

Concordia Student Union – Judicial Board
FG C070, 20h00, S.G.W Campus

1. CALL TO ORDER

Judicial Board is called to order at **20h11**

We would like to begin by acknowledging that Concordia University is located on unceded Indigenous lands. The Kanien'kehá:ka (Ga-niyen-gé-haa-ga) Nation is recognized as the custodians of the lands and waters on which we gather today. TiohEá:ke (jo-jya-gé)/Montreal is historically known as a gathering place for many First Nations. Today, it is home to a diverse population of Indigenous and other peoples. We respect the continued connections with the past, present, and future in our ongoing relationships with Indigenous and other peoples within the Montreal community.

2. Roll Call

Judicial Board: Alex Barcelona, Shai Navi, Maahsin Zaahid, Cinthia Gonzalez, Kiana Soria-Dadson, Cassandra D'errico, Vincent Maranda (legal advisor)

Secretary: Elizabeth Tasong

Plaintiffs (Cut The Crap):

Christopher Kalafatidis, for General Coordinator / Patrick Quinn, for Academic & Advocacy Coordinator/ Isaiah Joyner, for External & Mobilization Coordinator/ Danielle Vandolder-Beaudin, for Finance Coordinator/ Marin Algattus, for Internal Coordinator Celeste-Melize Ferrus, for Loyola Coordinator / Eduardo Malorni, for Student Life Coordinator Selena Mezher, for Sustainability Coordinator

Respondent:

Florian Prual (Chief Electoral Officer)

Witnesses:

Witness 1, Witness 2, Witness 3, John Hutton (Witness 4)

3. Plaintiffs (Cut the Crap) Opening Statement

My name is Chris Kalafatidis, this is my team. Today we are not hear to talk about the disqualification of seven individuals, the prerequisites were not met and therefore this disqualification is illegal. Prual did not attach any evidence regarding all seven individuals, only Danielle Beaudin. Prual may have wanted to punish the whole team because they benefit from her actions. However, this is not accurate because we ran as individuals and our team name was not on the ballot. Prual made a rebuttal that states we campaigned during polling period which is wrong, solely telling people to vote does not break rules. Today, we are only talking about one disqualification that can be considered, that is Danielle Beaudin. Danielle did not violate any of the reasons brought against her to justify disqualification. She did not pressure the voter in the message, secondly she was not present physically. She did not physically bring the means of voting to a voter. If you read standing regulations, campaigning consists of sharing campaign material old and new. Actually, Harvin Hillaire of Team Rize broke this very regulation and did not face any repercussions. We believe Prual's response was disproportionate. Danielle won by a margin of 900 it is unfair to believe she accomplished this through breaking regulations. This is a matter of democracy. The student's voted, they know who they wanted to be their student leaders. We are the rightful executive of the CSU.

4. Plaintiffs (Cut The Crap) Question Period:

Eduardo Malorni (point of information) : There's a lot of evidence that I can not be gone through in 10 minutes, so you all will just go through the whole booklet you were sent

Judicial Board: Yes.

Respondent: Christopher did you ask your friends to contact student's on your behalf during polling period?

Christopher Kalafatidis: No

Respondent: Did you or did you not sign your nomination form with an affiliation form?

Christopher Kalafatidis: Yes I signed the form

Judicial Board: Did you read the rules and regulations of the CSU electoral process?

Christopher Kalafatidis: Yes

Judicial Board: Were you aware of the messages sent by your colleagues prior to disqualification?

Eduardo Malorni: No

Judicial Board: Who on your slate would take care of external relations

Eduardo Malorni: I spoke to the CEO, we all tabled, and usually Chris spoke to the media

Judicial Board:How long have you been studying at Concordia?

Danielle Vandolder-Beaudin: 3 years

Judicial Board: Are you part of Council?

Danielle Vandolder-Beaudin:Yes, I am a part of the sustainability committee

Judicial Board: So when you ran to be a councillor last year, were you aware that you are not allowed to campaign outside of polling period?

Danielle Vandolder-Beaudin: During general elections yes, during January elections no

Judicial Board: Did the CEO explain campaign policy to you?

Danielle Vandolder-Beaudin:No

Judicial Board: Did you send the messages to the person by yourself, or were you influenced by your members of the slate?

Danielle Vandolder-Beaudin: Yes i sent them by myself

Judicial Board: Why did you include the list of the people on your slate

Danielle Vandolder-Beaudin: Because on our executive affiliation form it said our slates would be included on the ballot and it wasn't

Judicial Board: Were you part of the Elections & Participation Committee?

Chris Kalafatidis: Yes, we were in charge of researching online voting. So we rewrote the standing regulations to include online voting

Judicial Board: In referencing to the standing regulations, what would you refer to as a gross violation

Chris Kalafatidis: I would define it as something that sways the election from your loss to your victory

Judicial Board: How familiar are you with the standing regulations

Chris Kalafatidis: I am familiar with the elections portion

Judicial Board: How would you define as running as a slate

Chris Kalafatidis: I think we ran as individuals as our slate names were not included on the ballot. We were deprived of hundreds of votes I believe.

Judicial Board: Were you part of the Elections & Participation Committee? And what did this job entail?

Patrick Quinn: Yes, I was the principal person researching online voting. We included the online voting in the standing regulations.

Eduardo Malorni (point of information): I believe it is unfair the judicial board made a call out for evidence, but we have not seen it. Therefore, we can not defend ourselves against it.

Judicial Board: The evidence was only given to us neither party has seen it

5. Respondent (CEO Florian Prual) Opening Statement:

The CEO is empowered by the by-laws and standing regulations to run elections in good faith. The evidence against Danielle Beaudin was not the only one to campaign during polling period, Chris Kalafatidis and Patrick Quinn did as well. After making announcement to disqualify them, I received further evidence. I would like to read testimony by X, who claims Chris sent them messages during polling period. Christopher stated he was contacting numerous students and confirmed her had a document for contacting voters. However, in Additional Directives all emails had to be sent to the CEO in an excel file. They all willfully broke the regulations. The nature of the campaign violations was severe, and the standing regulations state the CEO must maintain the integrity of the elections. Now the very people advocating for online voting, broke the regulations they helped write. Based on the context of this particular case, fines were not sufficient for these violations. What constitutes justifying a disqualification is a gross violation which must adhere to a three part test: conscious, systematic, repeated. Their messages were

consistent, similar, and done by multiple slate members. In all cases, the members of CTC contacted voters.

6. Respondent (CEO Florian Prual) Question Period:

Chris Kalafatidis: How does the message “hey have you voted in csu elections” break regulations?

Respondent: It incites students to vote for you

Chris Kalafatidis: Why did you change the reason for our disqualification in your rebuttal?

Respondent: Because more regulations were broken

Eduardo Malorni: I sent you numerous emails about other teams and you didn’t respond

Respondent: Because you made them in bad faith, I have the right to dismiss it

Isaiah Joyner: How did you choose the method of disqualification through Facebook.

Respondent: I had to post on Facebook

Chris Kalafatidis: Why did you choose not to put the slate on the ballot

Respondent: It was not required

Chris Kalafatidis: Why did you think you could go and create a three part test?

Respondent: There is no definition of a gross violation

Marin Algattus: Why didn’t you send me an email stating we were disqualified?

Respondent: It had to be posted immediately

Judicial Board: Is the strong evidence you had solely pertaining to Danielle

Respondent: No

Judicial Board: Where did you post the information about the disqualification

Respondent: I put it on the CSU Elections page

Judicial Board: What evidence did you have at the time?

Respondent: Danielle’s screenshots

Judicial Board: Was this the only evidence you used at the time of your decision?

Respondent: Yes

Judicial Board: What is your understanding of pressure and gross violation ?

Respondent: Trying to convince someone to do something, and breaking the standing regulations.

Judicial Board: Did the candidates have to read the standing regulations?

Respondent: Yes, they signed on their nomination form that they read these laws

Judicial Board: Do you think the actions of the individual in a slate should result in the disqualification of the slate?

Respondent: Yes, because it gives them all an unfair advantage and is an issue for the integrity of the elections.

Judicial Board: Why did you not include the other evidence on facebook?

Respondent: Because it was facebook and the backlash was heavy, and the person who provided the screenshots was uncomfortable.

Judicial Board: Based on the evidence provided why did Selena, Isaiah, Celeste, and Eduardo get disqualified?

Respondent: They all benefited from the breach of the regulations.

Judicial Board: Can you explain to us why the sanction issued to CTC and New Community was different?

Respondent: Because New community published their websites 3 hours before campaign period and sending messages during polling period completely changes the scope.

Judicial Board: Why did you elect second place?

Respondent: There is a standing regulation that states 24 hours that the CEO must elect someone to take executive seats.

7. Witness/Interested Bodies

The Judicial Board would like to make a comment and correction regarding “campaigning outside the campaigning period” question to Danielle earlier. Under Article 315 of the Standing Regulations, Campaign material may be distributed, posted, published, broadcast, or otherwise disseminated only during the campaigning period. For greater clarity websites and videos can remain online but no new material can be added nor can previous material be reposted after the

end of the campaigning period. This means that you are only allowed to campaign during the campaigning period.

Witness 1:

I am here as a pro-bono expert on student politics and labour unions. The CEO has failed to uphold the standing regulations and by-laws. The only document provided was the CSU additional directives, which did not state that one could not engage with voters. The CEO failed to investigate the matter, uphold democracy, and did not meet or inform CTC concerning the alleged breaking of the CSU electoral policies. Their victory was a landslide and resulted in the highest CSU turnout ever. I believe the bottom line is that he should have extended the investigation instead of doing it in 24 hours.

Judicial Board: Do you believe CTC did any wrongdoing?

Witness 1: No, they are not in the wrong for having private conversations over social media

Judicial Board: Do you believe the screenshots with Danielle is admissible?

Witness 1: I think it is a grey zone

Judicial Board: You think this is not an issue, however, these are the people that wrote the regulations, but would it not be in their favor to to have it be unclear?

Witness 1: It is one thing to be the one that writes the policies and another to be the judge which is what the CEO is.

Witness 2: The policies written for campaigning were not applicable to online voting. The CEO had 7 days to determine our disqualification, instead he was reactive and immediately did it. I would consider the fact that him and Samuel Miriello were collecting evidence after is not in good faith. They have been engaging in a smear campaign.

Witness 3: It was disheartening to see Danielle Beaudin of CTC bending rules. The fact that people cheated and in order to gain the executive positions is upsetting. Chris and Patrick were the heads of creating online elections. Candidates who use their knowledge of the laws in order

to bend it are not worthy to represent it. Sending instructions to students on who to vote for should result in immediate disqualification. If they are able to get away with this it will set an enormous precedent.

Judicial Board: Do you perceive what CTC did as pressuring?

Witness 3: Absolutely, they felt that because CTC reached out to them they deserved the vote

Judicial Board: What were your intention in bringing forward evidence?

Witness 3: I found it to be very unfair which is why I did a call out for more evidence

Judicial Board: Did you know this would cause an issue with anonymity of witnesses?

Witness 3: Yes, I made sure to protect their identities

Judicial Board: Do you know of wrongdoing of any other slate other than your own?

Witness 3: There's one case but I don't know if it's relevant

John Hutton (Witness 4): I am the finance coordinator of the CSU, and I will be speaking as my capacity as a member of the Elections & Participation Committee. It was formed early in the summer and was whole encompassing of all election policy. I was on this committee with Chris Kalafatidis, Patrick Quinn, and Sophie Beauchamp Lizotte were tasked with creating amendments to standing regulations. The aim was to make sure that even with online voting the voter is alone when voting. We explicitly talked about how sending messages was to be avoided.

Judicial Board: What was your involvement with this election?

John Hutton (Witness 4): It was limited, I help with basic finance issues solely. During the actual election, I was in Halifax.

Judicial Board: Do you disagree with CTC's interpretations of the standing regulations?

John Hutton (Witness 4): I disagree with their assertion that messaging people to vote is not pressuring as every electronic device is essentially a polling station.

Judicial Board: What is your interpretation of a gross violation?

John Hutton (Witness 4): I think it lacks a definition and an interpretation from Judicial Board would be helpful.

Judicial Board: Can you give your interpretation of pressure?

John Hutton (Witness 4): I think it is influence, it is trying to get someone to change their behavior

Judicial Board: Do you agree with the CEO's sanctions?

John Hutton (Witness 4): I think based on the evidence that these three candidates violated these regulations who also made these regulations is bad for the union. This sets precedent for how online elections will be interpreted. I think sending messages to vote should be stamped as unacceptable.

8. Closing Statements

Plaintiff (Chris Kalafatidis): See what happened with this case is that it has swayed completely. The CEO's decision was made only with the evidence of Danielle. So what we're left with is only one person left in question. Even then, if you look at the reason for her qualification, it is not applicable. In standing regulations, it says you can not bring campaign materials, there is nothing banning word of mouth. That rule would be ridiculous, but ultimately, it is not written. Danielle did not get us near 1,000 votes by messaging her friends. The appropriate sanction at worst would be some type of financial quantity. The fact that the CEO made the call first and did research later is unacceptable.

Respondent (Florian Prual): There were 8 rules broken, also no other sanction is appropriate for the level of breach. I also want to point out that I was hired on the 11th of March 2019 by some of you. I had to pull 150 hours of work in the March and was cyberbullied by your fans. You guys mentioned that I had 7 days to make the decision, that is inaccurate as it was polling period not campaigning period. I showed to the Judicial Board that I respected the standing regulations, and the gross violation and serious breach met all the requirements.

9. Adjournment

Judicial Board is adjourned at **22h10**