

Elections Update to Council

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Background

This paper is to note rather than to vote on. Following last year's elections an in-depth review process was completed incorporating recommendations made from Council, OTs and DROs.

Two papers were passed at Council. Firstly, one outlining recommendations for the next set of major elections (Paper 1 **[1]**). This outlined the following "Union Resolves":

1. To make it standard procedure to make the complainant aware of exactly what action was taken as soon as a complaint is handled.
2. To add a formal appeals process allowing the complainants and relevant candidate(s) to appeal as soon as a complaint is handled.
3. To ensure that campaigning rules explicitly:
 - a. disallow candidates from encouraging other students to sign up to a society with intent to gain votes from these students;
 - b. define and prevent the act of bribery.
4. To ensure that statistics are published about the number and type of complaints received, and the number and type of infractions given in order to improve transparency.

Secondly a paper outlining recommended changes to the election's timeline (Paper 2 **[2]**) – this passed with amendments **[3]**. This paper passed outlining that there should be a period of campaigning before voting as opened whilst still ensuring a shorter period of campaigning than two weeks to make running as inclusive and stress free as possible.

This report outlines the changes that have been implemented as a result of these recommendations and then other changes implemented this year to make the election run as smoothly and as stress free for candidates as possible.

Actions Taken – Paper 1

Point 1:

Previously complainants only received an email when the complaint had been received and when enquiring what the result of the investigation was they would get a message saying it "had been handled". A new system has been implemented so that the complainant will automatically receive notifications when the DROs reach three different stages of the investigation. This standardised process is outlined in Appendix A.

Point 2:

Previously the appeals process was occluded and outlined you had to appeal to the body that sanctioned disqualifications in the first place – all of which was not advertised clearly in the first place. This year the process has been fixed and clarified. Appeals only relate to disqualification sanctions. The disqualification and then appeals process is shown in Appendix B – A candidate facing diagram will be included on the election's website. Only the accused can appeal a sanction – if new evidence comes to light a new complaint may be submitted.

Point 3:

These will both been taken into account.

Point 4:

Statistics will now be published on the elections page and updated daily to provide information on the type of complaints coming through – improving transparency and acting as a deterrent for other candidates.

Actions Taken – Timeline

12:00, Monday 4 February	Nominations open
12:00, Friday 1 March	Nominations close
14:00, Tuesday 5 March	Manifestos due
12:15, Wednesday 6 March	Candidates' Briefing
13:00, Wednesday 6 March	Campaigning begins, and manifestos published
17:00, Wednesday 6 March	Candidates' Debate event
12:00, Monday 11 March	Voting opens
14:00, Thursday 14 March	Voting closes
10:00, Friday 15 March	Complaints deadline
19:00, Friday 15 March	Results party

The table above shows the timeline for this year. This was sent to last years council by Head of Student Voice and Communications (then Andrew Keenan). The following changes from last year are noted:

- The Debate in its original format including ICTV, IC radio etc have been re-introduced. This has been placed deliberately before voting opens so that voters are as informed as possible when voting opens.
- A day has been added between voting closes and results revealed so that a meaningful period is given for last minute complaints and appeals. This we hope will help avoid confusing come results night with having to delay the reveal of the winner or having to retrospectively change the result due to a latter appeal.
- Originally voting closed on the Wednesday with results released on the Friday however Governance Committee raised concerns for student welfare having to wait two days for results to be announced. For this reason, voting will be closed on the Thursday with group activities provided for candidates on the Thursday evening to help distract until results released on the Friday. For background the decision was made to not extend the campaigning until Friday to respect previous council's observations that an extended (two week) campaigning period is detrimental to candidate's wellbeing and can have serious impacts on a candidates degree.

Further Changes

Introduction of a mid-level sanction:

In previous elections the DRO and the RO have only had the stated disciplinary power of:

- Warning
- Fine
- Disqualification
- “Set rules, regulations and guidelines other than these election Bye-Laws to govern the conduct of the election.”

Fines are never awarded as a standard sanction due to the imbalance of how much it will affect individuals of varying wealth and socioeconomic status – it is only used in the occasion of serious malicious monetary damage being done to a candidate or facilities.

This leaves only two stated sanctions - both polarised ends in severity and so in reality many sanctions were left to the discretion of the DROs. To help introduce a more standard, balanced set of sanctions a third standard sanction has been introduced – suspension from campaigning. This sanction has been commonly used throughout the past couple of years however never standardised. Introduction of a standardised sanction will lead to a more parable experience between candidates.

Suspension of campaigns means the following:

- No new activities of any kind from candidate or surrogates including but not limited to:
 - o digital postings
 - o printed materials
 - o events
 - o face to face activities
 - o discussions
- For a period of two (2) hours at the very next lunch time (defined as the period between 12:00 -14:00 Mon – Friday) after the decision is made. If offense occurs on the last day – the sanction will apply for the remainder of the voting period.
- Notice will be put in the voting system for the specified two hours that the person’s manifesto has been suspended for the period.
- If there is a breach of the suspension and this is deemed a rule break, the candidate is subject to disqualification.

References

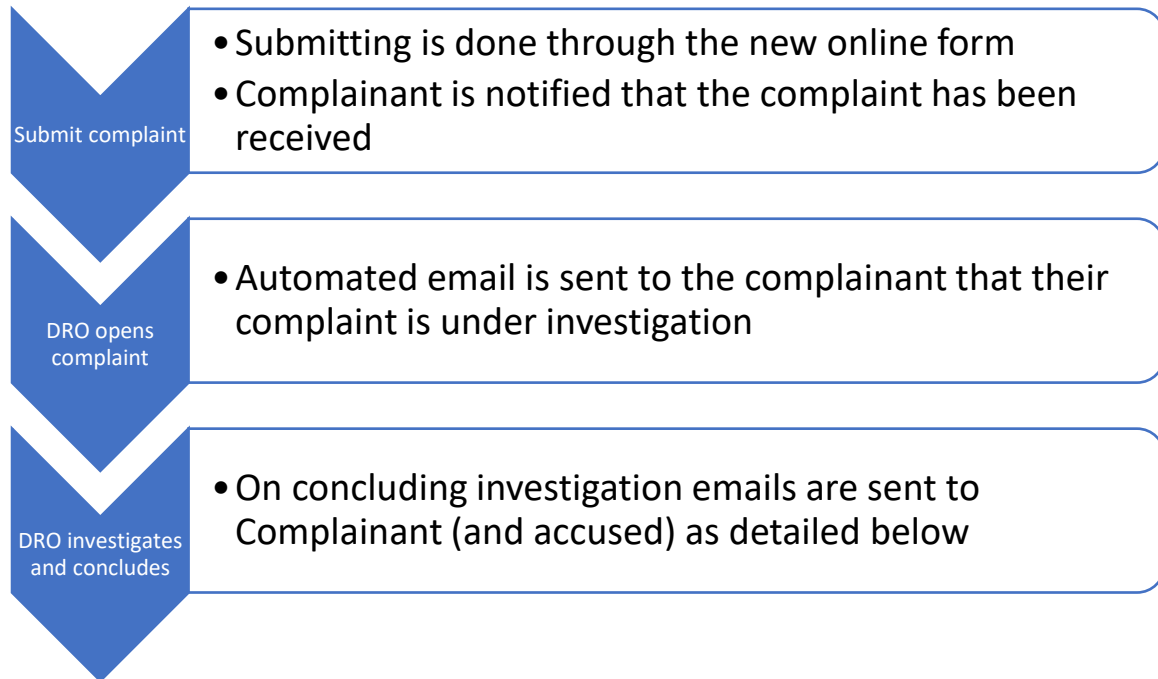
[1] https://www.imperialcollegeunion.org/your-union/how-were-run/committees/17-18/Union_Council/file/4195

[2] https://www.imperialcollegeunion.org/your-union/how-were-run/committees/17-18/Union_Council/file/4500

[3] https://www.imperialcollegeunion.org/your-union/how-were-run/committees/17-18/Union_Council/file/4512

Appendix A – Standard procedure for complaints

Process



Concluding Emails from DRO

If complaint upheld:

- Complainant will receive an email detailing that their complaint has been upheld
- This email will also state that they can see general statistics of the rules broken and sanctions published daily on the elections page on the Union website.
- The accused will receive an email detailing the rules they have broken and the sanctions that have been enforced. These will be one of:
 - A warning
 - A fine
 - A suspension from campaigning
 - Disqualification from elections

If complaint is not upheld:

- Complainant will receive an email detailing that their complaint has not been upheld and provide the reasoning which will be 1 or more of:
 - Evidence not sufficient
 - Complaint previously investigated
 - Not considered a rule break
 - Evidence not admissible
- Accused receives no communication.

Appendix B – Disqualification and Appeals Process

DQ is recommended by the DRO

- This has to be sense checked by both DROs before being referred to the Returning Officer.
- An email detailing all evidence and previous incidents is sent to the returning officer outlining the reasoning for the referral.

The RO reviews the evidence and either upholds or not.

- If the complaint and DQ is not upheld in the complaint is returned to the DROs to sanction as per Appendix A. No grounds for appeal.
- If the complaint is upheld and DQ is enforced an email is sent out to the accused as per Appendix A. If the candidate accepts the sanction the process ends.

The accused feels they have grounds to appeal

- Appeals must be sent in within 24 hours of the sanctioning email.
- The reasons to be able to appeal the disqualifications are:
 - 1 - Procedural irregularity in the conduct of the election's disciplinary procedure
 - 2 - The evidence supplied is inadmissible
 - 3 - The disproportionate nature of the penalty

They email the specific appeals email address within 24 hours

- This immediately notifies governance committee that an appeal is coming and so they assemble an appeals panel.
- The appeals panel reviews the case and any new information provided and either do not or do uphold the decision. The appeals panels decision is final.