UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 45 OF THE ELECTIONS COMMITTEE

October 10, 2006

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on Tuesday, October 10, 2006 at 2:00 p.m. in the
Falconer Room, Simcoe Hall, with the following members present:

Mr. Stephen Smith (In the Chair)
Mr. Robin Goodfellow
Professor William Gough

Secretariat
Ms Cristina Oke

In Attendance:
Dr. Anthony Gray, Chief Returning Officer

In this report, all items are reported to the University Affairs Board for information.

Introductory Remarks

The Chair welcomed members to the meeting and invited them to introduce themselves. He
reminded members that the role of the Committee was to develop the Guidelines for Governing
Council elections, and to act as overseers to hear complaints about matters related to the election
process. He explained to members that the main purpose of the meeting was to review and
discuss the report of the Governing Council Elections Process 2006, and to review and discuss the
comments on the elections process that had been received to date.

1.   Reports of the Previous Meetings

Reports Number 42 (October 26, 2005), Number 43 (March 9, 2006), and Number 44 (March 27,
2006) were approved.

2.   Business Arising from the Previous Meetings

There was no business arising from the Reports of the previous meetings.

3.   Report of the Governing Council Elections Process 2006

Dr. Gray presented the Report of the Governing Council Elections Process 2006 to the
Committee, and highlighted the following points. A copy of the Report is attached hereto as
Appendix "A".

- There were fewer candidates in the 2006 elections than in the 2005 elections.
  - This might have been the result of opening nominations during the first week of
    classes in January 2006, one week earlier than the opening of nominations in 2005.
  - The Committee also speculated on the roles advertising, apathy and contentment may
    have played in limiting the pool of candidates.

3.   Report of the Governing Council Elections Process 2006 (cont'd)

- Nominations for Governing Council had to be re-opened in three of the five teaching staff constituencies.

- The number of voters in the full-time undergraduate constituencies was significantly lower in 2006 than in 2005.
  - The Governing Council web-based elections were scheduled to overlap with the Students' Administrative Council (SAC) elections on ROSI, but, departing from recent practice, SAC did not hold web-based elections in 2006. This may have accounted for some of the decline in student voter participation.

- The introduction in the *Election Guidelines 2006* of the designation of campaign violations as 'serious' or 'severe' resulted in more profound consequences for candidates who were found to have violated campaign rules.

- Redesign the election posters titled 'Make a difference: Get involved with the Governing Council'.

- Draft Recommendations for 2007 Election Guidelines

  (i)   Continue to raise the profile of the Governing Council within the University to encourage greater participation in the Governing Council election process. Consider, in particular, measures to raise awareness of and participation in the election on the UTM and UTSC campuses.

  (ii)   Incorporate a provision stipulating that a member of the Elections Committee who is standing as a candidate for election, involved in an election campaign or who has endorsed a candidate for election may not act as an Election Overseer.

  (iii)   Consider the "tangible benefits" clause of the campaign rules with the aim of making it clearer and more precise.

  (iv)   Review the system of *serious* and *severe* violations that was introduced last year to govern the handling of campaign violations.
  - Inform candidates that names will be posted on elections web-site is allegation of campaign violation is proven and a penalty is imposed.
  - Include examples from past experience.

  (v)   Explore the use of information technology – including the University Portal and other University administrative systems – in elections.

  (vi)   Consider the question of "conflict of office" and its possible impact on the election procedure.
  - Ensure full disclosure by candidates during campaign period of information and resources to which they have access by virtue of their position/membership in campus organizations.
  - Consider including on the nomination form a request for disclosure of executive positions in campus organizations currently held by candidate.

  (vii)   Continue to work with SAC representatives to co-ordinate the Governing Council election schedule with that of the SAC elections. Consider any additions to the Guidelines based on the question of "co-campaigning" and related concerns.
  - Discuss timing of elections at the University of Toronto at Scarborough (UTSC) with the Scarborough Campus Student Union (SCSU)

3.   Report of the Governing Council Elections Process 2006 (cont'd)

- Draft Recommendations for 2007 Election Guidelines (cont'd)

    (viii)   Review election practices and forms in light of the *Freedom of Information and Protection of Privacy Act*. Work with the University's Freedom of Information and Protection of Privacy Office.

    (ix)   Clarify distinction between expectations and requirements in the conduct of election campaigns.

    (x)   Clarify language concerning ballots noted on page 20 of the *Election Guidelines 2006,* to be explicit about eligible ballots being provided only by the Chief Returning Officer.

4.   Other Business

The Committee reviewed the size of the full-time undergraduate student constituencies I and II.

In 2006, there were 40,460 students in Constituency I, which included all full-time undergraduate students registered in Arts and Science on the St. George campus, at the University of Toronto at Mississauga (UTM) and at the University of Toronto at Scarborough (UTSC). There were 11,700 students in Constituency II, which included all students registered in the Faculty of Applied Science and Engineering, Faculty of Dentistry, Faculty of Law, Faculty of Medicine, Faculty of Music, Faculty of Nursing, OISE/UT, Leslie Dan Faculty of Pharmacy, and Faculty of Physical Education and Health. Two students from each constituency were elected to Governing Council.

The Committee encouraged the Chief Returning Officer to review of the definition of these constituencies in light of the increased enrolment at UTM and UTSC, and to explore the development of a recommendation for a more equitable distribution of seats on the Governing Council for full-time undergraduate students.

The meeting adjourned at 4:00 pm.

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Secretary   Chair

October 23, 2006

Report of the Governing Council Election Process 2006

1.   Introduction

This report is the first step in the development of the *Election Guidelines* for 2007. The purpose of the report is to provide factual information about the 2006 Governing Council election and to indicate areas for discussion and possible revision in the *Guidelines*.

2.   Statistical Information about the 2006 Governing Council Election

In January 2006, elections were required for 13 seats on the Governing Council, with terms beginning July 1, 2006. There were elections for four teaching staff seats, eight student seats, and one administrative staff seat. Voting was necessary in one teaching staff constituency, two student constituencies and in the single administrative staff constituency. A by-election was held concurrently in teaching staff Constituency II for a retiring member of the Governing Council.

Table 0 summarizes the details of the nominations received in each constituency.

Table 0: Summary of Nominations for the Governing Council Elections, 2006

Constituency	# of seats available	# of nominations received	# of times nominations were re-opened
Teaching Staff Constituency IA (Arts and Science)	1	1	1
Constituency III (UTSC)	1	1	2
Constituency V (Faculty of Medicine)	1	1	0
Constituency VI (Dentistry, Nursing, Leslie Dan Faculty of Pharmacy, Physical Education and Health)	1	3	0
By-election: Constituency II (UTM)	1	1	2
Full-time Undergraduate Students Constituency I (Arts and Science, UTM, UTSC)	2	4	0
Constituency II (Professional Faculties)	2	5	0
Part-Time Undergraduate Students	2	2	0
Graduate Students Constituency I	1	2 (one withdrew)	0
Constituency II	1	1	0
Administrative Staff	1	5	0
TOTAL	**14**	**26**	**5**

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Table 1 summarizes the details of the voting in each constituency in the 2006 Governing Council Elections, including the by-election.

Table 1: Summary of Voting in the Governing Council Elections, 2006

Constituency	# of seats	# of seats acclaimed	# of seats elected	# in Constituency	# of valid votes cast	# of voters	% voting
Administrative Staff	1	0	1	5663	1316	1316	23%
Teaching Staff Constituency IA (Arts and Science)	1	1					
Constituency III (UTSC)	1	1					
Constituency V (Faculty of Medicine)	1	1					
Constituency VI (Dentistry, Nursing, Leslie Dan Faculty of Pharmacy, Physical Education and Health)	1	0	1	190	68	68	36%
By-election: Constituency II (UTM)	1	1					
Full-time Undergraduate Students Constituency I (Arts and Science, UTM, UTSC)	2	0	2	40,460	3,999	2696	7%
Constituency II (Professional Faculties)	2	0	2	11700	940	669	6%
Part-Time Undergraduate Students	2	2					
Graduate Students Constituency I	1	1					
Constituency II	1	1					
TOTAL	**14**	**8**	**6**				

Table 2 shows the size of each student constituency and the number of valid votes cast within each constituency over the past five years.

Table 2: Voting Results from Student Constituencies

	2002	2003	2004	2005	2006
Full-Time Undergraduate Students					
Constituency I:					
Constituency Size	*23,093*	*25,489*	*34,390*	*37,212*	*40,460*
Number of Valid Votes Cast	1,462	4,900	5,571	8,283	3,3999
Constituency II					
Constituency Size	*9,577*	*10,099*	*10,561*	*10,696*	*11,700*
Number of Valid Votes Cast	Acclamation	1,899	1,984	1,611	940
Part-Time Undergraduate Students					
Constituency Size	*N/A*	*11,461*	*7,499*	*7,498*	*N/A*
Number of Valid Votes Cast	Acclamation	995	300	508	Acclamation
Graduate Students					
Constituency I:					
Constituency Size	*6,055*	*6,363*	*6,522*	*6,599*	*N/A*
Number of Valid Votes Cast	373	225	87	308	Acclamation
Constituency II					
Constituency Size	*5,132*	*5,586*	*5,798*	*5,896*	*N/A*
Number of Valid Votes Cast	222	*182*	Acclamation	Acclamation	Acclamation

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3.   Election Process 2006

I.   Request for Community Input to *Election Guidelines 2006*

In September 2005, a request for comments on the election process and on the *Election Guidelines* was distributed to members of the University community, and a community meeting was arranged for October 11, 2005. Five submissions were received by the Committee. Three members of the University community attended the community meeting.

Table 3 summarizes the response received from the University community since the first formal request for community input was issued in 2002.

Table 3: Community Input into Elections Guidelines

	2002	2003	2004	2005
Number of written submissions received	7	7	5	5
Number of individuals attending open meeting on elections	8	4	1	3

II.   Election Posters

A series of posters with the message '*Make a difference: Get involved with the Governing Council*' was widely distributed throughout the University community, immediately prior to the opening of nominations. These posters were originally created for the 2005 Governing Council election and they were appropriately updated for the 2006 Governing Council election (though their general content was not changed).

III.   Nominations

Nominations opened on Monday January 9, 2006 and closed on Friday January 20, 2006. (The nomination period occurred one week earlier in 2006 than it did in 2005.) All nomination forms were available electronically on the Governing Council website and in paper form from the Governing Council office. The Call for Nominations was publicized in campus media, and nomination forms were sent to the six representative campus-wide groups: the Students' Administrative Council (SAC), the Association of Part-time Undergraduate Students (APUS), the Graduate Students' Union (GSU), the Scarborough Campus Students' Union (SCSU), the United Steelworkers of America (USWA), and the University of Toronto Faculty Association (UTFA).

The Call for Nominations resulted in acclamations in eight constituencies (four of the five teaching staff constituencies and three of the five student constituencies). However, the nominations period had to be reopened in three of the five teaching staff constituencies and, in two of those, it had to be reopened twice.

3.   Election Process 2006 (cont'd)

IV.   Election

The Chief Returning Officer met with the candidates in each student constituency and in the single administrative staff constituency. The purpose of this meeting was to provide candidates with information about their constituency and about the voting process, and to explain the campaign rules. The candidates were required to sign a declaration stating that they, and all their campaign workers, would abide by the election guidelines.

Each of the candidates in Teaching Staff Constituency VI received information about the constituency, the voting process and the election rules — and agreed to be bound by those rules — over email.

Voting for the student constituencies was conducted on the web through the University's Repository of Student Information (ROSI) system. Post-graduate medical students were sent mail ballots for the election in the Full-time Undergraduate Students Constituency II. Voting in the administrative and teaching staff constituencies was conducted through the traditional mail.

The campaign period for ROSI-based elections ran for two weeks, from February 27, 2006, to March 10, 2006 and included the voting period (for the third year).

Campaigning and voting in the Students' Administrative Council (SAC) elections exactly coincided with the Governing Council election. However, SAC conducted a paper-ballot election (rather than a ROSI-based election as they had done in recent years) and all but one of the Council's seats were uncontested.

The results of the Governing Council elections were announced to candidates at 6:00 p.m. on March 10, 2006.

V.   Demerit Point System for Campaign Violations revised

A new system for considering and handling violations of the campaign rules governed the 2006 Governing Council elections. The new system is described in the *Election Guidelines, 2006* (attached hereto as Appendix A) in detail, but in summary it divided violations broadly into the categories *serious* and *severe*. A candidate found to have committed two *serious* or one *severe* violation could, at the discretion of the Elections Overseers, be disqualified from the election.

In the 2006 Governing Council election, the CRO received 6 formal complaints each of which led to an investigation by the CRO. (The CRO received 4 additional informal complaints not leading to investigations.)

The Elections Overseers were called twice, on March 9, 2006, and March 27, 2006, to hear the complaints. As a result of the first hearing, one candidate in the Full-Time Undergraduate Constituency I was found to have committed two *serious* violations of the campaign rules (though that decision was later invalidated by Overseers). As a result of the second hearing, a (different) candidate in the Full-Time Undergraduate Constituency I was found to have committed one *serious* violation of the campaign rules and the decision of the Overseers arising from the first hearing was invalidated. While the Overseers were preparing to meet to reconsider the matter that gave rise to the first hearing, the original complaint was withdrawn and the matter was abandoned. Details of the complains, investigations, hearings and sanctions can be found in reports number 43 and 44 of the Elections Committee (attached hereto as Appendices B and C respectively).

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3.   Election Process 2006 (cont'd)

V.   Demerit Point System for Campaign Violations revised (cont'd)

Table 4 summarizes the allegations of campaign violations and appeals that have been made since 2002. Note that between 2002 and 2005 the demerit point system was in force and in 2006 it was replaced by the present system of *serious* and *severe* violations.

Table 4: Summary of Campaign Violation Allegations and Appeals, 2002-2005

	2002	**2003**	**2004**	**2005**	**2006**
Number of allegations of campaign violations	2	8	0	1	10
Number of appeals of election process/results	0	0	1	0	0
Number of appeals of technical invalidation	0	0	0	1	0
Number of allegations and appeals referred to Elections Committee	1	2	1	2	6
Number of Demerit points imposed by Elections Committee or, after 2005, number of *serious*/*severe* violations found	0	0	0	1	3[*]/0

4.   Draft Recommendations for Discussion by the Committee Regarding the Governing Council Election Process for 2007

(a) Continue to raise the profile of the Governing Council within the University to encourage greater participation in the Governing Council election process. Consider, in particular, measures to raise awareness of and participation in the election on the UTM and UTSC campuses.

(b) Incorporate a provision stipulating that a member of the Elections Committee who is standing as a candidate for election, involved in an election campaign or who has endorsed a candidate for election may not act as an Election Overseer.

(c) Consider how best to, in the words of the revised Terms of Reference, "solicit advice and input from the University community on the Election Guidelines and the electoral process".

(d) Consider the "tangible benefits" clause of the campaign rules with the aim of making it clearer and more precise.

(e) Review the system of *serious* and *severe* violations that was introduced last year to govern the handling of campaign violations.

(f) Explore the use of information technology – including the University Portal and other University administrative systems – in elections.

(g) Consider the question of "conflict of office" and its possible impact on the election procedure.

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[*] Note that two of the Overseer's findings were invalidated and awaiting reconsideration when the original complaint was withdrawn.

4.　Draft Recommendations for Discussion by the Committee Regarding the Governing Council Election Process for 2007 (cont'd)

(h)　Continue to work with SAC representatives to co-ordinate the Governing Council election schedule with that of the SAC elections. Consider any additions to the Guidelines based on the question of "co-campaigning" and related concerns.

(i)　Review and discus revising the election posters titled '*Make a difference: Get involved with the Governing Council'*.

(j)　Review election practices and forms in light of the *Freedom of Information and Protection of Privacy Act*. Work with the University's Freedom of Information and Protection of Privacy Office.