



Judicial Board | Conseil judiciaire

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STUDENTS' SOCIETY OF MCGILL UNIVERSITY

JUDICIAL BOARD

2020-06-15

BETWEEN

**Marine Khediguian and
Andrea Landers Sciortino**

Appellants
and

Office of the Chief Returning Officer of the Education Undergraduate Society (EdUS)
Respondent

TYPE

Final Judgment

JURISDICTION OF PROCEEDINGS

Education Undergraduate Society

CORAM

Chief Justice Patrick O'Donnell and Justices Charles Choi (presiding), David How, Catherine Laperrière and Teddy Neuman

REASONS FOR JUDGMENT

THE SSMU JUDICIAL BOARD, UNANIMOUS—



Executive Summary¹

1. The Petitioners, both candidates for the joint positions of Vice-Presidents (Academic) of the Education Undergraduate Society (EdUS) in that society's Winter 2020 election, have asked the Judicial Board to review the Respondent's (i.e. the Chief Returning Officer of the society) decision to disqualify their candidacy and award the positions to the runners-up. The Petitioners received the most votes during the election but were disqualified retroactively due to what the Respondent argues were violations of the society's bylaws regarding elections and referenda. Specifically, the Petitioners stood accused of having exceeded the maximum limit of fifty dollars for spending on electoral campaigns.
2. The Judicial Board previously issued an interim order suspending the results of the election pending its review of the matter. After a review of both parties' submissions and the facts of the case, a preliminary decision was released unsuspending the results of the election and awarding the positions of Vice-Presidents (Academic) of the EdUS to the petitioners. Full reasons for each decision can be found within their respective documents, but note that interim orders and preliminary decisions address entirely different questions than final decisions and are therefore not to be taken as predictive of the Judicial Board's final ruling on any given case.
3. In this case, we find that the Respondent is only partly responsible for the situation at hand and that the EdUS as a whole requires significant updates to its electoral processes. While the Judicial Board does not feel it would be appropriate to dictate the specifics of these reforms, a review thereof is strongly encouraged before the next electoral cycle. Additionally, the Board has highlighted specific areas of concern and provided concrete recommendations for possible reforms based on submissions by all parties and the practices of other societies and electoral bodies.
4. The Board finds that the Petitioners were wrongfully disqualified from their campaigns for Vice-Presidents (Academic) of the EdUS. The stated maximum allowance for any candidate in an EdUS election to spend on their campaign is fifty dollars, and while the Petitioners did

¹ The Executive Summary serves to increase the accessibility of Judicial Board decisions to the Members of the SSMU. However, the Executive Summary is not part of the final judgement and is thus not binding following the ratification of the final judgement by the Board of Directors. The Executive Summary does not replace the final judgement. Therefore, Members of the SSMU are highly encouraged to read the final judgement in addition to the Executive Summary.



purchase materials over this limit intending to further campaign, they did not ultimately put said materials to use for this purpose. The amount actually spent on a candidate's campaign—as opposed to the amount a candidate allegedly intended to spend—is what determines whether or not a candidate violates the spending limits found in Article 6.1 of the society's bylaws on elections and referenda.

5. Because they were informed of their misunderstanding before the excess materials were actually deployed for campaign purposes, the Petitioners, therefore, did not benefit from an unfair advantage over their opponents in any concrete sense. Additionally, and importantly, their initial intended overspending was the result of miscommunication by the CRO as opposed to any sort of dishonest intention on the part of the petitioners. As such, nothing in the present decision should be interpreted as preventing the society's CRO from penalizing or even disqualifying a candidate who knowingly intended to violate campaign bylaws but was caught before being able to do so. It is clear, however, that candidates in an election must be afforded the benefit of the doubt where they have made inquiries of electoral officials and abided by these officials' responses, as the Petitioners in this case did.
6. For these reasons, the Judicial Board sides with the Petitioners in declaring null and void the Respondent's decision to disqualify the results of the election. We note, however, that the Respondent is not found to have acted maliciously toward the Petitioners, and that the disagreement over how to interpret the spending limits (i.e. as 'funds spent on materials intended to be used for campaign purposes' instead of as 'funds spent on materials actually used for campaign purposes') is a reasonable and novel question. While we ultimately depart from the Respondent in our approach, we do not suggest that the Respondent's interpretation is unreasonable.

Remedy Sought

1. The Petitioners initially requested interim relief in the form of an order suspending the results of the EdUS election in question pending resolution of this case. That order was granted.²
2. They additionally requested the following :
 - 2.1. that the Judicial Board declare invalid and nullify the decision of the EdUS CRO to disqualify the petitioners from their election for Vice-Presidents (Academic);

² Any person wishing to review this order can request a copy by email.



- 2.2. that the Judicial Board award the positions of Vice-Presidents (Academic) of the EdUS to the Petitioners;
- 2.3. that the Judicial Board mandates a statement of apology be circulated by the EdUS, via listserv.

Facts

1. The Petitioners ran for the position of Vice-Presidents³ Academic of the Education Undergraduate Society (EdUS) in the Winter 2020 elections.
2. There was ongoing communication between the Petitioners and the Chief Returning Officer (CRO) of the EdUS, Lucie Aubin (hereinafter “the Respondent”), throughout the election. During this time, there appears to have been a misunderstanding between the Petitioners and the Respondent as to whether the stated limit of fifty dollars per candidate for campaign-related expenses is a limit on how much money a candidate may spend on their campaign (regardless where that money comes from), or merely on how much money a candidate will be reimbursed for by the EdUS. The Petitioners claim that the Respondent explicitly told them at the start of the campaign that they could exceed the fifty-dollar allowance, provided they pay for any expenses above that amount themselves.
3. Partway through the campaign period, the Petitioners were informed by a friend that the fifty-dollar allowance was, in fact, a cap on the amount they were allowed to spend and not just on the amount they could expect to be reimbursed for. The Petitioners reached out to the Respondent to discuss the situation and were told that they could remedy the misunderstanding by cancelling a campaign event (the second of what they had been referring to as “Coffee Mornings”) that had been planned for the next day, which they promptly did. According to the official expense report, which has been verified by the Respondent, a total of \$49.86 had been spent on campaign-related expenses up until this point, excluding the cost of things (food, predominantly) that were purchased for use at the Petitioners’ now-cancelled second “Coffee Morning” event but never actually distributed or otherwise used in a way that would have benefited their campaign. The Respondent allowed

³ *Education Undergraduate Society of McGill University Constitution*, art 10 [*EdUS Constitution*], online (pdf): <https://c3fa7f77-44e4-4b96-abc8-b2a6435f0f69.filesusr.com/ugd/5b18a8_07ea770ffb574016bc800ece0f73ea4e.pdf>. Allows certain executive positions including Vice-President Academic to be shared by up to two persons at once.



the Petitioners to continue campaigning and did not impose any additional sanctions or punitive measures during the final four days of the campaign period.

4. When the results of the election were released on 11 February 2020, the Petitioners received a majority (56.6%) of the votes⁴ cast in the election and outperformed the sole other candidate for the position by just over 14%.
5. Two days later, on 13 February 2020, the Respondent approached the Petitioners to inform them that they had been disqualified from the election due to violations of EdUS campaign bylaws and that the position of Vice-Presidents Academic would instead be awarded to the candidates with the second-highest number of votes.⁵ In accordance with the bylaws, the CRO's inquiry was initiated at the request of the other candidate for the position. A statement⁶ was sent out on the 15th to inform the electorate of the bylaw violation and new electoral results.
6. The Respondent informed the Petitioners of their right to appeal before the Judicial Board, but the Petitioners allege that they were discouraged by the Respondent from exercising that right because their appeal would be unlikely to succeed and because escalating the matter to this Board could result in it appearing on their academic transcripts⁷ with the possibility of jeopardizing their ability to apply for other positions in EdUS and at McGill University. The Petitioners state that they “felt pressured to not discuss this matter anymore because if they were to do so, they understood that they would suffer irreparable harm to their professional and academic careers.”⁸

Issues

In the present judgment, the Board is tasked with addressing the following questions :

1. Were the Petitioners discouraged from appealing to the Judicial Board of SSMU?
2. a) What is the mandate of the Chief Returning Officer?

⁴ Exhibit P-7 [Election Results].

⁵ Like the petitioners, these two candidates ran jointly and appeared as a single option on the ballot.

⁶ Exhibit P-6 [EdUS Statement].

⁷ As we mentioned in our interim order and preliminary decision, it is absolutely critical to underscore the fact that involvement in Judicial Board cases does not—and, in fact, cannot—appear on or otherwise affect any aspect of a student's academic record. The Board's authority is limited, generally speaking, to affairs of the SSMU and of faculty or departmental student associations that explicitly opt into our jurisdiction. McGill University and its various faculties and departments themselves are categorically not subject to the SSMU Judicial Board's authority.

⁸ Petitioners' Declaration, para 12-13.



- b) How must the Chief Returning Officer interpret the governing documents?
 - c) What effect do the Chief Returning Officer's decisions have on the election?
 - d) How is the Chief Returning Officer's role relevant to this case?
 - e) Should there be a consideration for the reformation of the governing documents?
3. a) Did the Petitioners' spending have a real impact on the election?
b) Did the Petitioners breach the governing documents of EdUS?
 4. Does the reputational harm warrant an apology?

Jurisdiction

1. The general authority of the Judicial Board is laid out in the Internal Regulations of Governance-03: Judicial Board ("Internal Regulations of Governance").⁹ Section 1.1(c) of these regulations empowers this Board to render decisive opinions on all matters pertaining to "the interpretation of all procedures, questions and results of all Elections and Referenda, including the authority to declare invalid any Referenda or Election that violates the Constitution or Internal Regulations," thereby giving it the clear authority to intervene in matters concerning decisions made by electoral officials, including the Chief Returning Officer.
¹⁰
2. However, while the Internal Regulations clearly establish this Board's authority over officials responsible for administering elections and referenda within the context of SSMU, that same authority does not automatically extend to their counterparts within the various faculty student associations. In the case of the Education Undergraduate Society, this Board's authority over questions relating to "Elections and/or Referenda" is explicitly provided for in Part IV of the EdUS Constitution ("Part IV - Judicial Board"), which reads:

"18.1 The Judicial Board of the Students' Society of McGill University shall be the final authority on : (a) **the interpretation of the Constitution and By-Laws of the EdUS**; (b) the interpretation and legality of any motion passed by Council; (c) the interpretation and legality of the Referendum question; (d) **any decision made by the CRO**

⁹ *Students' Society of McGill University Internal Regulations of Governance-03 : Judicial Board* (28 March 2019), part 1 [*Internal Regulations Governance*], online (pdf): <ssmu.ca/wp-content/uploads/2017/05/Internal-Regulations-of-Governance-2017-03-09.pdf>.

¹⁰ *Ibid*, s1.1(c).



18.2 The Judicial Board of the Students' Society shall have the power to declare invalid any act of the Council or the Committees of Council which derogates from the Constitution and By-Laws of the EdUS.

18.3 All decisions of the Judicial Board shall be binding upon all involved parties, and no appeals will be permitted.

18.4 **All members of the EdUS shall have the right to petition the Judicial Board** on matters falling within the EdUS' authority, as set out herein."¹¹ (Emphasis added)

3. The Judicial Board's authority is reinforced in Part III, Article 13 of the EdUS Constitution, which confirms that while the CRO is entitled to a certain degree of deference and has a broad discretion to interpret the rules governing elections and referenda, their decisions are nevertheless subject to appropriate review:

“13.2 A decision made by the CRO concerning the interpretation of articles in this Constitution and By-Laws regarding elections and referenda, shall be considered binding, subject to an appeal to the Judicial Board.”¹²

4. However, Article 14.1 of the EdUS bylaws on Elections and Referenda stipulates that decisions made by the Chief Returning Officer must be appealed to the Judicial Board within 48 hours of their issuance, which the petitioners failed to do.¹³ The Petitioners argue that they would not have failed to submit their petition on time were it not for the respondent's discouragement and interference.
5. This case falls within the Judicial Board's jurisdiction in respect of the relevant requirements and principles set out by the EdUS and the SSMU itself. While this determination was only a tentative one at the time of our interim order, the Respondent has since confirmed the Petitioners' claim that they were discouraged from pursuing their appeal to the Judicial Board. Accordingly, our tentative assumption of jurisdiction is confirmed and upheld.

Analysis

1. Were the petitioners discouraged from appealing to the Judicial Board of SSMU?

¹¹ *EdUS Constitution*, *supra* note 3, part 4.

¹² *Ibid*, art 13.2.

¹³ *By-Law I: Electoral and Referenda Regulations*, art 14.1 [*EdUS Electoral Bylaws*], online (pdf): <https://c3fa7f77-44e4-4b96-abc8-b2a6435f0f69.filesusr.com/ugd/5b18a8_3afaa4098a6b416b99a3313591dfcb97.pdf>.



1. The Board does not lay out restrictions to petitioners requesting that the Board hear their case unless specified otherwise by the governing documents of this society or if cases are *ultra vires* the authority of this Board and the Board provides such clarification through its jurisdiction analysis and determination in accepting or denying the hearing of respective cases. Moreover, by submitting a petition to this Board, such action is independent of the petitioners' relationship with McGill University. Rather, their involvement is specific to the Judicial Board of SSMU, the Students' Society of McGill University, and if necessary, faculty student associations. The Board finds inappropriate the attempts to dissuade students from seeking redress by appealing to the Board.
2. As per the Allegation of Facts, Post-Election, the Board recognizes that the Petitioners were dissuaded from appealing to this Board promptly and deliberately restricted from accessing services provided by this Board in threat to their academic careers and their relationship with McGill University, based on unfounded truths.¹⁴ As such, given the Petitioners' misguidance on when to apply for an appeal, the Board finds it favourable to grant the Petitioners a hearing.

2. a) What is the role of the Chief Returning Officer?

1. The role of the Chief Returning Officer (CRO) for a student association is more than just a job. The CRO is the handler of the student association's elections and referenda, which is a process that is fundamental for the continuation of the student association's governance. In addition to the importance of the CRO's role, the Constitution and its relevant bylaws empower the EdUS CRO with powers to invalidate election and referendum results,¹⁵ interpret the Constitution and bylaws respective to elections and referenda,¹⁶ and make binding decisions that may affect the outcome of elections and referenda.¹⁷ However, it is not the role of the CRO to concern over consequences that may affect public opinion if the decision made by the CRO is reasonably reflective of the Constitution and the bylaws. Rather, it is the mandate of the

¹⁴ Petitioners' Declaration, para 10, 11, 12, 13; to reiterate an important point here, the Judicial Board does not—and cannot—impose consequences pertaining to any student's academic record, for any reason whatsoever. Our authority is limited to affairs of the SSMU and of certain faculty or departmental student associations that voluntarily include the board in appellate matters.

¹⁵ *EdUS Constitution*, *supra* note 3, art 7.2 & art 13.1.

¹⁶ *Ibid*, art 13.1.

¹⁷ *Ibid*, art 13.2.



CRO to execute the Constitution and bylaws as per their mandate, notwithstanding public opinion and outside influences.

2. b) How must the Chief Returning Officer interpret the governing documents?

1. Often, students who write Constitutions and bylaws of student associations are well versed in legal writing. The Board also acknowledges that diverse educational backgrounds may pose a barrier for candidates who are not familiar with legal writing. As such, the Board confirms that it is the primary responsibility of the CRO to interpret the Constitution and bylaws relevant to elections and referenda and, in doing so, it is the responsibility of the CRO to provide a simplified interpretation to the best of their understanding and in an impartial manner, when requested. Moreover, when providing such interpretation, the CRO must not deliberately give select candidates an unnecessary advantage or disadvantage over other candidates, as this goes against the responsibility of the CRO to be impartial in running elections and referenda. This includes the CRO providing an equal interpretation of the governing documents to all candidates as failure to do so would be, again, a violation of the CRO's responsibility to be an impartial actor.
2. Nonetheless, the Board recognizes that the CRO, especially during the period of election and referenda, faces immense stress and dedicates a lot of time to their role, in addition to their studies and other personal commitments. In this case, the Respondent did not have any deputy returning officers or support staff that they could rely on, therefore, the Respondent had to operate a general election by themselves without support.
3. The Board believes that the CRO should provide or make accessible resources to candidates so that they can familiarize themselves with the relevant governing documents. This includes but is not limited to the Constitution, the electoral and referenda bylaws, and other resources that may assist candidates with their candidacy. Moreover, when candidates reach out to the CRO for assistance, the CRO must make themselves reasonably available to assist candidates in interpreting the governing documents.
4. The Board also recommends that the CRO provide simplified interpretations through various resources to prevent misinterpretation of the Constitution and governing documents amongst candidates. This information should ideally be accessible to candidates before the nomination period so they understand the electoral and referendum process in advance. These resources



may include Frequently Asked Questions (FAQs), guidelines for candidates, and other resources that allow candidates to participate in the electoral process without difficulty.

2. c) What effect do the Chief Returning Officer's decisions have on the election?

1. As stated in the Constitution, the decisions of the CRO are binding and only subject to appeal to the Judicial Board of SSMU.¹⁸ The Board views that the nature of binding decisions is two fold : (1) they apply to all and (2) they are precedents that should not be changed. As part of the CRO's mandate, impartiality plays into the first requirement of a decision, as a binding decision needs to apply to all candidates and not a select few to avoid some being advantaged. Secondly, the CRO must ensure that they do not change their decisions as this goes against the very nature of a decision that is considered "binding". Binding decisions need to be consistent with the Constitution and bylaws. Additionally, the governing documents provide the CRO with a great amount of power and jurisdiction over making decisions to ensure that elections and referenda run smoothly, as an appeal to this Board may not be appropriate due to time constraints that come with elections and referenda. Therefore, it is essential that the CRO make their decisions carefully, being mindful of their consequences given their binding nature, in addition to their responsibility to act impartially when making decisions.

2. d) How is the Chief Returning Officer's role relevant to this case?

1. The Petitioners requested assistance in interpreting the Constitution and bylaws, specific to the campaign spending requirements. After the candidates' meeting, the Petitioners asked the Respondent if the fifty dollar limit was specific to reimbursement and if they could spend over fifty dollars. The Respondent responded affirmatively, which led the petitioners to purchase materials above the fifty dollar limit.¹⁹ Moreover, the Petitioners reviewed their campaign strategy with the Respondent, and the respondent agreed that their campaign activity did not break any campaign rules laid out in the Constitution and bylaws.²⁰ However, after discovering that such action violated the campaign spending limit, the Respondent took the necessary steps to amend their decision and implement the fifty dollar limit by laying out a strategy to

¹⁸ *EdUS Constitution, supra* note 3, art 13.2.

¹⁹ Petitioners' Declaration, para 3

²⁰ Petitioners' Declaration, para 4



ensure that the Petitioners did not violate it. The Board acknowledges that the Respondent made a reasonable effort to ensure that the Petitioners did not go over the limit by working to cancel the coffee event scheduled, which brought their actual spending (i.e. the distribution of the purchased material) to below the fifty dollar limit.

2. Two days after the posting of the election results, the Petitioners received notice from the Respondent that a complaint triggered by the opposing candidates over campaign spending during the election campaign led to their disqualification. The Board views that the Respondent's reversal of the decision on the Petitioners' spending is a violation of the aforementioned principle on binding decisions because a decision made by the CRO is binding and applicable equally to all candidates. Moreover, binding decisions are ones that the CRO should not reverse as it has dire consequences upon reversal, such as in this case, where the Respondent led the Petitioners to believe that they complied with the governing documents later to find out that the Respondent disqualified them after a complaint from the opposing candidates.
3. Lastly, it is the role of the CRO to not be influenced externally or through external pressure as this hinders their ability to act impartially and professionally. The opposing candidates have the right to ask for an inquiry of campaign spending of candidates and it is within the CRO's responsibility to provide such a report or conclusion of the inquiry. However, in this case, the Respondent, after receipt of the complaint from the opposing candidates, reversed their previously made decision to the Petitioners. Although the Board does not find direct fault or correlation between the opposing candidates' complaint and the Respondents' action to reverse their decision, it remains concerned about the impartiality and professionalism of the respondent.

2. e) Should there be a consideration for the reformation of the governing documents?

1. This case highlighted that reformations to the EdUS CRO position and electoral bylaws²¹ should be considered. The Respondent mentions in her declaration that "[h]aving to make all decisions alone in this whole process was a burden to [bear] as [she] could not consult anyone from the EdUS to avoid any possible allegations of conflict of interest."²² Indeed, the bylaws

²¹ *EdUS Electoral Bylaws, supra* note 13.

²² Respondent's Declaration, note 1



do not provide for a deputy returning officer, unlike other faculties' student societies (for example, Arts or Law). In addition, contrastingly, other student societies' electoral regulations allow appeals not only to the Board but also to their respective Legislative Council,²³ a faster procedure that could have mitigated some of the harm created by the prolonged uncertainty as to the results.

2. The Board does not feel it is its place to dictate the content of such reforms or even decide on their appropriateness. However, it strongly encourages the EdUS, in collaboration with the CRO, to review electoral bylaws and decide whether procedures should be updated; other faculty student associations' electoral bylaws may prove useful to this end. Additionally, some changes in practices may not require modifying the bylaws. For example, there is no prohibition against appointing someone to assist the CRO, such as a Deputy Returning Officer. Article 1.4 of the electoral bylaws ("1.4 Neither candidates nor members of YES and NO committees may work for the CRO")²⁴ hints at this possibility by barring people with certain affiliations, but not everyone, from working with the CRO.
3. This process may attempt to mitigate the risk of different interpretations being provided to different candidates and ensure that interpretation of the governing documents applies equally to everyone. For example, when a question that the CRO receives concerns clarification relevant to all candidates, the CRO may share their answer with everyone, so that in the event their interpretation was mistaken, all candidates follow the same rules and no one is penalized. The CRO further, must use their judgment to ensure sharing an answer does not disclose an original strategy to all candidates.

3. Spending and Distribution of Funds

1. In determining whether the Petitioners were wrongfully disqualified by the CRO from the election for Vice-Presidents Academic of the EdUS, the Board views the critical question to be whether the Petitioners breached Article 6.1 of the *By-Law I: Electoral and Referenda Regulations* by spending over fifty dollars on their campaign.²⁵ As stipulated in Article 7.3, "any

²³ *AUS General Electoral Bylaws*, (7 February 2018), art 7.1.4 (Rulings), online (pdf): <http://ausmcgill.com/wp-content/uploads/2019/01/Appendix-2-General-Electoral-Bylaws-1.pdf?fbclid=IwAR29gg4Omf3aCfFVv4QQloLgHpXwjGYAp6PZTi-418K1FKraGKbc1esMDYM>.

²⁴ *EdUS Electoral Bylaws*, *supra* note 13, art 1.4 (General).

²⁵ *Ibid*, art 6.1 (Campaign Funds).



violation of the campaign funding rules shall result in disqualification of the candidate”.²⁶ The following analysis will discuss why the Board is of the opinion that no violation of campaign-funding rules occurred.

3. a) Did the Petitioners’ spending have a real impact on the election?

1. Despite the good faith conduct of the Petitioners, the Board is of the opinion that a more central conclusion characterizes their disqualification as wrongful. Simply, the Petitioners did not spend over the limit. Although the Petitioners did in fact purchase supplies in excess of fifty dollars for their two “Coffee Mornings”, they were alerted to their overspending and were able to cancel their second “Coffee Morning”, scheduled for 7 February 2020. Therefore the money actually spent on the campaign through the distribution of coffee and baked goods to the electorate was \$49.86 and therefore below the fifty-dollar spending limit. Since goods in excess of the spending limit were not distributed to the electorate by the Petitioners, they could have had no material impact on the campaign and thus cannot be considered to have been “spent” on the campaign. The Board recognizes the language of Article 6.1, stipulating permission to “spend a maximum of fifty dollars (\$50) on campaign materials”, is somewhat ambiguous and seeks to clarify that to “spend” for the purpose of the article requires that the campaign materials in question must be used in a campaign by a candidate. This corresponds with the intended purpose of the article, to prevent candidates from being able to run campaigns with substantially more resources, thus leading to electoral inequity. The CRO’s views, that the Petitioners warranted being disqualified simply because they purchased materials intending to be used for the campaign, is overly restrictive and fails to accomplish the intended purpose of the article.

3. b) Did the Petitioners breach the governing documents of EdUS?

1. The Board is convinced by both the declarations of the Petitioners and the Respondent that the Petitioners were acting in good faith throughout the campaign. At no point did the Petitioners intend to breach the campaign rules as stipulated in the *By-Law I: Electoral and Referenda Regulations*. In fact, they actively sought out clarification from the CRO in an attempt to ensure their conduct remained within the regulations. As discussed above, it is the

²⁶ *EdUS Electoral Bylaws*, *supra* note 13, art 7.3 (Sanctions for Campaign Violations).



responsibility of the CRO to interpret the EdUS election bylaws and provide clarification to candidates. The Petitioners were given misinformation by the CRO and the CRO's error guided their actions. The Board believes the good faith conduct of the Petitioners, and the misinformation provided by the CRO, particularly after being made aware of the fifty-dollar spending limit, demonstrates they cannot be responsible for the alleged breach of the EdUS electoral bylaws.

3. Conclusion

1. The Board is convinced that the good faith conduct of the Petitioners coupled with the simple fact that they did not spend over the fifty-dollar limit stipulated in Article 6.1 of the *By-Law I: Electoral and Referenda Regulations* can lead to no other conclusion than the absence of breach of the bylaws; therefore, their disqualification by the CRO was wrongful. The Board thus declares the disqualification to be invalid and nullified. The Petitioners should be recognized as the duly elected Vice-Presidents Academic of the EdUS

4. Does the reputational harm warrant an apology?

1. The Board recognizes the Petitioners' request for the EdUS to issue a statement of apology via listserv to the EdUS student body as part of the Petitioners' demand regarding remedies. However, although this Board also recognizes that the Respondent's actions led to reputational harm on the Petitioners' part, the Board does not view that an apology is necessary. Rather, the Board is of the view that the public release of this decision will better serve to restore the reputational interests of the petitioners than a statement of apology.
2. Moreover, having an external body such as the Judicial Board require a party to a dispute to apologize to another is an extreme step that is not to be taken lightly and that, regardless, we do not believe would be appropriate in this case. Nonetheless, the Board believes that the EdUS must be transparent with its constituents, therefore, sees a statement of reinstatement of the Petitioners as necessary.

Decision

The Judicial Board of SSMU finds that :



1. the EdUS must reinstate the Petitioners as the rightful holders of the Vice-President Academic positions;
2. the EdUS must issue a statement of reinstatement to its EdUS electorate through its communication channels, at its earliest convenience, but within ten business days of receiving this decision;
3. the EdUS is recommended to consider the decision of this case as a whole and make considerable attempts to reform its governing documents to reflect the issues revealed through this case, including a review of its electoral procedures and respective governing documents;
4. the Chief Returning Officer of the EdUS must be mandated to make accessible a copy of the *EdUS By-Law I: Electoral and Referenda Regulations* and the *EdUS Constitution*, either electronically or physically to all candidates and referenda committees in a timely matter before the commencement of campaign period to ensure that all parties to an election or referenda have proper access to governing documents.