

## Tribunal disqualifies Shibou, makes Drew McCreadie new Prez

By JAMES FLAGAL

CYSF President-elect Jill Shibou was disqualified by the Election Tribunal Tuesday for "unfair campaign practices" and "undeclared election benefits," making Drew McCreadie the new Student Council President.

Shibou was victorious in last Wednesday's presidential election by a slim 11 vote margin over McCreadie, but the result was challenged when Vicky Fusca, campaign manager for presidential candidate Michael Latchana, filed charges against Shibou's campaign practices.

The charges accused Shibou of using, without permission, cut-out copies of the March 26th *Excalibur* editorial which endorsed Shibou, and of surpassing the \$300 campaign spending limit. Fusca also alleged that Shibou's camp did not remove all the editorials from the walls by the Monday night deadline set by the *Excalibur* Editor.

The Tribunal found Shibou guilty on the first two charges, with each sufficient to invalidate her victory. The Tribunal first looked at whether the cutting out and posting of the editorials constituted unfair campaigning. (Unfair campaigning, according to CYSF by-law 2, Article 19, section 4.1, is any practice "which substantially prejudices without cause the right of a member of a constituency to campaign for and be elected to a position on Council.")

Because Shibou won by such a small margin, the Tribunal decided that the "impropriety" of using the editorial in this manner "substantially prejudiced" the final result, and invalidated Shibou's win.

Rob Castle, an assistant chief returning officer who conducted the Tribunal, explained that Shibou's use of the editorial was improper in three ways: no permission was given by *Excalibur* to Shibou to use the editorial as poster material, no attribution was given to *Excalibur* and, according to Castle, "there was no precedent to make (posting the editorial) a proper act."

Shibou was also convicted of sur-

passing the preset spending limit. Since Shibou did not include the cost of the *Excalibur* editorials in her spending breakdown, the Tribunal set out to decide what the monetary value was.

It was determined through evidence and testimonies given at the hearing, that 100 editorials were posted around campus and that the cost of each paper was 60 cents. As a result, in accordance to by-law regulations, Shibou's spending limit was lowered by \$60 to \$240, putting her \$55.75 over the limit.

Castle explained that in Section 16, article 3.0 of the CYSF Charter, it explicitly states that any candidate going over the limit could be subject to punitive actions. The Tribunal announced that this conviction would have invalidated Shibou's victory as well.

The third charge against Shibou for not removing the editorials before the specified deadline was dropped by the Tribunal for lack of substantiation.

Shibou, in her opening statement, rhetorically asked if she was "being punished for being supported by *Excalibur*." Shibou claimed that the act of circulating an article is regarded as good for the citizenship in a democracy, and that many provincial parties in their campaign photocopy newspaper editorials and distribute them to the electorate. Shibou emphasized that she never intended the act to be prejudicial in any way, and that because *Excalibur* is free, it "cannot be declared as a (cost) benefit."

Shibou finished her opening statement by reading a letter from CYSF Services and Communications Director Joe Baird which stated that "to have a tribunal who can disqualify a candidate after her election is farcical."

Lorne Manly, Editor of *Excalibur*, was called by Fusca to the stand to confirm that Shibou had in fact used the editorial without permission. Shibou then asked Manly if there was anything wrong with cutting out posters, and Manly explained that

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**DRINKING AND DRIVING DON'T MIX:** The bottles came out unscathed but this is all that's left of the car. This shot, taken by Simon Lerner, is the first place finisher in this year's Photo Contest.

## Secretary still struggling to regain former job

INSIDE

By JEFF SHINDER

For the second time in two years an arbitration hearing into York secretary Jean Liebman's grievance concerning her demotion from the Sociology Department was cancelled by her own union.

The York University Staff Association (YUSA), exercising its legal right, accepted the Administration's settlement offer despite the objections of Liebman.

The Administration's offer included a guarantee that Liebman would receive one of the first two Grade 4 positions in the Faculty of Arts and Science that will become available in the next year. In addition, the proposal contained the provision that Liebman's personnel file would be cleared.

Liebman was moved to the typing pool late in 1984 as a consequence of a study looking into the working atmosphere in the Sociology Department. Liebman has been battling ever since to get her job back,

claiming she was made a scapegoat for management incompetence.

According to YUSA President Celia Harte, "We felt the (Administration) offer was as good as anything we might have won by arbitration." Harte emphasized the excessive cost involved with an arbitration hearing.

Liebman's lawyer, Charles Campbell, disputes the union's position. He maintains that it is arguable that Liebman could not have won her Sociology position back. "Liebman's first objective was to get her job in sociology back. Eliminating the position was simply part of the University manoeuvre to disguise the disciplinary action." Liebman's position in the Sociology Department was terminated after her demotion.

Liebman's removal was initially motivated by a study done on the workings of the Sociology Department. The report, prepared by Frank Demott, Principal, DBM-Canada

Inc., accused Liebman of being a disruptive force in the department. Liebman allegedly resisted when she was moved from her private office to the general work area. According to the report her opposition to the transition caused "the internal situation (to) quickly deteriorate into a tense non-productive operation and environment."

Liebman, who has been a secretary at York for 19 years, 17 in Sociology, believes her relocation constituted deliberate harassment intended to eventually remove her from the department. "(Where they put me) I was totally isolated and ostracized. (They) placed me behind a wall where no one could see me," Liebman said.

The study concluded by assigning the "real" blame for the problems in the department to "the fractiousness of the faculty." Regardless, the report recommended the removal of Liebman as she was a "focus" for the faculty's resistance to change.

Liebman called the report's allegations "categorical lies." "This report was a compilation of the coverup. I believe the real issue and dynamics of the problem were not touched in the report," Liebman said. She refused, however, to elaborate on the nature of the real issues.

In addition, she maintained that among the 15 faculty members interviewed by Mr. Demott, only three had direct contact with her. Liebman emphasized that "those that were interviewed are not indicative of people who can represent my contribution to the department."

To clear her name, Liebman has initiated a lawsuit against Dean Traves charging him with slander. Traves' contentious remarks were printed in the November 21, 1985 edition of the *Excalibur*. In it he attributed some of the Sociology Department's operational problems to Liebman.

Anton Turrigan, chairman of the

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### FEATURES

**CAMPUS CRIME AND SECURITY:** Crime is on the increase at York, yet still the University's 24 security officers have no official mandate or training program. In response to campus wide concern, *Excalibur* editor Paulette Peirrol spoke with both administrators and security officers about the real and perceived problems facing York's security system. . . . . Page 5

### ARTS

**EXCLUSIVE EXCALIBUR INTERVIEW:** He may not be everyone's perfect playmate, but super-symbol Chuck Ruchok claims he's made it with the best, including pray TV PTC celebrity Tammy Butcher. Our resident *Excalibur* offers this unique glimpse into the life, lifestyle, and philosophy of the illusive Ruchok. . . . . Pages 10-11