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EGC DECISION

February 10, 2023

After conducting a diligent and thorough review, the Elections Governance Committee (EGC) has concluded that Sunday Ajak has violated section 2.4.1 of the EGC Violations Policy. This violation occurred when a member of Ajak's campaign volunteer team posted a message endorsing his candidacy with the voting link and endorsement in the Spur Fashion Show (SFS) executive group chat. Consequently, the EGC has sanctioned Sunday Ajak with an order to change behaviour by instructing his campaign volunteer to delete the message in question. The full report is attached.

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

Candidate(s) under review: Sunday Ajak
Deliberations:

Present: CRO, DRO, [REDACTED]

1. Allegation(s)

- a. It was alleged that a member of Sunday Ajak's ("the Candidate") campaign volunteer team posted messages in the SFS executive group chat endorsing the Candidate and linking to the balloting site.
- b. The complaint alleged that this campaign volunteer is a member of the SFS Executive team and obtained access to the SFS executive group chat by virtue of that role.
- c. Pursuant to EGC Violations Policy Section 2.2.1, candidates are responsible for the actions and violations stemming from the actions of campaign volunteers unless they can satisfy the EGC that they did not direct the action and could not have reasonably foreseen it to occur.

2. Violation Under By-Law #2/EGC Violations Policy

- a. EGC Violations Policy Section 2.4.1
- b. **2.4.1** "Candidates and campaign volunteers are not entitled to use in their campaign any service, tangible benefits, or resources conferred on them by virtue of holding any position in any organization. This includes but is not limited to: mailing lists, office space, office supplies, equipment, advertising space, social media platforms and secretarial services."

3. Investigative Action Taken by the EGC

- a. The Committee reviewed the available evidence to determine the validity of the allegation. The EGC requested and reviewed a list of campaign volunteers provided by the Candidate in order to determine whether or not the individual who had posted the message was associated with the Candidate's campaign. Based on this review, the EGC found that the individual was a member of the Candidate's campaign volunteer team.
- b. The Candidate was invited to attend a hearing on February 10, 2023, at 11:00 AM. The Candidate attended the hearing.
- c. The Committee asked the Candidate if they were aware of the message that was sent to the SFS executive group chat and if this was an act he had directed this action. The Candidate responded in the negative to both questions. The Candidate stated that he had instructed his campaign volunteers to spread the word about the campaign and elections among their friends.
- d. The Committee asked what steps the candidate had taken to ensure such an issue would not arise. The Candidate stated that he had explained Bylaw #2 and relevant policies to his campaign team to the best of his ability. However, there was some confusion about the policy interpretation amongst the Candidate and his campaign volunteer team.

- i. For example, the campaign volunteer team believed that a message from a personal account was allowed; however, using a “professional or organizational platform” was not.

4. The EGC’s Findings

- a. In reaching its decision, the EGC reviewed the evidence and considered the submission made by the Candidate in detail.
- b. With respect to the Candidate’s first statement that he was not aware of the post and did not instruct such a post. The Committee accepts this and believes this to be true.
- c. Finally, regarding the steps taken, the EGC found that while the Candidate may not have instructed campaign volunteers to post the material in exclusive group chats, the Candidate failed to take reasonable steps to prevent such a situation from occurring. The Candidate stated that there was confusion around the interpretation of section 2.4.1. however, the EGC was not informed of any steps taken to remedy this confusion.

5. Decision

- a. In committee quorum, the EGC determined that Sunday Ajak is in violation of Section 2.4.1. of the EGC Violations Policy.
- b. As such, the EGC is issuing an order to change behaviour, requiring that the Candidate instruct his campaign volunteer to delete the message in question.

Approved for release:

Daivik Shelat
Deputy Returning Officer, USC
Elections Governance Committee

Mason Brown
Chief Returning Officer, USC
Elections Governance Committee

Evidence (any personal or identifiable information has been redacted) :

