STATEMENT OF ACCOUNT

University of Toronto Graduate Students’ Union
16 Bancroft Avenue
Toronto, Ontario M5S 1C1
Attention: Andre Fast, Executive Director

Date: August 6, 2021
Invoice #: 174189
Matter #: 21-330

RE: Advice re University Actions re BDS Caucus

FEES

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>HOURS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-04-10</td>
<td>Review complainant submissions and provide comments to L. Century;</td>
<td>DSA</td>
<td>0.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$160.00</td>
</tr>
<tr>
<td>2021-04-10</td>
<td>Review letter; Email to client; Emails with D. Sandhu;</td>
<td>LCE</td>
<td>0.30</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$82.50</td>
</tr>
<tr>
<td>2021-04-12</td>
<td>Review of complainant response; consultation with L. Century re same;</td>
<td>SBA</td>
<td>0.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$197.50</td>
</tr>
<tr>
<td>2021-04-12</td>
<td>Call with S Barrett re: Katz reply; Email to client; Call with clients re:</td>
<td>LCE</td>
<td>3.50</td>
</tr>
<tr>
<td></td>
<td>letter to Provost; Draft response letter to University;</td>
<td></td>
<td>$962.50</td>
</tr>
<tr>
<td>2021-04-13</td>
<td>Review and revise draft response;</td>
<td>DSA</td>
<td>0.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$100.00</td>
</tr>
<tr>
<td>2021-04-15</td>
<td>Review of response to complainant submissions and email to L. Century re</td>
<td>SBA</td>
<td>0.10</td>
</tr>
<tr>
<td></td>
<td>same;</td>
<td></td>
<td>$39.50</td>
</tr>
<tr>
<td>2021-04-15</td>
<td>Review and finalize letter to C. Regehr and M. Schnapp; Send to client for</td>
<td>LCE</td>
<td>0.20</td>
</tr>
<tr>
<td></td>
<td>review;</td>
<td></td>
<td>$55.00</td>
</tr>
<tr>
<td>2021-04-19</td>
<td>Receive instructions to send letter; Final review of letter to CRCSS and</td>
<td>LCE</td>
<td>0.20</td>
</tr>
<tr>
<td></td>
<td>University;</td>
<td></td>
<td>$55.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total FEES</strong></td>
<td></td>
<td>6.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>$1,652.00</strong></td>
</tr>
</tbody>
</table>

Time Summary

<table>
<thead>
<tr>
<th></th>
<th>HOURS</th>
<th>RATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>DSA</td>
<td>1.30</td>
<td>200.00</td>
<td>260.00</td>
</tr>
<tr>
<td>LCE</td>
<td>4.20</td>
<td>275.00</td>
<td>1,155.00</td>
</tr>
<tr>
<td>SBA</td>
<td>0.60</td>
<td>395.00</td>
<td>237.00</td>
</tr>
</tbody>
</table>
New Charges
$1,652.00
HST
$214.76
Total
$1,866.76

THIS IS OUR ACCOUNT HEREIN

Goldblatt Partners LLP
Per:

LOUIS CENTURY
E.&O.E.

Any disbursements incurred on your behalf and not charged to your account will be billed later.

Our firm's GST/HST number is 12231 7019 RT0001
Our firm's QST number is 121845 1043 TQ0001
Our firm's BC-PST number is PST 1101 7792
* items are tax exempt or tax free

In accordance with s.33 of the Solicitors Act, interest will be charged at 0.5% per annum on unpaid fees, charges and disbursements, calculated from a date which is one month after this statement is delivered.
Award Overview - Black Graduate Student Excellence Bursary

- **Student Deadline**: [Updated Each Academic Year]
- **Application Dates**: Fall, annually
- **Value & Duration**: $2000 for one year of study
- **Level of Study**: Year 1 Doctoral or Master’s student
- **Required Legal Status**: Domestic and International

**Purpose**

The Black Graduate Student Excellence Bursary was created by the UTGSU in partnership with the University of Toronto School of Graduate Studies (SGS) to provide financial support to help improve fair and equitable access to educational opportunities for Black students commencing graduate studies at the University of Toronto. It recognizes that talent and excellence thrive in Black communities and that providing fair and equitable access to educational opportunities acknowledges the creativity, leadership capacity and gifted nature of Black students.

Up to 15 $2,000 need-based bursaries will be awarded annually and serve to provide added financial support to help offset the costs associated with academic endeavours in the first year of study. The bursary will be offered and held by students in addition to any other financial aid or graduate funding they may receive (OSAP, major awards, or graduate funding).

**Eligibility**

Applicants, as of the submission deadline must:

- Self-Identify as Black.
- Be registered full-time in the first year of a Master’s or Doctoral program at the University of Toronto.
- Be a Canadian domestic or International student
- Demonstrate financial need through the application process
- Member of the UTGSU

*All graduate students are considered UTGSU members, unless they elect to opt-out of paying GSU fees through their incidental fees.*

**Application Process**

Applicants must submit an electronic copy of their completed application as a single PDF file via email to bgseb@utgsu.ca by the application deadline.

A complete application will include ALL of the following items:

- Completed Black Graduate Student Excellence Bursary application;
- Demonstration of financial need through the completion of the pdf form (results remain confidential and will be viewed and assessed by SGS only);
● **Personal Statement** of up to one page - describing why the applicant is suitable and should be considered for the bursary, their academic objectives, and how financial assistance through this bursary would support their long-range goals; and

● **CV** that outlines relevant experience and academic achievements, including publications, professional, academic, and extracurricular activities no longer than two pages;

● **Two** letters of reference (no longer than one page each) with at least one being from an academic familiar with the student’s work/research. Letters can/should address the following:
  ● Applicant’s ability and promise towards their research focus
  ● Applicant’s student’s career and or academic goals
  ● Other supporting information about the applicant’s personal, professional and or academic suitability

**Referees**
Referees **must** use the online referee tool and submit by the application deadline.

**It is the applicant’s responsibility** to ensure references are submitted by their referees before the application deadline. Incomplete applications will not be considered.

**Deadlines**
The deadline for the application is December 2021. Applications will be open in the beginning of November.

**Selection Criteria**

● Applications received by the UTGSU will be evaluated by the Black Graduate Student Bursary Committee based on the following selection criteria:

  ● Demonstration of Financial Need: 55%
  ● Personal statement describing suitability for the award: 25%
  ● Reference letters: 10%
  ● CV: demonstration of academic excellence/research potential/leadership and community service: 10%

**Please note that applications that are incomplete, ineligible or are submitted after the deadline will not be considered.**

**Disqualification**

● If an applicant has been found to have falsified their application, they will be disqualified and ineligible from future awards by the UTGSU.

**Contacts & Resources**
Please direct questions regarding this competition to: bgseb@utgsu.ca
Terms of Reference

For

Black Graduate Student Excellence Bursary Committee

This is a guideline for the creation of the BGSEB committee and how it functions.

The committee is to be formed by December of the Fall Term. The Finance Commissioner will put a call out for this committee by October. The committee will comprise of the following:

- 4 to 6 committee members
- Must be a UTGSU member
- One member from Division 1 & 2 and one member from Division 3 & 4
- Finance Committee will nominate one its member to be the Chair of the BGSEB Committee.

- Disclaimer: Committee members cannot be applicants.

The committee members are expected to conform to the following:

- Maintain confidentiality of applicant information
- Attend meetings
- Be fair and mindful of equity
- Be respectful of each other’s point of view
- Communicate well with each to plan meetings
- If a committee member has any relationship with any applicants the committee member must recuse themselves from the discussion and voting.
- Bring forth conflict of any kind to the Finance Committee

The BGSEB committee, once formed, shall meet with the Finance Committee member for orientation and training. The relevant information and guidance will be provided for the committee to function.

In the beginning of Winter Term, the BGSEB committee will review and assess the applications. The chair of BGSEB will inform the Finance Committee to discuss any issues that may arise during this process. The committee will submit the evaluation sheet to the Finance Committee by January. Finance committee after deliberation and review of the documents will put forth a motion to approve the BGSEB winners and instruct the Finance Office to disburse the funds.
General UTGSU Bylaw and Policy Non-compliance

1) The UTGSU Bylaws and Policies have not been updated in physical or digital form since April 2020. As of the submission of this report, they still have not been updated on the UTGSU website despite numerous requests from Directors and Members.

   https://utgsu.ca/governance-4/bylaws-policies/
   https://drive.google.com/file/d/1mmDVpohVmX1nwpW9n-VCBw5j3Moep0uX/view

   a) Since April 2020, the Elections and Referenda Committee as well as the Board of Appeal were operating with outdated versions of the UTGSU’s Bylaws and Policies.

2) The UTGSU Board of Appeal has been defunct since at least September 2020. Numerous appeals to the Board of Appeal since September 2020 were never received or processed and were subsequently appealed to the Complaint and Resolution Council for Student Societies since graduate student appellants had exhausted all other options of appeal.

Elections Bylaw Violations

3) The current Internal Commissioner, Sarah Alam, nominated herself via motion to serve as the Executive Committee representative on the CRO Hiring Committee.

   https://drive.google.com/file/d/1Mk371ltfWNjehBVKY08GKI4AB7M6E0vf/view (page 7)

   a) The Bylaws governing the CRO Hiring Committee were amended at the February 27th, 2020, Board of Directors meeting to read as follows:

   8.1.5 No Member shall serve, in a single election cycle, in more than one of the following capacities: as the CRO, as a Deputy CRO, as a CRO Hiring Committee member, or as an Elections Committee member. Further, any Member serving in one of the previous capacities shall be ineligible to run for election to the Executive Committee in an election in which they are serving in said capacity.

   February 27th, 2020, Board of Directors meeting minutes as ratified.
   https://drive.google.com/drive/folders/13dlwalpxxvm-GDWSdYj6n0NPQ6hI7ICt

   February 27th, 2020, Board of Directors Meeting Package for February 27th, 2020, containing 8.1.5 as it was approved.
   https://drive.google.com/drive/folders/19yb536TcvYRZfTZyp5Z6c0TTPn78laj_

4) Sarah Alam was elected Internal Commissioner on April 3rd, 2021, despite an appeal to the Elections and Referenda Committee regarding her candidacy.

   https://drive.google.com/file/d/1UzBpQ_m-n1Nd1sxxkV0Fp5xYPVrMtnKTt/view
**UTGSU Executive Committee Mis-conduct**

5) The Executive Committee stopped ratifying their meeting minutes throughout the summer of 2021. The authors of this report encourage the Executive Committee to confirm to the Board of Directors that this has been rectified.

6) The Executive Committee stopped ratifying their consent agendas which include all motions passed online throughout the summer of 2021. The authors encourage the Executive Committee to confirm to the Board of Directors that this has been rectified.

**UTGSU Board of Directors Mis-conduct**

7) Ben Hjorth and Dominic Pizzolitto shared the single Course Union Representative seat for Comparative Literature during the March 30th, 2021, Board of Directors meeting. The department of Comparative Literature had only enough Full-Time Equivalents for a single seat as of that meeting, as confirmed by the UTGSU Membership and Advocacy Coordinator.

March 30th, 2021, Board of Directors meeting ratified minutes (Hjorth and Pizzolitto were both moving and seconding motions)
https://drive.google.com/file/d/11ziWRhSBA43J46HOrNIAYhI6DUW9RjIC/view

8) Adam Hill, the Course Union Representative for the CTLSA, was formally reprimanded for accessing the Council listserv that he verifiably could not access.

March 30th, 2021, Board of Directors meeting ratified minutes containing the formal reprimand.
https://drive.google.com/file/d/11ziWRhSBA43J46HOrNIAYhI6DUW9RjIC/view

A sample of one of the emails sent to Directors of Board regarding calling a meeting in March 2021 is included as Appendix A. Adam Hill allegedly reconstructed listservs by retrieving representatives’ UofT email addresses based on UTGSU Board of Directors meetings’ roll calls.

**UTGSU Board of Directors Alleged Mis-conduct**

9) Students have been consistently voting illegally and lying overtly or by omission about their representation at UTGSU Board of Directors Zoom meetings. People have been joining under fake aliases and sharing accounts.

10) Attendees have been recording both audio and video of Board of Directors meetings without attendees’ expressed and ongoing consent.
11) General Council Chairs since September 2020 have enforced rules discriminately, unfairly imposing three strikes rules against dissent and cutting people off after they’ve negotiated the terms of their address.

October 27th, 2020, Board of Directors meeting ratified minutes in which Adam Hill was cut off twice by the Chair after negotiating his terms of address. 
https://drive.google.com/drive/folders/1vlHZfRekmyY9VFO3QFMqjDxLr-SNsIR

12) The Executive Committee protected and enabled the former Executive Member-at-Large, Ben Hjorth, who was actively and explicitly abusing the former External Commissioner, Jacqui Spencer. See Appendix B for a sample of related correspondence.

13) After the Board of Directors ruled the impeachment of the then Executive Member-at-Large, Ben Hjorth, in order, the General Council Chair, Hamish Russell, arbitrarily ruled the impeachment trial out of order, despite the Executive Member-at-Large tendering his resignation to the Board of Directors after notice of impeachment.

March 30th, 2021, General Council ratified meeting minutes including Hamish Russell’s ruling. 
https://drive.google.com/drive/folders/1snCSfL8ABhIkSVEu7adWJEgxMxuLqtBN

14) A UTGSU General Council Chair “ruled out of order” a meeting including the agenda items “Executive Member-at-Large Impeachment”, “Executive Honorarium”, “Executive Member-at-Large Vacancy”, as well as a plebiscite requested via the following motion recommended by the Policy and Operations Committee:

“Whereas the UTGSU is an autonomous graduate student organization, Whereas the Board of Directors has voted to oppose the University of Toronto administration’s intervention in UTGSU affairs, Be it resolved that the Board of Directors direct the Elections and Referenda Committee to include the following non-binding plebiscite questions on the Spring 2021 Executive Elections ballot:
1. Do you feel confident that you understand what the UTGSU does? 2. Do you approve of the University of Toronto Graduate Students’ Union? 3. Do you believe that the University of Toronto Graduate Students’ Union should oppose all University of Toronto administration intervention in UTGSU affairs? 4. Given the option and full refunds, would you opt-out of all UTGSU services except for its Health and Dental plans?”

See Appendix C for a copy of the Chair’s ruling.
Infracton I: Fact of By-law Confirmation

All University of Toronto Graduate Students’ Union (hereafter “UTGSU”) bylaw amendments must be confirmed at an Annual General Meeting (AGM) or Special Meeting of the Members (SGM) with a noted two-thirds majority since, according to the Ontario Corporations Act (hereafter “the Act”), “No by-law [...] is effective until it has been confirmed by at least two-thirds of the votes cast at a general meeting of the members duly called for considering the by-law.” A cursory review of ratified UTGSU AGM and SGM minutes reveals inconsistent requirement and/or recording of this threshold.

Infracton II: Registers of Directors & Members

The number of Directors is not known and fluctuates regularly. Under Article 283 of the Act, “the board of directors of a corporation shall consist of a fixed number of directors.”

The UTGSU has never maintained a register of its Members in compliance with Article 300 of the Act.

The UTGSU register of Directors is not accessible to its Members in compliance with Article 300 of the Act. All Directors’ requests for access to this register have been denied.

Infracton III: Changes in the number of Directors

Every change in the total number of Directors of the Board needs to be approved by special resolution in accordance with Article 285 of the Act.

Infracton IV: Quorum of the Board of Directors

The Board of Directors’ quorum is inconsistent with both UTGSU bylaws and the Act. According to UTGSU Bylaw 4.9.1, the quorum of the Board of Directors “shall consist of thirty (30%) of the average number of Representatives present at the three (3) largest attended meetings over the preceding twelve (12) months.” According to Article 288 of the Act, “in no case shall a quorum be less than two-fifths of the board of directors.”

Infracton V: Record Keeping

The UTGSU and staff could be implicated in fraud in the allocation of executive remuneration.

The UTGSU neglected to record minutes at the duly requested and held January 18th, 2021, Board of Directors meeting in compliance with Article 299 of the Act.

Ratified minutes of the UTGSU’s official bodies have been withheld from Members of the corporation. The Elections and Referenda Committee refused multiple requests to view the ratified minutes of the April 2020 Executive Election.

Upon multiple requests by Directors, the Finance Commissioner and the Finance Administrator did not provide a record of all honoraria paid to Executive officers of the UTGSU from May 2020 to January 2021 in compliance with Articles 302 and 304 of the Act.
Appendices

Appendix A

[Time Sensitive] Requesting an additional Board of Directors meeting through the General Council Chair

Hill hill@mail.utoronto.ca>

Tue 16/05/2021 12:14

Bcc: klius@mail.utoronto.ca>; mcdonald@mail.utoronto.ca>; sah@utgsu.ca>; son@mail.utoronto.ca>; rotniyan@utoronto.ca>; zabianfanh@mail.utoronto.ca>; thakkar@mail.utoronto.ca>; vincent@mail.utoronto.ca>; pulelei@mail.utoronto.ca>; prosofi@mail.utoronto.ca>; macgregor@mail.utoronto.ca>; jzuto@mail.utoronto.ca>; OISE.CTLSA <oises CTLSA@utoronto.ca>; henriques@mail.utoronto.ca>; pizzolitto@mail.utoronto.ca>

4 attachments (2 MB)

General Council _ Board of Directors Meeting Agenda March 25th, 2021.pdf; Request through Chair-1.jpg; Request through Chair-2.jpg; Chair’s Rulings.jpg;

Good afternoon,

The Internal Commissioner has indicated that they have no intention of engaging in further communications with UTGSU Directors regarding calling an additional meeting of the Board. When asked, the Executive Director deferred judgement regarding calling a meeting under Bylaw 4.3.3 to the General Council Chair. The Chair has agreed to call a supplemental meeting, but only if signatories contact them directly at chair@utgsu.ca. Correspondence related to these decisions are attached.

Friends, the UTGSU Board of Directors’ autonomy—that is, its capacity and right to self-govern—has been threatened. Whatever your politics, this should concern anyone who values our Union as a democratic institution comprised of democratic institutions under its laws.

A few signatories have come together to modify the previous agenda respecting the evolving situation and in line with the Chair’s rulings regarding the signatories’ previous agenda; the proposed draft agenda and those rulings are attached.

If you would like to request this meeting, please contact the Chair directly at chair@utgsu.ca before noon on March 18th. I recommend indicating whether you would prefer your signature to remain confidential. The email should include your name, student number, and affiliate body.

Thank you for your perseverance.

---

Hill, 4th year PhD student, OISE's Curriculum and Pedagogy Department

CTLSA Course Union Representative

---

Studying the consequences and implications of axiological dialogic inquiry, particularly its potential for fostering empathic and humanizing capacities.

---

For a glance at the nascence of his research, check out his Master's thesis.

If you’re brave and have time to wander down a rabbit hole, consider checking out his blog.
Hi all. Thanks to everyone who’s reached out, both privately and publicly. Your solidarity means a lot to me, as I know it means a lot to the BDS / Palestine activists and other racialized and radicalized political actors on campus whose safety, freedom and human rights are actually endangered by the reckless, self-serving, hypocritical and shockingly violent recent actions of the External Commissioner in collaborating with a known racist, sexist, transphobic MRA Adam Hill (whilst simultaneously "investigating" that racism/sexism as tasked by Council according to her own motion). Evidently it will be damaging to the Executive Committee and a whole, and thus to the Union.
Evidently it will be damaging to the Executive Committee and a whole, and thus to the Union (and not just in the eyes of our members, but also the University, our partners such as the CFS, and the general public) if this behaviour of [redacted] were to be made public. Given that my priority remains, as it has always been, the strength of the Union and the safety of its members (including all of you!), I am willing to hold off on revealing [redacted] actions to the membership, if she also resigns, or the Executive finds some other way of removing her from office in a quieter and less shameful way for all concerned. Failing such a resolution, I will have no choice but to submit my letter of resignation, detailing
but to submit my letter of resignation, detailing everything that I have experienced and witnessed at the hands of this increasingly vicious and shameless bully, to the second General Council mailout on Tuesday afternoon. I will also be forced to forward this letter to the Varsity (which has reported extensively on Adam and Jesse's racism and sexism in the past, as well as on Zionists' repeated, racist attempts to frame Palestinian solidarity as antisemitism) and respond in detail to their questions, which I'm sure will be many and detailed, as I will no longer be bound by Executive confidentiality.

3:04 PM

I'm sorry to leave this difficult project in your hands, but I have been left with no other option.
this letter to the Varsity (which has reported extensively on Adam and Jesse's racism and sexism in the past, as well as on Zionists' repeated, racist attempts to frame Palestinian solidarity as antisemitism) and respond in detail to their questions, which I'm sure will be many and detailed, as I will no longer be bound by Executive confidentiality.

3:04 PM

I'm sorry to leave this difficult project in your hands, but I have been left with no other option. Please reach out to me privately if you are able to reach a resolution. In the meantime, my thanks again for the solidarity, and for the work that you do for this Union.

3:05 PM
Appendix C

Request for additional meeting
Chair UTGSU Council <chair@utgsu.ca>
Mon 15/03/2021 11:40

EXTERNAL EMAIL:
Hello all,

I'm writing to make sure that you've all received a ruling that I made on Friday. I've realised that my original message was only sent to the Director who was inquiring about the matter.

I have been asked to rule as to whether the items on the proposed agenda for the special meeting General Council that was requested for March 18 are in order. My ruling is that they are each out of order.

1. **Impeachment.** The date for the impeachment trial cannot be moved up ahead of the scheduled Council meeting. This is because the Bylaws include provisions to allow the impeached officer time and notice to prepare a defense. In particular, Bylaw 9.3.2.3 permits the defendant to submit a written report in their defense up to one week ahead of the meeting at which the trial shall take place. If the trial is unexpectedly moved to an earlier date, that undermines the defendant's right to a fair process as set out in the Bylaws.

2. **Executive honoraria.** The motion identified under this item was submitted to Council via a notice of motion at a previous Council meeting. I do not see the member who presented this notice of motion to Council among the signatories to this request for an additional meeting. My ruling is that this member who presented the notice of motion has the right to have the motion discussed at the regularly scheduled Council meeting, rather than at a special meeting that they and others may be unable to attend.

3. **Executive Member at Large vacancy.** I am confused by this item, as the motion in the footnotes appears to pertain to Executive honoraria. If that is indeed that motion that you propose to discuss under this item, then my ruling under 2 holds here as well. If instead the intent of this agenda item is for Council to appoint a new Executive Member at Large for the remainder of this session of Council, then the item is out of order because the position of Executive Member at Large needs to be advertised before it is filled. Although Council appoints the Executive Member at Large, the position needs to be open to all the membership on a fair basis.

4. **Plebiscite.** This item is out of order because Bylaw 10.2.1 requires any proposed referendum question to be submitted to Council by no later than the January Council meeting.

I note further that this request for an additional meeting did not have the signatures of ten voting members of Council as of 5 p.m. on Thursday. The Board of Appeal Chair is not a voting member of Council. A tenth signature was added after the end of the business day.
April 13, 2021

Hi Delphine,

After completing a thorough investigation, I am ruling against the appeal you filed on April 6th 2021.

In February 2020, the UTGSU General Council passed a by-law amendment stating that members who serve on the CRO Nomination Committee are ineligible to stand for Executive election that cycle. However, it was not until December 2020 that the bylaw amendment was ratified.

The CRO Nomination Committee was struck during the UTGSU General Council meeting in November 2020. Alam was elected during the Fall by-election in November and volunteered for the Committee in that same month. She was not made aware of Clause 8.1.15 or Clause 8.1.16. Members of the CRO Committee have also confirmed they were not aware that membership on the Committee prohibited them from running in the UTGSU Executive Election.

There was a failure to adequately convey this information or update the bylaws publicly available on the UTGSU. It would be unreasonable to disqualify the Internal Commissioner–elect for violating a rule that was not communicated at any time during participation on the CRO Nomination Committee.

Furthermore, any bylaw changes, unless specified, do not retroactively apply.

I will request that current Internal Commissioner update the by-laws to reflect the amendment passed in February 2020 immediately. I will also note this issue in my CRO Report with the expectation that future Election Codes reflect the updated by-law.
If you wish to appeal this decision you are required to notify me in writing before 9:00am on April 15th. You are the only applicant who can file an appeal of this ruling.

Regards,

Adrian Aziz
UTGSU ERC Response to the Appeal from Delphine Ji

The Elections and Referenda Committee (ERC) has reviewed the appeal submitted by Delphine Ji regarding the 2020-2021 UTGSU Elections. The ERC has reviewed the original appeal and the relevant Articles and outlines the following considerations:

An amendment to Bylaw Article 8 was approved at General Council in February of 2020. Based on the Ontario Not-for-Profit Corporations Act, and the Ontario Corporations Act, and with no additional UTGSU Governing Documents to consider, Bylaw amendments take effect immediately once they are passed. Moreover, the amendments to Article 8 were approved by the Membership at the Annual General Meeting in December 2020.

Article 8 subclause 8.1.5 states the following:

No Member shall serve, in a single election cycle, in more than one of the following capacities: as the CRO, as a Deputy CRO, as a CRO Hiring Committee member, or as an Elections Committee member. Further, any Member serving in one of the previous capacities shall be ineligible to run for election to the Executive Committee in an election in which they are serving in said capacity.

 Whereas the candidate would typically be in violation of subclause 8.1.5. under normal circumstances, the ERC finds that subclause 8.1.6. was also violated:

Clause 8.1.5 must be included in the advertising of these positions, and any person applying for these positions must be informed of this limitation of eligibility prior to their acceptance to serve in said roles.

The ERC finds that because of the violation of subclause 8.1.6., subclause 8.1.5. cannot be fairly upheld. The members of the CRO Nominating Committee provided sufficient evidence to the appellant that they were not aware of subclause 8.1.5. The updated Bylaw including amendments to Article 8 is still not available to the Membership on the UTGSU website, over one year after they were first adopted. Several other UTGSU processes and timelines understandably have been delayed, due to the COVID-19 pandemic.

The matter is further complicated by the fact that this appeal was brought after the voting period ended. To disqualify an elected candidate is to go against the will of the UTGSU Membership. The ERC would like to emphasize that the result of this appeal, or subsequent appeals, does not, and should not, impact the legitimacy of the election as a whole, or nullify its results; it does not impact the results for other Executive Committee positions. Disqualification of a candidate at this point, would result in a vacation of the position. Vacancy as it relates to the Executive Committee is covered under Bylaw Article 7, clause 7.4. and would be addressed by holding a by-election.

The 2020-2021 UTGSU Elections have concluded. Any candidates that did not receive the highest number of votes, by-ranked ballot, were not elected by the Membership, and are no longer candidates in this election. Individuals are welcome to run in future elections and By-elections of the UTGSU.
The ERC would like to also note that subclause 8.1.5 is not in the best interest of the Union. The Executive Committee is responsible for ensuring an election occurs each year, to elect or re-elect Executive Officers. Committees such as the CRO Nominating Committee, require Executive Officers to serve on them. **Additionally, it is the Membership that elects the members of the Executive Committee, not the CRO.** To assert that being a part of the CRO nominating committee is such an extreme conflict of interest that it necessitates barring someone’s participation in a subsequent election does a disservice to those who wish to contribute to the Union. Individuals should not be punished for their participation.

Finally, the ERC would like to address concerns with the nature of the appeal. The ERC is aware that the Internal Commissioner-Elect has been the target of another appeal that sought to block their participation in this election; the ERC must question the spirit motivating such appeals. The statement made by Ji in their appeal is as follows:

“While looking at the records of the Union made public on the UTGSU website, I discovered that the three (3) members of the CRO Nominating Committee are not eligible to run in an election whose CRO they have nominated for Council appointment.”

The amendments to Article 8 would have appeared in the February 2020 General Council meeting mailout and minutes, and again in the December 2020 AGM mail out and minutes. There is concern from the ERC that there has been a pattern of targeted complaints, either by the appellant, or others to disqualify the Internal Commissioner-Elect.

The ERC is also aware that an individual other than the appellant, has been contacting the CRO and Executive Director regarding the contents of this appeal. This individual was not a candidate, and it is inappropriate for them to insert themselves into the appeals process.

The Elections and Referenda Committee has been asked to make a ruling on this appeal. The ERC finds that because of the violation of subclause 8.1.6., subclause 8.1.5. cannot be fairly upheld. Additionally, the broader context and best interests of the Union and its Members, override enforcing a technicality that was only recently introduced. This was a nuanced and challenging decision, and the ERC hopes that the appellant knows that time, care, and energy were put into making this decision; the ERC shares the appellant’s concerns that our Union and its elections should be fair and successful. **The ERC will not modify the original decision made by the CRO.**

The ERC understands if the appellant wishes to further pursue this appeal. If this is the case, please notify the Board of Appeal Chair (email: appealchair@utgsu.ca) and cc the CRO (cro@utgsu.ca), ERC (erc@utgsu.ca), and Executive Director (executivedirector@utgsu.ca) before Monday April 26th at 9:00AM, so we are aware of any further proceedings regarding the 2020-2021 UTGSU Elections. For more information about the Board of Appeal, please see Bylaw Article 15 Board of Appeal, and Policy G10: Appeals Process.

Sincerely,

Elizabeth Eng & Fatemah Ebrahim

Elections and Referenda Committee
2021 UTGSU EXECUTIVE ELECTION

REPORT FROM THE CHIEF RETURNING OFFICER

Submitted: April 28, 2021

Chief Returning Officer: Adrian Aziz cro@utgsu.ca

Election and Referenda Committee

Brieanne Berry Crossfield, UTGSU Executive Director
Fatemah Ebrahim, UTGSU General Council Representative
Elizabeth Eng, UTGSU General Council Representative

Nominations

The nomination period for the 2021 UTGSU Executive Elections opened at 12:01 am on February 18th 2021. It was advertised through the UTGSU Digest, UTGSU website, the University’s Listserv, Twitter and Facebook. Seven Executive positions were advertised. The seven positions were:
1. Academics & Funding Commissioner, Divisions 1 & 2
2. Academics & Funding Commissioner, Divisions 3 & 4
3. Civics & Environment Commissioner
4. External Commissioner
5. Finance Commissioner
6. University Governance Commissioner
7. Internal Commissioner

The nomination period closed at 7:30 PM on March 19th. Nomination forms were available for download on the UTGSU Elections webpage. The *2021 Election and Referendum Code* was available on the UTGSU website.

To be considered a nominee, one must secure at least fifteen (15) names from registered UTGSU members. There were complaints from several prospective candidates that gathering names were very difficult during the pandemic.

The code further states that all nominees must attend an *All Candidates Meeting*, which was scheduled on March 20th at 11:00am. Candidates wrote to the Chief Returning Officer to his email address with all the required information to run. After validation candidates were announced to UTGSU members for the following positions:

1. **Academics & Funding Commissioner Divisions 1 & 2**
   a. Dhanela Sivaparan
   b. Bryan Liceralde
2. **Academics & Funding Commissioner Divisions 3 & 4**
   a. Danielle Karakas
   b. Jesse Velay-Vitow
3. **Civics & Environment Commissioner**
   a. An-Noûra Compaore
   b. Jacqui Spencer
   c. Tua Hytonen
4. **External Commissioner**
   a. Justin Patrick
   b. Kirthika Shanmugham
5. **Finance Commissioner**
   a. June Li
   b. Sevgi Arslan
   c. Ali Reza Monfared
6. **University Governance Commissioner**
   a. Lwanga Musisi
7. **Internal Commissioner**
   a. Sarah Alam
   b. Delphine Ji
All Candidates Meeting
The All Candidates Meeting took place virtually on Zoom. Candidates unable to attend were permitted to send a proxy, as long as the candidate notified the CRO of their proxy’s name and contact information a minimum of twelve (12) hours prior to the meeting, in accordance with Elections Policy G2.3.2.

At the meeting, the CRO went through the highlights of the Election Code, paying particular attention to the rules that campaigning, and to explain how online voting system worked. This was followed by a question and answer period, during which time the CRO recorded questions and responses.

Voting

Online voting took place at https://utgsu.simplyvoting.com/ from 12:01 am on March 31st until April 3rd at 11:59 pm. Through an arrangement with the Student Policy Initiatives Coordinator at the Vice-Provost’s office, the CRO was able to access a list of names of registered voters, but not their emails or student numbers. This was done to respect voter privacy and to comply with the University of Toronto’s policy regarding student confidentiality. There were no physical polling stations. UTGSU Members requiring special accommodations were given the option of contacting the CRO directly or having a representative for UTGSU Member contact the CRO.

Results

Total Cumulative Ballots Cast: 863.

This reflects approximately 4.5% of the UTGSU’s 19,356 members.

Voters were allowed to rank their candidate by preference. There were no spoilt or rejected ballots since votes were casted electronically.
<table>
<thead>
<tr>
<th>SL</th>
<th>Name of Winners</th>
<th>Votes</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Academics &amp; Funding Commissioner Divisions 1 &amp; 2 Name of the winner</td>
<td>863</td>
<td>Dhanela Sivaparan was elected with 473 votes. Bryan Liceralde received 183 votes. 207 voters abstained.</td>
</tr>
<tr>
<td>2</td>
<td>Academics &amp; Funding Commissioner Divisions 3 &amp; 4 Name of the winner</td>
<td>863</td>
<td>Daniella Karakas was elected with 561 votes. Jesse Velay-Vitow received 122 votes. 180 voters abstained.</td>
</tr>
<tr>
<td>3</td>
<td>Civics &amp; Environment Commissioner Name of the winner</td>
<td>863</td>
<td>AnNoura Compaore was elected with 379 votes. Jacqui Spencer received 177 votes while Tua Hytonen received 118 votes. 189 voters abstained.</td>
</tr>
<tr>
<td>4</td>
<td>External Commissioner Name of the winner</td>
<td>863</td>
<td>Justin Patrick won with 331 votes. Kirthika Shanmugan received 317 votes. 215 voters abstained.</td>
</tr>
<tr>
<td>5</td>
<td>Finance Commissioner Name of the winner</td>
<td>863</td>
<td>June Li was elected with 451 votes. Sevgi Arslan received 141 votes. Ali Reza Monfared received 100 votes.</td>
</tr>
<tr>
<td>6</td>
<td>University Governance Commissioner Name of the winner</td>
<td>863</td>
<td>614 voters agreed that Lwanga Musisi should be elected. 77 voters disagreed. 172 persons abstained.</td>
</tr>
<tr>
<td>7</td>
<td>Internal Commissioner Name of the winner</td>
<td>863</td>
<td>Sarah Alam was elected with 339 votes. Delphine Ji received 310 votes. 214 voters abstained.</td>
</tr>
</tbody>
</table>

**Election Expenses**

The CRO was paid $20 per hour. At the time of writing this report, expense report numbers are estimates as their work has not yet finished. Any adjustments should be minor. The CRO have completed more than 60 hours of work but the contract states the maximum salary would be for 60 hours.

<table>
<thead>
<tr>
<th>Election Expense Estimate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Simply Voting</td>
<td>$4,394.75</td>
</tr>
<tr>
<td>CRO Salary (60 hours)</td>
<td>$1200</td>
</tr>
<tr>
<td>Total</td>
<td>$5,594.75</td>
</tr>
</tbody>
</table>

**Election Appeals:**
During the 2021-2022 UTGSU Elections, two appeals were placed with the CRO. Normal practice dictates that the CRO is the first step of the appeals process. If a candidate wishes to appeal the ruling of the CRO, they are able to appeal to the Elections and Referenda Committee.

Once an appeal has been exhausted through the Elections and Referenda Committee, a candidate is able to appeal through the UTGSU’s Board of Appeal, should they choose to do so.

A summary of the appeals that took place is available below:

**Appeal #1:**

One candidate was disqualified from running due to the nature of their candidate’s statement. In order to accommodate this person and give them an opportunity to run, it was requested that they submit a new statement. The candidate refused and was subsequently disqualified.

The candidate than appealed this decision to the Elections and Referenda Committee. The ERC chose to uphold the decision of the CRO (See Appendix A).

Note: The disqualified candidate later attempted to file a second appeal after the elections against another candidate on the basis of their candidate’s statement, but this appeal was rejected.

**Appeal #2:**

The second appeal was launched after the unofficial elections results were released.

Candidate Delphine Ji filed an appeal against Internal Commissioner-Elect, Sarah Alam. Ji stated that Alam was not eligible to run for a position since she was on the Hiring Committee for the CRO.

After an intensive investigation the UTGSU and all members of the Hiring Committee were unaware that they would become ineligible to run for an Executive position should they be a member of the committee (see Appendix C). The ERC upheld the ruling of the Chair, given that this bylaw also required clear and public advertisement of participant illegibility which was not properly communicated to any members involved. I have recommended that this bylaw be updated immediately so there is no further confusion for future elections.

Ji has indicated that she intends to appeal the ruling with the Board of the Appeal.

**Recommendations:**
Both myself and members of the ERC have noticed that this year’s elections were particularly contentious. While it is understandable that elections can be a stressful time for candidates, there was a distinct pattern of interference, personal attacks and harassment by a small number of students, particularly against one candidate.

In order to reduce potential issues around personal conflicts, I feel very strongly that the CRO should not be a member of the UTGSU. Rather, it should be an external hiring which is handled by the UTGSU Executive and General Council/Board of Directors in order to support a fair process.
Appendix A
Appeal #1

March 22nd 2021

The Elections and Referenda Committee have decided to uphold the decision of the CRO to disqualify Adam Hill from the 2021-2022 UTGSU Elections.

A Candidate’s Statement was received by the CRO on Friday March 19th. The CRO indicated to Adam that this statement in its current form was unpublishable and would result in his disqualification if he failed to provide a new one in line with the Elections and Referenda Code. The CRO provided Adam with an accommodation in the form of an opportunity to submit a new statement by Saturday March 20th at 9:00am, past the original deadline. While Candidate's statements are not required, the CRO and the Elections and Referenda Committee did not receive a new statement or a withdrawal of the previous statement. Therefore, the application received from Adam Hill to run in the 2021-2022 UTGSU Election includes a Candidate’s Statement that violates the following rules of the 2021 Elections and Referenda Code:

17. Materials and statements by the candidates or their campaign deemed to be offensive, derogatory, and/or in violation of the rules of fair play are strictly prohibited.
5. Candidates shall campaign in accordance with the rules of “fair play.” Breaking the rules of fair play includes, but is not limited to: breaching generally accepted community standards, libel, slander, general sabotage of the campaigns of other candidates, malicious and/or intentional breach of the Elections and Referenda Code, interfering with UTGSU staff, attempting to undermine the electoral process, and misrepresentation of fact.

A total of 35 demerit points qualifies for disqualification. Based on the contents of the statement provided by Adam, he accumulated the following demerit points:

Repeated violations of the Elections and Referenda Code - 15 points
Failure to comply with the spirit and purpose of the election - 35 points
Intentional misrepresentation of facts - 25 points
Appendix B:
Appeal #2:

April 13, 2021

Hi Delphine,

After completing a thorough investigation, I am ruling against the appeal you filed on April 6th 2021.

In February 2020, the UTGSU General Council passed a by-law amendment stating that members who serve on the CRO Nomination Committee are ineligible to stand for Executive election that cycle. However, it was not until December 2020 that the bylaw amendment was ratified.

The CRO Nomination Committee was struck during the UTGSU General Council meeting in November 2020. Alam was elected during the Fall by-election in November and volunteered for the Committee in that same month. She was not made aware of Clause 8.1.15 or Clause 8.1.16. Members of the CRO Committee have also confirmed they were not aware that membership on the Committee prohibited them from running in the UTGSU Executive Election.

There was a failure to adequately convey this information or update the bylaws publicly available on the UTGSU. It would be unreasonable to disqualify the Internal Commissioner–elect for violating a rule that was not communicated at any time during participation on the CRO Nomination Committee.

Furthermore, any bylaw changes, unless specified, do not retroactively apply.

I will request that current Internal Commissioner update the by-laws to reflect the amendment passed in February 2020 immediately. I will also note this issue in my CRO Report with the expectation that future Election Codes reflect the updated by-law.

If you wish to appeal this decision you are required to notify me in writing before 9:00am on April 15th. You are the only applicant who can file an appeal of this ruling.

Regards,

Adrian Aziz
April 21st, 2021

UTGSU ERC Response to the Appeal from Delphine Ji

The Elections and Referenda Committee (ERC) has reviewed the appeal submitted by Delphine Ji regarding the 2020-2021 UTGSU Elections. The ERC has reviewed the original appeal and the relevant Articles and outlines the following considerations:

An amendment to Bylaw Article 8 was approved at General Council in February of 2020. Based on the Ontario Not-for-Profit Corporations Act, and the Ontario Corporations Act, and with no additional UTGSU Governing Documents to consider, Bylaw amendments take effect immediately once they are passed. Moreover, the amendments to Article 8 were approved by the Membership at the Annual General Meeting in December 2020.

Article 8 subclause 8.1.5 states the following:

   No Member shall serve, in a single election cycle, in more than one of the following capacities: as the CRO, as a Deputy CRO, as a CRO Hiring Committee member, or as an Elections Committee member. Further, any Member serving in one of the previous capacities shall be ineligible to run for election to the Executive Committee in an election in which they are serving in said capacity.

Whereas the candidate would typically be in violation of subclause 8.1.5. under normal circumstances, the ERC finds that subclause 8.1.6. was also violated:

   Clause 8.1.5 must be included in the advertising of these positions, and any person applying for these positions must be informed of this limitation of eligibility prior to their acceptance to serve in said roles.

The ERC finds that because of the violation of subclause 8.1.6., subclause 8.1.5. cannot be fairly upheld. The members of the CRO Nominating Committee provided sufficient evidence to the appellant that they were not aware of subclause 8.1.5. The updated Bylaw including amendments to Article 8 is still not available to the Membership on the UTGSU website, over one year after they were first adopted. Several other UTGSU processes and timelines understandably have been delayed, due to the COVID-19 pandemic.

The matter is further complicated by the fact that this appeal was brought after the voting period ended. To disqualify an elected candidate is to go against the will of the UTGSU Membership. The ERC would like to emphasize that the result of this appeal, or subsequent appeals, does not, and should not, impact the legitimacy of the election as a whole, or nullify its results; it does not impact the results for other Executive Committee positions. Disqualification of a candidate at this point, would result in a vacation of the position. Vacancy as it relates to the Executive Committee is covered under Bylaw Article 7, clause 7.4. and would be addressed by holding a by-election.

The 2020-2021 UTGSU Elections have concluded. Any candidates that did not receive the highest number of votes, by-ranked ballot, were not elected by the Membership, and arg
no longer candidates in this election. Individuals are welcome to run in future elections and By elections of the UTGSU.

The ERC would like to also note that subclause 8.1.5 is not in the best interest of the Union. The Executive Committee is responsible for ensuring an election occurs each year, to elect or re-elect Executive Officers. Committees such as the CRO Nominating Committee, require Executive Officers to serve on them. **Additionally, it is the Membership that elects the members of the Executive Committee, not the CRO.** To assert that being a part of the CRO nominating committee is such an extreme conflict of interest that it necessitates barring someone’s participation in a subsequent election does a disservice to those who wish to contribute to the Union. Individuals should not be punished for their participation.

Finally, the ERC would like to address concerns with the nature of the appeal. The ERC is aware that the Internal Commissioner-Elect has been the target of another appeal that sought to block their participation in this election; the ERC must question the spirit motivating such appeals. The statement made by Ji in their appeal is as follows:

“While looking at the records of the Union made public on the UTGSU website, I discovered that the three (3) members of the CRO Nominating Committee are not eligible to run in an election whose CRO they have nominated for Council appointment.”

The amendments to Article 8 would have appeared in the February 2020 General Council meeting mailout and minutes, and again in the December 2020 AGM mail out and minutes. There is concern from the ERC that there has been a pattern of targeted complaints, either by the appellant, or others to disqualify the Internal Commissioner-Elect.

The ERC is also aware that an individual other than the appellant, has been contacting the CRO and Executive Director regarding the contents of this appeal. This individual was not a candidate, and it is inappropriate for them to insert themselves into the appeals process.

The Elections and Referenda Committee has been asked to make a ruling on this appeal. The ERC finds that because of the violation of subclause 8.1.6., subclause 8.1.5. **cannot be fairly upheld.** Additionally, the broader context and best interests of the Union and its Members, override enforcing a technicality that was only recently introduced. This was a nuanced and challenging decision, and the ERC hopes that the appellant knows that time, care, and energy were put into making this decision; the ERC shares the appellant’s concerns that our Union and its elections should be fair and successful. **The ERC will not modify the original decision made by the CRO.**

The ERC understands if the appellant wishes to further pursue this appeal. If this is the case, please notify the Board of Appeal Chair (email: appealchair@utgsu.ca) and cc the CRO (cro@utgsu.ca), ERC (erc@utgsu.ca), and Executive Director (executivedirector@utgsu.ca) before Monday April 26th at 9:00AM, so we are aware of any further proceedings regarding the 2020-2021 UTGSU Elections. For more information about the Board of Appeal, please see Bylaw Article 15 Board of Appeal, and Policy G10: Appeals Process.

Sincerely,
Elizabeth Eng & Fatemah Ebrahim

Elections and Referenda Committee
Appendix C: 
Regarding Appeal #2

Re: GSU CRO Search Committee and Election Eligibility

To Whom it May Concern,

None of the volunteer members of the CRO Search Committee were made aware, at any point in the process of choosing a CRO for our current election cycle, that we would be ineligible to run for or hold a position within the GSU, executive or otherwise.

Any member of the GSU’s Governing Council could have volunteered to serve on the CRO Search Committee. When those volunteer positions were advertised and encouraged, there was no caveat of ineligibility to run/hold an elected position attached to the terms of volunteer service.

Is it really the case that these volunteer positions should not only be unpaid but that they are so unappreciated that to be involved with them jeopardizes one’s future service to the union? I don’t think so. I would certainly hope not.

Signed,

Zak Jones

08 April 2021
To Whom it May Concern,

I, Dominic Pizzolitto, was part of the GSU’s CRO nomination committee for the 2021 elections, along with Zak Jones and Sarah Alam. Our committee was appointed at the GSU Board of Directors meeting on November 17, 2020. While it has come to my attention that recent amendments to Article 8.1 of UTGSU Bylaws render any member of the CRO nomination committee ineligible to run in the election cycle in which they served on said committee, I can state with full confidence that I was not aware of this amendment until after the 2021 elections, nor, to my knowledge, were any of the other members of the CRO nomination committee. At no point were the members of the committee made aware of this amendment, neither in the process of appointment, nor during our committee report to the Board of Directors (which took place after the amendment in question was officially ratified at the AGM in December 2021).

Moreover, it is unreasonable to expect that any member of the committee could have been aware of this amendment at the time. The UTGSU bylaws currently available on the website were last updated on February 27, 2020 (according to the document available on the UTGSU website). The current bylaws do not include the updated amendment to article 8.1, which, in any case, was not ratified at the time our committee was appointed. The amendment in question was provisionally passed by the Board of Directors at a meeting in February 2020; the only way that we could have been aware of this amendment is to consult the minutes from the February 2020 Board of Directors meeting, happen to have attended said meeting and remember the amendment in question, or have been informed by someone knowledgeable of this fact.

Finally, I can attest to the fact that Sarah Alam, having taken on the role of internal commissioner two days prior to being appointed to the CRO nominating committee, intentionally took on a limited role in committee proceedings. While Sarah did discuss the merits of each candidate with the committee, it was Zak and I that conducted the interviews with the candidates. It is my belief that the CRO nomination process would have resulted in the selection of the current CRO regardless of whether or not Sarah was on the committee.

Given that the committee was appointed on November 17, 2020 and that the amendment in question was not ratified until December 2020, I believe that it should not be applied to the nomination committee in this election cycle, although this is a question for the Board of Directors to decide. In this context, the important consideration is whether or not the integrity of the 2021 elections was compromised by Sarah’s participation on the CRO nomination committee, which I categorically state that it did not. Given that there was more than 2 months between when the bylaw amendment passed and the conclusion of the 2021 elections, I question why individuals with knowledge or concerns about this issue did not come forward earlier?