Candidate Gretchen

I must invalidate your participation in the PGSS 2013 General Election because of violations of various sections of the Societies Activities Manual (SAM), namely 9:10:11, 9:10:1, 9:10:2, 9:10:3, 9:10:5, 9:10:10, 9:7:2, and violations as per the Chief Electoral Officer’s discretion (9:1:1). Effective immediately with retroactive effects, but subject to any appeal\(^1\), you are considered disqualified from participation in these elections. This decision will not have any practical secondary consequences with respect to the electoral process and office, nor, to the extent that I can discern, have effects within the society. While this decision of the Electoral Office is binding, you may elect to appeal this decision to the appeals board, however, please understand that its conclusions were not made hastily, and involved extensive research, and reflection, with the assistance of the acting Election Committee and the Governance Committee (see appendix 1). As the executor of the electoral process, I am obliged by the Society’s regulations - and not by personal sentiments - to make this conclusion. No prejudice or malice is intended by it, nor shall you be subject to discrimination in any further dealing with this office of the PGSS.

This letter will be published on the PGSS website. The publication of any upheld complaints or contestations was discussed during the campaign process with all candidates, and was not contested as a consequence of violations.

Evidence:
Please refer to the link for the content to which the explanation refers. Certain passages that are of particular concern will be listed in endnotes below. The SAM and bylaws can be found at [https://pgss.mcgill.ca/en/society-bylaws-and-manuals](https://pgss.mcgill.ca/en/society-bylaws-and-manuals)

Item One
[http://www.mcgilldaily.com/2013/05/denouncing-pgsss-anti-democratic-culture/](http://www.mcgilldaily.com/2013/05/denouncing-pgsss-anti-democratic-culture/)

Denouncing PGSS's anti-democratic culture

Please note that this item serves to contextualise the grounds for disqualification, as well as to provide circumstantial evidence and evidence of campaign assistant violations. It does not seek to hold itself against you (SAM 9:10:10).

This open letter, published on May 8\(^{th}\), and likely disseminated earlier to the media outlet meets the standards of campaigning as per the SAM (9:10:1). It is written in such a way to both promote your

\(^1\) At the time of this addition, May 30th, it is understood that an appeal against this document has been submitted, and, subsequently, withdrawn. As a result, this report should be considered final and binding. Further appeals are likely impossible.
candidacy (fighter for justice, dispel existing allegations against you), and to harm the candidacy of other candidates (speaking negatively of bodies candidate are members of [board of directors, council, executive] and calling for resignations). While your are not listed as an author, two of its named authors, and, likely, some corporate authors are your campaign assistants; furthermore, the letter also seeks to benefit another campaign assistant – Errol Salamon. Recognizing that this office cannot hold you liable for the actions of your assistants, we wonder the intent of your campaign assistants with respect to your candidacy in publishing this letter, and we are forced to consider the possibility of candidate suasion. In such a case, it must follow the process of all other campaign materials; namely the following items which were not followed – be approved by the CRO (10:10:2), contain a candidates platform (10:10:3), contain a disclaimer (10:10:5), and, most concerning, not be prejudicially misleading and/or defamatory (10:10:11). To address the last point in detail, I take great concern with the allegations implied against your fellow candidates. This letter alleges that you were harassed, coerced (via Board of Directors), and untreated fairly either directly by some of your co-candidates, or by other PGSS members as part as a conspiracy against you, and in favour of them (the incumbent candidates). As both a first hand witness to these allegations, and as an employee of PGSS, I can attest to the general lack of evidence concerning these matters – specifically those regarding the alleged attempt of the chair to silence opposition to the current executive, and silence your supporters. I would further add that the Board of Directors, another technocratic, unbiased body of the PGSS has not found evidence of this harassment. On a side note, I would like to also add that my office is concerned with the unsubstantiated allegation that my predecessor verbally assaulted PGSS members, and worries that such defamation may serve to unwarrantedly undermine its role within the larger organization. Taken together, it is unthinkable that this letter did not have, at least in part, the goal of harming the candidacy of your running mates. While I fully understand the media is a particular campaigning method, and that leniency must be extended in certain contexts, this is clearly not one of them. Your campaign assistants (you having agreed in the candidate contract to take responsibility for their actions in specific contexts while recognizing SAM 9:10:10) attached their names to a campaign material which was published verbatim, or close to it. This is akin to publishing such a letter on a campaign Facebook page, or

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2 In conclusion, a state of disempowerment has been produced by an executive who are not interested in enhancing the democratic participation of PGSS members. In light of the consistent refusal to acknowledge the above problems on the part of Jonathan Mooney (Secretary-General), Michael Krause (Internal Affairs Officer), Adam Bouchard (Academic Affairs Officer), Elizabeth Cawley (Member Services Officer), and Erik Larson (Financial Affairs Officer and Acting Chair of the PGSS Board of Directors), we demand: 1) the immediate resignations of these Executives; 2) council revoke the censure motions against the External Affairs Officer and the Equity Commissioner passed by the Executive Committee, as well as the censure motion against the Equity Commissioner passed by Council; and 3) a public apology from the Executive Committee and the PGSS Board to all members who have experienced confusion, frustration, and intimidation at the way PGSS has been conducting its affairs over the past year.

3 Rosalind Hampton [sic], Anne Sophie Pratte; while I do not have the capacity to verify at this time, I believe other campaign assistants are included in the corporate authors listed at the bottom of this letter.
affixing a poster to a letter board. While the defamation caused by this letter would alone have caused a situation of significant disadvantage against some of your fellow candidates, which would be grounds for disqualification, I would further add that I consider the following violations of the SAM to hold, as a whole, equal weight to defamation (thus having the same consequences): campaigning during the polling period, failure to approve materials, failure to include a disclaimer, and failure to discuss a candidate’s platform in a campaign material. Finally, though one can certainly comprehend the desire for concerned PGSS members to bring forward their thoughts on pressing matters, one must remain aware of the constraints of an election, which require that campaigning meet certain demands. As discussed at length, these demands, or constraints do not apply within council. Council is the governing body of the entire PGSS, including its elections. As such, generally speaking, discussion within its council meetings are not subject to the electoral rules. Should your assistants have chosen to work within the internal structure of PGSS to voice their concerns - council - a situation of campaigning would not have concerned; it would rather be seen as a genuine attempt to express concern. Instead, these concerns were presented in an external forum by your campaign team, that is the media, which is, given its nature to effect the opinions of voters, campaigning.

**Item Two**

http://www.mcgilldaily.com/2013/04/pgss-point-to-disengaged-electorate-at-candidates-debate/

**PGSS candidates' debate points to disengaged electorate**

In this article one of your campaign assistants, rosalind hampton [sic] states “current executive has done everything in their power to discourage and discredit King’s candidacy […] and to maintain the status quo.” While this is not grounds for concern on its own, it does allude to the idea that your fellow incumbent candidates have been acting against PGSS’s regulations on democratic order. In such a nature, it can be seem as part of the aforementioned defamation campaign. Again, this office recognizes the constraints of SAM 9:10:10, tempered by the following quote, taken from the candidate guideline, which you have agreed to, “Implied consent may constitute grounds for a violation of the rules as well; consequently, candidates should ensure anyone assisting with their campaign understand these rules as well.” Turning to your own words, you are quoted as saying in response to a question regarding the cohesion of the executive⁴ “It seems fictional and it doesn’t speak to the reality of the situation when there are serious grievances being brought by members about collective oppression and harassment.” This office considers the reference to the grievances about harassment to be prejudicially misleading. At this point in time, these allegations had not been officially proven or disproven, and were to be treated as internal matters as per the directives of the Board of Directors. Furthermore, the Board of Directors documents reflect that you had been informed at this point in time of their finding which showed these allegations to be either

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⁴ “Budget cuts are coming, how will you ensure that PGSS members still have access to essential services in harsh economic times and how will you ensure the PGSS executive stays united rather than playing a damaging game of thrones?”
This office recognizes the democratic right of persons to speak freely to the media about factual happenings, and opinions; however, it also recognizes the constraints of fairness in the electoral process. In employing the wording “serious grievances” and “collective oppression and harassment”, this office considers you to have departed from the actual reality of the situation – that being a single allegation of sexual harassment – and you to have elected to present a campaign statement to the media which was, to your knowledge at the time, not to be true. Thusly, we see this as you having made a deliberate attempt to defame the incumbent candidates to your own electoral benefit - campaign material. Considered as such, this campaign material did not meet the aforementioned procedure for the approval of said campaign materials - which, as stated in item one, is to have equal weight to defamation. In sum, we consider the defamation (prejudicially misleading statements) you undertook with intent, and the complete violation of procedures to warrant two distinct grounds for disqualification.

Item three


PGSS rocked by accusations of sexual harassment

In this article, it is alleged that certain member(s) of the executive had comported themselves in a manner that is not only highly offensive, but also likely illegal. In the most recent council meeting, you had admitted to supplying the details of this allegation to the Daily, after first sending them to the Board of Directors. Assuming this is correct - the order of your dissemination of these allegations, the elections office firstly recognizes the just attempt to treat this issue as an internal concern; however, we take concern with the choice to readily seek media attention to the matter. This office could comprehend going to the media as a last resort in a case of great injustice after internal or legal (that is, the police) mechanisms failed to respond to this issue as a result of prejudicial treatment, but that simply was not the case. This, as was the case for item one, is another example of campaigning. In an effort to be concise, we shall not repeat the violations, but simply state they mirror that of item one. As the allegations of sexual harassment have been argued to be without merit by the Board of Directors (again, they being an unbiased, technocratic body), and as these allegations have not been brought to a Crown Attorney for criminal investigation, my office is forced to conclude that it was simply a premeditated, deliberate attempt to discredit certain executives, including some incumbents, as to benefit your campaign. This, again, is prejudicially misleading, defamatory, and in violation of other campaign regulations. Moreover, as this was published April 4th, it was in violation of SAM 9:7:2. Given the grave nature of this publication, the

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5 A previously published version of this document read «Furthermore, as alleged by candidate Bouchard, and seconded by candidate Mooney...». This was presented as to signify that these individuals were present at said meeting. The office of the CRO had mistakenly understood these individuals to indeed be present; however, they were in fact relaying information contained in the Board of Directors’ minutes. This office has since verified this information directly with the board.

6 As you have admitted in Council to sending these articles to the Daily, we do not see it necessary to verify their factualness. Even if the order of dissemination is changed, it does not effect this grounds for disqualification.
electoral office believes its dissemination had a signification negative impact on some of your fellow candidates. Thusly, we see this publication as grounds for disqualification under SAM 9:10:11, and under various other clauses, and CRO directives meriting the gravity of the aforementioned disqualifying clause.

Item Four
http://www.mcgilldaily.com/2013/05/addressing-mcgills-policy-gaps/

Addressing McGill's policy gaps

This article, published May 9th, during the polling period, is a yet another example of campaigning outside of the bounds of the electoral regulations. Unlike the others, this office does not find its contents to be prejudicially misleading in a manner demanding disqualification (though, it does suspect the unsubstantiated attempt to paint the board of directors as out of line is part of a wider campaign to discredit certain incumbents); however, it does consider this document to offer you an unfair advantage during campaigning. Reading through its contents, one can easily see that it is written as to address a legitimate issue, as well as promote your candidacy. We would especially like to draw attention to the paragraph that promotes a list of your achievements in a manner akin to a candidate statement.7 Looking to the timing of this campaign material, as this document was published on the second Wednesday of campaigning, and likely submitted beforehand, this document was reasonable expected to reach a large number of voters before they had cast their ballot. In doing so, it granted you with the opportunity to campaign after all other candidates had ceased to so as per the candidate guideline rules. It also demonstrates a disregard for other procedural rules as mentioned in item one. Given that the commanding portion of participation occurred after this document was likely submitted to the press, and given that a significant portion (exceeding 10%) of voters participated on or after May 9th, this office considers this violation to have had a significant effect on the outcome in your favour, which may be reasonable compared to the weight of defamation, and thusly, the consequence of disqualification.

Note on the aforementioned items:
The office of the CRO also speculates on the resources used in the development of these previous campaign materials (articles in the daily). It would seem that the Daily has furnished you with free campaign materials that would exceed 300$ in value, and that did not follow the expense procedures (SAM 9:11:1, 9:11:2, 9:11:3, 9:11:6, 9:11:7). Specifically, certain portions of the aforementioned

7 After a year of work that includes collaborating with the Equity Committee to: implement an online equity complaints form at PGSS, revise the PGSS Policy on Equity and Diversity to include an equity complaints procedure, prepare a report on social sustainability at PGSS to review equity, diversity, interconnectedness, quality of life, governance and democratic practices, implement the first survey of PGSS members’ equity experiences, explore the policy gaps at McGill University for PGSS members, and bring forward grievances by PGSS members – the PGSS Equity Commissioner has acted within her mandate to represent the PGSS’ interests in equity issues on campus.
articles read like advertisements, and other seem highly suspect in terms of journalistic bias. One could thusly argue this article is free advertisement space - a violation of the previous SAM articles, and the SAM clause forbidding the purchase of advertisement space (SAM 9:10:9). This is not intended to represent a violation, but rather contextualize further the concerns this office has.

Conclusion

As Chief Returning Officer it is my goal to ensure that the elections and referendums of this society are conducted in line with its bylaws and regulations, as well as democratic traditions, as to accurately reflect the honest opinion of our voting members. Part of this goal includes ensuring violations conducted by candidates, or third parties, are identified, sanctioned, and rectified. Although this disqualification has no effect on the election, I am bound by the rules to submit it. Reflecting on these violations, this office cannot fathom any situation in which one would not consider the course of action you have taken to not have an effect on the outcome of the election in a significant manner. Logic dictates that this was a deliberate, premeditated attempt to discredit certain incumbents, promote your candidacy, and conceal this under the auspices of journalism, oppression, and advocacy. I am consequently forced to conclude that you intentionally set out to affect the outcome of the elections by using inappropriate mechanisms, which gave you an significant unfair advantage over the other candidates.

Respectfully,

Colby Briggs
Appendix 1;
Governance Committee response:

I will preface these responses with the proviso that I am aware of the events of the elections only writ large, that there have been conflicts or controversies, but not of the particulars of any events or candidates. This feedback here should be taken from a perspective of proper procedure, rather than in the particular case of any individual or event.

1. The effects of taking action against this candidate will not affect the outcome of the election. Thus, is it necessary to take action? I understand not taking action means condoning the violation, but on the other hand, the backlash from taking actions may further an already hostile situation.

Managing the elections, while ideally a collegial and convivial affair, typically is neither of these things. In the case of this question, it is useful to look to the role of the CRO. The CRO has discretion over how to act against violations, but a decision to not act should be based upon a belief that the violation was too small to merit a censure or sanction, rather than a concern for hostilities. The CRO acts within the bylaws and SAM, and the ultimate outcomes of such actions over the long-term are concerns of the Board, rather than an elections officer.

2. The candidate in question has seen to it that a serious of malicious press articles were released, some of which this person is quoted in, some of which this person has written, some of which this candidate's declared supporters have written/signed (this latter point, I know, can only act as circumstantial evidence). This not only violated rules concerning malicious campaigning (with the consequence of DQ) but also campaigning during the post-nomination period, campaigning during polling, and campaigning without the CRO approval - as well as the unwarranted use of the (financial) resources of others, without declaring them. The latter four points, taken together, likely had a significant effect on the vote.

If a candidate or candidates, or their approved representatives/volunteers, were involved in campaigning in a malicious manner, or outside of approved times, or using external resources, that is indeed a significant violation that should be a concern to the CRO.

3. Much of the evidence justifying the candidate's campaigning as malicious rather than factual is based on the Board of Governors report, which is vague, albeit unbiased. Can this be held as evidence?

I would be wary of using a report from the Board as evidence in any elections investigation. If there are allegations made, it is to the CRO to gather reports from candidates and members. To base an investigation on a document produced by the Board, a body from which the CRO is intended to be at arms-length if not independent, is increasing the scope of the board over the CRO and reducing the autonomy of the CRO's office. Certainly such information may be contextually useful, but only as a starting point for independent investigations.

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8 This is a reply to the CRO’s email requesting clarification on certain matters. The writing in italics is the questions of the CRO, with the replies underneath written by the Governance Committee.
One could also argue the Board of Governors, which naturally has ties to certain candidates opposed to the candidate which we are discussing as having violated the rules, has also acted, in part, as a tool to campaign for certain candidates (thusly violating the same rules). On the other hand, this body is an official, in-house structure that acted within its PGSS mandate, and acted unprejudicially based on evidence. Can I, consequently, dismiss any potential allegation of it acting in the interests of certain candidates?

The Board has certain mandates to oversee its officers, including some of the candidates, which does not pause during the elections. If the Board, in good faith, found it necessary to investigate and issue statements regarding internal matters of its purview, that is outside of the powers of the CRO to control. Certainly if the Board was acting to intentionally influence the election, that would be a much more serious allegation; but the fact that the Board took an action within its mandate which may have influenced PGSS members is not, in and of itself, a campaign tool or violation of the rules.

Finally, the individual who brought forward these complaints wishes to remain anonymous. Here, I see two sides - in the criminal justice system one is [to] face their accuser; however, such cases are also brought forward by the Crown. Does the accuser need to be revealed, or should I bring forward the contestation as the elections office acting against an out-of-line candidate.

You are right that there are two elements at play - perhaps, rather, two levels. Anonymous complaints are certainly to be expected. Individual PGSS members, external organizations, even candidates, can complain to the CRO of a misplaced poster or a minor infraction, and the CRO can act on their own authority to investigate and respond. Anonymous appeals, hearings, contestations, etc., involving an investigation and weighing of perspective rather than a matter of simple fact is a more complex case. In such an event, it would seem less than fair to proceed with a single-sided evaluation by the CRO - indeed, in these cases the CRO is acting as an arbiter between two parties rather than an enforcer. In the case of your criminal justice system parallel, in simple cases you may be the prosecution, in complex cases the judge (subject to appropriate deadlines for appeals, and to the superior jurisdiction of other bodies).