

Student Government Association

Candidate Complaint Form

Article XII (Violation Complaint)

Section 1. Any student may protest an alleged violation of the Electoral Act or policies in written form to the Election Commission within forty-eight (48) hours of the alleged violation during regular office hours of the Student Government Association Office, 8:00am – 4:30pm CST. The Election Commission shall convene within two (2) school days to consider the complaint and to determine what action may be taken.

Section 2. Should the Election Commission receive a complaint alleging a violation of this Act, that candidate shall be called before the Election Commission for investigation of the complaint, and sanctions if necessary. The Election Commission will act as the hearing body and will be required to follow procedures listed below:

- A.** The Student Government Association Attorney General will represent the interests of the Student Government Association at the hearing. In the event that the Attorney General cannot preside over the hearing, the Student Government Association President will serve in his/her absence followed by the succession of officers outlined in the Student Government Association Constitution of officers not running in the election.
- B.** Candidate should be given written notice of the alleged complaint and the facts purported to support that complaint.
- C.** Candidate shall have the opportunity to present evidence or witnesses on his/her behalf.
- D.** The Attorney General, Election Commission and candidate shall have the opportunity to question any and all persons who have evidence relevant to the complaint.
- E.** Both complainant and candidate will have the opportunity to summarize the evidence for benefit of the Election Commission.
- F.** All parties shall be dismissed and the Election Commission will deliberate the evidence, determine responsibility for the alleged complaint and issue sanctions if necessary.
- G.** Parties will be called back to the hearing where the decision of the Election Commission shall be announced. The Election Commission shall present their decision to the candidate in writing with signatures from the Attorney General, Vice President of Campus Relations, and the Student Government Association Advisor or his/her designee within 24 hours of the hearing.
- H.** The Student Government Association Advisor or his/her designee shall be present at all times.
- I.** Hearings before the Election Commission shall be recorded by an audio device and held for a minimum of one year.

Section 3. A decision by the Election Commission pursuant to either Section 1 or Section 2 of this article is appealed only to the Student Judicial Board and then, only if there are grounds for an appeal. General dissatisfaction over the decision shall not be accorded as a basis for consideration of an appeal. Only a candidate who has been disqualified from an election may file an appeal. The student, pursuant to Section 1, who filed the complaint, subsequently rejected by the Election Commission, may not appeal that decision.

Section 4. The only basis for consideration of an appeal is the presentation of facts that supports to show an error in the procedures outlined in Article XII, Section 2 which prejudiced the outcome to the extent that the candidates or students in question were denied a fundamentally fair hearing as a result of the error. An appeal must be submitted, in writing, to the Student Government Association Advisor within 24 hours of the decision by the Election Commission.

Section 5. The Student Judicial Board, being the appellate body, shall make an initial determination as to whether or not sufficient grounds exist for an appeal based on the standards set forth. Appeals that do not allege sufficient grounds

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shall be denied consideration and dismissed. Appeals that do allege sufficient grounds will be accepted for consideration. The SJB shall not conduct a rehearing, but will consider only the record made by the Election Commission. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties at the time the appeal is considered.

Section 6. The alternatives for action available to the SJB are:

- A.** To sustain the recommended sanction or decision
- B.** To remand the complaint to the Election Commission for reconsideration of sanctions only (not to determine whether or not an infraction actually occurred).
- C.** The Election Commission is not compelled to change the sanctions. The decision of the Election Commission in a matter that has been remanded to the Commission is final.

Section 7. The decision of the Student Judicial Board is final.