

**CYSF**105 CENTRAL SQ.  
667-2515**CYSF****LECTURE ON ISLAM**

SPEAKER: GARY MILLER

TOPIC: "TOWARDS BETTER UNDERSTANDING OF ISLAM"

DATE: MARCH 30th, 1984

TIME: 7:00 p.m.

PLACE: CHAPEL, SCOTT RELIGIOUS CENTRE

ORGANIZED BY MUSLIM STUDENTS ASSOCIATION OF YORK UNIVERSITY. ALL WELCOME.

**ECONOMIC STUDENTS' DINNER**

FRIDAY MARCH 23, 1984

6:00 P.M.

VANIER DINING HALL

TICKETS: \$11.00

SPECIAL FAREWELL TO GRAHAM McKECHNIE  
CHAIRMAN OF THE ECONOMICS DEPT.**CYSF****EUROPE  
ON 84¢  
A DAY****SPEAKER: GIL WHITE**AUTHOR OF: 20 WAYS FOR FREE TRANSPORTATION  
16 WAYS FOR FREE ACCOMMODATION**WHEN: MARCH. 29,  
3-5 pm****WHERE: CURTIS K****COST: 84¢****A REPORT FROM THE CYSF  
ELECTION TRIBUNAL**

While it is the right of all newspapers to express political opinion in their editorials, it is also the responsibility of newspaper editors to give their readers an accurate description of any situation on which they choose to comment. We do not believe that this responsibility was met by *Excalibur* in its last editorial, "CRO a busybody" (March 5, 1984). For that reason, we would like to clarify the matter.

First, while *Excalibur* chose to level its criticism of the handling of the Radio York referendum at James Crossland, this year's CYSF Chief Returning Officer, that decision, as well as all others made during the election period with respect to the election, were made by a three-person Election Tribunal consisting of Mr. Crossland, CYSF Speaker Marshall Golden and Faculty of Arts Student Senate Representative John Walters.

Mr. Crossland was elected by Council members from a choice of three candidates, and the Tribunal was appointed according to the CYSF election rules. All decisions were made after much discussion and in no way reflected the personal opinions or political viewpoints of the Tribunal members.

Second, it must be pointed out that all decisions were made as a result of strict application of By-Law 2—the official rules and regulations embodied in the CYSF Constitution for the running of all elections, referenda and polls.

The editors of *Excalibur* were concerned, it seemed, with two aspects of the Tribunal's decision to cancel Radio York's referendum this year. They said that the ruling was made on a mere technicality and that the Tribunal had no right to later forbid Radio York from conducting its own referendum on the same day as the general CYSF elections.

*Excalibur* claimed that the Tribunal's requirement of seven days notice of the Radio York referendum was a technicality and should have been dismissed. But the Tribunal had no choice. The "technicality" was a rule; and in the case of the CYSF election and By-law 2, rules are meant to be followed.

Specifically, s. 1.3. of Article IV of the by-law dictates that the CRO "shall be responsible to ensure that this Resolution (By-law 2) is followed in the letter of the law as it exists at that date of declaration." Forced to follow the letter of the law, the Tribunal could not consider whether the rule was fair in spirit. If it had, it would have contravened the by-law.

So, following the letter of the law—and applying it as literally as possible—the Tribunal was bound by s.1.2. of Article IV which requires that "In any case of a Referendum, the Council shall provide the C.R.O. with the precise and final wording of the particular question(s) at least seven (7) calendar days prior to the opening of the campaign period." Since such notice was not given, there was no option but to disqualify Radio York.

If there has been any inequity, the blame cannot fall on the Tribunal but must rest with By-law 2. The Tribunal was not appointed to make new law; they were appointed to administer the existing law.

Tribunal members experienced tremendous frustration with the by-law, but were not entitled to deviate from it. If changes are to be made, they must be made as amendments to the by-law, before the election begins. Otherwise, an arbitrary system of enforcing election rules would be put into play with dangerous consequences for all candidates and voters. One must go into an election with clear rules, without fear of them being changed. The Tribunal believed that re-interpretation of the by-law in mid-stream would leave it open to legitimate criticism.

The Tribunal, in its report to CYSF following the election, has recommended that By-law 2 be reviewed and possibly amended in light of problems such as these. The Council has endorsed the Tribunal's decision and recommendation.

The second issue concerns whether the Tribunal had the right to veto Radio York's decision to hold an 'independent referendum'. The facts are that Radio York ignored the Tribunal's ruling and held its own referendum. They did not supply the same number of polling booths as CYSF, nor were they able to provide the same procedural safeguards that CYSF offered the student body.

It was impossible for Radio York to hold an independent referendum. Radio York is part of CYSF and any referendum would necessarily be sponsored by CYSF. Documentation is available at the CYSF offices to prove that CYSF was forced to cover Radio York's referendum expenses—\$227.94 for the station's referendum posters and brochures. CYSF paid these expenses as it pays all other Radio York expenses. As well, 90 per cent of the equipment used by Radio York is owned by CYSF and all funding for the station comes directly from CYSF, although some does originate with CYSF college affiliates. And political leverage for soliciting funds from CYSF stems from this paternal relationship. CYSF President Chris Summerhayes and Finance Director Darren Chapman report that earlier this year Radio York claimed a right to funding because they were part of the CYSF organization. The station is willing to take Council's money, but not willing to abide by its rules.

Radio York is a CYSF organization. And according to the by-law, the CRO will be called upon to administer any referendum held by a CYSF organization—whether it is held during the general election period or at another time of the year. Clearly, the Tribunal had the legal right to make a ruling regarding any Radio York referendum.

In the alternative, Radio York submitted that they were merely holding an "opinion poll" and could therefore escape the authority of the by-law. In fact, s.1.0 of Article II of the by-law states that the "use of the term 'referendum' shall include in its meaning any referendum or opinion poll." And by virtue of s.1.3 of Article IV of the by-law, "Upon the date that Council advises the Chief Returning Officer that an election has been called, the full authority for its administration, unless otherwise specified herein, shall lay with the Chief Returning Officer..."

So, technically, Mr. Crossland had the legal right to proceed as he did. The Tribunal gave Radio York notice that it could not hold a referendum during the election period. Mr. Crossland made his reasons clear to CYSF, *Excalibur* and Radio York. But Radio York ignored the ruling, and spent students' money on their poll. In doing so, they did a disservice to the Council and to the University.

As well, the confusion that resulted from Radio York's action was inexcusable. The Tribunal reported numerous inquiries from puzzled students who could not understand "who was running what"; whether they "should vote in the poll"; or whether the vote "would affect tuition fees."

Of course, it won't. The results of the Radio York referendum are valueless. The referendum wasn't properly administered or regulated and the results, therefore, are not representative of York students.

The CYSF Election Tribunal  
James Crossland, C.R.O.  
Marshall Golden  
John Walters

ANOTHER SERVICE BY THE COUNCIL OF THE YORK STUDENT FEDERATION