



Date: 2026-03-05

Reference: 2026 ACUOSU 7

UNIVERSITY OF OTTAWA STUDENT UNION'S APPEALS COMMITTEE

BETWEEN

JASMINE JIN

The Appellant

AND

CHIEF ELECTORAL OFFICER

The Respondent

Indexed as

Jin v Chief Electoral Officer

In a matter concerning an appeal of a decision of the Elections Appeal Board decision under the University of Ottawa Student Union's Constitution

Before: a panel of the UOSU Appeals Committee composed of:

Philippe Giguère, Chair of Appeals Committee

Jérémie Gorman, Student Senator Member of Appeals Committee

For the Appellant: Jasmine Jin

For the Respondent: Ben Cameron, Chief Electoral Officer

REASONS FOR DECISION

I. Decision

1. This matter concerns an appeal arising from a decision of the Chief Electoral Officer (“CEO”) disqualifying the Appellant during the election process for failing to present sufficient proof of bilingualism in accordance with Schedule A of the Constitution. The Elections Appeals Board dismissed the appeal on the basis that it had not been filed within the twenty-four (24) hour deadline set out in section 10.3.1 of the Elections Code “the Code”). The Appellant submits that the appeal deadline should not have been applied strictly because the CEO failed to notify her of her appeal rights as required under section 9.4.4 of the *Code*.
2. The Appeals Committee must therefore determine whether the Elections Appeals Board correctly interpreted the *Code* when it dismissed the appeal solely on the basis of the twenty-four hour deadline, and whether the CEO’s failure to notify the Appellant of her appeal rights affected the fairness of the process.
3. At the outset, the Appeals Committee agrees with the Elections Appeals Board that the *Code* establishes a clear deadline for bringing appeals. Section 10.3.1 provides:

“10.3.1 An Appeal under section 10.2.1 must be made in writing to the Chair of the Elections Appeals Board within twenty-four (24) hours of the receipt of the decision or determination from the Chief Electoral Officer.”

4. The language of this provision is clear and unambiguous. It establishes a strict timeline designed to ensure efficiency and finality in the electoral process. The Elections Appeals Board was therefore correct in recognizing that the *Code* imposes a twenty-four (24) hours limitation period and that the Appellant did not comply with it.
5. However, it was insufficient for the Elections Appeals Board to end its analysis there. In interpreting provisions of the *Code*, the Appeal Board must apply the modern principle of statutory interpretation, which requires that legislative provisions be read in their entire context and in their grammatical and ordinary sense, harmoniously with the scheme of the legislation, its object, and the intention of the legislator. This principle requires decision-makers to avoid interpreting provisions in isolation and instead interpret them in a manner that gives coherent effect to the legislative scheme (here the *Code*) as a whole.
6. When the *Code* is read in this manner, section 10.3.1 cannot be interpreted in isolation. Rather, it must be read together with section 9.4.4 of the *Code*, which provides:

“9.4.4 The Chief Electoral Officer shall, when issuing a decision or determination, inform the recipients of the right of appeal and the deadline to do so under sections 10.2.1 and 10.3.1.”

7. Section 9.4.4 expressly references the same provisions governing appeals that are relied upon by the Appeals Board to dismiss an appeal as untimely. This cross-reference strongly indicates that the two provisions were intended to operate together as complementary parts of a single procedural framework. Section 10.3.1 establishes the time limit for filing an appeal, while section 9.4.4 ensures that individuals affected by a decision are informed of both the existence of that right and the applicable deadline.
8. Reading section 10.3.1 without regard to section 9.4.4 undermines the coherence of the scheme established by the *Code*. The modern rule of interpretation requires that provisions be interpreted so that each provision has meaningful effect and none are rendered redundant or meaningless. If the notice requirement in section 9.4.4 of the *Code* could be disregarded without consequence, the provision would serve little practical purpose.
9. The Committee also firmly rejects the CEO's submission that he had no obligation to notify the Appellant of her appeal rights in these circumstances, as this provision would allegedly rely on the CEO's judgement to determine which matters can be appealed or not.
10. The *Code* does not empower the CEO have a screening and gate keeping function in determining which of his decisions are appealable or not. As set out section 3.2 of the *Code*, the CEO's role is to oversee and direct the elections and perform the duties assigned under the *Code*. Nothing in the *Code* suggests that the CEO has the authority to determine, unilaterally, whether a party affected by a decision or determination may pursue an appeal.
11. Rather, the determination of whether a matter is properly before the appeals process falls within the jurisdiction of the Elections Appeals Board and the Appeals Committee. These bodies are specifically empowered under the *Code* and the *Constitution* to adjudicate appeals and to determine, within the limits set out in those instruments, whether a matter is appealable. The CEO's role is therefore administrative and supervisory in nature, while the authority to interpret and apply the appeal provisions of the *Code* rests with the designated adjudicative bodies.
12. Moreover, the specific language of section 9.4.4 does not support the CEO's interpretation, it simply provides that the CEO "shall" inform recipients of both their right of appeal under section 10.2.1 and the applicable deadline under section 10.3.1 where the CEO has issued a decision or determination. This notification requirement operates irrespective of whether the particular matter is ultimately appealable and does not limit or define the scope of matters that may be appealed.
13. The use of the word "shall" reflects a mandatory obligation, not a discretionary one. The only condition required to trigger that obligation is that the CEO has issued a decision or determination. In this case, the CEO issued a notice of disqualification to the Appellant. Accordingly, the CEO issued a decision or determination and the requirement in section 9.4.4 was clearly engaged.

14. The Appeals Committee therefore finds that the CEO failed to comply with the mandatory requirements of section 9.4.4 when the Appellant was not informed of her appeal rights under 10.2.1 and the applicable appeal deadline under 10.3.1. This failure constitutes a breach of the Appellant's procedural fairness rights.
15. Such an interpretation is also more consistent with the object of the *Code*. Section 1.3 of the *Code* provides that the *Code* must be interpreted in a manner that promotes fairness in the electoral process. An interpretation that allows a decision-maker to rely on a procedural deadline after failing to inform the affected individual of that deadline does not promote fairness in the electoral process and risks depriving candidates of a meaningful opportunity to exercise their appeal rights.
16. Moreover, the interpretation advanced by the CEO and adopted by the Appeals Board does not appear to accord with the intention underlying the adoption of section 9.4.4. The Chief Electoral Officer's report presented to the University of Ottawa Student Union Board of Directors during the adoption of amendments to the Code in December 2025, as reflected in the minutes of the Board of Directors' meeting of December 21, 2025, indicates that this provision was introduced specifically to reduce the number of instances in which appeal deadlines are missed. The provision was also intended to promote greater fairness and transparency in the governance of the electoral process and the related appeals framework. Therefore, an interpretation that permits the notice requirement to be disregarded would therefore undermine these objectives and run contrary to the very purpose for which the provision was enacted.
17. In light of these considerations, the Appeals Committee agrees with the Appellant that the Appeals Board erred in dismissing the appeal solely on the basis of untimeliness. In particular, the Appeals Board ought to have considered whether the appeal deadline should be exceptionally waived in the interest of fairness, given the CEO's failure to comply with the mandatory notice requirement set out in section 9.4.4 of the *Code*. A rigid application of the deadline in such circumstances risks undermining the fairness objectives of the *Code* and fails to give effect to a harmonious and purposive interpretation of all relevant provisions of the *Code*.
18. Nevertheless, notwithstanding this misinterpretation and procedural fairness breach, the Appeals Committee ultimately agrees with the CEO and Elections Appeals Board that the appeal must be dismissed, albeit for a different reason.
19. Following the filing of the appeal, the Appellant completed the required French language test. The Appellant did not pass the test and has since been disqualified on that basis. As a result, the remedy sought by the Appellant can no longer have any practical effect.

20. Any appeal is therefore moot, as the original issue that was originally appealed before the Elections Appeals Board no longer exist due subsequent events and any decision on the merits would serve no practical purpose.
21. Therefore, while the Committee finds that the Appellant's procedural fairness rights were breached when she was not notified of her appeal rights, the procedural deficiency ultimately had no material impact on the outcome of the matter. The Appellant was subsequently afforded the opportunity to write the test, and her disqualification ultimately resulted from her failure to meet the required standard.
22. Accordingly, although the Appeals Committee identifies a procedural defect in the process followed by the CEO, that defect constitutes in these circumstances a technical irregularity that did not affect the ultimate outcome of the matter.
23. For these reasons, the Appeals Committee dismisses the appeal on the basis that the matter has become moot.
24. With that said, the Appeals Committee wishes to conclude by acknowledging the efforts of the Appellant in seeking elected office, even within the context of student governance, requires a significant investment of time, effort, and personal resources. The Appeals Committee recognizes that participating in the democratic process demands dedication, commitment, and resilience. The Appellant is therefore to be commended for her determination and willingness to put herself forward for student leadership.
25. The Appeals Committee also wishes to thank the parties for the quality of their submissions. Despite the very short timelines imposed by the *Constitution*, both parties provided detailed, thoughtful, and comprehensive submissions which greatly assisted the Appeals Committee in its deliberations. The Appeals Committee further commends the parties for the professionalism and diligence they demonstrated throughout the appeal process.

II. Order

26. Although, the Appeals Committee finds that the CEO did not respect article 9.4.4 of the *Code* and that the Appeal's Board interpretation was incorrect, the appeal is nevertheless dismissed as moot.
27. The decision of the Elections Appeal Board is therefore upheld, but its reasons are substituted with the enclosed reasons of the Appeals Committee.

March 5, 2025

Philippe Giguère, Chair of Appeals Committee
Jérémie Gorman, Student Senator, Member of Appeals Committee

