

Editorial

Tribunal decision shows a desperate need for changes in CYSF election by-laws

In a surrealistic epilogue to a controversial presidential election, a dangerous precedent has been established at York.

For the first time an election tribunal has invalidated the victory of a presidential candidate and declared a new student government leader. The decision sent shock waves throughout the York electorate while student representatives at the year's final CYSF meeting expressed extreme dissatisfaction with the ruling. Objections were based on the belief that the Tribunal's conviction was unconstitutional. But was it?

The decision was based on the impropriety of using, as poster material, an *Excalibur* editorial, which endorsed Jill Shibou. According to the Tribunal, this impropriety was founded on three counts. First, Shibou used the editorial without the permission of *Excalibur*. Second, she failed to attribute the editorial to *Excalibur*. Finally, as the Tribunal claimed, there is no precedent which deems this action as being proper campaign practice.

CYSF By-laws establish that "editorial endorsements in the campus media shall not be deemed to be benefits to a candidate for the purpose of their \$300 campaign limit." However, once Shibou's team employed the editorials as posters, they ceded the right to have them discounted from election benefits. Her failure to document them as benefits amounted to an "improper campaign practice."

Having established impropriety, it was necessary for the Tribunal to prove that this constituted an unfair practice. The CYSF By-laws define unfair campaign practices as "an act which substantially prejudices" the ability of another candidate to be elected. In other words if the Tribunal can demonstrate that Shibou's actions decided the outcome of the election then "unfairness" is proven.

The ambiguity of the "substantial prejudice" clause attaches extreme significance to the final margin of victory. Having won by a slim margin the Tribunal felt that the *Excalibur* editorial influenced the final outcome. The Tribunal, with no other recourse for punishment, decided to go the extreme but constitutionally justified route of stripping Shibou of her victory, making Drew McCreadie the next CYSF President.

The severity of the ruling is directly related to the all or nothing proposition that confronted a hamstrung Tribunal. If they backed Shibou's position and maintained her victory, an alarming tolerance for election improprieties would have been created. On the other hand, removing Shibou from the Presidency is a departure from the legal principle of equitable proportionality in sentencing.

Perhaps the best solution would have been a by-election for the Tribunal this option does not exist. All the Tribunal can do, according to Article 19, Section 2.1 in By-law 2 of the CYSF charter, is "invalidate the election . . . and/or suspend for any period of time the right . . . to vote in subsequent elections and/or suspend the right of a member of a constituency to be nominated for elections."

The only available punishment for the Tribunal once they found Shibou guilty of unfair campaign practices, was to invalidate Shibou's election and make Drew McCreadie President.

To grant a Tribunal so much power that it can declare a new President is far too arbitrary for a democratic system. What is clear from this week's events is that new election by-laws are desperately needed. The choice of a new President *must* be in the hand of the students.



Letters

The crowning of a CYSF Chancellor

Editor:

Let it be known that because the voter turnout of the CYSF elections constituted such a low percentage of eligible voters, I have declared said election invalid and have appointed myself Chancellor of the CYSF and the York University student community.

—Chancellor Stephen Beaumont

McCreadie gave students choice

Editor:

Reading today's *Excalibur* (April 2), I find that Ms. Shibou's analysis of Mr. McCreadie's performance is either insincere or rather naive. According to Dollard and Shinder, "Shibou interpreted the strong performance of McCreadie as a reflection of the desires of York students." I am in full agreement with Shibou on this point, however the writers go on to report her as believing that "student body wants more humour and fun to add some kick to the University." I am sorry to say that I think Ms. Shibou is very much in error concerning the motivation of a McCreadie supporter.

McCreadie represented a choice beyond the normal rabble that is common fare during a York election. Those who voted for him surely felt that the other candidates were mere incarnations of 'those who have run before'; bland as milktoast and as interesting as the issues confronting them. In addition, I am sure that not a few of the McCreadie supporters felt that the office of president of CYSF is of relatively little significance, and consequently, deserving little consideration. In an election where less than 4% of the eligible voters actually participate, I feel that the position being sought is not as important to the body to be governed as it is to its governors. Also, on a simpler level, perhaps McCreadie's were merely expressing their cynicism for the post. In my opinion, these are more likely factors affecting McCreadie's amazing performance at the polls, not a so-called 'desire for more humour.'

Unfortunately, the race for the Women's Affairs post has been eclipsed by the presidential campaign. In the last year, in particular,

this post has done more for the York Community than any president has for quite some time. Hopefully, the tradition will be carried on.

If real progress is to be made at this University the student body will be championed by a CYSF Council that will legislate itself out of existence, and create a Board of College Councils that will preside over the student body.

—Norm Gall

Winters berates Castle's column

Editor:

After reading the article by Robert Castle in the April 2nd issue of *Excalibur*, we were disappointed with your reporter's lack of journalistic integrity. The role of the Master in Winters College is an essential one. Our Master provides a sense of continuity and history which is helpful in determining student services. Master Elliott gives us insight into upcoming issues before they become public, thus allowing the College Council more time to assess the situations. His role is that of an advisor and he acts as a sounding board for ideas. The Master of Winters College has always taken a sincere interest in the College. He realizes that we are a student government and respects our opinions and ideas because of this.

Student governments are required to perform expensive and time-consuming auditing procedures, and report in detail, to the Provost via the Office of Student Affairs, on how student funds are disbursed. The Provost may withhold grant monies if he does not approve of the way in which a student government handles its financial affairs. We would suggest that the above procedure clearly indicates that senior and (in the case of the proposed Financial Liaison Officer) intermediate administrative officers already have *absolute* control over the granting of student government funds. Certainly a situation in which a College Master actively interferes in the budgeting process, or votes on the disbursement of student monies, is to be avoided, but the passive authorization of cheques, in order to remove administrative roadblocks is hardly "interference" in student affairs, and, in fact, serves the opposite purpose—allowing programmes to be implemented with a minimum of "red tape."

The Master was asked by Council

to co-sign cheques because of his availability. In the early 1980's there were resignations of the Vice-President, Business Affairs and the treasurer, creating a situation where the Council was left with only one person having signing authority. Because of the limitation placed on Council concerning by-elections, Council could have been left without a second co-signer for a period of at least one month. At that point Council decided to ask the Master to sign cheques in order to get on with its business. While signing cheques the Master checks that disbursement of funds have been approved by Council vote and are recorded in the minutes (also an audit requirement). The Master abstains from voting on all financial matters. It is the Master and the President of our Council who have signing authority.

This article is not only an attack against the Master of Winters College, but also seriously questions the integrity of Winters College Council. In conclusion, it would be appreciated if, in future, your reporter act more professionally, not only by properly presenting his facts, but by properly researching them as well.

—Ken Webb
President, on behalf of
Winters College Council

Students left in cold by Security

Editor:

It would appear that the Escort service is going to continue to be lambasted for its questionable service to the York community until some semblance of order and organization can be achieved. Let me give you an example: On April 1st, I called for an escort at B lot at about 10:50 p.m. I was assured that I would be picked up promptly after telling the dispatcher that I was indeed alone. Nine—count 'em, nine, times the vans drove past me, despite my efforts to flag them down. The second time I called Security to tell them that I had been waiting half an hour, was cold and had been hassled by two men who were leaving the parking lot. Dispatch assured me a van was on the way and yet another van drove past me . . . bringing the grand total of being passed by up to 10 . . .

Finally, a van arrived, after a 45 minute wait. Granted the vans were carrying a full load some of the time but not every van that passed me was

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(We hope you've enjoyed Gospel Singers Part II;

have a wonderful summer!)

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