

HWUMSA Elections 2023/24 Complaint Protocols

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Date: 19 February 2023

PART I PRELIMINARY

A. SHORT TITLE

This protocol document may be cited as the Complaint Protocols.

B. INTERPRETATION

In this document, unless otherwise stated –

- “Appeal Committee” refers to a body consisting of the University staff or student representatives appointed by the IEC with approvals from candidates during the briefing;
- “Briefing” refers to a session organised by the ES to brief candidates on HWUMSA election matters such as the Campaign Protocols;
- “Campaign period” refers to the campaigning week which is 1 March to 10 March 2023;
- “Candidates” refers to shortlisted candidates who have received confirmation emails from hwum.iec@hw.ac.uk;
- “ES” refers to Election Secretariat;
- “HWUMSA” refers to HWUM Student Association;
- “IEC” refers to Independent Election Commission;
- “Staff” refers to any staff working at Heriot-Watt University Malaysia;
- “Students” refers to students studying at Heriot-Watt University Malaysia;
- “University” refers to Heriot-Watt University Malaysia (HWUM).

PART II GENERAL

C. AUTHORITY OF INDEPENDENT ELECTION COMMISSION

1. The IEC has the authority to make amendments to the Complaint Protocols. Shall amendments be made; candidates will be notified before the amendment takes effect.
2. The IEC has the authority to conduct investigations into any complaints and impose or recommend appropriate penalties.

PART III COMPLAINT PROCESS

D. COMPLAINT SUBMISSION

3. Students may submit a complaint via the [Complaint Form](#). External parties may email the university with complaints at hwum.iec@hw.ac.uk. Details required in the email are listed in Clause 4.
4. Every complaint must include the name of the individual who violated the rules, the rules that were broken, and the complaint's intended outcome. The complaint must be supported by evidence.
5. Complaints must be submitted before the announcement of results, i.e., before 11 March 2023 (time 10:00 am MYT).

E. COMPLAINT PROCESS

6. The complaine, the individual who is the subject of the complaint, will be informed and given one working day to provide a written response in defense.
7. The IEC will investigate each complaint. Within two working days of the complaint being filed, the outcome will be conveyed.
8. In the event where the complaint is issued to:
 - a. A member of the ES or IEC: the member will be temporarily suspended from their duty until the investigation is completed.
 - b. The Chair of the IEC: the Chair will be temporarily suspended from their duty until the investigation is completed, and the vice-Chair will assume the Chair's duties temporarily until the investigation is completed. A temporary committee consisting of University staffs and IEC members will be formed to investigate the complaint.
 - c. University staff: a representative from the University will assist the IEC in the investigation process.
9. The IEC will take the necessary actions if it is proved that the complaine breached the rules, which may include:
 - a. An informal/formal warning
 - b. A reduction in campaign resources
 - c. Disqualification
 - d. Recommending appropriate actions to be taken by the University and/or HWUMSA
 - e. Any other actions deemed necessary by the IEC
10. The complaine or complainant have the option to appeal if they are unsatisfied with the decision. Within one working day of the IEC's decision, appeals must be filed to hwum.iec@hw.ac.uk with information about the initial complaint and supporting documentation. Further decisions will be made by the Appeal Committee.

PART IV APPEAL COMMITTEE

F. SELECTION, QUORUM AND AUTHORITY OF APPEAL COMMITTEE

11. Candidates will be presented with recommendations from the IEC before the campaign period starts. These recommendations will come from a pool of University staff, school officers, class representatives, and club presidents.
12. Candidates may object to the appointment of student(s) recommended by the IEC to the Appeal Committee.
 - a. In that event, candidates may recommend other student(s) to be appointed to the Appeal Committee, with consensus from all other candidates present in the briefing.
 - b. If a consensus cannot be reached, the appointee(s) will be decided via a simple majority voting by all candidates. Each student that was recommended will be voted on based on the order they were recommended, starting from the students recommended by the IEC, until the required number of appointees are selected or when all recommended names are exhausted. The voting will be moderated by an IEC representative.
 - c. In the event where a simple majority cannot be met, the student that received the greatest number of support votes will be appointed (based on the votes cast in process b). Ties will be decided based on the order of which they were recommended.

13. A quorum of the Appeal Committee must consist of five members, including at least one University representative.

14. In the event of an appeal, the Chair or Vice Chair of the IEC will be presenting to the Appeal Committee the case's facts, together with the rationale behind the IEC's decision. In the Appeal Committee, they will not be able to cast any votes.

15. A member of the Appeal Committee who receives a complaint will have their activities temporarily suspended until the appeals procedure is finished.

16. The decision made by the IEC may be accepted or rejected by the Appeal Committee. If the IEC's decision is overturned, the Appeal Committee will make a new decision about the complaint. Decisions made by the Appeal Committee are final and binding.
