



TO: University Affairs Board

SPONSOR: Mr. Stephen Smith, Chair, Elections Committee

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DATE: October 22, 2009 for November 3, 2009

AGENDA ITEM: 6

ITEM IDENTIFICATION: *Election Guidelines 2010*

JURISDICTIONAL INFORMATION:

The Terms of Reference of the University Affairs Board provide that the Board approves editorial or updating amendments to the *Election Guidelines*. Major amendments to policy or procedures relating to the conduct of elections are considered by the Board and recommended to the Governing Council for approval.

PREVIOUS ACTION TAKEN:

The University Affairs Board annually considers the *Election Guidelines*. The *Election Guidelines 2009* were approved by the University Affairs Board on November 4, 2008, and the amended *Election Guidelines 2009* were approved by the Board on March 17, 2009.

HIGHLIGHTS:

The revisions made to the *Election Guidelines 2009*¹ to create the *Election Guidelines 2010* are outlined in the chart below. It is proposed that there be one significant change in policy: a reduction in the number of nominators required for all constituencies to five. The requirements for nominators for the 2009 Governing Council elections varied with constituency (because of variations in constituency size). The requirements were for the following number of nominators: 20 for administrative staff, 10 for teaching staff, 20 for full-time undergraduate students, 20 for graduate students, and 20 for part-time undergraduate students. The objective is to encourage members of the University to submit nominations and stand for election.

The Elections Committee also proposes that the campaign period be reduced from five to three weeks. This proposal is being made in response to suggestions received from past candidates and members of the University community who provided feedback on the elections process to the Committee. Changes were also made to the *Guidelines* to address practices with respect to assisting individuals with disabilities who may wish accommodation arrangements to facilitate their participation in the elections process. A number of minor editorial changes were made in an effort to use more precise and consistent language and terms throughout the *Guidelines*. Where necessary, procedures were elaborated in order to provide greater direction to the reader and to reduce the likelihood of misunderstanding. As well, sections were reorganized to improve ease of reference, and some minor inconsistencies were eliminated.

¹ The *Election Guidelines 2009* is available on the elections website listed below.
<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Elections/Elections+Guideline.pdf>

| Election Guidelines 2010 | Changes to <i>Election Guidelines 2009</i> |
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| Section 1 (p. 8) 1.1 1.2 1.2(5) | (1) This section was revised to provide more detailed information about the role and powers of the Governing Council to assist individuals who consider running in Governing Council elections. (2) Information addressing the role and responsibilities of members of the Governing Council was expanded. (3) Some introductory text was added outlining the relationship between the Council and its Boards and Committees. |
| Section 2 (p. 13) | (1) The role of the Elections Committee, the University Affairs Board, and the Governing Council vis-à-vis these <i>Guidelines</i> are discussed. This section replaces sections 2.a. and 3 of the <i>Guidelines, 2009</i> . |
| Section 3 (p. 14) 3.1 3.3 | (1) Section 3 (formerly Section 2 in the <i>Guidelines, 2009</i>) was amended and reorganized. (a) Instead of a seemingly exhaustive list of the Chief Returning Officer (CRO)'s responsibilities, the words "including but not limited to" were added; (b) "violations of campaign rules" replaced with the broader phrase of "violation of these <i>Guidelines</i> "; (c) Deletion of "creates nomination forms for use in connection with the election" – this detail is unnecessary. The CRO is responsible for implementing the <i>Guidelines</i> , which includes creating all necessary documents; (d) "CRO's decisions concerning technical invalidation of nominations may be appealed to the Elections Committee" replaced with "Decisions of the CRO may be appealed to the Elections Committee in accordance with these <i>Guidelines</i> "; and (e) Additional information about the CRO's office and contact information was inserted. (f) Situations when a member of the Elections Committee should not serve as an Election Overseer was expanded to include matters arising from "...the constituency of a candidate she or he is publicly endorsing." |
| Section 4 (p. 16) | (1) Additional defined terms were inserted: "Campaign Period", "College", "Constituent College", "Federated Universities", " <i>Guidelines</i> ", "Librarian", and "University". (2) The definitions of "Administrative Staff", "Full-Time Undergraduate Student", "Graduate Student", "Part-Time Undergraduate Student", "Student", and "Teaching Staff" were revised where required to ensure consistency with the <i>University of Toronto Act</i> . (3) In addition, the following changes were made to the definitions: (a) "Campaigning" (i) 2009 version: "Campaigning" means any attempt by an individual, individuals or an organization to encourage a voter to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material" (ii) Revised version: "Campaigning" or "Campaign" includes any conduct of and/or attempt by a candidate or by the candidate's supporters, whether individuals or organizations, to encourage a voter to cast a ballot in favour or in opposition of a candidate, whether or not Campaign Material is used. (b) "Campaign Material" (i) 2009 version: "Campaign material" means any item, design, sound, symbol, or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate; (ii) Revised version: "Campaign Material" includes any advertisement, blog, design, display, flyer, item, literature, social networking tool, sound, symbol, mark, website, electronic media, in any form, electronic or otherwise, that is used, created or copied in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate. (c) "Fair Market Value" of a product or service |

| Election Guidelines 2010 | Changes to <i>Election Guidelines 2009</i> |
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| | <ul style="list-style-type: none"> (i) 2009 version: “Fair Market Value of a product or service” shall be the lowest price, without special concessions or discounts, that is available in Toronto for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service. (ii) Revised version: “Fair Market Value” of a product or service means the typical price, without special concessions or discounts, that is available in Toronto for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service. (4) “E-mail Lists” was moved from the definitions section to Appendix “A”, as this term is only referenced there. |
| Section 5 (p. 18) | (1) The campaign period was shortened from five to three weeks in response to suggestions received from past candidates and members of the University community who provided feedback on the elections process to the Elections Committee. |
| NEW Section 6 (p. 19) | (1) A new section was inserted to address practices with respect to assisting individuals with disabilities who may wish accommodation arrangements to facilitate their participation in the elections process. Administrative staff, librarians, and teaching staff may contact the Health and Well-being Programs and Services Office, and students may contact one of the three Accessibility Services Offices prior to contacting the CRO to discuss ways in which to become fully engaged in the elections process. Reasonable accommodation arrangement expenses incurred in consultation with the CRO will be reimbursed by the University. |
| Section 7² (Administrative Staff) (p. 21) 7.6(2) 7.6(3)(a)(ii) 7.6(4) 7.6(4)(a) 7.6(4)(c) 7.6(4)(d) 7.6(5) 7.6(8)(a) 7.8 & 7.20 7.10 | <ul style="list-style-type: none"> (1) The <u>Eligibility</u> section was revised to highlight the two criteria for eligibility and describe them more precisely. (2) The <u>Nomination Forms</u> section was renamed <u>Nomination Forms and Proof of Citizenship</u> and revised to clarify the requirements. (3) The number of nominators required for administrative staff has been reduced from 20 to 5. (4) The limit on the number of nominees that an administrative staff member may nominate was removed. (5) The <u>Candidate’s Statement</u> section was renamed <u>Nominee’s Statement</u>, and revisions include the following: <ul style="list-style-type: none"> (a) insertion of the following: “Individuals seeking nomination may wish to provide biographical information and address in their statements their motivation for running in the elections and how their background qualifies them for becoming a member of the Governing Council” and “Questions relating to the 100-word statement may be directed to the CRO”; (b) insertion of the right of an individual seeking nomination to withdraw the statement after the close of the nomination period upon written request; and (c) a more detailed disclaimer of the statement by the University, CRO, and DRO. (6) The <u>Verification of Candidate</u> section was clarified. (7) The examples of grounds for <u>Technical Invalidation</u> of a nomination form were expanded. (8) The sections relating to appeal and filing the appropriate notice were revised to provide more detailed instructions and procedures concerning the appeal process, including: <ul style="list-style-type: none"> (a) specifying the form of Notice of Intent to Appeal that must be used and hand-delivered to the Office of the Governing Council; and (b) outlining the possible actions to be taken by the Elections Committee upon receipt of a Notice of Intent to Appeal. (9) The <u>Withdrawal of Candidacy</u> section was revised to provide more detailed information and |

² When applicable to all constituencies, the changes listed in this section were applied throughout the *Guidelines*.

| Election Guidelines 2010 | Changes to <i>Election Guidelines 2009</i> |
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| <p>7.11 & 7.12</p> <p>7.13(1)</p> <p>7.13(2)</p> <p>7.14(2), (3), & (4)</p> <p>7.14(5)</p> <p>7.14(6)</p> <p>7.15</p> <p>7.17</p> <p>7.22(1)</p> | <p>improve its organization.</p> <p>(10) The sections on <u>Acclamations</u> and <u>Re-opening of Nominations</u> were revised to make the language more precise and clearer for the reader.</p> <p>(11) The <u>All-Candidate’s Meeting</u> section was renamed <u>Campaign Guidelines Information Session for Candidates</u> and was revised by removing the requirement for all candidates to attend the meeting, as it is stated that they are responsible for the information contained in the <i>Guidelines</i>.</p> <p>(12) The <u>Campaigning</u> section was revised, such that readers are directed to the Appendices of the <i>Guidelines</i> for the Campaigning guidelines.</p> <p>(13) The <u>Web-based Voting</u>, <u>Verification of Ballots</u>, and <u>Mail Ballot Voting</u> sections were revised to increase precision, organization, and ease of reference.</p> <p>(14) The <u>Verification of [Mail] Ballots</u> section was revised to provide a detailed list of procedures that will be undertaken to determine the validity of a mail ballot and to provide a detailed, list of grounds for invalidating a mail ballot.</p> <p>The following passage was deleted as it was considered unnecessary: “Verification of the ballots occurs as the ballots are received and is conducted under the supervision of the CRO or designate. His or her decisions with respect to validation of ballots are final.”</p> <p>(15) A new <u>Secrecy of Ballots</u> section was added.</p> <p>(16) The <u>Scrutineering</u> and <u>Notification of Ballot Counting</u> sections have been combined into one section and revised.</p> <p>(17) The <u>Recount</u> section was revised to specify that recounting is not possible with respect to web-based voting and to outline the possible actions to be taken by the Elections Committee with respect to a recount request.</p> <p>(18) The <u>By-elections</u> section was clarified.</p> |
| <p>SECTION 8 (Teaching Staff) (p. 37)</p> <p>8.3</p> <p>8.7(3)(a)(ii)</p> | <p>(1) The definition of “Teaching Staff” was revised using the language in the <i>Act</i>.</p> <p>(2) The <u>Constituencies</u> section was revised to insert a passage advising that no two Teaching Staff members of the Governing Council shall be from the same department within the Faculty of Medicine. Procedures outlining how nominations from the same department will be handled were added.</p> <p>(3) The number of nominators required for teaching staff was reduced from 10 to 5.</p> <p>(4) The limit on the number of nominees that a member of the teaching staff may nominate was removed.</p> |
| <p>SECTION 9 (Students) (p. 56)</p> <p>9.3</p> <p>9.7(3)(a)(ii)</p> <p>9.19</p> | <p>(1) The definitions in this section were revised using the language in the <i>Act</i> and to make them consistent with the definitions in the Section 4 of these <i>Guidelines</i>.</p> <p>(2) The <u>Constituencies</u> section was inserted to introduce the various constituencies for Students for the purpose of the Governing Council elections.</p> <p>(3) The number of nominators required for full-time undergraduate, graduate, and part-time undergraduate students was reduced from 20 to 5.</p> <p>(4) The limit on the number of nominees that a student may nominate was removed.</p> <p>(5) The <u>Equality of Votes</u> section was revised to deal with the possibility that two Students from the same College, Federated University, Faculty or School might receive the same number of votes.</p> |
| <p>SECTION 10 (NEW) (Academic Board) (p. 77)</p> | <p>(1) This section, dealing exclusively with the election of Teaching Staff and Librarians on the Academic Board, is entirely new. Previous versions of these <i>Guidelines</i> did not explicitly address the Academic Board elections. The content of this section was adapted from section 8.</p> |
| <p>Appendix A (p. 98)</p> | <p>(1) The Appendix, which was renamed “Guidelines for Campaigning and Enforcement of the <i>Election Guidelines 2010</i>”, contains revisions to the campaign guidelines designed to improve</p> |

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| (g) (h) (b)(i) | clarity. Among other changes, the following guidelines were added: (a) Candidates shall not interfere with a voter’s freedom to cast a ballot for the candidate of her or his choice or compromise the secrecy of the ballot process. (b) Candidates shall respect the privacy of voters and shall not be present when votes are being cast. (2) A statement outlining that a serious violation can be determined by the Election Overseers to have been committed even if it appears that there was no intent on the part of the candidate to seek to gain unfair advantage in the electoral process was added to the <u>Serious and Severe Violations</u> section. |
| Appendix C, D, E (p. 104) | (1) These Appendices containing information on campaigning in residences on the St. George campus were revised with updated information. |
| Appendix F and G (p. 109) | (1) These Appendices containing guidelines on campaigning in residences at the University of Toronto at Scarborough and University of Toronto at Mississauga campuses were added. |

FINANCIAL AND/OR PLANNING IMPLICATIONS:

There are no significant implications for the University’s operating budget.

RECOMMENDATION:

Be it Recommended to the University Affairs Board

THAT the proposed *Election Guidelines 2010* be approved, effective immediately.