

1. Article XIV. Elections and Referenda

Section 14.01 Election Complaint Policy and Procedures

38

Policy Statement

The UWSA is committed to a democratic election process within a respectful environment free from discrimination and harassment.

The UWSA will not tolerate aggressive or disrespectful behavior toward election participants, students, staff, and members of the campus community. It is a requirement that all individuals participating in the election process agree to abide by all UWSA and UWinnipeg policies at all times during the election cycle.

Every election participant has the right to a fair and accessible election process in accordance with the by-laws and policies of the UWSA. If any UWSA member believes that a violation of the UWSA by-laws or policies has occurred, they may engage the complaints procedures outlined herein.

Compliance

39

All UWSA Staff, election managers, and election participants are required to comply with this policy.

Enforcement

The election management team, including the General Manager, the Chief Election Commissioner, and the Election Accountability Board are responsible for the enforcement of this policy.

Definitions

Complaint:

An election complaint submitted to the CEC via the online submission form available on the UWSA website.

Complainant:

The party that initiates a complaint.

Respondent:

The election participant who is the subject of a complaint.

Election manager:

The Chief Elections Commissioner (“CEC”), and/or the UWSA General Manager.

Procedure

Step 1: Complaint Submission:

Any UWSA member and/or election participant may file a complaint.

Complainants must submit complaints online by completing in full and submitting the UWSA Election Complaint Submission form available on the UWSA’s website. If the complainant requires assistance locating the form or encounters any difficulty submitting the form, they should contact the CEC directly via email, phone, or in-person for assistance.

A complaint becomes active under this policy when a complaint submission form has been received by the CEC.

Persons who make false complaints or provide false information in association with a complaint may be disciplined in accordance with this policy.

Step 2: Chief Elections Commissioner (CEC) Procedure:

The CEC shall review all complaint forms and information made available to the CEC. The CEC will work to resolve complaints in good faith with a focus on ensuring the integrity, safety, and fairness of the UWSA Elections. The CEC shall determine the resolution procedure for each complaint on a case-by-case basis. The CEC’s complaint resolution procedure may include, but is not limited to:

- dismissing the complaint;
- requesting, gathering, and considering information or documentation from the complainant, respondent or any other relevant party;
- meeting with the complainant and/or respondent (as appropriate) to discuss the circumstances of the complaint, options available (if more than one) to resolve the complaint, and possible violation consequences; issue warnings and/or suspensions; facilitate discussion between the relevant parties; advise the parties as to the disciplinary action taken, or to be taken, against the respondent (if any); and/or any other matter the CEC determines is relevant to the review and resolution of the complaint.

These communications and meetings may take place by any means, including via email, telephone call, and/or in-person or virtual meetings.

If the CEC determines that the respondent has violated an election rule, the CEC may impose consequences, including, but not limited to, placing restrictions on campaigning (*i.e.* place, manner, time, format, etc.) or suspending the respondent from campaigning. These consequences may be in addition to any other consequences imposed by other persons or bodies, including the University of Winnipeg.

The CEC may, in their sole discretion, refer complaints to the EAB for review and resolution. If the CEC refers the complaint, the CEC shall:

- Submit the complaint in writing to the Chair of the EAB;
- Provide the EAB with all documentation and information submitted or received from the complainant, respondent or other relevant persons;
- Inform the EAB of all attempted steps to resolve the complaint; and
- Provide any other information or material requested by the EAB (if available).

Step 3: Election Accountability Board (EAB) Procedure:

1. **CALL A MEETING**– Once a complaint is referred to the EAB, the Chair of the EAB shall call a meeting in accordance with the by-laws.
2. **COLLECT INFORMATION** – The Chair of the EAB shall make every reasonable effort to contact the complainant and respondent to inform them of the date/time that the EAB will meet to review the complaint. The Chair of the EAB will provide the complainant and respondent with a summary of the content of the complaint received. The Chair of the EAB shall provide the complainant and respondent with a timeline within which they may submit written supplemental statements for the EAB’s review at the meeting.
3. **SET PARAMETERS FOR THE MEETING** – The EAB shall determine, in its sole discretion, the procedure for the meetings with such procedure adhering to the tenant of procedural of fairness . EAB meetings are closed to the public. The EAB may, in their sole discretion, allow the complainant and/or respondent to attend the meeting and/or ask election managers to be present at the meeting. The EAB may invite other parties to the meeting in accordance with the by-laws. If the EAB determines that it is advisable, the EAB may discuss the circumstances of the complaint directly with the complainant or respondent prior to or during the meeting. The EAB shall appoint a secretary from their membership to record the minutes of the meeting in accordance with the by-laws.

45

4. **DELIBERATE** – The EAB shall deliberate on all gathered information and shall determine any responsibility of the respondent consistent with the complaint and/or information available to the EAB to uphold or dismiss the complaint.

5. **RESOLVE** – The EAB shall determine an appropriate resolution that will best maintain the integrity, safety, and fairness of the UWSA Elections. Resolutions may include, but are not limited to:

- i. Dismiss the complaint, either before or after a meeting;
- ii. No direct action;
- iii. Verbal or written warnings;
- iv. Consequences including campaign restrictions, suspension from election, removal from the ballot, and/or disqualification from election;
- v. Recommendations to the Board of Directors for amendments to the UWSA Election By-laws and Policies.

These consequences may be in addition to any other consequences imposed by other persons or bodies, including the University of Winnipeg.

6. **DOCUMENT AND REPORT** – The Chair of the EAB shall document the meeting including:

- i. A summary of the content of the complaint;
- ii. Any supplemental statements submitted to the EAB;
- iii. A short summary of the considerations of the EAB;
- iv. The determination of the EAB;
- v. The general justification for the determination; and
- vi. The date/time of the determination.

7. **DETERMINATION** – Determinations of the EAB are final and take effect immediately. Determinations of the EAB cannot be appealed.

46

8. **FURTHER REPORTING** – In all cases in which the EAB reasonably believes discrimination and/or harassment may have occurred, the EAB shall encourage the Chief Operating Officer to report the case to appropriate individuals or entities, which may include:

- i. A relevant UWSA employee union, the Executive Committee and/or the UWSA Board of Directors;
- ii. The UWinnipeg Security Office; and/or
- iii. The UWinnipeg Registrar.

9. **FINAL ELECTION REPORT** – The Chair of the EAB shall create a brief and general report on the determinations of the EAB in a given election cycle to be included in the Final Election Report in accordance with the by-laws and the UWSA Privacy Policy.

14.02 Election Intake and Feedback Policy

Preamble

The UWSA is committed to a democratic process in which students are encouraged and supported to reach their full potential. Candidate intake allows election managers to ensure they are meeting the accessibility needs of election participants. Feedback from election participants helps to identify the strengths and weaknesses of the electoral process.

This policy governs the evaluation and feedback framework for UWSA elections.

Definitions

Election participant:

Means all accepted candidates and referendum volunteers participating in a given election cycle.

Enforcement

The General Manager is responsible for the enforcement of this policy, with support as requested from the Election Accountability Board (“EAB”).

Policy Statement

The UWSA is committed to comprehensive election participant intake and regular evaluation of the electoral process.

All election participants shall be invited to participate in an intake process to assess their accessibility needs. All election participants shall be invited to provide evaluation and feedback of UWSA elections following the close of the polls.

Procedure

47

Intake Assessment:

Following the close of nominations, the General Manager shall conduct an intake assessment with each election participant. Intake assessments shall include questions that help the UWSA understand each election participant’s accessibility and training needs. Intake assessments may be performed through survey, meetings, or another format at the discretion of the General Manager.

The General Manager shall share information gathered during the introductory assessments with the CEC and EAB only as needed to create a fair and accessible elections process for every candidate.

Exit Assessment:

Following the close of a given election cycle, the General Manager shall conduct an exit interview with each participant to perform an experiential evaluation. Exit assessments may be performed through survey, meetings, or another format at the discretion of the General Manager.

During the exit assessment, the General Manager shall guide election participants to revisit the needs they identified in the introductory assessment and to provide feedback on the UWSA's response to those needs. Election participants shall also be asked to evaluate the strengths and weaknesses of the elections process overall and to provide any recommendations regarding possible improvements to UWSA elections.

All assessments conducted under this policy shall be confidential to the UWSA, however, a summary report of the assessments and election participant recommendations shall be included in the Final Election Report.

Assessment notes shall be retained by the UWSA in accordance with the UWSA Privacy Policy.