

2024 GSA General Election

DRO Decision in the Matter of Anonymous Complainant and Ajibola Adigun

Tuesday, March 19th, 2024

A formal complaint was filed by a graduate student wishing to remain anonymous as permitted by *I.POL.11.3* (hereafter “the Complainant”) against Ajibola Adigun (Jibs), a candidate for the position of Vice President Student Life in the GSA Re-Election of the Vice President Student Life (hereafter “the Respondent”), on Monday, March 18th, 2024.

Complaint: The complaint has multiple components.

1. The Respondent violated *I.POL.10.2* in an Instagram post, casting doubt upon the investigation of the ACB Decision regarding the rerun of the VPSL race and labeling the witnesses as “false witnesses”. Screenshot evidence of this was provided.
2. Two mass emails were sent by the Respondent to a number of individuals, likely GSA council members.
 - a. The first email was sent on March 15th. In this email, the Respondent seeks to have GSA Council overturn the ACB ruling to dismiss an appeal of the CRO Decision from March 7 2024 regarding a discriminatory remark as well as early campaigning. In the same email, the Respondent claims that the ACB and ACB chair failed their duties and “question[s] the conduct of the ACB”. The Complainant alleges that the first email breaches several bylaws including *I.POL.10.2* and *H.POL.15.7.b* as well as *I.BYL.1.1*
 - b. A second email was sent on March 18th, wherein the Respondent calls for the resignation of the GSA Speaker, Farhan Khalid while also questioning the integrity of the witnesses, dubbing them “false witnesses”. The Complainant claims that the repeated emailing to council members constitutes harassment. Evidence of this email was provided - the CRO and DRO did not receive this email.
 - c. While the full list of recipients of both emails cannot be confirmed, several current and former GSA council members indicated they received this email.
3. The Complainant states that despite the CRO and ACB decisions and outcomes of the decision against the Respondent regarding a discriminatory remark made prior to the re-election campaign period, the impacts of the comment are still felt.
4. The Complainant alleges that the Respondent uses the UofA logo on two campaign posts on Instagram, violating *I.POL.10.10.d.i*. Screenshot evidence was provided.
5. The Complainant expresses concern over privacy, especially regarding how the Respondent obtained their email. The Complainant states that the Respondent violated *I.POL.10.10.b* by using mailing lists to campaign.

Response:

The response has multiple components.

1. Respondent states that “the roles of GSA members including the complainant who is a Council member who, although is not personal contact of mine, is a public figure whose

contact is publicly available on the GSA website and represents the interest of their department in the affairs of the GSA. The Bye-law enjoins all members as a matter of obligation to ensure the performance and conduct of GSA officers: BYL.3.5 All GSA members of the GSA must exercise shared responsibility in monitoring the performance and conduct of GSA Officers, and monitoring for potential conflicts of interest and/or conflicts of commitment among GSA members, as defined in Section H”

2. In response to the allegations of slander, the Respondent states “Since the commencement of the GSA elections I have tried to conduct myself on the side of fairness as contained in the GSA Bye-laws: I.POL.6.1 “The fundamental principle underlying GSA elections is that they are to be fair, respect the wishes of voters, and conducted in a manner that reflects the excellent, positive reputation of the GSA”
 - a. The Respondent then continues on to retell his perspective of the issue leading to the ACB decision to rerun the VPSL race, which has been ruled upon and finalized by ACB (see **ACB Decision regarding formal complaint between F Khalid and A Adigun- Mar 13, 2024**)
3. In regards to the allegation of the attempt to circumvent the decision and authority of the ACB, the Respondent states “As I noted to the ACB chair Laura Menerus in my appeal against the deduction of votes and campaign funds ... none of the reasons for my appeal was considered in her decisions These glaring omissions bring to question the conduct of the ACB, and the chair Laura Menerus. GSA officials may discharge their responsibilities to the best of their abilities, but all GSA members have an obligatory duty to monitor these conducts.”. The Respondent cited BYL.3.5 again.
4. In response to the statement regarding the emails sent by the Respondent diminishing the reputation of the GSA, the Respondent states “they may have a point about the diminishing reputation of the GSA, but it is because of this that I have tried to live up to my responsibility.”. Additionally, the Respondent cites the complaint lodged against him by Farhan Khalid (see **DRO Decision regarding formal complaint between F Khalid and A Adigun- Mar 5, 2024**) and states “The DRO or the ACB may wish to further investigate this serious claim. If they do not, I will spare no expense to correct these false allegations.”
5. In response to the Complainant’s statement about the impacts of the Respondent’s discriminatory remarks, “the mentioning of the curious coincidence of nationality is not equivalent to a racially-charged comment. As events unfold, the charges of racism will be determined by a more appropriate body.”
6. In response to the allegation of using UofA logos on campaign material, the Respondent states “this is false. Anyone who has passed through the University Station may know where that drawing is, that does not amount to using the university logo on my campaign material.”

Relevant Bylaw and Policy:

B.BYL.3.5 All GSA members of the GSA must exercise shared responsibility in monitoring the performance and conduct of GSA Officers, and monitoring for potential conflicts of interest and/or

conflicts of commitment among GSA members, as defined in Section H: Performance, Conduct, Responsibilities, and Attendance, and the GSA Appeals and Complaints Board.

I.POL. 11.3.e If a person provides information on an anonymous basis, that information and the request for anonymity will be assessed on a case-by-case basis.

I.BYL. 1.1 The fundamental principle underlying GSA elections is that they are to be fair, respect the wishes of voters, and conducted in a manner that reflects the excellent, positive reputation of the GSA.

I.POL. 6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.

I.POL. 9.3 At the All-Candidates Meeting, the CRO will provide each candidate with all relevant GSA Bylaw and Policy on elections and on the GSA Appeals and Complaints Board, as well as information concerning campaigning.

I.POL. 10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.

I.POL. 10.10.b Candidates will circulate campaign materials through email only to their personal contacts and will not utilize moderated mailing lists

I.POL. 10.10.d.i Candidates will not use the University or GSA logos on any physical or electronic campaign materials.

I.POL. 11.6 Unless otherwise stated in GSA Bylaw or Policy on elections, decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)

H.POL. 6.2.a Complaints about the performance or conduct of GSA Officers or about conflict of interest or commitment relating to GSA Officers.

H.POL. 14 Complaints About the Performance or Conduct of GSA Officers, Including Complaints About Conflict of Interest or Commitment

H.POL. 15.7.b GSA ACB Hearing Committee decisions are final and binding

Consultation with the Elections and Referenda Committee (ERC): Prior to the initial 2024 GSA General Elections, the CRO, DRO and ERC had formulated guidelines for assigning penalties for bylaw violations based on precedent (ex. CRO decisions from previous years). The ERC unanimously agreed with all of the penalties outlined in the Decision below.

Decision: The initial complaint has multiple components and each element was deliberated upon carefully while also factoring in the Respondent's response as it applies.

1. The first point of the complaint is the Instagram post that allegedly slanders unnamed individuals. The caption of this post reads "in the course of the past GSA elections, some people have lied and bore false witnesses". The Respondent did not directly address this Instagram post in his response.
 - a. Despite the post not specifically naming any individuals, the context of the post is obvious as it pertains to the ACB decision to rerun the VPSL position, the information for which is publicly available on the GSA website. In conjunction with the publicly available information, Upon analysis, the DRO finds that the

Instagram post is indeed slanderous and defamatory in nature towards the witnesses involved in the ACB decision.

- b. Relevant Bylaws**
- i. *I.POL.6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.*
 - ii. *I.POL.10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.*
2. The second component of the complaint discusses two mass emails sent out to members of the GSA council. The DRO will address the first email here.
- a. The first email was sent on Friday March 15th at 10:19AM (verified in both the screenshot evidence and the email received by the DRO).
 - b. The primary recipients of the email were the GSA president and GSA executive director. Several parties were cc'd in the email, including the DRO's personal email, Speaker, Deputy Speaker, and the former ACB Chair. The email was also received by several council members (likely via bcc), both current and former (this information was confirmed by councilors and by the Respondent).
 - c. In the email, the Respondent declares his candidacy for the rerun of the VPSL election - *"My name is Ajibola Adigun (Jibs), a Doctoral Student in Educational Policy Studies at the University of Alberta, a candidate for Vice-President (Student Life) in the GSA elections held February 27-29, 2024 and a candidate in the rerun of the GSA Vice-President (Student Life) position on March 19 -21, 2024."* As such, this email is considered a campaigning email. The Respondent emails non-personal contacts, contravening I.POL.10.10.b.
 - d. In this email, the Respondent seeks to have GSA Council overturn the ACB ruling to dismiss an appeal of the **CRO Decision regarding formal complaint between K Ahmed and A Adigun -- Mar 7, 2024** regarding a discriminatory remark as well as early campaigning. Note that according to H.POL.15.7b, ACB decisions are final and binding. GSA Council can not overturn ACB decisions. This was made clear to candidates at the All-Candidates Meeting for the VPSL rerun which took place on Monday March 11 2024.
 - e. Additionally, in this email, the Respondent questions the competency of the ACB, including the former ACB Chair. The wording used by the Respondent in this email is disrespectful and, based on observations by the DRO over the course of the elections, a continuation of a pattern of harassment towards GSA Officers by the Respondent. The accusatory remarks towards the ACB and ACB Chair about their alleged failure to complete their duties in this email are interpreted by the DRO as disrespectful and slanderous/defamatory especially considering the widespread mailing. Additionally, the Respondent has no evidence to suggest that the ACB chair failed in her duties.

- f. It should be noted that the candidate explicitly refuses to accept an ACB ruling against him "As I have maintained before, the mentioning of the curious coincidence of nationality is not equivalent to a racially-charged comment. As events unfold, the charges of racism will be determined by a more appropriate body.". This email to council seeking to overturn an ACB decision, and this vague message as quoted are both considered to be a clear attempt to circumvent H.POL.15.7b.
 - g. The Respondent cites B.BYL.3.5, which states "All GSA members of the GSA must exercise shared responsibility in monitoring the performance and conduct of GSA Officers, and monitoring for potential conflicts of interest and/or conflicts of commitment among GSA members, as defined in Section H". While accountability of GSA Officers is crucial, the approach taken by the Respondent via the mass email does not respect the spirit of this bylaw. H.POL.6.2.a explicitly states the protocol for monitoring GSA officers is by going through the ACB, and it is not sending mass emails out to GSA representatives.
 - h. Relevant Bylaws:**
 - i. *I.POL.6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.*
 - ii. *I.POL.9.3 At the All-Candidates Meeting, the CRO will provide each candidate with all relevant GSA Bylaw and Policy on elections and on the GSA Appeals and Complaints Board, as well as information concerning campaigning.*
 - iii. *I.POL.10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.*
 - iv. *I.POL.10.10.b Candidates will circulate campaign materials through email only to their personal contacts and will not utilize moderated mailing lists*
 - v. *I.POL.11.6 Unless otherwise stated in GSA Bylaw or Policy on elections, decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)*
 - vi. *H.POL.6.2.a Complaints about the performance or conduct of GSA Officers or about conflict of interest or commitment relating to GSA Officers.*
 - vii. *H.POL.14 Complaints About the Performance or Conduct of GSA Officers, Including Complaints About Conflict of Interest or Commitment*
 - viii. *H.POL.15.7.b GSA ACB Hearing Committee decisions are final and binding*
3. The DRO will address the second email here.
- a. The second email was directly sent to Ajibola Adigun (Jibs; the Respondent), and Gary Godinho (the former VP External candidate in the 2024 GSA General Elections). The email was also received by a number of GSA Council members, including the Complainant. The email was received by recipients at 8:04AM. The

DRO did not directly receive this email, but it was submitted as evidence by the Complainant.

- b. In the email, the Respondent declares his candidacy for the rerun of the VPSL election - *"My name is Ajibola Adigun (Jibs), a Doctoral Student in Educational Policy Studies at the University of Alberta, a candidate for Vice-President (Student Life) in the GSA elections held February 27-29, 2024 and a candidate in the rerun of the GSA Vice-President (Student Life) position on March 19 -21, 2024."* As such, this email is considered a campaigning email. The Respondent emails non-personal contacts.
- c. In this email, the Respondent calls for the resignation of the GSA Speaker, Farhan Khalid. In this email, the Respondent accuses the Speaker of conflict of interest as it pertains to a non-GSA event hosted on February 27 2024.
- d. As with the observations concerning the ACB and the ACB chair, the DRO recognizes a pattern of harassment by the Respondent towards the GSA Speaker. Despite the ACB and DRO decisions concerning the complaints by the Respondent and the GSA Speaker respectively, the DRO recognizes a continued pattern of harassment, slander and defamation as evidenced by the mass email as well as the aforementioned Instagram post in Point 1.
- e. The Respondent cites BYL.3.5. While accountability of GSA Officers is crucial, the approach taken by the Respondent via the mass email does not respect the spirit of this bylaw. The candidate's continued accusations in his response to the DRO against the GSA Speaker are somewhat difficult to understand. The ACB has already ruled in his favour and rerun the election to alleviate the possible effects of any conflict of interest or prevention from campaigning. Despite his constant accusations of lying and bearing false witness, the candidate does not provide a narrative that is mutually exclusive with the one given by the GSA Speaker and the witnesses. The candidate mentions being temporarily prevented from campaigning, as shown by his phrase "he **tried** to stop me from talking to ISA members" and mentions chastising the speaker for a perceived lack of understanding of bylaw. Again, H.POL.6.2 lays out the method for addressing possible conflicts of interest (Which the candidate must understand to some extent, as he submitted a complaint to the ACB), thus publicly berating a GSA Officer for a perceived conflict of interest could still be considered slander and defamation.
- f. Another element to this complaint is the continued unsolicited mailing to councilors, including the Complainant, by the Respondent. This part of the complaint will be further addressed in another section of this decision.
- g. **Relevant Bylaws:**
 - i. *I.POL.6.3 Candidates will treat the Chief Returning Officer, Deputy Returning Officer, members of the GSA Elections and Referenda Committee, GSA Officers, management, staff, and fellow candidates with respect.*

- ii. *I.POL.10.2 No form of campaigning (verbal, electronic, and visual) will contain slander, discriminatory content, or ad hominem attacks of individuals.*
 - iii. *I.POL.10.10.b Candidates will circulate campaign materials through email only to their personal contacts and will not utilize moderated mailing lists*
 - iv. *I.POL.11.6 Unless otherwise stated in GSA Bylaw or Policy on elections, decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)*
 - v. *H.POL.6.2.a Complaints about the performance or conduct of GSA Officers or about conflict of interest or commitment relating to GSA Officers.*
 - vi. *H.POL.14 Complaints About the Performance or Conduct of GSA Officers, Including Complaints About Conflict of Interest or Commitment*
 - vii. *H.POL.15.7.b GSA ACB Hearing Committee decisions are final and binding*
4. The DRO acknowledges the negative impacts of the discriminatory remark by the Respondent. As a ruling has been made by both the CRO/DRO and the ACB, this element of the complaint cannot be ruled upon.
 - a. See **CRO Decision regarding formal complaint between K Ahmed and A Adigun -- Mar 7, 2024**
 - b. See **ACB Decision regarding formal complaint between A Adigun and K Ahmed - Mar 8, 2024**
 5. The Respondent evidently uses the University of Alberta logo in two Instagram posts for campaigning. This contravenes I.POL.10.10.d.i.
 - a. *I.POL.10.10.d.i Candidates will not use the University or GSA logos on any physical or electronic campaign materials.*
 6. The Complainant expresses concerns regarding privacy and how the Respondent reached out to non-personal contacts with both emails (see Points 2 and 3). GSA Bylaw and Policy explicitly states that emails should only be sent to personal contacts when campaigning. Indeed, councilor names are publicly available on the GSA website and emails as such may be obtained through Google Suites via the UofA. However, the Complainant expresses that they do not consider the Respondent to be a personal contact. Thus, this is seen as contravening I.POL.10.10.b.
 - a. *I.POL.10.10.b Candidates will circulate campaign materials through email only to their personal contacts and will not utilize moderated mailing lists*

When considering all of the arguments above, the penalties are as followed:

- 1) 50% voter deduction for the two emails sent to department councilors (Points 2 and 3) and the Instagram Post (Point 1) on the grounds of illegal campaigning and the slandering and defamation of two GSA Officers as well as slandering two witnesses.
- 2) 10% voter deduction for reaching out to non-personal contacts during the campaign period twice (5% for each infraction)

- 3) 5% voter deduction for usage of UofA logos in two separate campaign posts (2.5% for each infraction).

In total, the DRO issues a **65% voter deduction penalty**.

Appeals: As per GSA Bylaw and Policy, “decisions of the CRO are subject to appeal to the GSA Appeals and Complaints Board (GSA ACB)” (I.POL.11.6) and “[parties] have twenty-four (24) hours from the time the CRO’s email is deemed delivered for an emailed appeal to be received by the Chair of the GSA ACB” (I.POL.11.6.a). Please note that all parties may file an appeal to ACB, and ACB decisions are final and binding (H.POL.15.7.b).