# GSS Elections/Referenda Complaint Form

## GSS Elections and Referenda Complaint Information

Any person may make a complaint to the Electoral Officer regarding the conduct of a candidate, referendum side, Society representative or the electoral process.

Elections complaints are reviewed and adjudicated by the Elections Committee. This is a panel of five graduate students, including the Electoral Officer. The GSS Governance Coordinator sits as a non-voting member of the committee to advise the committee on GSS policies and procedures.

Both the person submitting the complaint (complainant) and the person alleged to have committed an electoral infraction (respondent) have the right to a representative or advocate throughout the complaint process. It is the responsibility of the complainant and respondent to seek a representative or advocate.

All parties involved in the complaint process should read the GSS Bylaws, Policies, and procedures relating to Elections and Referenda. These include: Bylaw 4, Executive Board Elections and Referenda Policy (Policy 7), Executive Board Vacancies Policy (Policy 8), and Elections Committee Terms of Reference (Policy 45), and procedures developed by the Electoral Officer for each electoral event. The Bylaws and Policy/Governance Manual can be found at https://gss.uvic.ca/about/governance-documents/. Procedures can be found on the gss.uvic.ca/referendum and gss.uvic.ca/elections websites.

All parties involved in the complaint process are strongly encouraged to consult with the University of Victoria Ombudsperson, who is an impartial arbitrator of fairness on campus.

### *Informal Dispute Resolution vs Complaints*

Informal dispute resolution is the lowest possible level of problem solving. It is appropriate to seek informal dispute resolution if the outcome you are seeking is that the Electoral Officer provide coaching or clarification to candidates or referendum sides about our election rules.

Due to the limitation of available outcomes in informal dispute resolution, it can only be effectively enacted prior to the start of voting. No request for informal dispute resolution will be considered once the voting period begins.

Any person may request that the Electoral Officer meet informally with a candidate or referendum side to discuss whether the candidate or referendum side may be committing an electoral infraction.

Informal dispute resolution requests may be made verbally or in writing.

The Electoral Officer has discretion to review requests for informal dispute resolution. If the Electoral Officer determines that the informal dispute resolution process would not adequately address the concern(s) raised, they shall direct the person seeking informal dispute resolution to submit a written complaint. It is the responsibility of the complainant to submit a written complaint.

## Instructions for submitting a complaint

To submit a complaint regarding the conduct of a candidate, referendum side, Society representative or the electoral process, please:

1. Read the GSS Bylaws, Policies, and Procedures governing elections and referenda
2. Contact the Electoral Officer at votegss@uvic.ca for assistance in filling out this form.
3. Ensure that the contact information you provide in this form is accurate. The Elections Committee will use this information to communicate with you.
4. Complete this form in as much detail as possible, including any supporting documentation.
5. Email the completed form to the Electoral Officer at votegss@uvic.ca no later than 7 days after the release of preliminary election/referendum results.

**Contact Information**

Name: _____ V#: _____

Phone number or Email: _____

**Information**

Who or what are you making the allegation(s) against? Please select one of the

following:

☐ A Candidate

☐ Referendum Side

☐ Society Representative

☐ The Electoral Process

Please include as much information as possible regarding the individual(s) against whom/what you are making the complaint (i.e. name, role/title for a person, specific rule/procedure for a complaint against the electoral process).

When and where did the incident occur? Please include date, time, location, and any witnesses if possible.

What Bylaw, Policy, or regulation has been breached? Include policy name and number if known.

Provide an account of the incident or issue. Provide as much detail as possible in your description of the events/issues. Attach additional pages if necessary.

Have you discussed this issue with any other individuals (if yes, who)? Have you made any attempts at informal dispute resolution (if so, please describe)?

Do you require any accommodations throughout the complaint process that the Elections Committee should be aware of?

The Electoral Officer will receive this complaint and forward it to the Elections Committee for review and adjudication. If the Elections Committee requires any further information from you, the Electoral Officer will communicate with you using the contact information you listed above. Please be advised that the Elections Committee has the obligation to seek information for respondents and other individuals involved in this complaint.

I, the undersigned, confirm that I have read and understand the relevant GSS Bylaws, Policies and Procedures relating to Executive Board Elections and Referenda. I further confirm that all information I have provided is true and accurate to the best of my knowledge.

Signature of complainant: _____ Date: _____

The Elections Committee shall review all submitted complaints within 4 business days. Their decision will be provided to you in writing.

All decisions of the Elections Committee will be made public. Decisions of the Elections Committee are final, except when there is new information, which could not have could not reasonably be made available to the Elections Committee when they consider the complaint. It is the responsibility of the complainant to ensure that they provide the Elections Committee with comprehensive information upon submission of the complaint.

## Internal Use only

Acknowledgement of receipt by the Electoral Officer:

Name: _____ Signature: _____ Date: _____

Date complaint submitted to the Elections Committee: _____

Date of Elections Committee meeting to review complaint: _____

## Guidelines for the Elections Committee in Reviewing Complaints:

The Elections Committee is tasked with reviewing complaints pertaining to GSS elections and referenda in accordance with the principles of administrative fairness and natural justice. Please find below a series of steps and guiding questions to determine whether an electoral infraction occurred or the election/referenda failed the principles of fairness outlined in GSS policy.

### Step One: Review the complaint.

The Electoral Officer is responsible for circulating the complaint in writing to all members of the Elections Committee. The members of the Elections Committee are responsible for reviewing the complaint in advance of the meeting. The Electoral Officer should provide an overview of the complaint and verbally confirm that all Committee members have read and understood the complaint before proceeding.

### Step Two: Discussion:

Questions to consider:

Part One. Establish your jurisdiction (do you have authority over this issue)?

Is the complaint against a candidate or referendum side? If so, the Elections Committee may proceed with their review.

Is the complaint against a Society representative (an Executive Board member, GRC member, Society committee member or Society volunteer)? If so, the Elections Committee should only review the complaint to determine whether an electoral infraction MAY have occurred. If the Elections Committee has reason to believe a Society representative committed an electoral infraction, they will refer the matter to the Conduct Committee. The Conduct Committee is responsible for all investigations and disciplinary matters relating to Society representatives.

Is the complaint against a Society staff member? If so, the Elections Committee should only review the complaint to determine whether an electoral infraction MAY have occurred. If the Elections Committee has reason to believe a Society staff member excluding the Executive Director committed an electoral infraction, they will refer the matter to the Executive Director. If the Elections Committee has reason to believe the Executive Director committed an electoral infraction, they will refer the matter to the Chair and Vice Chair. The Executive Director is responsible for all investigations and discipline of staff, excluding themselves. The Executive Board is responsible for all investigations and discipline of the Executive Director.

> If the Elections Committee believes that the electoral infractions alleged against a Society representative or staff member represent significant misconduct or unfairness such that it undermines the integrity of the electoral process, they may proceed with a review of whether or not to invalidate the results of the election/referendum, in accordance with the Executive Board Elections and Referenda Policies.

Part Two. Establish grounds for the complaint (is there a legitimate reason for a complaint)?

Does the complaint allege a specific electoral infraction? **Electoral infraction** means an action contrary to Society bylaws, this policy or the procedures to this policy. Electoral infractions may include but are not limited to: improper inducement, intimidation or defamation of voters,

candidates or referendum sides, exceeding spending limits, knowingly spreading misleading information about a candidate, referendum side, or electoral event, and other actions impeding the fair administration of the election, voting, or vote counting.

Does the complaint allege that the election/referendum was not conducted according to the following principles:

- Respect for the democratic rights of members to participate fully and equitably,
- Fairness and impartiality in all aspects of the process,
- Accessibility and inclusivity, or
- Promotion of the engagement of all Society members through all means of participation in the electoral process?

Was the electoral process administratively fair?

> Administrative fairness, as defined by the University of Victoria Ombudsperson, focuses on decisions made by public bodies that impact people. This includes the decisions made by representatives of the Society who make decisions that impact others on campus.
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> To help see if a situation was fair or not, it can be helpful to break it down to three categories:
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> > Procedural: Was the electoral process leading up to the complaint fair? How were decisions leading up to the complaint made? Were all GSS regulations followed in the creation of the electoral process for this electoral event?
> >
> > Relational: Were all candidates/referendum sides, etc. treated fairly? For example, did all candidates/referendum sides having equal access to resources, consistent rules, etc.
> >
> > Substantive: What decisions were made leading up to the complaint (for example, the setting of electoral procedures by the Electoral Officer)? Were these decisions fair?

Has the complaint review process adhered to the principles of natural justice?

> Natural justice refers to the right to fair treatment that includes the following principles:
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> a. the right to be heard: this means that all individuals involved in a complaint have the right to be notified of the complaint against them in a timely manner and have sufficient time to respond
> b. the right to review free from bias on the part of decision makers
> c. the right to reasons for decisions: all individuals involved in a complaint have the right to receive the reasons for the decision. Such reasons must be detailed and adequate so the individuals concerned know the facts that were relied on and the reasoning behind the decision.

### Step Three: Call a vote or seek more information

If the Electoral Officer is satisfied that all relevant information has been reviewed and considered after answering the questions above, they shall call for a vote of the committee on the validity of the complaint.

The Electoral Officer shall refrain from voting unless there is a tie vote among committee members.

If further information is required, the Electoral Officer will seek this information from relevant parties immediately. If this information cannot be obtained immediately, the Elections Committee shall adjourn the meeting for no more than one business day to ensure timely resolution of election/referendum complaints. When the Committee reconvenes, they should follow the steps outlined above and call for a vote on the validity of the complaint.

### Step four: Enact the results of the vote.

If the committee finds, by majority vote, that the validity of the complaint was substantiated, they may impose one of the following penalties:

a) A written warning,
b) Restrictions on number and type of campaign materials,
c) Restrictions on campaigning, and
d) Disqualification of a candidate or referendum side, subject to the limits of the Executive Board Elections and Referenda Policy.

If the committee finds, by majority vote, that the validity of the complaint was unfounded, they will provide rationale for their decision to the Electoral Officer.

The Electoral Officer shall notify all relevant parties in writing of the outcome of the complaint, including the rationale for the Committee's decision.

Decisions of the Elections Committee must be provided in written form and made public.

Decisions of the Elections Committee are final, except when new information is submitted which could not have reasonable been made available to the Elections Committee during the review process, in which case a new complaint may be filed.