

## 1. Article XIV. Elections and Referenda

### Section 14.01 Election Complaint ~~and Anti-Harassment~~ Policy and Procedures

38

#### ~~Preamble~~ Policy Statement

The UWSA is committed to ~~\_building\_~~ a democratic election process within a respectful environment ~~for all, in which student leaders can learn collaborative governance, build their independent leadership styles, and reach their full potential in an environment free from discrimination and harassment. The UWSA acknowledges that elections are often sites of healthy disagreement and conflict which, if navigated safely, can provide learning opportunities for all parties while either resolving the conflict before harm is caused or repairing harm collaboratively. While some conflicts can be managed at the interpersonal level, others require additional resources and supports.~~

~~The UWSA also acknowledges that elections are often sites of conflict that escalates beyond healthy disagreement and that the harm resulting from this escalation disproportionately targets participants with one or multiple protected characteristics under *The Manitoba Human Rights Code*.~~

The UWSA ~~does not condone and~~ will not tolerate aggressive or disrespectful behavior toward ~~that threatens the safety of~~ 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 election participants sign off on and agree to follow all UWSA and UWinnipeg pPolicies at all times during the election cycle. and is committed to shifting its political culture away from combative partisanship and toward community-centric leadership, personal responsibility, and collaborative governance.~~

#### Policy Statement

Every election participant has the right to a fair and accessible ~~and transparent~~ election process in accordance with the by-laws and policies of the UWSA. ~~When~~ When ~~If any UWSA member believes that a violation of an election the UWSA by-laws or policies y rule has occurred~~ occurs, any UWSA member, staff person, or election participant they may engage the complaints ~~and anti-harassment~~ procedures outlined herein.

~~Every election participant additionally has a right to freedom from:~~

- ~~• Harassment or discrimination by another election participant, student, an election manager, or any other member of the campus community;~~

- ~~• Harassment or discrimination by a person who has a personal relationship with another election participant;~~
- ~~• Targeted behaviour, in violation of the campaign guideline by laws, meant to undermine an election participant's success in the vote;~~
- ~~• Sexual solicitations or advances made by a person in a position to grant or deny a service or benefit to the election participant, under threat of reprisal, or where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;~~

~~It is a violation of this policy to knowingly make a false complaint or to provide false information in association to about a complaint.~~

~~\_\_\_\_\_ Violations of the Positive Space Policy by or against an election participant in the course of an election cycle shall be managed in accordance with the procedures 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**

### **Appeal:**

~~An appeal occurs when a complainant escalates a complaint directly to the Election Accountability Board in accordance with this policy.~~

### **Complaint:**

~~An election complaint submitted to the CEC via the online submission form available on the UWSA website. A complaint becomes is triggered active under this policy when a UWSA complaint submission form has been received by violation of the election rules is reported to the CEC an election manager for resolution. Any UWSA member, staff person, and/or election participant may file a complaint. Independent investigations~~

~~conducted by an election manager, and issues resolved by Independent Resolution, shall also be considered a complaint for the purposes of this policy.~~

~~4. — Procedural complaints are alleged rule violations regarding electoral logistics such as nominations or polling. The defendant in a procedural complaint will usually be an election manager or polling officer.~~

~~5. — Conduct complaints are alleged rule violations by an election participant. The defendant in a conduct complaint will usually be an election participant. Complaints regarding discrimination and harassment are usually conduct complaints.~~

Complainant:

The party that initiates a complaint.

~~Defendant~~ Respondent:

~~The election participant who is the subject of a complaint. party accused of an election bylaw or policy rule violation is alleged against in an issued complaint.~~

~~Discrimination:~~

~~Discrimination is differential treatment on the basis of any of the following protected characteristics under *The Manitoba Human Rights Code*: ancestry, including colour and perceived race; nationality or national origin; ethnic background or origin; religion, creed, or religious belief; religious association or religious activity; age; sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; gender identity; sexual orientation; marital or family status; source of income; political belief; political association or political activity; physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; social disadvantage.~~

~~Election cycle:~~

40

~~The six (6) week election cycle for a winter term election and three (3) week election cycle for a fall term by election as it is determined by the UWSA By laws.~~

Election manager:

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

~~Election participant:~~

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

### Harassment:

~~A course of vexatious comments or conduct that is known or should reasonably be known to be unwelcome. Harassment includes, but is not limited to the following:~~

- ~~• Unwelcome or threatening remarks, jokes, gestures, innuendos, slurs or taunts;~~
- ~~• Following, doxing, or stalking;~~
- ~~• Unwelcome sexual remarks, invitations or requests, whether indirect or explicit;~~
- ~~• Display of posters or literature which are discriminatory or otherwise unfairly target an election participant;~~
- ~~• Condescending, paternalistic or patronizing behaviour that undermines self-respect or dignity;~~
- ~~• Vandalism;~~
- ~~• Abuse of authority which undermines performance, threatens electoral performance, or causes intimidation;~~
- ~~• Assault.~~

### **Procedure**

#### **Step 1: ~~Submit Complaint Submission: Complainant Procedure:~~**

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

~~The complainant shall contact the CEC by email, phone, or in-person and submit their 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:**

~~In order for a complaint to be received and processed~~ The complainant shall, wherever possible must submit, include a fully completed UWSA election complaint submission form to the CEC the following information in their complaint:

~~Date/time of alleged infractions~~

~~Summary of the alleged infraction~~

~~The rule allegedly violated~~

~~Desired outcome~~

The CEC ~~shall~~shall review all complaints forms and information made available to the CEC. The CEC will work to resolve complaints in good faith and with a focus on ensuring the integrity, safety, and fairness of the UWSA Elections. ~~and complainant shall negotiate a resolution. The~~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;
- may 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~~ communication and gather information from the complainant, respondent, or other relevant persons ~~by any means, including via email, telephone calls, video platforms, 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 ~~32~~: Election Accountability Board (EAB) Procedure:

~~1.~~ **STEP 1:**

~~CALL A HEARING-MEETING~~meeting – ~~Once a complaint is referred to the EAB~~Upon receipt of a complaint, the Chair of the EAB shall call a ~~hearing~~meeting in accordance with the by-laws.

~~1.~~

~~2.~~ **STEP 2:**

~~COLLECT STATEMENTS INFORMATION~~ – The Chair of the EAB shall make every reasonable effort to contact the complainant and respondent to inform them ~~all parties to the complaint to alert them~~ of the date/time that the EAB will meet to review the complaint. ~~of the hearing meeting and shall provide them~~ The Chair of the EAB will provide the complainant and respondent with a summary of the content of the complaint received. with a copy of the complaint for their review. The Chair of the EAB shall provide ~~parties the complainant and respondent to the complaint~~ with a timeline within which they may submit written supplemental statements for the EAB's review at the hearingmeeting.

~~3.~~ **STEP 3:**

~~SET PARAMETERS FOR THE MEETING HEARING~~ – 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. However, t~~The EAB may, in their sole discretion, allow the complainant and/or respondent to attend the meeting and/or At their discretion, the EAB may or may not choose to interview the parties involved in the complaint and/or~~ ask election managers to be present at the ~~hearing~~meeting. The EAB may invite other parties to the ~~hearing~~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 ~~hearing~~meeting in accordance with the by-laws.

45

~~4.~~ **STEP 4:**

~~DELIBERATE~~ – The EAB shall deliberate on all gathered information and shall ~~use a balance of probabilities threshold that a reasonable person would arrive at to~~ determine ~~the~~ any responsibility of the respondent consistent with the ~~allegations~~

complaint and/or evidence information submitted available to the EAB to the record to uphold or dismiss the complaint. defendant.

- ~~1. **CALL A MEETING—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 parties to the complaint with a timeline within which they may submit written supplemental statements.~~
- ~~2. **SET PARAMETERS FOR THE MEETING**—The EAB's shall determine, in its sole discretion, the procedure for the meetings. EAB meetings are closed to the public. However, the EAB may choose, in their sole discretion, to allow the complainant and/or respondent attend the meeting and/or ask election managers to be present at the meeting. If the EAB determines it is advisable, the EAB may discuss the circumstances of the complaint directly with the complainant or respondent prior to the meeting or during the meeting. The EAB may invite other parties to the meeting in accordance with the by-laws. The EAB shall appoint a secretary from their membership to record the minutes of the meeting in accordance with the by-laws.~~

45

~~**STEP 4:**~~

~~**DELIBERATE**—The EAB shall deliberate on all gathered information and shall determine any responsibility of the respondent consistent with the allegations and/or information submitted to the record to uphold or dismiss the complaint. defendant.~~

~~5. **STEP 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;~~
- ~~i. —No direct action;~~
- ~~ii. \_\_\_\_\_~~
- ~~ii. —Verbal or written warnings;~~
- ~~iii. \_\_\_\_\_~~
- ~~0. —Consequences including campaign restrictions, suspension from election, removal from the ballot,~~
- ~~iii. —and/or disqualification from election;~~
- ~~iv. \_\_\_\_\_~~
- ~~1. —Recommendations to the Board of Directors for amendments to the UWSA~~
- ~~v. \_\_\_\_\_ 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. STEP 6:**

**DOCUMENT AND REPORT** – The Chair of the EAB shall document the ~~hearing~~ meeting including:

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

~~5.~~

~~— The report shall be publicly posted to the UWSA website and on the door of the CEC office.~~

~~2. RULINGS DETERMINATION~~ – ~~Rulings Determinations~~ of the EAB are final and take effect immediately in effect and final. Rulings Determinations of the EAB and cannot be appealed.

~~7.~~

~~DISMISSAL~~ – At their discretion, the EAB may choose not to hear a complaint. In such situations, the complaint shall be ruled invalid dismissed and the Chair of the EAB shall provide a report including:

- ~~6.~~ A summary of the complaint;
- ~~7.~~ Any supplemental statements submitted to the EAB;
- ~~8.~~ A short summary of the considerations of the EAB;
- ~~9.~~ The ruling of the EAB;
- ~~10.~~ The general justification for the ruling; and
- ~~11.~~ The date/time of the ruling.

~~The report shall be publicly posted to the UWSA website and shall be circulated to all parties to the complaint.~~

46

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

- ~~i.~~ i. A relevant UWSA employee union, the Executive Committee and/or the UWSA Board of Directors;
- ~~ii.~~ ii.



- ~~ii. The UWinnipeg Security Office~~
- ~~ii. ; and/or~~
- ~~iii. The UWinnipeg Registrar.~~

~~12.~~

~~13. University of Winnipeg's Human Rights and Diversity Office;~~

~~14. The Manitoba Human Rights Commission;~~

~~15. Legal Authorities.~~

9. FINAL ELECTION REPORT – The Chair of the EAB shall create a brief and general report onf all the rulings-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 ~~building~~ a democratic process in which students ~~feel~~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. ~~to ensure the organization stays compliant with the values of accessibility, anti-oppressive leadership, authentic representation, outreach and engagement, organizational integrity, empathy, and continual reflection.~~

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.

48