

Oxford SU Annual Elections 2019 Complaints Guidance

What is a complaint?

A complaint is a formal allegation about the conduct of the election, often that a person has failed to comply with Oxford SU's Regulations in some way. This is usually that a candidate has failed to act so as to ensure that the election is "fairly and properly conducted".

What is a ruling?

The Elections Committee and Returning Officer have the power to issue Rulings, which can either be "interpretations" (deciding what the Bye- Laws or Regulations mean) or "directions" (relating these governing documents to a specific case or the elections in place). A person may make a complaint against you if you fail to comply with a Ruling. Any Rulings will be published on the Oxford SU website, and sent to all candidates.

Who handles complaints?

There are three bodies that handle Complaints:

- Returning Officer (the RO)
- External Appeals Officer (the EAO)
- The University

Most complaints are heard in the first instance by the RO(ro@oxfordsu.ox.ac.uk), and should be copied to elections@oxfordsu.ox.ac.uk. If you are dissatisfied with the RO's judgment, you may appeal to the External Appeals Officer via elections@oxfordsu.ox.ac.uk. The External Appeals Officer is someone external to the SU, student body and University. If you are dissatisfied with their judgment you may appeal to the University.

What is the deadline for making a complaint?

The Elections Committee have decided that all complaints must be in by Friday 4th week, 6pm. They can, however, change this deadline if they think it is necessary to ensure a fair election. It is better to submit a complaint as soon as you become aware of an incident. Deliberately delaying your complaint to try to gain some electoral advantage may harm your complaint and may be grounds for a complaint against you.

Does a complaint have to be in a particular form?

If you make a Complaint, your Complaint must:

- Be sent to the RO (or for appeals, External Appeals Officer via elections@oxfordsu.ox.ac.uk)
- Be written clearly and concisely
- Include the full name and college/hall of the person bringing the complaint
- Provide a full description of the circumstances of the complaint
- If appropriate, include a full description of any allegation of non-compliance with the Regulations, or with any ruling made by the Elections Committee or RO

If you are the subject of a complaint, the RO or External Appeals Officer must provide you with:

- The full name and college of the person bringing the complaint
- A statement of the allegation against you
- A copy of any evidence or written or oral representations submitted
- The opportunity to be heard and to make written representations.

Can I be represented by someone else during the complaints process?

If you want, another student can represent you in the Complaints process.

What is the process for hearing a complaint?

If you are involved in a complaint, you must act so that the complaint is handled properly and fairly. If you're thinking about using complaints in a vexatious way just to tie your opponent's down: don't. In this case, a complaint could be laid against you for impeding the RO in their duties, or failure to ensure that the election is fairly and properly conducted.

The RO or External Appeals Officer will invite the person making the complaint, the person who is the subject of the complaint, and any other interested person to make oral or written submissions.

What is the outcome of a complaint?

If the complaint is lodged with the RO, a decision will be made whether to uphold the complaint. The decision will be issued promptly to the complainant, and any person against whom a complaint has been made. The judgment will usually summarise the complaint, give reasons for the judgment and specify what remedy (if any) is ordered.

Can I appeal a decision?

The complainant, or any person against whom an allegation is made, can appeal the RO's decision to the External Appeals Officer. Any such appeal must be lodged in writing with External Appeals Officer within 48 hours of receiving the RO's decision. Any appeal of a decision of External Appeals Officer may be referred to the University.

What are the possible remedies that can be imposed?

If a complaint is upheld, the RO or External Appeals Officer must decide on an effective remedy, relative to the issue that led to the complaint. The exact remedy will depend on the situation, but will not include any payment of money. It may include, for example, an order to apologise, or to withdraw certain campaign material, or may order that a candidate's maximum expenditure limit be reduced. In extraordinary cases, the External Appeals Officer may order that a candidate be disqualified.

What's the university's role in elections?

Primarily it is worth remembering that while taking part in Oxford SU elections, all students remain subject to all the University and Proctors' powers to discipline. This includes the University's policies on harassment. Any appeal against a decision by the External Appeals Officer regarding a complaint will be heard by the University.