
**THE ELECTIONS COMMITTEE
RECORD OF DECISION FOR
2018 URSU BY ELECTION PRESIDENT POSITION**

IN THE MATTER OF COMPLAINTS REGARDING BY ELECTION CANDIDATE VIOLATIONS under Section 4 of *The Election and Referendum Bylaw*, to the Elections Committee by:

COMPLAINANTS: Multiple Complainants (Identities Protected)

RESPONDENT: Sukhdeep Brar, Presidential Candidate
Shawn Wiskar, Presidential Candidate

**RESPECTING THE
KNOWN VIOLATIONS OF:** The Election and Referendum Bylaw

NATURE OF COMMITTEE:

The Elections Committee is established under The Elections and Referendum Bylaw reporting directly to the URSU Board of Directors. The committee is comprised of the Chief Returning Officer, the Public Elections Officer, and the Student Elections Officer.

This Committee has the jurisdiction to impose any sanction it deems just for conduct that amounts to a significant and substantive breach of election protocol. Where an unfair advantage has been obtained, the Committee will assign a penalty that endeavours to fully counter-balance any advantage gained.

The Committee is not a judicial board or administrative tribunal, therefore proceedings common to Court and adjudication bodies do not apply to the processes and actions of the Committee. The Committee has discretion to develop their own procedures and strives to determine the best evidence based on the complaints received, evidence provided, investigation of the CRO and the information provided by Candidates.

Decisions of the Elections Committee are final.

NATURE OF INVESTIGATIONS:

The Chief Returning Officer requires all complaints to be submitted in writing and must include contact information of the complainant and any evidence the complainant has in their possession such as photos, videos, audio recordings, etc.

The Chief Returning Officer investigates the complaints in greater detail and depending on volume received, may or may not interview candidates directly. The Chief Returning Officer has discretion under the Election and Referendum Bylaw to make decisions about

complaints aside from the Elections Committee and may apply demerit points or penalties accordingly. Candidates are able to approach the Elections Committee to review the Chief Returning Officer's decisions and the Committee may also hear, in confidence, any appeal or request for review on the conduct of any candidates, officials or members.

The Chief Returning Officer has prepared a detailed report including evidence to the Elections Committee to complete the assessment of Bylaw violations.

RESPONDENTS HEARD ON:

October 23, 2018 in the URSU Board Room, Rm 221, Riddell Centre

IN ATTENDANCE:

The Committee	Amber Smale, Chief Returning Officer Marc Kelly, Public Elections Officer Shafeeka Sayyid, Student Elections Officer
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Appeared for the Respondent: Sukhdeep Brar

Appeared for the Respondent: Shawn Wiskar

Note: The respondent's hearings were separate. The candidates were not in the room together. The hearing was in camera.

BYLAW PROVISIONS:

The Committee is guided by principles expressed in Section 3.4.6, 4 and 5 of *The Election and Referendum Bylaw*,

PRELIMINARY MATTERS

The parties confirmed the reason for the hearing/meeting was:

Serious complaints and allegations towards Mr. Brar and Mr. Wiskar were received and the Committee wanted to provide an opportunity for the candidates to share information as to their understanding of the incidents.

Audio recording of the hearing was prohibited due to the nature of these complaints and that they were provided in confidence to the CRO. To maintain trust in the CRO's role and the election process, along with the identity of those involved, recordings wouldn't be permitted. The CRO advised notes were being taken of the meeting for official record.

EVIDENCE

The Chief Returning Officer received a total of 19 complaints related to possible By Election violations. The complaints fell into the following categories:

- Media interviews prior to campaign period
- Placement of Posters
- Attendance at events on campus
- Intentional misrepresentation of facts
- Attempts to discredit candidates
- Interference with the administration of the Election and the voting process
- Use of intimidation tactics and threats against voters
- Use of electronic devices to facilitate, influence or coerce a members' vote
- Interference with a voter's freedom of choice and right to vote

All complaints were received in writing, some identified the individuals involved, had witnesses and provided audio recordings, video and photos of individuals and incidents.

RESPONDENTS

SUKHDEEP BRAR

The Elections Committee asked Mr. Brar questions related to various complaints received about interference in the voting process and his relationship with individuals identified for which he provided the following information:

- a) Responding to a question about his understanding of the complaints against him, Mr. Brar responded that he heard of rumours about incidents and that the CRO advised him that individuals were on campus trying to get people to vote for him.
- b) Responding to a question about his campaign team, Mr. Brar advised he did not have a campaign team or campaign manager. A couple of people stopped by table in support of his campaign, but he did his own campaign materials and promotion;
- c) Two guys from class sat with him at the URSU table and two other guys stopped by to say they liked his plan. When asked who these individuals were, Mr. Brar was unable to provide names. He thought maybe their names were Propendir and Victor. When asked who sat at the table with him, Mr. Brar said a couple of guys from class, didn't know their names;
- d) Responding to a question about known endorsements, Mr. Brar advised he was not aware of anyone endorsing him or working on his behalf. Became aware from the CRO that individuals were asking people to vote for him;
- e) Responding to a question about his campaign platform, Mr. Brar provided an overview of campaign platform and that his primary focus was on the issue of parking because parking permits are required to be purchased every semester;
- f) Responding to a question about his thoughts on why his platform may motivate individuals to raise concerns on Election Day, Mr. Brar said he didn't know and suggested perhaps other candidates were filing complaints;

- g) Responding to a question about whether he was on campus during the Election, Mr. Brar advised he wasn't on campus on October 17 and 18. He had a doctor's appointment which resulted in bed rest;
- h) Responding to questions about specific incidents at the Library, near parking lot from Riddell Centre and other campus locations, Mr. Brar advised he didn't know about these incidents;
- i) When asked if he knew the individuals identified in these incidents, Mr. Brar advised as follows:
- Manpreet Basra – doesn't know her.
 - Nitin Shahji – first responded that he didn't know him, then advised he doesn't know him well, he's a colleague. They used to work together. He's an acquaintance. When asked if they were friends, Mr. Brar advised sometimes he's spent time with him and he's not a student.
 - Harinder Singh (Harrie Sandhu) - doesn't know him. Met in library a couple of times. Talked about campaign. Interested in platform. Didn't say he would campaign for him.
- j) Responding to a question about any rivalries with others, Mr. Brar advised he didn't have any negative relationships or rivalries with anyone;
- k) When asked about whether his friends were acquiring student ID's and voting for them on his behalf, Mr. Brar stated these were not his friends and that we should show him the video so that he can see if he knows anyone and then provided a video of individuals he believed were forcing people to vote for Shawn Wiskar. When asked if he obtained the video from Jagsir Sran. Mr. Brar advised no and that he didn't know him; He continued to show a picture of three other individuals in a photo with Shawn Wiskar and advised he was aware of a fight between these people and others on campus. He stated that Karma reported the incident. When asked if it was Karminder Singh that reported the incident, Mr. Brar said he didn't know him, it was someone named Krma;
- l) Responding to a question as to why he didn't mention this video and incident at the onset when he was asked if he was aware of any incidents on campus, Mr. Brar said the CRO told him about this for which the CRO confirmed she didn't make him aware of this complaint. The only complaint he was informed of and advised to have his friends stop was telling people to vote for him outside of Riddell Centre;
- m) Responding to a question as to whether he directed any individuals to contact people from private numbers advising those people they must ask Mr. Brar for a pardon now that he is President and they didn't vote for him, Mr. Brar responded no.
- n) Responding to a question about how he celebrated his win, Mr. Brar advised at first he didn't do anything, then stated he attended an appreciation for him at the Sikh Temple and later went out with friends to the Lott Club and tried to get into Gabbo's.
- o) When asked what his friends names were, Mr. Brar was non-responsive;
- p) When asked if there were any fights that evening, Mr. Brar responded he heard of fights but wasn't involved in any and that if individuals complained about that we should provide him with their names and show him the evidence;
- q) Responding to a question about who he spends most of his time with, Mr. Brar advised his girlfriend and sometimes male friends but wouldn't provide their names.
- r) Responding to a question about whether he had anything else to add, Mr. Brar advised no and asked if he was free to go.

SHAWN WISKAR

The Elections Committee asked Mr. Wiskar questions related to the one serious complaint received about interference in the voting process and his relationship with individuals identified for which he provided the following information:

- a) Responding to a question about his understanding of the complaints received, Mr. Wiskar advised he was aware of the complaints made against him. He became aware from the CRO of some complaints and got a sense that the Indian Student Association was causing problems with the Royal Front Indian students group.
- b) He was aware that some gentleman were causing issues and that they were supporting him because they didn't like Sukhdeep. Mr. Wiskar advised he didn't really know the men and they had approached him advising they supported his campaign. Initially he thought great but later learned they caused some problems on campus and he didn't want to negatively impact the reputation of URSU, so he contacted Bhamandeeep Singh with the ISA to ask people to stop what they were doing. Mr. Wiskar advised Mr. Singh said he would handle this and if any further complaints were received to let him know.
- c) Responding to a question about his knowledge of endorsements, Mr. Wiskar advised he sent e-mails to various student groups asking for endorsement. The Muslim student association and UR Pride publicly endorsed him. Not aware of specific individuals who were endorsing him.
- d) Responding to a question about his campaign team, Mr. Wiskar advised he didn't have a real campaign team. His girlfriend was helping and one other person did some design work, but most of his campaign material and videos were done by him.
- e) Responding to a question of whether he was on campus on Election Day, Mr. Wiskar advised no. He worked the first day and then got the flu so stayed home.
- f) When asked if he was aware of individuals being coerced to vote for him, Mr. Wiskar responded no. When asked if he knew individuals involved he responded as follows:
 - Bhamandeeep Singh – belongs to the ISA and approached Shawn advising he wanted to support his campaign.
 - Sam Gill – didn't know he wasn't a student, he came up to his table during campaigning and it was Bhamandeeep who introduced them. They said they were all business students. When the CRO advised Sam was a non-student and that his facebook posts were in violation of the Bylaw, he contacted Sam via facebook and asked him to remove his posts and provided a copy of the request to the CRO where Mr. Gill confirmed he would remove the posts but didn't.
 - Davy Deol - was with Bhamandeeep and introduced to Shawn. They all came to his campaign table a couple of times after that. Mr. Singh would text Shawn advising they were out getting people to vote for him. This was during the campaign period so he appreciated the support.
- g) Mr. Wiskar advised he wasn't aware of their behaviour on Election day and when he learned of the complaints, he tried to make contact with them to stop because he didn't want to hurt the reputation of URSU.
- h) Responding to a question about whether any of his friends were asking people to vote for him, Mr. Wiskar advised no, but that he messaged the varsity athletics team to

encourage them to vote and reminded all student clubs to vote. He didn't encourage them to vote for him, just reminded them it was Election Day and to get out and vote.

- i) Responding to a question about whether he had anything else to add, Mr. Wiskar advised the URSU Operations Manager made him aware that people were coming every half hour to file complaints against him and all were advised to file in writing with the CRO.

FACTS

The Election Committee finds that the relevant facts are as follows:

- a) There were 19 complaints in total received with regards to various Bylaw violations;
- b) Complainants provided evidence in the form of audio, video and photos to identify individuals involved in the incidents;
- c) Several very serious complaints were filed against Sukhdeep Brar;
- d) One serious complaint was filed against Shawn Wiskar;
- e) There were groups of individuals who supported opposing candidates that had altercations that were reported to Campus Security and the Regina Police Service;
- f) Mr. Sukhdeep Brar maintained he didn't know the individuals involved in these incidents and that he wasn't aware of their activities, however his personal facebook page clearly shows he knows these individuals, is in multiple photos with these individuals and they are his friends;
- g) Mr. Shawn Wiskar made attempts to stop the activities of people when reported to him and was forthcoming with information and his activities during the Election; and
- h) Two individuals identified are non-students who were actively involved in the reported incidents;

ANALYSIS AND CONCLUSIONS

The Election and Referendum Bylaw is designed to govern and guide the elections and referenda of the URSU. Elections are one of the means to facilitate a democratic process for the selection of individuals to represent a broad group of individuals and interests.

While the URSU By Election may be seen by some as a small-scale Election for a Non-Profit Corporation, the principles of democracy apply no differently than if it was a governmental election. Those elected become part of the governing body of the Corporation.

The deliberations on these complaints were not taken lightly and decisions are not easy to make. The credibility of the candidates and reliability of the information provided by complainants was carefully considered.

The Elections Committee found Mr. Brar's evidence was not compelling. He was evasive and denied connections to individuals that were clearly connected to him or his campaign. His evidence changed a number of times throughout the Election Committee's

interview with him. As such, his evidence was not given as much weight, and the evidence of the complainants was preferred.

Based on the severity of the complaints, the evidence provided, and the hearing of Mr. Brar, the Committee reasonably concludes that Mr. Sukhdeep Brar did know the individuals acting on his behalf, was aware of the activities of his friends during the Election and didn't take steps to prevent their actions. These activities are intentional interferences with the administration of the Election and voting processes, a serious violation of the Election and Referendum Bylaw. Penalties assessed will be in line with the severity of the incidents reported.

In review of Mr. Wiskar's evidence, we found his story credible and consistent with his behaviour throughout the election. He identified the individuals at issue and described his limited involvement with them. He was proactive throughout the election campaign period on clearing potential issues with the CRO and complying with her instructions. He appears to have been a candidate involved in a dispute between two opposing groups of students without any direct or indirect instruction to have them campaign on his behalf. We do not find him responsible for interference, if any, complained of.

DECISION

It is the decision of the Elections Committee that Sukhdeep Brar be disciplined for the actions of Nitin (Kumar) Shahji, a non-student who acted on his behalf and that Mr. Brar be DISQUALIFIED from the By Election. Additionally, the following penalties are assessed against Mr. Brar:

- 1) Loss of vote in future elections for a period of one year;
- 2) Loss of eligibility to run in future elections for a period of one year; and
- 3) Monetary fine of \$100;

The Election Committee further recommends to the URSU that they consider loss of membership in URSU for a period of one year.

With regards to the other known individuals involved in the incidents, it is the decision of the Elections Committee that MANPREET BASRA, and HARINDER SINGH (Harrie Sandhu) be disciplined for attempting to interfere in the voting process and trying to coerce individuals to vote for Mr. Brar. Penalties assessed are as follows:

- 1) Loss of vote in future elections for a period of one year;
- 2) Loss of eligibility to run in future elections for a period of one year; and
- 3) Monetary fine of \$100

The Election Committee further recommends to the URSU that they consider loss of membership in URSU for a period of one year.

With regards to the Election for the position of President of the URSU, Section 3.1.11 states "in the event a winning candidate in any election is disqualified, the runner-up will

take the place of the disqualified winner”. Therefore, the Elections Committee declares Shawn Wiskar ELECTED to the position of President.

RIGHT OF APPEAL:

The decisions of the Election Committee are final.

DATED at the city of Regina, this 31st day of October, 2018.

Marc Kelly

Marc Kelly, Public Elections Officer

Shafeeka Sayyid

Shafeeka Sayyid, Student Elections Officer

Amber Smale

Amber Smale, Chief Returning Officer