

Updated Statement by the Judicial Committee re: SGPS Presidential Election

Kingston, ON - Over the last two days, we listened. We listened to the questions and concerns from the SGPS membership and have decided to release a statement in response to what we heard:

According to policy P.11.3 "Procedure": "The Judicial Committee is...responsible for hearing appeals made by SGPS election candidates." The Judicial Committee is a confidential body, whose purpose is to protect those involved and the sensitive matters surrounding the appeal process, to the best of our abilities. We withheld these details to protect the candidates, not to purposely withhold important information and details from our membership. Upon hearing from our members, we recognize the need for greater transparency.

During the campaign period of the SGPS Presidential election, a self-disclosed violation of campaign rules occurred by a candidate, who overspent their allotted budget on campaign related activities (P.9.8 (f)). Following an exhaustive investigation during the voting days, the CRO instituted a penalty in the form of a fine, following the announcement of the election results. This decision was appealed, within the allotted week following the election, which, as stated in Bylaw and Policy section P.9.10 "Penalties", activated the Judicial Committee.

Given that this decision does address the very nature of our democratic process, the standard set for our deliberations was high. Our deliberations took more than double the allotted time and the Committee came forward with the following points. To the Committee's knowledge, this is a first in SGPS history with no precedent to follow:

- 1) The violation in question required a higher penalty than what was initially granted. The maximum fine available to this body is a total withdrawal of the campaign allotment; our Committee determined that this fine was insufficient. Our rationale behind this decision is to set the precedent to prevent candidates who violate the spending allotment to feel that they may do this in the future and be elected to office, which comes with a substantial salary;
- 2) That the violation, based on policy P.9.10(c), did not meet the requirements for disqualification of the candidate. Our appeal was centered around sub-sections:

"(2) any other circumstance determined by the CRO to give a candidate an unfair advantage where such an advantage cannot be nullified in time for voting; and

(3) where a penalty is to be levied after the close of voting, in any case where an offence would likely have changed the outcome of the election."

The Committee was unable to assess if the spending violation provided an advantage in the election. The Committee determined that the violation did not warrant a disqualification for the candidate. Instead, we chose to nullify the results;

- 3) The decision to nullify the results of the election and forward the matter to SGPS Council was seen as the most appropriate solution to the matter at hand. As the election results have been published, we felt that both candidates would not face an equal opportunity to run in a campus-wide by-election. SGPS Councillors are selected by their respective departments and programs

to decide on matters on behalf of the student body. We felt that this would be the best opportunity for candidates to have a contested election.

The Judicial Committee felt that a group of seven determining the next President of the SGPS would be unfair and we chose to refer this decision to SGPS Council. We also took into account the mental and physical well-being of the candidates involved, and concerns regarding a fair by-election. We also considered the need for sufficient time for Executive transition.

As a Judicial Committee, we also feel it is important to note that throughout our investigation, we found significant gaps in Bylaw and Policy concerning the election process, the responsibilities of the election team, and the appeal process. Without a policy framework or precedent, the Committee was forced to look at the current bylaws and determine the most appropriate resolution to the above issue. We are tasking the Bylaw and Policy Committee to meet and rectify these gaps and present amendments at the March Council meeting.

Recommendations by the Judicial Committee to SGPS Council:

- 1) To host an SGPS Presidential Election during the February 13th SGPS Council meeting, as per our previous statement; and
- 2) To task the Bylaw and Policy Committee to review policies described in this statement, among others, and bring forward amendments at the March Council meeting.

Should this recommendation be approved by SGPS Council, all Councillors sitting on the Judicial Committee will either proxy their vote to a department representative or abstain from the SGPS Presidential Election.

Please direct all questions and concerns to Jennifer Williams at speaker@sgps.ca. While we encourage discussion, we will not tolerate harassment of any kind. We thank you for your patience as we deal with this matter.