

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 66 OF THE ELECTIONS COMMITTEE

October 3, 2011

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on Monday, October 3, 2011 at 4:00 p.m. in the Falconer Room, Room 107C, Simcoe Hall, with the following members present:

Professor William Gough (Chair)
Ms Diana Alli
Ms Shirley Hoy
Professor Michael R. Marrus
Mr. Chirag Variawa

Secretariat:
Ms Mae-Yu Tan, Secretary
Mr. Anwar Kazimi, Chief Returning Officer

In Attendance:
Mr. Louis Charpentier, Secretary of the Governing Council

In this report, item 5 is recommended to the University Affairs Board for approval; all other items are reported for information.

1. Chair's Remarks

The Chair welcomed members to the meeting. He provided an overview of the Committee's functions, noting that its two main roles were 1) to develop guidelines for procedures to be used in the election of teaching staff, administrative staff, and students to the Governing Council and in the election of teaching and librarian staff to the Academic Board, and 2) to serve as the Election Overseers and to hear complaints about matters related to election processes. With respect to the latter function, the Chair emphasized that only in the event of a possible failure of quorum should a member of the Elections Committee who was standing for election, involved in an election campaign, or endorsing a candidate, sit as an Election Overseer. In such a case, that member could not consider matters arising from his constituency. By abstaining from serving as an Election Overseer, a Committee member would avoid the appearance of any conflict of interest.

2. Approval of the Report of the Previous Meeting

Report Number 65 (June 20, 2011) was approved.

3. Business Arising from the Report of the Previous Meeting

Item 5) Consultation on Governing Council and Academic Board Election Operations

A member expressed his disappointment that the full discussion that had occurred following the Committee's consideration of community feedback on the elections process had not been reflected in the minutes. The Secretary explained that the Committee had moved *in camera* at that point in the meeting; a brief *in camera* report had been prepared and would be made available to members. The Chair stated that he had reported on the Committee's discussion and suggestions to the Implementation Committee of the Task Force on Governance at its meeting of July 18, 2011. The Implementation Committee had determined that it was most appropriate for the Executive Committee to assume responsibility for the quality of governance and governors, rather than the Elections Committee. There had been agreement that it was important to monitor such aspects of the Governing Council. The member stated that he was disappointed with the negative response from the Implementation Committee to the ideas that had been proposed by the Committee, and that no explanation had been provided by the Implementation Committee.

The member then provided a synopsis of the Elections Committee's discussion for the benefit of those members who had not been present at the June 20th meeting. The possibility of changing and enhancing the terms of reference of the Elections Committee had been considered. Proposed added areas of responsibility had included serving an advisory role to the Executive Committee and the Chair of the Governing Council about the quality of governance, conducting the evaluation of governors, conducting the orientation session for new governors, overseeing professional development for governors, and liaising with relevant stakeholders with respect to the field of institutional governance. The Elections Committee could perhaps carry out such functions from a more neutral perspective than the Executive Committee. It had also been proposed that the membership of the Elections Committee be expanded to include individuals with experience serving on public and private sector governing boards as well as the President of the University and the Chair of the Governing Council. In its new form, it would be appropriate for the Elections Committee to report directly to the Chair of the Governing Council or perhaps to the Executive Committee.

A member stated that, in her view, it was appropriate for responsibility of monitoring and evaluating the effectiveness of the Governing Council to rest with the Executive Committee. The Chair questioned whether the body responsible for overseeing the elections process should also be responsible for conducting the evaluation of those members elected to serve on the Governing Council. A member suggested that, following the recommendations of the Task Force on Governance, the Executive Committee would have a great deal of business to conduct. He reiterated that the Elections Committee could recast itself to serve an expanded and necessary role. The Chair responded that the Executive Committee would be asked to confirm a greater number of approvals, but it would not necessarily have more to do.

4. Governing Council Constituency Composition

The Chair suggested that the Committee examine and develop recommendations on the matter of the distribution of seats within the internal constituencies (administrative staff, students, and teaching staff) of the Governing Council. Such a study would be timely given the work of the Implementation Committee with respect to tri-campus governance issues. As well, the Elections Committee had had discussions about this matter in the past. Representation of governors from the University of Toronto Mississauga and University of Toronto Scarborough campuses should be deliberated. It would be helpful to gain an understanding of the context and principles that had led to the existing distribution, prior to determining what, if any, changes would be appropriate. The Committee agreed to study the matter, with support provided by the Secretariat. A member asked that the Secretariat provide the Committee with a spectrum of options for its consideration.

5. *Election Guidelines 2012*

The Chair stated that, at present, the Elections Committee was responsible for recommending approval of the *Election Guidelines* to the University Affairs Board (UAB). However, that approval process would be altered if the proposed revisions to the Committee's Terms of Reference were approved by the Governing Council at its meeting of October 27, 2011.

Mr. Anwar Kazimi, Chief Returning Officer (CRO), outlined the main proposed changes to the *Election Guidelines 2012*, which were minimal. The section devoted to the procedures for election of administrative staff to the Governing Council had been added, as there would be need for an election in that constituency in 2012. As well, the election schedule had been updated for 2012, maintaining the three-week campaign period. Some minor editorial changes had also been made. A member observed that the *Guidelines* was quite a detailed document and asked whether the University's election process was consistent with that of other institutions. Mr. Charpentier responded that, while a general review of election processes elsewhere had not been conducted by the Secretariat in some time, consultation had occurred prior to instituting electronic voting processes at the University in 2001. The existing *Guidelines* were a good reflection of the clear and transparent election processes that had evolved over the years.

During a discussion of petitions and appeals that had been submitted in the previous year, Mr. Kazimi noted that, at the direction of the Committee, he had exercised his judgment in forwarding allegations of campaign violations to the Committee. Recalling the circumstances of an appeal that the Committee had considered in the spring, a member asked whether further guidance might be provided to faculties with respect to addressing problems arising from Governing Council elections. Mr. Kazimi replied that, during the election period, he was in close communication with the relevant University officers when concerns were raised. The officers acted to the best of their ability in response to any information provided to them. Referring to the appeal under discussion, the Chair noted that the Committee had ruled that all possible steps had been taken by the Office of the Governing Council to address the unfortunate situation.

5. *Election Guidelines 2012*

On motion duly moved, seconded, and carried

YOUR COMMITTEE RECOMMENDS

THAT the *Election Guidelines 2012* attached hereto as "[Appendix A](#)", be approved.

6. **Elections Committee Terms of Reference**

Mr. Charpentier provided a report for information on the proposed revisions to the Elections Committee Terms of Reference that would be forwarded from the Implementation Committee to the Governing Council for approval on October 27th. He explained that two procedural options were being added to the terms of reference of all Boards and Committees. They would allow for more routine items to be placed on the "consent" portion of an agenda and for certain reports for information to be made available to members by electronic publication. One major amendment to the Terms of Reference concerned the reporting structure of the Committee. Consistent with the Executive Committee's broad governance coordination role, the Elections Committee would become a standing committee of the Executive Committee. It was also proposed that responsibility for elections policy be separated from responsibility for elections procedures. Minor amendments to the *Guidelines* (which are procedural) would be approved by the Elections Committee, while major amendments would be approved by the Executive Committee. The Elections Committee would recommend policy on elections to the Executive Committee, which in turn would recommend the policy to the Governing Council. In addition to this substantive revision, an amendment to the Terms of Reference had been made to remove the need for the CRO to consult with the Elections Committee regarding simple procedural matters such as holding a by-election or re-opening a nomination period.

A member commented that it appeared that no further enhancements to the Committee's Terms of Reference, such as those discussed earlier, would occur at this point, given the proposed revisions that had been presented. Mr. Charpentier replied that the elections process would continue to evolve and that the respective roles of the Elections and Executive Committees would also continue to evolve. In response to a question, he added that the amendments to the Terms of Reference would be effective immediately upon approval by the Governing Council. If the changes were approved, the *Election Guidelines 2012* would be provided to the UAB for information at its meeting of November 1st. In the future, the *Guidelines* would be forwarded to the Executive Committee; it would continue to be a public document and would continue to be available online.

7. **Date of Next Meeting**

The Chair stated that the next regular meeting of the Committee was scheduled for Monday, June 18, 2011, at 5:00 p.m. However, members would likely be called upon to meet as the Election Overseers during the 2012 election period. As well, there would be need to meet to discuss the distribution of seats within the internal constituencies.

8. Other Business

There were no items of other business

The meeting adjourned at 4:50 pm.

Secretary
October 15, 2011

Chair