



Daivik Shelat
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Western University

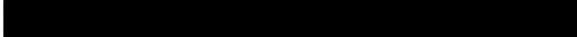
EGC DECISION

February 6, 2023

After conducting a diligent and thorough review, the Elections Governance Committee (EGC) has concluded that Austin Wang has violated Section 3.3.1 of the EGC Violations Policy. This violation occurred when Austin copied an image of UC Hill from Google Images and used it in the background of his campaign material. Consequently, the EGC has sanctioned Austin Wang with an order to change behaviour. Austin Wang has been instructed to take down the image in question and to ensure that future violation of this policy does not occur. The full report is attached.

For further inquiries, please contact Daivik Shelat at dro@westernusc.ca.

Candidate(s) under review: Austin Wang
Deliberations: February 4, 2023

Present: CRO, DRO, 

1. Allegation(s)
 - a. Austin Wang is alleged to have violated EGC Violations Policy Section 3.3.1 when he posted the below campaign graphic (Exhibit A) on his social media.
2. Violation Under By-Law #2/EGC Violations Policy
 - a. **EGC Violations Policy 3.3.1**

“Campaign material cannot contain copyrighted material or images without the prior consent of the copyright holder;”
3. Investigative Action Taken by the EGC
 - a. Committee members examined the evidence in question to determine the validity of the allegation. The committee sent a request to Wang via email asking as to how he obtained the image of UC Hill in question. Exhibit B shows the email correspondence. Finding validity in the allegation, Wang was requested to attend a hearing on February 4, 2023, at 7:00 pm.
 - b. Wang attended the hearing and presented his case.
 - c. The Committee asked the candidate about the accounts where this image was posted, whether the graphic was created and posted by himself [Wang] or a campaign team member, and also inquired further about how the image was obtained. Wang stated that this image was posted on the first day of the campaign period to both his personal and campaign social media accounts. He stated that the graphic was posted by himself and that he acquired the image of UC Hill from Google Images.
 - d. Wang stated that he saw this image on Canva. However, it was locked behind a paywall. Not wanting to pay for a Canva subscription but still wanting to improve the quality of his graphic, he found the same image on Google Images and used that instead.
 - e. The EGC then inquired if Wang knew that this image was subject to copyright, to which he stated that it was an oversight on his part as he did not consciously take into account that the image was copyrighted and would need permission to use it.
 - f. During the candidate statement, Wang stated that he was in a hurry to get this post out at 7 or 8 am on the first day of campaigning as such, he had this oversight. He admitted that he should've requested the appropriate permission(s).
4. The EGC's Findings

- a. The EGC determined that Wang’s use of the image of UC Hill did constitute a violation of EGC Violations Policy Section 3.3.1, as the copyright of this image is owned by Western Student Experience.

5. Decision

- a. In committee quorum, the EGC agreed that Austin Wang was in violation of Section 3.3.1 of the EGC Violations Policy, which is a non-disqualifiable offence.
- b. As this image was still up at the time of the hearing, the EGC is issuing an order to change behaviour.
- c. Austin Wang is ordered to take down the image and to ensure compliance with Section 3.3.1. in the future.

Approved for release:

Daivik Shelat
Deputy Returning Officer, USC
Elections Governance Committee

Mason Brown
Chief Returning Officer, USC
Elections Governance Committee

Exhibit A:



Exhibit B - Email Correspondence (see next page)

**Candidate email redacted for privacy reasons**

Daivik Shelat Deputy Returning Officer <dro@westernusc.ca>

(Action Required) Image Confirmation

2 messages

Daivik Shelat Deputy Returning Officer <dro@westernusc.ca>

Fri, Feb 3, 2023 at 1:55 PM

To: [REDACTED] Mason Brown <cro@westernusc.ca>

Hi Austin,

We have received a complaint involving an [image](#) you used. Could you confirm where you obtained the image of University College used in the background and if any license or permission was obtained?

Please provide these details by **February 4, 2023, at noon**.

Sincerely,

Daivik Shelat | Deputy Returning Officer and Manager of Investigations | Elections Governance Committee | University Students' CouncilUniversity Community Centre, Room 309 | London, ON N6A3K7 uscelections.ca | westernusc.ca | @western_usc*To enhance the educational experience and quality of life for all undergraduates at Western University.*

The USC would like to acknowledge that Western University and our offices are situated in London, Ontario, on the traditional lands of the Attawandaron (Neutral), Anishinabek, Haudenosaunee, and Leni Lenapewak people. This territory also covers lands connected to the London Township Treaty and Sombra Treaty 1796, and the Dish with One Spoon Wampum.

Austin Wang <[REDACTED]>

Fri, Feb 3, 2023 at 3:07 PM

To: Daivik Shelat Deputy Returning Officer <dro@westernusc.ca>

Good afternoon,

Here is the detailed explanation:

I was looking for a background image of Western to use in my Canva post, and saw that Canva already owned a picture of University College locked behind Canva Pro. Being unable to access it, I did a Google Search and used the attached image. I was not aware that explicit licensing or permission needed to be given to use such a photo. I intended for it to be faded into the background. I understand if these actions may constitute a violation and as such would like to apologize. My intention was merely to improve the graphics of my post, and as such I felt that I needed a relevant picture.

Cheers,
Austin Wang

Get [Outlook for Android](#)**From:** Daivik Shelat Deputy Returning Officer <dro@westernusc.ca>**Sent:** Friday, February 3, 2023, 1:55 p.m.

To: Austin Wang <[REDACTED]>; Mason Brown <cro@westernusc.ca>

Subject: (Action Required) Image Confirmation

[Quoted text hidden]



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