

March 26, 2020

Decision Re: Candidate Poster Violation – Hartaj Wadhwa

On March 20, 2020, a day after the preliminary election results were announced, I received a complaint regarding the posters of Hartaj Wadhwa. The complaint alleges that Wadhwa distributed posters that included the logo from Capilano University. As the complainant was aware, the CRO approved Wadhwa's poster, as required by the CSU procedures. The approval was provided on March 9th with the materials being posted by Wadhwa shortly after, allowing for an extended period of time for complaints on the matter.

Article 3, Subsection 6(k) states:

Candidates may use the terms "Capilano Students' Union" and "CSU" in their campaign materials, but they may not use any Capilano Students' Union logos, slogans or variations thereof or the logos, slogans, or variations thereof of any Capilano Students' Union coalition partner or other outside group.

The complainant, Alea Rzeplinski, states that it is "arguable" Capilano University is a CSU coalition partner and is "unequivocally" an outside group. However, in the context of the rules and this section, I interpret the meaning of the CSUs coalition partners and other outside groups to be other student organizations connected to (or not connected to) the CSU. Indeed, otherwise, the drafter would have simply stated that candidates cannot use the CSU or any other logos.

Rzeplinski, claims that including the logo on the poster implies the university endorsed Wadhwa. Rzeplinski also suggested that there were very real consequences to Wadhwa using the logo, but failed to provide an example of any such consequence. I find it hard to believe that any student would conclude that the university endorsed Wadhwa given the included logo on the posters. Furthermore, even if the complainant was correct that there was an infraction of the rules in this instance, the infraction would have been immaterial to the result.

The complaint is dismissed.

I note that the candidates have 48 hours from the time they receive this decision to submit an appeal in the manner set forth in Section XVI, Article 10 of the CSU procedures.



Ron Laufer
Chief Returning Officer

Appendix 1 – Hartaj Wadhwa response to complaint (March 25).

Hi Ron,

This is a reply to the false charges leveled at me on the pretext of misleading and misrepresenting university logo in several ways. I find it hard to believe how Alea Rzeplinski can make such derogatory and defamatory allegations against me without knowing the truth.

The allegation against me is of using the university logo and brand that suggests an endorsement and as per her statement, this turns into an offense as it violates Section XXI, Article 3, paragraph 6.(k) of the CSU Procedures Manual. I defend myself by stating that there's a complete ambiguity on her part of not knowing that the usage of university logo and brand was approved by the CRO and I was allowed to formally proceed with it. Thus, I strongly refute her accusation of misusing the university logo and brand as I have done nothing against any clause of the university laws. I had followed the formal procedure of getting the required pre-approval. To prove the validity of my point, I have attached an **E-Mail sent by the CRO** that stands as an evidence. This leads to the fact that her claim has been falsified.

Her second complaint suggests about misleading the members of the society (students) between the elections of the two electoral bodies of the university i.e. Capilano University and Capilano Students' Union. While mentioning this, she uses the word "imply" that itself reflects her own misconceptions rather being "explicit" in her opinion. The hypothetical statement is enough of her being oblivious. It is obvious the number of students who cast their vote, had certainly not exercised their right based on implications.

Further, information imparted by her differentiating between Capilano University and Capilano Students' Union elections is known to students. Elections were not held for one post of CSU. Students elected many representatives belonging to different portfolios. She should know that students were aware of the electoral body they were voting for. I must confirm that CSU conducted formal elections. So the organization is well aware of its norms. The written approval of the university logo by the CRO denies all her allegations against me.

The other issue raised by Alea Rzeplinski is about posting the information of my association with the university on my personal Facebook account. Here I completely repudiate of breaking any section of the law **as I use** to work for the university in the Peer Helper Program as a Social Ambassador (Agreement letter can't be made public but can be presented if requested).

Alea knew about my poster well in advance. If she wanted, she could have launched a complaint against me during the campaigning period itself and not after the

announcement of results. It raises an eyebrow behind her motive of launching the complaint after the elections are over. She must be aware that student community doesn't vote with assumptions and confusions. Participation of hundreds of students cannot be based on illusions.

The use of Capilano University's logo, name and brand have not been misused in any of the contexts because I have not done anything wrong against any clause or section of the university laws. I deny all charges against me. I assure you that that nothing unlawful has been done that can either harm the CSU brand image or the collegial relationship between both the organizations. Her allegation of the probability of the legal action by Capilano University against CSU stands baseless.



Appendix 2 – Hartaj Wadhwa response to request for proof that Rzeplinski saw Wadhwa's poster prior to election day (March 26).

Hi Ron,

I stated in my response to Alea's allegation against me that she knew about my poster well in advance. In this tech savvy world where everything moves through social media platforms and where all the communication is done through networking, where any minute information spreads like wildfire, where youth finds itself hooked to gather all the information in which ever domain it may be, where governments find themselves connected with masses for any directives or advisories, where worldly matters become hot topics across the globe, where universities educate their students through online procedures. There can be innumerable examples which specifically focus on the deep rooted connection between the electronic media and the masses. Staying in Canada has taught me that there cannot be anyone among the youth who remains oblivious of the events on Facebook.

Second point I would like to highlight that CSU campaigning started on 9th March 2020 for me and the unofficial results were out on 19th March 2020 on Instagram. Why had this complaint been made on the twelfth day i.e. 20th March 2020, that too one day after the unofficial results (19th March 2020) were declared? Alea was also one of the candidates and there is no means to believe that she never saw my poster. It is obvious the contestants who are in the forefront during elections can simply not be ignorant of the events happening in public domain or on social media. The world of fancies and fantasies cannot help build leaders. Why did the realization happen to be only after the declaration of unofficial results? And I know that in Canada, whether old or young, everyone builds and connects through social media. It is beyond imagination to think

that a candidate contesting for CSU elections remains unaware during the process and awakens only after the end results were visible. There cannot be any apprehension that a well-equipped person remains uninformed during the duration from 9th March to 19th March 2020. The institutions and organizations cannot be run by persons who remain unacquainted with events happening around them.

I strongly do not believe in allegations and counter allegations but if circumstances compel, I will definitely come forth to defend myself. I am fully aware that CSU is a democratic organization and is for the students, of the students and by the students. I value its existence and am bound with its esteem and prestige.