

# St Cuthbert's Society JCR

## Election Sanctions and Appeals Order



## Article 1 Election Misconduct

### 1. Misconduct in Elections and Sanctions

#### 1.1. Complaints Procedure

- 1.1.1. Any Member of the Society who wishes to make a complaint about a campaign or candidate should do so, in writing, to the Senior Returning Officer (SRO) as soon as possible after the incident.
- 1.1.2. Any member of Governance Committee may raise an issue directly to the SRO to investigate should they witness or hear of a breach of election rules.
- 1.1.3. The SRO shall then convene a meeting of the Governance Committee to discuss the matter and sanction any campaign.
- 1.1.4. This Order is not applicable to the Sabbatical Officer Interview Process. Members of the Society who wish to make a complaint regarding interviews should do so through the JCR's Complaints Policy.
- 1.1.5. This Order is not applicable to the election of the SU Assembly Representative, which is regulated instead by the DSU Assembly Elections Order. However, it is recommended that the Deputy Returning Officer uses this Order as a guide when making decisions about sanctions against candidates.

#### 1.2. Methods of Sanction

- 1.2.1. All methods of sanction will be decided upon by the Governance Committee through a minuted meeting.
- 1.2.2. The available methods of sanction to Governance Committee are:
  - 1) Reprimand: Governance Committee or the panel may officially reprimand the candidate for breaching the rules. In Method III elections,

further offences shall be taken into account by the panel in making their decision.

2) Docking of votes: Some of the candidate's votes may be docked, up to a maximum of 20% of their total vote. If the docking of votes leads to a change in the elected candidate the election must be re-run, omitting the sanctioned candidate(s) at the discretion of the Governance Committee. Where the Governance Committee chooses not to disqualify the sanctioned candidate(s), the Governance Committee reserves the right to add additional sanctions to ensure fairness of the election re-run. Docked votes shall be non-transferrable.

3) Disqualification: The candidate is removed from the election and all votes (if applicable) are reallocated according to STV ,

4) Limiting campaign methods: The permitted campaign methods of the candidate may be reduced (including but not limited to: social media ban, removal of posters, removal of campaign team members), and

### **1.3. Use of Sanctions**

1.3.1 Where a candidate or their campaign team uses prohibited campaigning methods or breaches the campaigning rules, the Governance Committee may impose sanctions at its discretion, as follows:

- 1) Where the governance committee is made aware of the breach prior to the relevant JCR Meeting, the sanction may be either:
  - a) A reprimand, or
  - b) A limitation of campaigning methods.
- 2) Where the governance committee is made aware of the breach during the first 36 hours of a Method I election, or during the first 52 hours of a Method I (Presidential) election, while voting is open on the DUVS system, the sanction may be either:
  - a) A reprimand, or
  - b) A limitation of campaigning methods.
- 3) Where the governance committee is made aware of the breach during the final 12 hours of a Method I or Method I (Presidential) election, while voting is open on the DUVS system, the sanction may be either:
  - a) A reprimand, or

b) Docking of votes

1.3.2 Sanctions shall be determined from the time at which the Governance Committee becomes aware of the breach.

1.3.3 The accumulation of sanctions (excluding reprimands) by a candidate in the same election, or any instance of serious misconduct during the election, shall result in the disqualification of that candidate from the election.

1.3.4 Disqualification may be imposed at any time during the election where the Governance Committee determines that the seriousness of the breach warrants such action.

**1.4. Appeals Tribunal**

- 1.4.1. Upon the decision of Governance Committee, any candidate may appeal the decision to the Appeals tribunal. The candidate must submit an appeal in writing to the SRO, outlining the grounds for their appeal.
- 1.4.2. The SRO shall convene a meeting of the Tribunal as soon as possible to discuss the appeal.
- 1.4.3. The Decision of the Appeals Tribunal cannot be overturned and or appealed.

## Article 2 Election Appeals

### 1. Appeals Tribunal

- 1.1. There shall exist an Appeals Tribunal (The 'tribunal').
  - 1.1.1. The Tribunal will convene to deliberate and rule on all appealed governance committee Election rulings. The decision of the Tribunal cannot be appealed and will be considered final.
- 1.2. The Tribunal will consist of:
  - 1) The President of the Society,
  - 2) Vice-President,
  - 3) JCR Chair,
  - 4) Senior Returning Officer (SRO),
  - 5) 2x Student Trustees, and
  - 6) 3x Executive Committee Members.

### 2. Selection Procedure

- 2.1. The members of the three Executive Committee positions on the Tribunal will be decided upon by the President of the Society via application.
- 2.2. The members of the two Student Trustee positions on the tribunal will be decided upon by the Vice-Chair of Trustees.

### 3. Meeting Procedure

- 3.1. The Tribunal will be convened by the Senior Returning Officer at the earliest possible time after the appeal is submitted.
- 3.2. It shall be chaired by the Senior Returning Officer and Minuted by the Vice-President.
- 3.3. The Tribunal can overturn any decision made by the governance committee vis-à-vis the appeal with a majority vote of the entire membership.

## Article 3 Void Elections

## **1. Declaring an Election Void**

- 1.1. Under exceptional circumstances, an election may be declared null and void by a two third majority vote of the Governance Committee at any point up to the commencement of the elected candidates term of office.
- 1.2. Exceptional circumstances are limited to circumstances in which there is credible evidence that the outcome of the election may have differed due to misconduct or external influences.
  - 1.2.1. Exceptional circumstances might include, but are not limited to:
    - 1) Emergence of evidence of misconduct by a candidate and/or campaign team member after the declaration of results,
    - 2) Misconduct by a member of Governance Committee,
    - 3) Campaigning by any individual forbidden to by the standing orders, and
    - 4) Widespread lack of access to the method of nomination or voting.
- 1.3. This decision may be appealed by any member of the JCR to the Appeals Tribunal, where normal procedure shall be followed.

## **2. Re-running an Election**

- 2.1. Upon declaring an election null and void, nominations should then be reopened and hustings held at the next JCR meeting.
- 2.2. The Governance Committee may disqualify candidates from the re-run election on the grounds of their misconduct in the null and void election, following standard procedure for sanctioning candidates.