

**UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

REPORT NUMBER 26 OF THE ELECTIONS COMMITTEE

October 31, 2001

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on October 31, 2001 in the Dean's Conference Room, Medical Sciences Building, with the following members present:

Professor Brian Corman (In the Chair)
Ms Karen Lewis
Mr. Andrew Morgan
Mrs. Susan Scace

Regrets:
Ms Shirley Hoy

Secretariat
Ms Cristina Oke, Chief Returning Officer

In Attendance:

Mr. David Melville, Member of the Governing Council and Treasurer, Association of Part-Time Undergraduate Students
Mr. Louis R. Charpentier, Secretary, Governing Council
Ms Agata Durkalec, University Affairs Commissioner, Students' Administrative Council
Ms Maritza Jackman, Member of the Academic Board and Director, Association of Part-Time Undergraduate Students
Mr. Paul Kendal, Deputy University Affairs Commissioner, Students' Administrative Council
Mr. Elan Ohayon
Mr. Chris Ramsaroop
Ms Emily Sadowski, Acting President, Association of Part-Time Undergraduate Students
Mr. Paul Tsang, Executive Director, Association of Part-Time Undergraduate Students
Mr. James Thompson, Director, Association of Part-Time Undergraduate Students

In this report, items 3 and 5 are reported to the University Affairs Board for approval; all other items are reported for information.

1. Report of the Previous Meeting

Report Number 25 of the meeting of October 17 was approved.

2. Business Arising from the Previous Meeting

There was no business arising.

3. **Designation of Teaching Staff Ranks**

The Chair explained to members that three academic ranks had been created and defined in the *Policy and Procedures on Academic Appointments*, and approved by the Governing Council in the past 2 years. In order for persons holding these ranks to be eligible to vote and to be candidates in teaching staff elections to the Governing Council and to the Academic Board, these ranks had to be designated by the Governing Council as teaching staff ranks under Section 1 1 (m) of the *University of Toronto Act, 1971*.

On motion duly moved and seconded,

YOUR COMMITTEE RECOMMENDS

THAT Assistant Professor (Conditional), Athletics Instructor, and Senior Athletics Instructor be designated by the Governing Council as academic ranks for the purposes of clause 1 (1) (m) of the *University of Toronto Act, 1971*.

4. **Election Guidelines 2002: Comments from Student Groups**

The Chair informed members that a number of individuals had asked to speak to the Committee on the draft *Election Guidelines 2002*.

At the invitation of the Chair, Mr. Paul Kendal, Deputy University Affairs Commissioner, Students' Administrative Council, spoke against the imposition of vote deduction penalties, and made the following points in his presentation:

- There were moral reasons for protecting the voters' franchise.
- There was no need to impose vote deduction penalties since the proposed *Election Guidelines 2002* gave extra powers of enforcement to the Chief Returning Officer and the Elections Committee.
- There was provision to disqualify a candidate for campaign infractions through the proposed demerit point system.
- The proposed vote penalty was arbitrary, as there was no way of determining the actual number of votes resulting from a campaign infraction.
- The administration of vote deduction penalties by the Chief Returning Officer and Elections Committee could give the appearance of impropriety if the results of an election were substantially changed.

Ms Emily Sadowski, Acting President of the Association of Part-Time Undergraduate Students, was invited to address the Committee. She spoke against the vote penalty model proposed in the *Election Guidelines 2002*, describing the vote deduction penalty as undemocratic.

Mr. Elan Ohayon was invited to address the Committee, and made the following points:

- More consultation with the community should have been undertaken in the development of the *Election Guidelines 2002*.
- The imposition of vote deduction penalties could lead to accusations of institutionalized vote tampering and, in his view, it would be institutionalized vote tampering.
- The proposed Election Schedule dates did not reflect the final registration date for the winter session, that is, the final "add" date. [Secretary's note: After consultation with the Registrar of the Faculty of Arts and Science, the date on which nominations open has been changed to follow the final date for petitioning to add a class in the Faculty of Arts and Science.]
- Special students remained excluded from participating in the election.
- The proposed web-based elections violated the *University of Toronto Act*.

4. Election Guidelines 2002: Comments from Student Groups (cont'd)

Ms Agata Durkalec, University Affairs Commissioner, Students' Administrative Council, was invited to address the Committee, and made the following points:

- An appeal mechanism should be provided for technical disqualification rulings by the Chief Returning Officer.
- Provisions should be made for candidates who do not attend the all-candidates' meeting due to unforeseen circumstances, so they are not automatically disqualified, and so that they receive the necessary information.
- The nature of a public reprimand to a candidate who has exceeded the expense limit in a campaign should be clarified in the Guidelines.
- Disqualification for several years of a candidate who has exceeded the expense limit in a campaign was not appropriate.
- The proposed vote penalty system was unacceptable.

Ms Durkalec distributed to the Committee a letter from Mr. Justin Saunders, University Affairs Commissioner, Students' Administrative Council, 2000-01, in which Mr. Saunders argued against the introduction of a demerit point system and imposition of vote penalties in the *Election Guidelines 2002*.

Mr. David Melville, a member of the Governing Council and Treasurer of the Association of Part-time Undergraduate Students, was invited to address the Committee and made the following points:

- It was the opinion of the Association of Part-time Undergraduate Students (APUS) that there had not been proper notification of the review of the Election Guidelines or of the meetings of the Election Committee, and that there had been problems with the distribution of information.
- The matter of special students had not been sufficiently addressed, and APUS was renewing its request that special students be recognized within the *Election Guidelines 2002*.
- The proposed election schedule for 2002 had taken into account the last day to add courses, and opened nominations after that date.
- The enforcement, adjudication and penalties for the Elections Guidelines should not be the sole authority of any one individual, and such matters should be dealt with in an open and transparent manner with informed input from affected constituencies and with consideration of due process.

The Chair thanked all the speakers for their remarks.

5. Election Guidelines 2002: Recommendations for Revisions Arising from Comments from Student Groups

A member spoke in favour of including an appeal provision for technical invalidation decisions made by the Chief Returning Officer. The member also spoke in favour of the vote deduction penalty for those who violated campaign regulations.

At the invitation of the Chair, Ms Cristina Oke, Chief Returning Officer, reviewed the following proposed revisions to the *Elections Guidelines 2002*, based on the comments which had been received:

(a) Chapter III, sections 5 and 7 and Chapter VI, section (a)(xii) and (xiii)

Decisions made by the Chief Returning Officer may be appealed to the Elections Committee.

5. **Election Guidelines 2002: Recommendations for Revisions Arising from Comments from Student Groups** (cont'd)

At the request of the Committee, the requirement of two means of communication, including a mailing address was incorporated.

(b) Chapter VI – “Candidate’s Contact Information”

Contact information including name, mailing address, phone number and email address of the candidate **should** be on the nomination form. **At least one of an e-mail address or phone number, or other means of communication with the candidate must be present, and if not, it may be grounds for the technical invalidation of the nomination.**

(c) Chapter VI – Mandatory Attendance at the All Candidates’ Meeting

If a candidate fails to attend this meeting, or to send an authorized representative, she/he will be declared ineligible to run in the election. **In the event that the meeting is missed due to illness, unforeseen transportation problems, a death or serious illness in the family, or other extenuating circumstances, the candidate can meet with CRO at another time to receive the information given at the All Candidates’ Meeting, without being disqualified.**

(d) Appendix C

Section 12: Violation of Campaign Rules

(c) replace ‘Elections Committee’ with Chief Returning Officer:

(c) Allegations of violation of the Election Guidelines shall be submitted in writing to the Chief Returning Officer (CRO) who shall decide on the charge.

(d) replace ‘Elections Committee’ with Chief Returning Officer:

(d) The CRO may lay charges of violations of campaign rules on its own initiative.

(e) clarify period for notification of violation

(e) A charge of a violation must be given in writing within five days of the alleged violation to the CRO.

(h) correct typo

(h) Details of confirmed violations must be made available for publication.

(i) remove points (iv) and (v), and reorder other points.

(i) Penalties assessed for a confirmed violation, may include:

(i) assignment of a demerit point penalty and resulting vote penalty against a candidate;

(ii) reduction or elimination of a candidate’s reimbursement;

(iii) a declaration that an election in a particular constituency or the election of a specific candidate be ruled void;

5. **Election Guidelines 2002: Recommendations for Revisions Arising from Comments from Student Groups** (cont'd)

(j) revise to simplify demerit point system and to relate more closely to *Election Guidelines 2002*:

(j) Demerit points shall be assessed on the following basis:

(i) Campaign Materials

- Unintentional misrepresentation of facts 1
- Violation of postering regulations 3
- Containing material explicitly forbidden in Guidelines (eg. University Crest) 3
- Violation of any restrictions imposed by University Faculties, Departments, or administrative services 3
- Inappropriate use of property, including but not limited to chalk messages on sidewalks, adhesive stickers/signs affixed to furniture and/or equipment 3

(ii) Campaigning

- Unintentional misrepresentation of facts 1
- Violation of Guidelines for Campaigning 3
- Violation of postering regulations 3
- Violation of any restrictions imposed by University Faculties, Departments, or administrative services 3
- Inappropriate use of property, including but not limited to chalk messages on sidewalks, adhesive stickers/signs affixed to furniture and/or equipment 3
- Unauthorized solicitation of votes, including but not limited to speaking in class without the prior permission of the instructor. 3

(iii) Fair Play

- Use in campaign of any service or tangible benefit conferred on a candidate by virtue of his/her holding any position in any organization on campus. This includes, but is not limited to, office supplies, equipment, advertising space and secretarial service. 5
- Unauthorized use of University resources, including but not limited to printing, copying, office supplies, equipment and secretarial service 5
- Deliberate misrepresentation of facts 5

(l) Revise to allow a maximum of 40 demerit points before disqualification

(l) Violations of the following nature will result in AUTOMATIC disqualification of a candidate:

...
(iii) a candidate accruing greater than 40 demerit points

(m) revise to award election to candidate with the next greatest number of votes, rather than declaring the election invalid

(m) in the event a winning candidate in any election is disqualified, the candidate with the next greatest number of votes will be declared elected.

5. Election Guidelines 2002: Recommendations for Revisions Arising from Comments from Student Groups (cont'd)

A member asked whether the phrase 'any restrictions imposed by University Faculties, Departments, or administrative services' would include residences. The Chief Returning Officer undertook to contact residences to obtain information on residences' policies that would apply to campaigning, and provide this information to candidates at the All Candidates' Meeting.

The Committee confirmed its decision to include the imposition of a five vote reduction penalty for each demerit point in the *Election Guidelines 2002*.

The Committee AGREED to the above list of revisions to the *Election Guidelines 2002*. Attached hereto as Appendix A are the *Election Guidelines 2002* dated November 2, 2001, as approved at the meeting of October 17, 2001, with the above revisions.

6. Other Business

There were no items of other business.

7. Date of Next Meeting

No future meeting dates have been set.

The meeting adjourned at 5:30 p.m.

Secretary

November 1, 2001

Chair