

Candidate Discipline and Dismissal

Purpose:

To ensure the integrity of the election process by outlining the disciplinary action that will be taken in the event of an infraction of either the General Election Guidelines (Policy 2.5.1), the Candidate Election Guidelines (Policy 2.5.2), election Bylaws, or other election rules or regulations.

Policy:

Penalties Available:

- Where a candidate or volunteer has contravened a bylaw, policy, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a Candidate, the D.R.O. shall assign a penalty that:
 - fully counter-balances any advantage gained; and
 - where the contravention was intentional, penalizes the candidate who was or whose volunteer was guilty of the contravention.
- Penalties available to the D.R.O. include:
 - demerits;
 - a fine, to be counted against the candidates' allowed campaign expenses;
 - the confiscation or destruction of campaign materials; and/or
 - limits, restrictions, and prohibitions on any type of campaign activities for any period of time prior to the commencement of voting.
- If a candidate receives two (2) demerits through the course of an election they will be disqualified.
- Grounds for demerits include, but are not limited to the following:
 - Using campaign materials not approved by the D.R.O.;
 - Removing or altering other candidates materials; or
 - Any other action by a candidate, side, or supporter that the D.R.O. determines is worthy of a demerit.
- A candidate shall be disqualified when they
 - Fail to attend the candidate's meeting at the close of nominations;
 - Fail to attend the candidate's forum;
 - Fail to attend the election results meeting;
 - Accrue two (2) demerits; or
 - Are guilty of a contravention that
 - Cannot be counter-balanced by a lesser penalty;
 - Is malicious or substantially prejudicial to another candidate or side;
 - Uses campaign materials not approved by the D.R.O. which contain profanity, nudity, slander, sexism, racism, religious discrimination, or other forms of discrimination that the D.R.O. deems unacceptable, and/or promotes violence; or
 - Involves tampering with ballots, voting procedures, or counting procedures.
- The D.R.O. shall be empowered to investigate and rule upon every contravention of this policy and any other bylaw, policy, rule, or regulation related to elections, plebiscites, or referenda.

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Complaints:

- If a candidate, volunteer, or member of the ASA feels as though a candidate or side has contravened election bylaw, policy, rules, or regulations, they may file a complaint with the D.R.O.
- The D.R.O. shall prepare and provide a complaint form which shall require the complainant to indicate:
 - Their names and student identification numbers;
 - The specific bylaw and section, policy, rule, or regulation that has allegedly been contravened;
 - The specific individual or campaign that is alleged to be in contravention;
 - The specific facts which constitute the alleged contravention; and
 - The evidence for these facts.
- Where a complaint is received by the end of the next business day after the alleged contravention, and where the original complaint form is provided to the D.R.O., the D.R.O. shall rule on the complaint within forty-eight (48) hours.
- The D.R.O. shall post all of their rulings, including
 - A summary of the complaint;
 - A list of parties specific to the complaint;
 - A listing of all bylaws, rules, and regulations that apply;
 - A finding regarding the facts;
 - A ruling regarding the alleged contravention;
 - The penalty assigned, if any;
 - The time the ruling was posted; and
 - The time limit for appeal.
- Candidates or sides that wish to appeal a ruling or decision made by the D.R.O. has 72 hours to submit an appeal giving reasons why they feel they have been treated unfairly.
 - Such appeals must be submitted in writing to the ASA Executive Director with a copy of the complaint, the D.R.O.'s original ruling, and rationale for their appeal. A copy of the complaint will be provided to all parties specific to the complaint;
 - The Executive Director will forward the appeal application to the Chair of the Student Review Board who will call a meeting of the Student Review Board within forty-eight (48) hours.
 - To successfully appeal the DRO's decision, the candidate or side must receive a unanimous vote in favor by the Student Review Board based on all information submitted. The decision of the Student Review Board is final.