

ELECTIONS ACCOUNTABILITY REPORT

Prepared by the Chair of the Board of Directors
following the March 7th, 2022 meeting of the Election Accountability Board.

Issued: March 7, 2022 at 8:45 p.m.

a. The complaint in full:

FORMAL COMPLAINT, March 7th

On Monday March 7th at 10:57AM, ECF'S Amy and Ursella received an email from Jonathan Henderson, the current VPEA, running for re-election. In this email, Jonathan accuses Kirt Hayer of collusion, discrimination, and, at the very least, not campaigning in good faith given the information that has come forward in the final report of the EAB's ruling on March 5th, 2022.

Amy and I agree and feel the following by-laws/policies have been violated by Kirt Hayer:

5.33.i (acting in good faith) 5.34.viii (collusion), 5.34 ix (harassment), & 5.46 ii (violation of acknowledgement of responsibilities), Article 9, Section 9.01 (Positive Space Policy), and Article 14, Section 14.02 (Anti-Harassment Policy).

Not taking action would result in the board violating the following policies listed in the UWSA policy manual:

article 6, section 6.01 (Code of Conduct - points 2, 3, & 4 in the policy statement), article 9, section 9.01(Positive Space Policy), and article 14, section 14.02 (Anti-Harassment Policy).

Jonathan Henderson is being targeted as an Indigenous Student. Jonathan, and other candidates including Kanwalpreet Kaur, do not feel safe because of Kirt. It is our duty to ensure that all students and candidates and UWSA employees feel safe and are free from discrimination. Therefore we must ask for severe consequences against Kirt Hayer.

b. Any supplemental statements submitted to the EAB;

Report from Kiratveer Hayer

Here is my written report

This complaint is a continuation of the last and is a baseless accusation that is not substantiated by any concrete evidence. This complaint is based on someone's opinions and feelings without any witnesses or tangible evidence that can prove me culpable beyond a reasonable doubt. I feel that this complaint as well as the previous were made in bad faith and are an attempt to persecute me based on reasonable political opinions that I hold and have been outspoken about. The claim of racism is completely baseless. I have never mentioned anyone's race or gender in a bad way and have always advocated on behalf of diversity and inclusion. It is disgusting that these accusations are being brought towards me when for my entire life I have been an outspoken proponent of minority rights. I have donated personal funds and resources as well as advocated for the donation of UWSA and Uwinnipeg funds and resources to various indigenous causes throughout my term. I have also attempted to contribute many times to initiatives that help the indigenous community and all of those things should be taken into account before I am labelled a racist.

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I also want to add that no attempt at mediation with any party has taken place. This should not be escalated to the elections accountability board until that has taken place. This escalation is a violation of bylaw 5.25 vii. and viii.

vii. The ECFs shall hear concerns and complaints from candidates, volunteers, and the student membership and shall work to resolve issues through mediation before escalating them to the EAB in accordance with relevant UWSA Policy.

viii. The ECFs shall bring any complaint which cannot be resolved through mediation to the EAB for consideration and ruling in accordance with relevant UWSA Policy

Best,

Kirt

c. A summary of the considerations of the EAB:

Alleged violation of the by-law and policy of the UWSA:

Bylaw 5.33

- i. All statements, promotions, materials and any other communication by or on behalf of the UWSA, the UWSA Election Campaign, and election campaign participants must abide by the following guidelines:
 - a. They must be factually correct;
 - b. They must be honest and made in good faith;
 - c. They may not contain libel or slander (based on consultation with legal counsel if necessary);
 - d. They must abide by the UWSA Code of Conduct, the Positive Space Policy, and all other UWSA by-laws and policies;
 - e. They must abide by all federal, provincial, and municipal laws;
 - f. They must abide by all University of Winnipeg policy and procedure, including the *Respectful Work and Learning Environment Policy*.
- ii. Election campaign participants who fail to follow the campaign guidelines are subject to consequences as determined by the Election Accountability Board and in accordance with the Election Complaints Policy and Election Anti-Harassment Policy.

By-law 5.34

- viii. Collusion between candidates for election will not be tolerated, including:
 - a. Promoting one or more candidates as part of an election slate;
 - b. Making statements that a reasonable person could interpret as linking two candidates as members of a joint slate for election;
 - c. Campaigning on behalf of another candidate.
- ix. Harassing (as defined in the University of Winnipeg's *Respectful Working and Learning Environment Policy*) students or creating physical barriers in attempts to garner support will not be tolerated and will be grounds for immediate disciplinary action in accordance with the Election Anti-Harassment Policy.

By-law 5.46

- ii. Directors or Executives running for election or re-election shall not violate their Acknowledgement of Responsibility waivers, campaign based on Closed Session information, nor use their position with the UWSA or UWSA resources to campaign to an unfair advantage.

Policy 14.02 Anti-Harassment

“Every UWSA election participant has a right to freedom from...

- ...Targeted behaviour, in violation of the campaign guideline by-laws, meant to undermine an election participant’s success in the vote”

And:

“Harassment: A course of vexatious comments or conduct that is known or should reasonably be known to be unwelcome. Harassment includes, but is not limited to the following...

- Condescending, paternalistic or patronizing behaviour that undermines self-respect or dignity;
- Abuse of authority which undermines performance, threatens electoral performance, or causes intimidation;”

Considerations of the EAB:

The EAB discussed the difficulty to come to a ruling because there is a lack of concrete evidence, however, the EAB wants to take the allegations seriously. Because the allegations span a number of serious rule violations including fiduciary duty violation and harassment, the EAB believes a full investigation should be conducted by a neutral third party to determine a clear course of action to restore the fairness of the election.

d. The ruling of the EAB:

The EAB rules to suspend the result of the UWSA presidency in the 2022 General Election until a full investigation of all allegations is conducted. The EAB shall present a recommendation for investigation at the next meeting of the UWSA Board of Directors.