

KAITLIN MA V. CHIEF ELECTORAL OFFICER (CEO)

FILED: 2025/01/30

HEARD: 2025/02/02

APPELLANT: K. Ma

RESPONDENT: Chief Electoral Officer

PANEL: Elections Committee

Nom Name	Poste/Faculté Position/Faculty	Présente/Present
T. Musundire	Chair/Social Sciences	Present
A. Genou	Social Sciences	Absent
B. Miron	Indigenous Students	Absent
G. Chao	Management	Present
A. Hyppolite	Communications Commissioner	Present

Decision written by T. Musundire and unanimously achieved by the committee.

A. Introduction

- a) K. Ma is a candidate for the position of Communications Commissioner in the University of Ottawa Student's Union (UOSU) Winter 2025 General Elections.
- b) Per section 5.2.2 III of Gen-Pol-4, the UOSU Elections Code, K. Ma completed a University of Ottawa official languages and Bilingualism Institute for French and English (OLBI) Bilingualism test. Upon receipt of K. Ma's unsatisfactory test score, the CEO disqualified Ma from the elections on 01/30/2025. K. Ma submitted their appeal to the Elections Committee later that day.

B. Analysis

- a) Per K. Ma's written and oral statements submitted to the Committee,
 - i) They acknowledge that unsatisfactory proof of bilingualism may result in a candidate's disqualification, per the UOSU constitution.
 - ii) They outline their receipt of a bilingual certificate signifying English-French proficiency from their high school education, as well as successful completion of the University's French Immersion test, and completion of a majority of their classes in French throughout their first year of studies at the University, motivating that this qualifies a sufficient level of French proficiency.
 - iii) K. Ma details multiple technical difficulties were experienced during the administration of the OLBI exam, and discloses concern that their recorded oral responses were not saved correctly. They explain that the OLBI proctor assured them a note would be added to their file following the completion of the exam.
 - iv) K. Ma requests the opportunity to retake the bilingualism test or submit alternative evidence of French proficiency to satisfy the proof of bilingualism requirement and be reinstated as Communications Commissioner candidate in the election.

- b) Per the CEO's written and oral statements,
 - i) K. Ma completed their examination on the morning of January 23rd, and a result of "Not Satisfactory" was received by the CEO on January 30th.
 - ii) As the OLBI facilitator did not indicate any technological interference with K. Ma's test results, the CEO proceeded with the notification of K. Ma's disqualification via email.
 - iii) While the CEO themselves did not deny K. Ma the opportunity to redo the exam, the conditions of the test agreement required K. Ma to wait a period of three months before being permitted to retake the exam, and identifies OLBI as an entity external to the UOSU, which retains its autonomy and is not subject to the decisions of the Elections Committee.
 - iv) Further, the approximately nine-day timeline it would take to re-administer an OLBI exam would extend beyond the voting period of the Winter 2025 election, and prevent K. Ma from appearing on the ballot in a constitutionally sound manner.
 - v) The CEO further motivates that the confirmation of valid results by OLBI and failure to meet the necessary bilingualism requirements outlined in the Elections Code affirms the validity of K. Ma's disqualification.

- c) The Elections Committee reviewed the written and oral statements provided by both the appellant and the respondent, as well as a submitted copy of the OLBI test agreement signed by both parties, and the UOSU constitution and Elections code. Per the Elections Code, section 5.2.2:

“To be considered for official candidacy, the CEO must receive the following nomination package during the nomination period in the manner and form as prescribed by the CEO from time to time:

III. In the case of candidates for UOSU Executive office, an adequate proof of bilingualism.”

Per Schedule A of the UOSU constitution:

“Candidates can prove bilingualism in the following ways:

- a. Members shall receive a minimum score on the bilingualism test administered by the University of Ottawa official languages and Bilingualism Institute for French and English. For languages Indigenous to Turtle Island, the member seeking election must present a reference letter from an Elder, scholar, or community leader attesting the language competency. The Chief Electoral Officer has the authority to approve the reference as legitimate.
 - b. Candidates may submit a certificate of English-French bilingualism or results from French or English-language testing that was conducted within the past two (2) years, or a high school or CÉGEP diploma, as proof of proficiency one or both of two official languages, exempting them from the test for the language(s) in question. A diploma must prove full-time, regular study in one language to be used for an exemption; this does not include immersion programs. Candidates may still be required to participate in testing at the discretion of the Chief Electoral Officer should they not be satisfied with the test results or diploma provided.”
- a) The Elections Committee certified that during the nomination period, K. Ma arranged for the OLBI exam to serve as their proof of bilingualism. As OLBI certified the results as valid, the “Not Satisfactory” exam score was not permissible as adequate proof of bilingualism, and K. Ma had not demonstrated candidacy eligibility. Further, the logistics of administering a new exam would not be compatible with the elections timeline, and the re-take waiting period was within the purview of OLBI, not the UOSU.
 - b) The Elections Committee, in the interest of respecting the integrity of OLBI test results and the provisions of the UOSU governing documents, found it impossible to reinstate K. Ma as a candidate due to the results of the exam

and the lapse of the nomination period. Thus, the Committee resolved to uphold the decision of the Elections CEO, and K. Ma's disqualification.

C. Conclusion

- a) The Elections Committee affirms the decision of the CEO and K. Ma remains disqualified from the UOSU elections.
- b) Elections Code section 7.5. affirms the right of UOSU members to appeal decisions of the Elections Committee to the Ombudsperson in writing.
- c) Elections Code section 7.5. dictates the publication of this appeal and the forfeit of the appellant's anonymity.

Appeal Denied