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## **EGC DECISION**

February 6, 2023

After conducting a diligent and thorough review, the Elections Governance Committee (EGC) has concluded that Sunday Ajak has violated Section 3.1. of the EGC Violations Policy. This violation occurred when a member of Sunday's campaign team posted an image on Sunday's campaign page of him modelling for the Purple Store. This shirt contained a design of the Western logo belonging to the USC Purple Store. Consequently, the EGC has sanctioned Sunday Ajak with a warning. The full report is attached.

For further inquiries, please contact Mason Brown at [cro@westernusc.ca](mailto:cro@westernusc.ca) or Daivik Shelat at [dro@westernusc.ca](mailto:dro@westernusc.ca).

**Candidate(s) under review: Sunday Ajak**  
**Deliberations: February 4, 2023**

**Present:** CRO, DRO, [REDACTED]

1. Allegation(s)
  - a. Sunday Ajak was alleged to have violated Section 3.1. Of EGC Violations Policy when an image of him modelling for the Purple Store was published on his campaign social media. The violation is alleged as the shirt he is seen wearing in the graphic contained a design of the Western logo that belongs to the USC storefront and is, therefore subject to copyright.
2. Violation Under By-Law #2/EGC Violations Policy
  - a. **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. Committee members examined the evidence presented (Exhibit A) to determine the validity of the allegation.
  - b. Ajak was invited to attend a hearing on February 4, 2023, at 5:00 pm to present his side of the case. Ajak accepted the invitation and attended the hearing.
  - c. Investigators questioned Ajak based on the available evidence. Ajak mentioned that he was unaware of the post and that a member of his campaign volunteer team had posted it late at night. Ajak mentioned that he did not direct the action of taking or posting that image. As such, the EGC explained Section 2.2. of the EGC Violations policy and provided Ajak an opportunity to respond.
  - d. Ajak stated that he had briefed the team about the rules and that confusion may have arisen about who owned the image (Ajak or the Purple Store). Ajak also mentioned that members of his campaign volunteer team believed that the restrictions outlined in Bylaw #2 and EGC Violations Policy only applied to materials they [campaign volunteers] created and not to materials also publicly visible [such as the poster in Exhibit A].
  - e. Ajak also stated that the campaign team member who posted the image (Exhibit A) was not present at the briefing, as they were added to the campaign team after the briefing session occurred.
  - f. Based on the candidate statement, the EGC had two things to consider - did the candidate (or a campaign volunteer) violate Section 3.1. of the EGC Violations Policy, and was Ajak responsible for the actions of the campaign volunteer?
4. The EGC's Findings
  - a. The EGC found that Exhibit A did constitute a violation of Section 3.1. of the EGC Violations Policy; this is because the design used on the shirt one depicts a design which belongs to the USC/Purple Store.

- b. The EGC also found that Ajak was responsible for this action as it was reasonable to foresee such action occurring when a member of the campaign team did not receive adequate training regarding election policies.

5. Decision

- a. In committee quorum, the EGC agreed that Sunday Ajak was in violation of Section 3.1. of the EGC Violations Policy, which is a non-disqualifiable offence.
- b. As such, the EGC has issued Ajak a warning.

Approved for release:

Daivik Shelat  
Deputy Returning Officer, USC  
Elections Governance Committee

Mason Brown  
Chief Returning Officer, USC  
Elections Governance Committee

Exhibit A:

