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EGC DECISION

March 13, 2022

After conducting a diligent and thorough review, the Elections Governance Committee (EGC) has concluded that Kenisha Arora has violated Section 3.1 of the EGC Violations Policy. This violation occurred when Arora included a photo of herself wearing a purple Western University sweater on her campaign graphics. Consequently, the EGC has sanctioned Kenisha Arora with a warning. The full report is attached.

For further inquiries, please contact Jomana Elsays at cro@westernusc.ca and Brandon Yip at dro@westernusc.ca.

Candidate(s) under review: Kenisha Arora
Deliberations: March 11, 2022

Present: CRO, DRO, 

1. Allegation(s)
 - a. Kenisha Arora created, as part of her campaign materials, a set of graphics advertising her candidacy for a Board of Governors position. At the top of each graphic, she included a photo of herself wearing a purple Western University logo (Exhibit 3) , a practice which was forbidden by the CRO during the All-Candidates Meeting.
2. Violation Under By-Law #2/EGC Violations Policy
 - a. **Section 3.1 (EGC Violations Policy)**

Candidates in all elections shall refrain from the use of the USC or University logo and any other USC or University copyrighted material or image when producing materials printed, written, or otherwise produced for the purposes of campaigning.
3. Investigative Action Taken by the EGC
 - a. Several committee members examined the evidence in question to determine the validity of the allegation. The committee determined that Arora's actions warranted a violation.
 - b. Arora was requested to attend a hearing on March 11, 2022 to present her side of the case. She attended the hearing.
 - c. Arora had two main arguments for why she believed she had not violated Section 3.1 of the EGC Violations Policy.
 - i. She argued that, during the All-Candidates Meeting, where the CRO and DRO mentioned that candidates were not to use USC or University copyrighted logos, there was no mention of candidates not being allowed to use logos that were already printed on Western merchandise. In essence, Arora argued that she believed the policy forbade candidates to manufacture their own novel campaign materials using the USC or University logo, but she believed that this did not extend to using material already produced by the University or USC (i.e. a Western sweater)
 - ii. She argued that she had already sought clarification from the CRO after the All-Candidates Meeting regarding the use of her graphics because she wanted to ensure she would not be accused of a violation (Exhibit 5). Arora's graphics at the time had a minor amount of purple with the same photo of Arora wearing the Western sweater. In the email chain, Arora had asked the CRO if her graphics were appropriate. The CRO responded that Arora's graphics had too much purple and that she should change the "picture and font colours". Arora argued that she had

interpreted the CRO's advice as condoning the photo but forbidding the purple formatting on the graphic. Arora stated that she genuinely believed the photo was permitted at the time.

- d. The Committee disagrees with Arora's arguments for the following reasons:
 - i. Section 3.1 states that candidates may not use USC or University logos/materials in their campaign materials, and this was reinforced by the CRO and DRO at the All-Candidates Meeting. This means that candidates must not have the USC or University logo appear *at all* in their campaign materials. A candidate's photo becomes wholly part of their campaign material if the candidate chooses to insert that photo into the material. If the USC or University logo appears in a candidate's photo that they used in their campaign materials, this would reasonably be considered to be inclusion of the logo in the graphic. Whether or not it was stated that candidates may or may not use logos on merchandise already produced by the University is irrelevant because as long as the photo appears in the campaign material, the logo would appear too.
 - ii. In the email chain, Arora had herself asked the CRO if the Western logo was appropriate. Arora's Western sweater was a significant source of the purple in her graphics, so when the CRO advised that she remove the purple and change the picture, the Committee believes that Arora should have understood that the photo should be removed. This, coupled with the fact that the Western logo was stated not to be permitted during the All-Candidates Meeting, leads the Committee to believe that Arora should have reasonably understood that her photo should be changed.

4. The EGC's Findings

- a. The EGC determined that Arora's use of the Western University sweater in her photo would create the perception of endorsement by the University, violating Section 3.1 of the EGC Violations Policy.

5. Decision

- a. In committee quorum, the EGC agreed, by majority vote, that Kenisha Arora is in violation of Section 3.1 of EGC Violations Policy, which is a non-disqualifiable offence.
- b. The EGC has given Arora an official warning.

Exhibit 1: A sample of Kenisha Arora’s campaign graphics. The Western name is prominently displayed.



Exhibit 2: A sample of Arora's campaign graphics.

VOTE KENISHA ARORA
for Board of Governors



WHAT IS A BOARD OF GOVERNOR?

		
Governance	Strategy & Vision	Finance & Property
BoGs are responsible for Western's overall governance and oversight of corporate policy.	BoGs set the strategic direction of Western and ensure decisions being made are aligned with Western's core mission.	BoGs establish and enforce regulations for use of University buildings and oversees Western's capital budgets and expenditures.

Exhibit 3: Arora's profile photo used in her graphics.

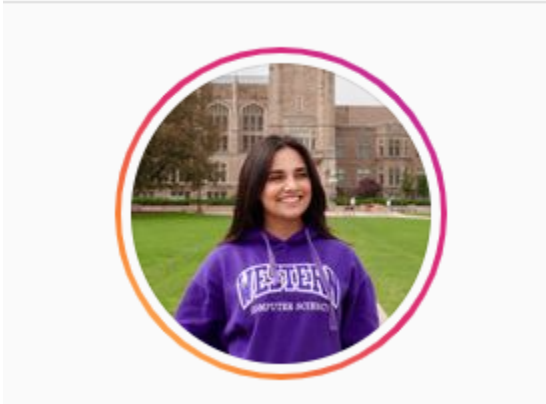


Exhibit 4: A sample of Arora's campaign material.

VOTE KENISHA ARORA
for Board of Governors



PLATFORM OVERVIEW



Experiential Learning

Ensuring renovations and building projects provide students with experiential learning



Investing Clean

Exploring divestment to reach Western's sustainability goals.
Investing in sustainable, profitable.



Research Opportunities

Continuing my work with the University Research Board and Senate to ensure the expansion of Western's

Exhibit 5: Kenisha Arora's original graphics and the email conversation with the CRO (provided by Arora)



Kenisha Arora
to dro.intern, CRO

Thu, Mar 3, 9:01 AM (8 days ago) ☆ ↶ ⋮

Good morning Jomana,

Sounds good! Thank you for clarifying.

So just to double check, is it alright if there is a Western logo on my sweatshirt in this post? Am I allowed to use the color scheme I have chosen? Is this just a restricted color scheme for Presidential candidates?

I apologize for all the questions, I just don't want to violate any policies!!

Thank you!
Kenisha

⋮



CRO Intern
to me, dro.intern

Thu, Mar 3, 9:22 AM (8 days ago) ☆ ↶ ⋮

Hi Kenisha,

Unfortunately the colour purple is too prevalent in your artwork so I suggest changing the picture & font colours.

⋮

Approved for release:

Jomana Elsays
Chief Returning Officer, USC
Elections Governance Committee

Brandon Yip
Deputy Returning Officer, USC
Elections Governance Committee