

Engineering Society Elections/Referendum Appeals Committee Meeting 2012

Meeting Date: April 17, 2012, 9:00am

Elections/Referendum Appeals Committee Composition

David Cheung, President 2011-2012

Barbara McCann, Faculty Registrar

Sonia De Buglio, Director of Alumni Relations & Annual Giving

Appeal Submission

An appeal was filed by Paul Park, Managing Director of the Blue Sky Solar Racing Team regarding the procedures and results of the 2012 club levy referendum. The appeal stated a number of inconsistencies between the bylaws of the Engineering Society and the referendum procedures.

Appeal Remarks

1. The appeal noted that CRO, Rafal Dittwald, did not inform Blue Sky Solar Racing of the levy renewal process as stated in Bylaw 3, Section 0.0.4.

The appeals committee determined that the communication made by Pierre Harfouche, Executive Secretary, and David Cheung to the Blue Sky Solar Racing Team to start the levy referendum process was sufficient. The bylaw inconsistency would not have affected the results of the referendum.

2. The appeal noted that the all candidates orientation meeting was not held 3 days before campaign period as stated in Bylaw 3, Section 5.0.4.

The appeals committee determined that "3 days" does not refer to 72 hours and that it was logical for the CRO to hold the meeting at 5:30pm on March 23rd, 2012 in advance of the start of the campaign period at 9:00am on March 26th, 2012.

3. The appeal noted that there was inadequate notice leading up to the all candidates meeting and that the meeting was optional contrary to Bylaw 3, Section 5.0.4.

The appeals committee determined that Bylaw 3, Section 5.0.4 was not followed as the meeting was made optional due to short notice. The committee noted that due diligence was taken by the CRO to ensure that all clubs acknowledged receipt of the rules and provided an opportunity for questions via e-mail.

4. The appeals noted that Blue Sky Solar Racing had 237 votes in favour of the levy and 248 votes against the levy.

The appeals committee determined that although the results were close that referendum results cannot act as a reason for an appeal.

5. The appeals noted that only 10% of the student population voted potentially misrepresenting the engineering student body due to low turn-out.

The appeals committee determined the referendum turnout met the required voter turnout of 5%. The argument over whether or not 10% of the student population should suffice to legitimize a referendum is a separate debate topic.

6. The appeal noted that a large number of levies were passed by the Engineering Society Board of Directors leading to irregularity in voting results.

The appeals committee determined that the referendum questions put to the students followed a democratic procedure passed through the Engineering Society Board of Directors. The committee further determined that the number of referendum questions did not lead to any inconsistencies in the election procedures.

7. The appeal noted that the levy referendum was postponed from early February to late March causing confusion within the Blue Sky Solar Racing team.

The appeals committee determined that the decision to postpone the referendum did not break any Engineering Society bylaws; however the delay should have been better organized to ensure there is no confusion between the clubs.

Appeals Committee Recommendations

The appeals committee recommends that a set timeline and procedure is laid out well in advance of the election and referendum period to ensure delays do not occur and if so can be communicated in a proper manner to ensure there is no confusion between the various parties.

Appeals Committee Decision

The appeals committee decided that in order to provide the clubs with a fair opportunity, any club that had a referendum may re-run their referendum or keep the results of the previous referendum. The decision was made based on the following details:

- The delay in the referendum caused confusion within the clubs regarding the referendum date
- The all candidates orientation meeting was not mandatory and sufficient notice was not provided to clubs to attend as required by the Engineering Society Bylaws
- The inconsistencies in the referendum procedure did not create any positive affect for the clubs