



UCL Union Election Disciplinary Procedure

1. INITIATION OF THE PROCESS

- 1.1. If a candidate, or one of their campaigners feels that the conduct of another candidate is in breach of UCL Union's Elections Regulations (see Section 7, UCL Union Standing Orders) they should submit a written complaint to the Returning Officer detailing the time and date of the incident and the person involved (and, where applicable, which candidate they were campaigning for).
- 1.2. The Returning Officer, on receipt of a written complaint, shall deem whether the matter should be taken to an Elections Disciplinary Panel.
- 1.3. If a written complaint is deemed unfit to refer to an Elections Disciplinary Panel, the Returning Officer shall inform the complainant of the reasons why the complaint was not taken further. The complainant may appeal to Elections Committee within 24 hours of receipt of the written decision.
- 1.4. If a written complaint is deemed serious enough to be considered under the Elections Disciplinary Procedure, Elections Committee will convene, within 24 hours where possible, an Elections Disciplinary Panel. Both the complainant and the defendant will be notified in the event of an Elections Disciplinary Panel being convened.
- 1.5. Both the complainant and the defendant will be required to attend the meeting of the Elections Disciplinary Panel.
- 1.6. In extraordinary cases, an emergency meeting of the Union Sabbatical Officers may be called.
- 1.7. Alleged elections offences will normally be handled by Elections Disciplinary procedures; where the alleged offence is of a serious nature, the Union Sabbatical Officers may request that the matter be handled by Union Disciplinary Panel procedures.
- 1.8. If the defendant and/or complainant fail to respond to initial correspondence before the hearing, or do not attend the hearing, then a further written notice will be sent. If the defendant and/or complainant fail to attend a second meeting of the Elections Disciplinary Panel, Elections Committee shall reach a conclusion in the absence of either or both parties under the Elections Disciplinary Procedures. If either or both parties wish to appeal, they must do so within 24 hours of receipt of the Elections Committee's decision.

2. ELECTIONS DISCIPLINARY PANEL

- 2.1. The Panel hearing shall be held within 24 hours of the Returning Officer's decision to refer a complaint to the Panel.
- 2.2. The Elections Disciplinary Panel shall be composed of the General Secretary or, in their absence, the Finance & Administration Officer and two members of Elections Committee.
- 2.3. The Panel shall be chaired by the General Secretary or, in their absence, the Finance & Administration Officer. If both the General Secretary and Finance & Administration Officer are absent, the Panel shall be chaired by the Medical Students' & Sites Officer. In the absence of all three of these parties, a deputy nominated by Elections Committee shall chair the Panel.
- 2.4. The Union General Manager, or their nominated deputy, shall serve as Secretary to the Panel, attending all meetings of the Panel and recording its proceedings. The records of these proceedings shall be kept confidential and will be held until the announcement of results by Elections Committee.

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- 2.5. Both the complainant and defendant shall be notified, in writing, as detailed in section 1.4.
- 2.6. Both the complainant and defendant are expected to be available for the Panel hearing.
- 2.7. Both the complainant and defendant may be accompanied by a friend, who shall be granted speaking rights, to the Panel. The friend shall be a member of UCL.
- 2.8. Both the complainant and defendant have the right to request that the hearing be held in public.
- 2.9. If either the complainant or the defendant are absent for the hearing, the Panel shall be reconvened, usually 24 hours from the original time of the Panel. In this event, both the complainant and defendant shall be informed in writing within 1 hour of the original meeting of the Panel. If either the complainant or defendant are absent for the hearing of a reconvened Panel, the case shall be heard by the Panel and an appropriate decision shall be reached in the absence of one or both of these parties.
- 2.10. The Elections Disciplinary Panel process shall be as follows:
 - a) The complainant shall introduce evidence to the Panel in the absence of the defendant.
 - b) The defendant will have the charges brought against them by the Chair of the Elections Disciplinary Panel in the absence of the complainant.
 - c) The defendant shall introduce evidence and witnesses, as appropriate.
 - d) The defendant may be questioned by the Panel.
 - e) The Panel shall then adjourn to a closed session to determine the action to be taken.
 - f) Both the defendant and the complainant will be orally notified of the decision taken by the Panel, and the right of appeal directly after the Panel has reached their decision.
- 2.11. The Chair of the Panel shall also write to both parties to advise them of the decision of the Elections Disciplinary Panel.
- 2.12. The written notification of the Panel's decision shall include an attachment detailing the appeals procedure.

3. PENALTIES

- 3.1. Penalties available to the Elections Disciplinary Panel and any summary hearings are as follows:
 - a) Oral warning;
 - b) Written warning;
 - c) Time suspended from campaigning;
 - d) Public censure of a candidate;
 - e) Disqualification of a candidate;
 - f) Declare the election null & void;
 - g) Refer the matter to a Union Disciplinary Committee.
- 3.2. A combination of the above may be imposed.
- 3.3. The panel may also, at its discretion, refer the matter to the Dean of Students, or Head of Department.

4. APPEALS PROCEDURE

- 4.1. Both the complainant and defendant have the right to appeal the decision of the Elections Disciplinary Committee to Elections Committee.
- 4.2. The appeal to Elections Committee must be made within 24 hours of the oral notification of the Elections Disciplinary Panel's decision.

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- 4.3. The appeal must be made in writing and addressed to the Chair of Elections Committee. It must state the grounds for appeal.
- 4.4. Elections Committee will convene an Elections Disciplinary Appeal Panel on receipt of a written appeal.
- 4.5. The Elections Disciplinary Appeal Panel shall be composed of the General Secretary or, in their absence or where appropriate, the Finance & Administration Officer and two members of Elections Committee.
- 4.6. None of the members of the initial Elections Disciplinary Panel, including its Chair, shall sit on the Elections Disciplinary Appeal Panel.
- 4.7. The Appeals Panel shall be chaired by the General Secretary or, in their absence or where appropriate, the Finance & Administration Officer. If both the General Secretary and Finance & Administration Officer are absent or are ineligible to sit on the Appeals Panel, the Appeals Panel shall be chaired by the Medical Students' & Sites Officer. In the absence or ineligibility of all three of these parties, a deputy nominated by Elections Committee shall chair the Panel.
- 4.8. The Union General Manager, or their nominated deputy, shall serve as Secretary to the Appeals Panel, attending all meetings of the Panel and recording its proceedings. The records of these proceedings shall be kept confidential and will be held until the announcement of results by Elections Committee.
- 4.9. Both the original complainant and defendant shall be given written notice at least 24 hours before the meeting of the Elections Disciplinary Appeal Panel.
- 4.10. Both the complainant and defendant are expected to be available for the Appeal Panel hearing.
- 4.11. Both the complainant and defendant may be accompanied by a friend, who shall be granted speaking rights, to the Appeals Panel. The friend shall be a member of UCL.
- 4.12. Both the complainant and defendant have the right to request that the hearing be held in public.
- 4.13. If either the complainant or the defendant are absent for the Appeal Panel hearing, the Appeal Panel shall be reconvened, usually 24 hours from the original time of the Appeals Panel. In this event, both the complainant and defendant shall be informed in writing within 1 hour of the original meeting of the Appeal Panel. If either the complainant or defendant are absent for the hearing of a reconvened Appeals Panel, the case shall be heard by the Appeals Panel and an appropriate decision shall be reached in the absence of one or both of these parties.
- 4.14. The Elections Disciplinary Appeals Panel shall take place in the presence of both parties, and the process of the Appeals Panel shall be as follows:
 - a) The Chair of the Appeals Panel will state the original charges brought against the defendant and the reason for appeal.
 - b) The complainant shall introduce evidence and witnesses, as appropriate.
 - c) The complainant and their witnesses may be questioned by the defendant and Appeals Panel, as appropriate.
 - d) The defendant shall introduce evidence and witnesses, as appropriate.
 - e) The defendant and their witnesses may be questioned by the complainant and Appeals Panel, as appropriate.
 - f) The Appeals Panel will then adjourn to closed session to determine the action to be taken.
 - g) The Appeals Panel can choose to uphold the original decision of the Elections Disciplinary Panel, overturn the original decision of the Elections Disciplinary Panel or replace the original decision of the Elections

Disciplinary Panel with another sanction where the Appeals Panel feels appropriate.

- h) Both the defendant and the complainant will be orally notified of the decision taken by the Appeals Panel, and the right of appeal directly after the Appeals Panel has reached their decision.
- 4.15. The Chair of the Appeals Panel shall also write to both parties to advise them of the decision of the Elections Disciplinary Appeals Panel.
- 4.16. If either the complainant or defendant are dissatisfied with the decision of the Appeals Panel, a further appeal may be made to Union Council.
- 4.17. A written notice of appeal should be delivered to the Finance & Administration Officer within 24 hours of the oral notification of the decision of the Appeals Panel. The Finance & Administration Officer must call an Emergency Meeting of Union Council for that purpose.
- 4.18. In the event of an Emergency Meeting of Union Council being called for this purpose, the defendant, complainant, witnesses, nominated friends and relevant candidates shall have their membership of Union Council, if so held, temporarily revoked and shall be entitled to attend Council as observers who shall be granted speaking rights.
- 4.19. If the defendant or complainant do not hold membership of Union Council, they shall be invited to attend this Emergency Meeting of Union Council as observers who shall be granted speaking rights.
- 4.20. In the event of an Emergency Meeting of Union Council being called for this purpose, all those involved in the Panel Hearings shall also have their membership of Union Council, if so held, temporarily revoked and shall be entitled to attend Union Council as observers who shall be granted speaking rights.
- 4.21. The Emergency Meeting of Union Council can choose to uphold the decision of the Appeals Panel, overturn the decision of the Appeals Panel or replace the decision of the Appeals Panel with another sanction where the Emergency Meeting of Union Council feels appropriate.
- 4.22. After the Emergency Meeting of Union Council has closed, all individuals who have had their Union Council membership temporarily revoked as a result of the appeals procedure shall have their status duly restored.

5. INTERPRETATION

- 5.1. Any questions concerning interpretation of this procedure shall be referred to the Chair of Governance Committee.
- 5.2. If the procedure is not followed, the defendant may refer the matter to the Chair of the Union Executive for a decision on whether it has prevented the defendant from having a fair hearing. If the defendant has been denied a fair hearing then the disciplinary decision shall be overturned.