it is.

Hoping for the positive response.

Thanks

Jashan Brar