



*A culture of recognition and mutual respect where the MRSA is an equal and valued partner in the MRU community.*

## **Challenge to the Vote Procedure**

Any member may submit a Challenge to the Vote (Challenge). This procedure does not apply to potential offences of the Constitution. Members who believe there has been an offence to the Constitution, must refer to Article 21 of the Constitution.

To challenge a vote, the following must occur:

1. A minimum of ten (10) members supporting the same concern(s) must each complete the [Challenge to the Vote](#) form to initiate an investigation;
2. These completed forms must be received by the EVC no later than 4:00 p.m. ten (10) business days after the reporting of the official results.
3. For review and determination of an investigation, the Challenge will be presented by the EVC to:
  - a. the Returning Officer for an election concern, or
  - b. the President for a collective agreement ratification concern.
4. If a Challenge is deemed to have merit by the Returning Officer or President, they shall recommend commencement of an investigation to the MRSA Executive Board. Any affected MRSA Executive Board member who may be impacted will recuse themselves of the investigation process.
5. The MRSA Executive Board will determine if an investigation will commence and who will conduct the investigation. The MRSA Executive Board may access legal advice or other appropriate advisors to ensure a fair and diligent process occurs.

## **Investigation Process**

The purpose of the investigation process is to make a determination of whether a concern is founded, or not, based on a balance of probabilities. The investigation will be pursued in a manner that is diligent, fair, unbiased, and with a goal to reach a reasonable conclusion. The process to be followed is as described below:

1. The investigations shall be initiated within ten (10) working days of the Challenge being received.
2. Review all allegations raised in the Challenge and determine what information is required to assess the allegations.
3. Conducting the investigation:
  - a. Interview members who have brought forward the Challenge;
  - b. Interview any person who is impacted by the Challenge;
  - c. Review all applicable documentation and evidence that may speak to the concern raised by the Challenge; and
  - d. Ensure that principles of natural justice are considered in conducting the investigation.
4. Conclude the investigation:
  - a. Determine the validity of the allegations on a balance of probabilities.

### Determining Appropriate Action Regarding A Challenge To The Vote

1. After the investigation is completed, the MRSA Executive Board must decide what action, if any, is appropriate.
  - a. If a Challenge is found to be without merit, no corrective action is necessary resulting in the Challenge being denied.
  - b. If a Challenge is found to have merit, the MRSA Executive Board will decide on an appropriate action for a corrective outcome. Potential actions may be invalidating and re-running a particular election or voting process, determining if a participant is ineligible for an election, or other actions as deemed appropriate.
2. The MRSA Executive Board must provide written notification to the challenger(s) and the subject in question, the outcome of the Challenge and any action to be taken.

Version Number	Date Approved	Approved By	Description
1.0	December 18, 2014	MRSA Executive Board	Creation of Challenge to the Vote Procedure
2.0	January 31, 2024	MRSA Executive Board	Revision from "Fact-Finding Process" to "Investigative Process". Wording change from "Decide if the challenge is true" to "Determine the validity of the allegations on a balance of probabilities." Addition of potential actions if challenge is found to have merit.

