



ELECTIONS POLICY

PROCEDURE TYPE	BOARD
APPROVING AUTHORITY	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
POLICY OWNER	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
APPROVAL DATE	DECEMBER 2020
REVIEW DATE	MAY 2024
LAST UPDATED	DECEMBER 2022, POLICY STATEMENTS (SECTION 7)

1. INTRODUCTION

The Chief Returning Officer will make all interpretations of this Policy. The main purpose of the Elections Policy are as follows:

- 1.1 Fulfill the voting rights of Voting Members as established in the Bylaws according to the Act;
- 1.2 Delegate authority for the administration of Elections to the Chief Returning Officer (CRO) and the Elections Committee;
- 1.3 Establish expectations for the conduct of Candidates during Elections; and
- 1.4 Outline standards and criteria for the administration of fair, transparent, and valid Elections.

2. DEFINITIONS

- 2.1 **General Bylaws**
Refers to the Ontario Tech Student Union General Bylaws.
- 2.2 **OTSU or Student Union**
Refers to the Ontario Tech Student Union.
- 2.3 **Elections Policy**
Refers to the Policies established in this document.
- 2.4 **Elections**
Refers to the organized process of electing executives and directors. The process of elections includes the nomination period, the campaigning period, and the voting period.
- 2.5 **By-Elections**
Refers to any elections following the Meeting of Members to fill any vacancies.

- 2.6 **Elections Office**
Refers to the CRO and any DROs.
- 2.7 **CRO**
Refers to the Chief Returning Officer, as designated by the OTSU.
- 2.8 **DRO**
Refers to any Deputy Returning Officers, as designated by the OTSU.
- 2.9 **Candidate**
Refers to any person who is eligible to hold office, has submitted a completed Nomination Package, has received confirmation of their candidacy from the CRO, to stand in the OTSU elections.
- 2.10 **Nomination Period**
Refers to the designated days where a hopeful candidate is permitted to collect nominations in the form of signatures to be eligible to run in the elections.
- 2.11 **Preparation Period**
Refers to the period between the end of the nomination period and the beginning of the campaign period where candidates can create campaign materials and have them approved by the CRO.
- 2.12 **Campaign Period**
Refers to the designated days during which candidates may campaign.
- 2.13 **Campaigning**
Refers to any activity intended to influence the decision of one or more voters.
- 2.14 **Campaign Materials**
Refers to physical promotional items intended to influence the decision of one or more votes. Campaign Materials includes posters, flyers, and other pamphlets.
- 2.15 **In-Person Campaigning**
Refers to any activity intended to influence the decision of one or more voters with the personal presence or action of the individual specified.
- 2.16 **Slate**
Refers to a group of candidates attempting to get elected collectively.
- 2.17 **Endorsement**
Refers to a demonstration of support or public recommendation of a Candidate, through either verbal or non-verbal communication by any person who represents, or could be reasonably considered to represent, any Student Club, any Student Society, the OTSU, or the Ontario Tech University (the University) Administration or staff.

3. RULES OF INTERPRETATION

In the Elections Policy:

- 3.1 Words importing the plural form include the singular and vice-versa;
- 3.2 Any words importing any gender include all other genders;

- 3.3 The invalidity or unenforceability of any provision of the Elections Policy will not affect the validity or enforceability of any other provision of the Elections Policy; and
- 3.4 All capitalized terms found herein but not defined have the meaning ascribed to them in the General Bylaws.

4. AUTHORITY

- 4.1 Section 128(3) of The Act legislates that Voting Members shall elect Directors of the Corporation by Ordinary Resolution.
- 4.2 Section 13.10 of the Corporations General Bylaws grants The Board the authority to establish policies and procedures related to the nomination, elections, and appointment of Directors by Board Resolution.

5. ADMINISTRATION OF ELECTIONS

5.1 The Elections Committee

The Board is required to establish an Elections Committee to oversee the OTSU Elections before the close of the Nomination Period. The Elections Committee shall be composed of:

- Two At-Large Student Representatives (voting);
- Two eligible members of the current Board of Directors as nominated by the Board (voting);
- OTSU President or their designate (voting);
- CRO and any DRO (non-voting); and
- OTSU Executive Director (non-voting). The Executive Director will be the Chair of the Elections Committee.

The quorum for the Elections Committee's meetings shall be at least 50 percent of its voting members; and one non-voting member.

Any Board Director or Executive Officer who is planning to stand for elections in the General Elections or By-Elections must resign from the Elections Committee immediately.

6. NOMINATION POLICY

6.1 Qualifications of Directors

Qualifications of Directors are established in the General Bylaws Section 6.4.

6.2 Additional Requirements of Directors

A Person can only be nominated, elected, appointed or otherwise serve (or continue to serve) as a Director if that person is a member of the associated Faculty. The Graduate Studies Director must be a graduate student at The University.

6.3 Qualifications of Executive

Qualifications of Executive are established in the General Bylaws Section 11.3.

6.4 Nomination Rules

Nomination Rules are established in the General Bylaws Section 13.2.

6.5 Eligibility Requirements

For a nomination to be considered valid, an eligible nominee must:

- 6.5.1 Not have been impeached from the OTSU Board or Executive;
- 6.5.2 Not have been disqualified from a OTSU General or By-Elections in the last three years;
- 6.5.3 Not have been disqualified from a OTSU Student Society Elections in the last three years;
- 6.5.4 Attend at least one All-Candidates Meeting before being eligible to run in a given elections or send a registered delegate to attend at least one All-Candidates Meeting;
- 6.5.5 Attend all OTSU Board of Directors Training and other training as determined by the Executive Director before they commence their first term;
- 6.5.6 Provide documentation verifying that the Candidate is in Clear Academic Standing; and
- 6.5.7 Submit a criminal background check, upon request.
- 6.5.8 For the VP of Downtown position, candidates must belong to a Faculty residing downtown. This includes, but may not be limited to: The Faculty of Social Science and Humanities and the Education Faculty.

6.6 Knowledge Requirements

All nominees are expected to understand and abide by:

- All OTSU Bylaws and Policies;
- All OTSU Bylaws, Policies, and Residence Policies;
- OTSU Student Code of Conduct;
- The Ontario Human Rights Code; and
- All Federal, Provincial, and Municipal laws.

6.7 Leave of Absence

No employee or elected official of the OTSU may be a candidate or participate in the General Elections. If an employee or elected official wishes to run in the elections or work in an elections campaign, they must take a Leave of Absence for the entirety of the elections period.

- 6.7.1 At the discretion of the CRO, under extenuating circumstances, certain job duties of a OTSU employee or elected official may be approved that if otherwise not performed would have a negative impact on the organization.
- 6.7.2 For the purpose of a Leave of Absence, the entirety of the elections period covers the start of Preparation Period, until the end of the Campaign Period.

7. POLICY STATEMENTS

- 7.1 In-person Campaigning is only permitted during the Campaign Period.
- 7.2 Slates, real or apparent, are strictly prohibited.
- 7.3 Eligible Voting Members can be appointed to serve as Campaign Delegates to a qualified Candidate. Delegates are considered an extension of the Candidate and must be registered with the Elections Office.
- 7.4 All Members taking an active role in SU Elections are required to conduct themselves by the rules of fair play and positive campaigning.
- 7.5 Campaign Material must be approved by the Chief Returning Officer before being distributed.
- 7.6 Endorsements, real or apparent, are strictly prohibited. Candidates cannot benefit from the resources of Student Clubs, Student Societies, or Ontario Tech Staff and Administration.

- 7.7 Candidates are not permitted to solicit Ontario Tech or Durham College services, staff, or administration to campaign on their behalf or promote their elections.
- 7.8 Campaign donations are strictly prohibited. Candidates are required to track and report all expense to the Chief Returning Officer.
- 7.9 The Student Union shall provide each Eligible Voting Member with a secret electronic ballot. The ballot will list the legal names of each Candidate in alphabetical order by first name.
- 7.10 A candidate will be deemed the winner of the position if they have received the largest number of votes for the position.
- 7.11 The Student Union shall provide an official report to members after the close of the Voting Period ensuring the integrity of the electronic voting process.
- 7.12 Any Eligible Voting Member can report a violation by preparing and signing and the approved Campaign Violation Form. No new campaigning violation complaints will be permitted once the unofficial results are released.
- 7.13 All incidents of violence, discrimination, or harassment are taken seriously by the OTSU. As per the Student Code of Conduct, all incidents should be reported to Campus Safety and Security by the complainant to be investigated.

8. ROLES & RESPONSIBILITIES

8.1 The Elections Committee shall:

- 8.1.1 Reserve the right to overrule any decision or interpretation made by the CRO;
- 8.1.2 Hear any appeal of a decision made by the CRO;
- 8.1.3 Act autonomously from any Ontario Tech, Durham College or Student Union influences;
- 8.1.4 Provide a timeline for the Nomination and Elections Period to be approved by the Board;
- 8.1.5 Make recommendations to the CRO on all matters, including Bylaw amendments. The CRO shall include these recommendations in a final report;
- 8.1.6 Act impartially and in the best interest of the Student Union. The Board may remove members of the Elections Committee if they fail to act impartially;
- 8.1.7 Not demonstrate support for a Candidate;
- 8.1.8 Familiarize themselves with the Bylaws, Elections Policy and Procedure;
- 8.1.9 Conduct the elections in a fair manner;
- 8.1.10 Meet regularly during their term to plan and discuss the upcoming elections; and
- 8.1.11 Have the power to disqualify a candidate or rule any elections void.

8.2 The Chief Returning Officer (CRO) shall:

- 8.2.1 Report any and all conflicts of interest to the Board. The Board may dismiss the CRO as a result of said conflicts of interest through an Ordinary Resolution;
- 8.2.2 Ensure a democratic, impartial, fair, transparent, and accountable elections process;
- 8.2.3 Organize and administer the All-Candidates Meeting;
- 8.2.4 Organize and moderate the All-Candidates Forum(s);
- 8.2.5 Enforce the Nomination and Elections Policy and the General Bylaws as they relate to Elections;
- 8.2.6 Issue official results to Candidates, Members, the media, and other relevant parties; and
- 8.2.7 Issue a final report to the Board.

9. NON-COMPLIANCE IMPLICATIONS

9.1 Disqualification

Violations of the following nature will result in the disqualification of a Candidate and/or will render the elections result void:

- 9.1.1 A candidate receiving greater than 100 percent of the allowable demerit point limit, as follows:
 - Executive Candidates: 20 Demerit Points
 - Director Candidates: 20 Demerit Points
- 9.1.2 Solicitation of Ontario Tech University or Durham College Administration to interfere in the Elections Process. Solicitation includes, but is not limited to, actions that encourage Ontario Tech University or Durham College Administration to apply pressure on the CRO or Elections Committee, interference in the voting or ballot counting process, withholding vita elections documents, and withholding Student Union funds.
- 9.1.3 Consistent third-party involvement.

9.2 Violations of the following nature will result in the elections result or nomination void:

- 9.2.1 Anyone improperly declared an eligible candidate;
- 9.2.2 Failure to attend the All-Candidates meeting without giving the CRO an adequate reason 24 hours before the scheduled All-Candidates Meeting.

In the event a winning Candidate is disqualified the results of the elections will be void and the runner-up with the highest number of votes will be declared the winner.

10. APPEALS

The decisions of the CRO may be appealed to the Elections Committee. The candidate will be given 48 hours to provide new evidence and submit a letter of appeal after the CRO has issued a decision or after the Elections Results have been announced. The decision of the Elections Committee shall be binding, and no further appeal will be accepted.

11. RELATED POLICIES, PROCEDURES, AND DIRECTIVES

- Ontario Tech Student Union Governing Bylaws, Policies and Procedures
- Ontario Tech Student Union Elections Procedure
- Ontario Tech Student Code of Conduct
- The Not-for-profit Corporations Act
- The Ontario Human Rights Code; and
- All Federal, Provincial, and Municipal laws.