



## POLICIES AND PROCEDURES

<b>SECTION TITLE:</b> BOARD OF DIRECTORS	<b>SECTION REFERENCE:</b> BD
<b>POLICY TITLE:</b> STUDENT-AT-LARGE ELECTIONS PROCEDURE, APPEALS AND VACANCIES.	<b>POLICY NUMBER:</b> BD-010

### **POLICY STATEMENT:**

THE PURPOSE OF THIS POLICY IS TO ESTABLISH RULES, REGULATIONS, AND PROCEDURES TO GOVERN ELECTIONS, VACANCIES AND APPEALS FOR THE STUDENT-AT-LARGE DIRECTORS OF THE YORK UNIVERSITY STUDENT CENTRE BOARD OF DIRECTORS

**PURPOSE:** TO GUIDE THE PROCESS OF ELECTIONS, VACANCIES AND APPEALS REGARDING THE STUDENTS-AT-LARGE ON THE YORK UNIVERSITY STUDENT CENTRE.

**A. Administration of Elections Procedure:** It will be the duty of the Chief Returning Officer, the Deputy Returning Officer(s), and the Elections Appeals Committee to administer this Policy and to uphold its morale and principles.

### **B. The Chief Returning Officer:**

The Chief Returning Officer (CRO) shall be responsible for the overall administration of the student at large elections. The CRO shall:

- a. Be an independent officer of, and shall report to the Board Chair of the YORK UNIVERSITY STUDENT CENTRE. During the administration of the election, members of the Executive Committee and / or the Executive Director may act as resource persons for the CRO, provided that the person is neither standing for election nor is a member of the Elections Appeals Committee.
- b. Report to the Board on all matters falling within this section and additionally, on any other matters of concern that are directed to him/her by a resolution of the Board.
- c. Ensure that the Elections Procedure Policy is enforced;
- d. Authorize all election notices, publicity, and campaign materials regulated by the Policy
- e. Organize and conduct the All-Candidates meeting
- f. Hire and train the Deputy Returning Officers (DROs)

- g. Hire and train the polling clerks.
- h. Obtain a voters list from the York University Administration in order to verify a voter's identity.
- i. Securing voting spaces on campus to set up polling stations as well as obtain tables and chairs.
- j. Prepare and maintain voter registration databases.
- k. Provide a final report to the Board at the next schedule meeting following the election results

**C. Jurisdiction:**

- a. The provisions of this Policy shall apply to those elections conducted by the STUDENT CENTRE and the candidates within those elections.
- b. Where this Policy is in contradiction of YUSC By-Laws, those governance documents shall prevail. This document shall prevail over any and all other directives or documents of the corporation.

**D. Elections:**

**i. Guidelines**

- a. The election of the students at large will be held in co-ordination with the annual general election dates set by the York Federation of Students. In the event that YFS is unable to set election dates, the YORK UNIVERSITY STUDENT CENTRE will run the elections at a time established by the Executive Committee or Board of Directors.
- b. Candidates will be governed by this and other relevant YORK UNIVERSITY STUDENT CENTRE policies and by decisions of the Chief Returning Officer.
- c. i. Whenever practicable, the YFS CRO shall act as the YUSC CRO. Should the YFS CRO not be able to act as the YUSC CRO, the Board, or the Executive acting on behalf of the Board, shall duly appoint a CRO in a timely fashion.  
  
ii. The Board, or the Executive acting on behalf of the Board, shall establish election dates and timelines. The Board Chair shall determine by the end of January each year if the YFS CRO will act as the YUSC CRO.

**ii. Information for Candidates**

- a. The CRO will ensure that an information packet is included with the nomination package. This packet will include, but is not limited to, all forms relevant to the nomination process, a copy of the By-laws, the Management Agreement, and any relevant election posting policies. Additional YORK UNIVERSITY STUDENT CENTRE documents will be provided free of cost to candidates if requested.

- b. The YORK UNIVERSITY STUDENT CENTRE main office (335SC) will be the sole distribution point for election nomination packages.

**iii. Nominations**

- a. A nomination form is valid when a potential candidate submits a nominator form prior to the closing of the nomination period and such nominator form is filled out completely, accurately, and with 30 signatures.
- b. The nomination form is the responsibility of the member seeking candidacy.
- c. A member who fails to submit a proper nomination form will not be able to seek candidacy.
- d. A nomination form may be disputed by submitting in writing to the CRO no later than twenty-four (24) hours prior to when the voting period commences. Wherever possible, the CRO shall render a decision before the beginning of the campaign period.
- e. A log will be maintained for the distribution and submission of all nominations packages.

**iv. All Candidates Meeting**

- a. All nominees, or an authorized representative of each nominee, must attend the All-Candidates Meeting in its entirety or arrange to meet with the CRO in person within twenty-four (24) hours of the meeting.
- b. For an authorized representative to be valid, they must possess a signed statement from the nominee that the representative has the authority to act on their behalf for the duration of the meeting.
- c. Any candidate who fails to attend or send an authorized representative to the All-Candidates meeting, or fails to meet with the CRO, shall be disqualified from the election.
- d. The topics at the all-candidates meeting shall include, but not limited to:
  - a. the Election Procedure Policy;
  - b. York University policy;
  - c. The Election schedule;
  - d. The duties and functions of the Election officials.
- e. Each candidate, or authorized representative, will sign a statement before leaving the meeting that indicates s/he understands the rules and regulations governing the Election, including the Policy,
- f. It is the responsibility of each candidate to understand all information provided at the All-Candidates meeting.

**v. Expense Records**

- a. Every candidate shall maintain an accurate, precise and complete record of all benefits or funds given to that candidate for the conduct of her/his elections the source of all such benefits or funds; and the application of such benefits and funds in the conduct of that candidate's election.

- b. The maximum amount of funds or other benefits that may be used for an At Large position shall be one hundred dollars (\$100) Canadian.
- c. Further to item vi (b), candidates for At Large positions are not allowed to combine the YORK UNIVERSITY STUDENT CENTRE spending limit with those for other positions.

#### **vi. Rules for Elections**

##### **Campaigning**

All candidates must abide by the following rules relating to conduct and behaviour of candidates during campaigning and assume responsibility for those campaigning on behalf of candidates. Campaigners are to follow the same rules as the candidates. A list of campaigners should be provided prior to the campaigning period. The list is to remain confidential and is only of usage for the CRO.

##### **a. Pre-campaigning**

No active campaigning shall take place before either the nomination period or the campaigning period.

##### **b. Conflict of Interest**

Any current member of the Board, volunteers, and committee members of the YUSC who decides to run for an Election shall disassociate from all areas of their position relating to the Elections from the commencement of the nomination period. Current members of staff are prohibited from standing for YUSC election.

##### **c. Responsibility of Candidates**

Candidates have the responsibility of the actions and violations stemming from such actions, of any non-arm's-length party, however occurring.

##### **d. Fair Play**

Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, breaching generally accepted community standards, libel, slander, general sabotage of the campaigns of other candidates, malicious and/or intentional breach of elections policy, any attempt to undermine the electoral process and misrepresentation of fact.

##### **e. Adherence to Existing Policy**

It is the responsibility of the Candidates that all campaign tactics, materials and/or advertisements, conform to all policies and regulations of YUSC and York University, and with applicable municipal, provincial, federal laws, and campus residence guidelines.

##### **f. Approval of campaign by CRO**

All campaign tactics, material and/or advertisement need approval by the CRO in advance of posting or distribution. All submissions made to the CRO shall be returned with or without approval within two (2) business days.

##### **g. Environmental Protection and Recycling**

All campaign materials, where feasible, are to contain the following phrase somewhere in plain sight on the material: "Please pass this on to a friend and recycle after the election."

##### **h. Campaign materials shall not:**

- a. Overlap or be attached to a campaign materials already affixed to something
- b. Be posted in classrooms or seminar room

- c. Be removed from any posted location, legal or illegally, without the authorization of the CRO or designate, except a candidate's own materials removed by that candidate or person(s) authorized by that candidate to remove such materials.

**i. Specific Restrictions on Campus**

Restrictions regulating campaigning, that are unique to the following, shall be followed. It is the responsibility of the candidates to familiarize themselves with the different rules that govern each of the aforementioned entities.

- i. Keele and Glendon campuses; student residences; and,
- ii. Any building on campus, including YUSC offices

**j. Restricted Areas**

Areas designated for campaigning will be subject to the following restrictions:

- i. No campaigning of any form is permitted in YUSC offices.
- ii. Campaigning within a classroom is forbidden without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class. Candidates are required to inform the CRO within a reasonable time about such activities.

**k. Polling stations**

- i. If YFS administers the YUSC election, then YFS polling stations shall be YUSC polling stations.
- ii. If YFS does not administer the YUSC election, then the designation of polling stations shall be at the discretion of the CRO subject to any numeric restrictions imposed by the Board or the Executive acting on behalf of the Board.

**l. Tangible Benefits Conferred by Virtue of Office**

Candidates are not entitled to use in their campaign, any service or monies, conferred onto them by virtue of holding any position in any campus organization unless such services would still be available to them otherwise. This includes, but is not limited to, office supplies, equipment, advertising space and staff.

**m. Designation of Campaign materials**

In determining a candidate's total campaign expenditure, the CRO shall include the Fair Market Value (FMV) of any materials that endorse or support a candidate. This may include situations whereby a party producing the material or advertising does so without the consent of the candidate, but where the candidate knows, or reasonably ought to know, about such material or endorsement.

**n. Discount on Fair Market Value**

Where a candidate purchases goods or services at a discounted price, or receives them as a donation, the FMV of the purchase will be used to determine a candidate's campaign expenditure.

**o. Cross Campaigning**

- i. Cross campaigning is allowed between candidates in the election governed by this Policy.
- ii. Cross campaigning is allowed between candidates being elected through other organizations and candidates in the election governed by this Policy.

**p. Campaigning During Voting Period**

During the specified voting period campaigning is allowed with the following restrictions:

- i. Campaigning is not allowed within Student Residences

- ii. Campaigning and campaign materials are not allowed within the Libraries
- iii. Campaigning and campaign materials are not allowed within a computer lab
- iv. Campaigning shall not take place within six (6) metres of a designated polling station during the election voting days. Any and all campaign materials found within six (6) metres of a designated polling station shall be removed during the election voting days.

**ii. Violation of Campaign Rules**

**a. Enforcement**

The CRO shall have the sole authority to enforce the provisions of this Policy.

**b. Allegations of Violations**

Allegations of violations of this Policy shall be submitted to the CRO in writing. Such allegations must be made within forty-eight (48) hours of the closing of the voting period.

**c. Agency of CRO**

The CRO may lay charges of violations of campaign rules on his/her own initiative.

**d. CRO Decision**

- i. The CRO shall render a decision within forty-eight (48) hours in writing to the candidates in question and the complainant, unless the complaint is time sensitive, in which case the CRO shall render a decision within one (1) business day. A complaint shall be deemed time-sensitive when the activity outlined in the complaint are ongoing. The CRO shall be considered the finder of fact in all election complaints.
- ii. The CRO shall send the ruling to the candidate's specified email address.
- iii. As part of their ruling, the CRO shall inform candidates of the appeals procedures as outlined below.

**e. Appeals of CRO's ruling**

The YUSC Board appoints five (5) directors to sit as the Election Appeals Committee.

- i. the YUSC Executive Director shall have an ex officio (voting) seat on the EAC.
- ii. Members shall appoint a chair from amongst themselves at their first meeting.

The Elections Appeals Committee Shall:

1. be the final adjudicator of all YUSC election appeals;
2. ensure that all EAC hearings are intact with the elections policy and in particular, shall ensure that the principles of natural justice govern all its proceedings;
3. grant appeals only on the grounds of procedural irregularity or new information which was not reasonably available at the time of the original CRO ruling;
4. meet at least once prior to the nomination period each year to elect a chair, to review the YUSC Policy BD-010 (Elections, and to familiarize themselves with their roles and responsibilities; and
5. report the results of all appeals to the Board along with any recommendations which the EAC believes should be made to YUSC elections procedures.

i. Appeals must be made in writing and submitted to the CRO or Chair of the Election Appeal Committee (EAC) within 48 hours of the CRO communicating his/her decision to the candidate in question.

ii. The EAC may grant appeals of decisions of the CRO based only on the following grounds:

- a. Procedural irregularities and / or
- b. New information not reasonably available at the time of the CRO's ruling.

iii. All proceedings or hearings of the EAC shall be governed by the principles of natural justice, which shall ensure that appellants and respondents will be allowed representation if they chose and, if evidence is led, there shall be the opportunity for cross examination.

iv. The CRO shall be present at hearings of the Elections Appeal Committee to present the facts of an appeal, outline the nature and reasoning of his/her original ruling under appeal, and to answer any procedural questions from the EAC. The CRO shall not be present during the deliberation phase of any EAC hearing.

v. The EAC will set its own timelines and deadlines for, review and adjudication of appeals.

vi. Decisions of the EAC are final and may not be appealed or reviewed.

vii. The EAC shall submit a report to the Board of Directors on all election appeals.

viii. A candidate is deemed to be informed of a Committee decision six (6) hours after the decision is posted on the designated elections space in the Union office(s). All decisions shall indicate the time posted.

**f. Candidate's Responsibility of Knowledge of CRO decisions**

It is the responsibility of the candidate to ascertain his/her position with respect to decisions made by the CRO or Committee regarding alleged violations committed by the candidate. This shall be done on a regular basis by consulting the CRO, a published list, or minutes posted on the designated elections space in the Union office.

**g. Publication of Violation**

Where the CRO finds there has been a violation of the Policy, the CRO must publish the details of the violation on the designated elections space on the bulletin board in front of the STUDENT CENTRE office.

**h. Penalties for Violations**

The CRO may:

- i. Assign a demerit point penalty resulting in a fine against a candidate
- ii. Assign multiple penalties where the violation encompasses more than one offence
- iii. Declare that an election of a candidate be ruled void.

**Demerit Points**

Demerit points as outlined in the above section is assessed on, but not limited to, the following basis. The values listed below are a guide for issuing demerit points. Values may be increased or decreased at the discretion of the CRO and Committee. The CRO shall assign a demerit point penalty based on the following list of violations:

<b>i. Campaign Material</b>	
Violation .....	Demerit Point
Unintentional Misrepresentation of Facts .....	3
Multiple violation in the same location/building .....	4
Unapproved material .....	5
Displayed in an unauthorized area .....	5
Pre/post campaign materials .....	6
Multiple violations within ten (10) metres.....	8
Intentional misrepresentation of facts .....	10
<b>ii. Campaigning</b>	
Violation .....	Demerit Point
Unintentional Misrepresentation of Facts .....	3
Failure to submit campaign receipts and/or signed statement of having no expenses .....	4
Distribution of campaign material within six (6) metres of a polling station .....	15
Improper distribution of campaign materials.....	8
Multiple violations within ten (10) metres.....	8
Intentional misrepresentation of facts .....	10
Campaigning in an unauthorized area.....	10
Pre/post campaigning .....	10
Breaking University, municipal, provincial, and/or federal law/regulation while campaigning .....	10

<b>iii. Fair Play</b>	
Violation .....	Demerit Point
Candidates enforcing Elections Procedure Policy .....	5
Unsanctioned use of Union resources .....	15
Gross misrepresentation of facts.....	20
Malicious or intentional violation of Elections Policy or Policy .....	25
Abuse of position or status .....	15

**j. Disqualification**

Violations of the following nature will result in an automatic disqualification of a candidate:

- i. Anyone improperly declared an eligible candidate.
- ii. Failure to attend the All-Candidates meeting.
- iii. Any candidate spending over the maximum spending limit as set by the Committee.
- iv. Intentional misrepresentation of campaign expenditures.
- v. A candidate accruing greater than one-hundred (100%) per cent of their allowable demerit point limit, as follows is disqualified:

Candidate	Points
Student-at-Large Candidates.....	35



- vi. Any attempted interference in the Election process as regulated in this Policy.

**I. Disqualification of Winning Candidate**

In the event a winning candidate in any election is disqualified, the runner-up will take the place of the disqualified winner.

**Campaign Expenses**

- a. Every candidate shall maintain an accurate, precise and complete record of all benefits or funds given to that candidate for the conduct of her/his elections the source of all such benefits or funds; and the application of such benefits and funds in the conduct of that candidate's election.
- b. The maximum amount of funds or other benefits that may be used for an At Large position shall be one hundred (\$100) Canadian. Candidates for an At Large position are not allowed to combine the STUDENT CENTRE spending limit with those for other positions
- c. Proof of Campaign Expenses: All candidates shall submit to the CRO original receipts of all campaign expenditures within seventy-two (72) hours of the close of voting. The CRO may at any time request from any of the candidates original receipts for expenditures prior to the close of voting.
- d. Campaigning Donations: Sources and amounts of any campaign donations must be disclosed to the CRO and Committee Chair. Candidates will not be reimbursed for this amount.

**v. CRO Report**

The CRO will submit a final report at the next Board meeting following an election. The report shall include YORK UNIVERSITY STUDENT CENTRE specific information detailing:

- a. the names of all candidates, including those who have been acclaimed;
- b. the total number of ballots cast;
- c. the number of ballots for each candidate;
- d. the number of spoiled ballots cast;
- e. the number of ballots officially declined;
- f. the names of the elected persons;
- g. the CRO's report as to who should be deemed to have been fairly and justly elected;
- h. details of any irregularities in the election procedure (if any) and whether or not such irregularities affected (in the CRO's opinion) the election results;
- i. a copy of any protest, and a statement as to how that protest was disposed of, and the reasons therefore; and
- j. any other matter the CRO or Council deem necessary or relevant.

The Board is empowered at the meeting following the receipt of the CRO's Report to accept the report and its findings. The Chair and the Executive Director are responsible for providing a response to item 14. i) that will be submitted to the Board and the CRO.

**vi. Voting Process**

The method for voting in the Election process shall be as follows:

- a. If YFS is administering the election, the method of balloting employed by YFS shall be employed by the YUSC. In the case of a paper balloting voting process, valid identification from members is required for voting.
- b. If YFS is not administering the election, then the Board, or the Executive Committee acting on behalf of the Board, shall determine in a timely manner what method of balloting is to be employed.
- c. In the case of a paper ballot, sealed ballot boxes shall be stored in a location to which no other individual student, administrator or Elections Appeals Committee official would have access to such as but not limited to the Ombuds Office or campus security until the vote is to be counted.
- d. In the case of web-based voting, proper security measures shall be employed to ensure the democratic validity of the election. The Executive may establish regulations governing such measures.

**vii. Election of Candidates**

- a. In the event that the candidates nominated for an At-Large office is greater than the number of candidates available to be elected, the winner(s) shall be elected by a plurality of the votes cast.
- b. In the event that number of candidates nominated for election for an At-Large position, is lesser than the number of candidates available to be elected, the candidate shall be declared as winner by acclamation.
- c. In the event of a tie, the winner(s) are decided in a run-off elections held two-weeks (14 days) after the closing of the voting period.

**viii. Ratification**

Candidates shall not be deemed elected until they have:

- a. Been ratified by the YUSC Board at the subsequent meeting following the election results with the condition that there is no outstanding appeal involving the candidate.
- b. Attained the age of majority of eighteen (18) years of age.

**viii. Appointments**

Vacancies

- a) A vacancy shall exist if a student-at-large director duly resigns or if the Board and Members exercise their authority under By-Law Number One to remove a director.
- b) The Executive Committee will be charged with the responsibility of selecting and recommending an individual to the Board for approval.
- c) The Executive will place an advertisement in a campus-wide publication.
- d) Where possible, the Executive will also act to ensure that additional means of promotion are made including but not limited to postering, and announcements.
- e) At the next Executive meeting following the deadline for applications, the Executive will review the applications and make a selection based on criteria that has

- established in accordance with (C) Criteria, below. The Executive has the power to choose whether or not it wants to meet with the applicants.
- f) The recommendation by the Executive will then go forward to the Board for approval at the next available meeting.
  - g) All applicants will be contacted either by an Executive member or by the Executive Director thanking them for their interest.

**CRITERIA:**

- a. When a vacancy occurs in either the student-at-large or alumni directorship, the YORK UNIVERSITY STUDENT CENTRE Board or Executive will establish criteria to guide the selection of the individual.
- b. This criteria should reflect the current needs of the board as the board sees it.

<b>Contact Person (title):</b>	Chairperson / Executive Director
<b>Cross-Manual Reference:</b>	
<b>Monitoring Tools:</b>	Board & Executive Minutes, CRO rulings, EAC rulings
<b><u>Board Approval Date:Supersedes</u></b>	<u>7 March 2000BD-010</u>
<b><u>Review Dates:Board Approval-Date:</u></b>	▲
<b><u>Revised Date(s):Review Dates:</u></b>	<u>25 October 2000, 29 April 2013</u>
<b><u>Revised-Date(s):</u></b>	

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