

**UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL**

**REPORT NUMBER 37 OF THE ELECTIONS COMMITTEE**

**October 18, 2004**

To the University Affairs Board,  
University of Toronto.

Your Committee reports that it met on October 18, 2004 at 10:00 a.m. in the Falconer Room, Simcoe Hall, with the following members present:

Professor Michael Marrus (In the Chair)  
Ms. Alice Dong  
Mr. Stefan Neata

Secretariat:

Mr. Paul Holmes, Chief Returning Officer  
Mr. Andrew Drummond (Recording Secretary)  
Ms. Cristina Oke, former Chief Returning Officer

Regrets:  
Mr. PC Choo  
Mr. Stephen Smith

ITEM 2 IS RECOMMENDED FOR APPROVAL.

**1. Reports of the Previous Meetings**

The Report of the meeting of September 24, 2004 was approved.

**2. *Election Guidelines 2005***

The Chair indicated that the main purpose of the meeting was to review and approve the *Election Guidelines 2005* to be recommended to the University Affairs Board for its consideration at the November 9, 2004 meeting.

The Chair invited the Chief Returning Officer to highlight the proposed changes to the *Guidelines*. Mr. Holmes reviewed the document that had been circulated with the Agenda, noting amendments from the previous year's guidelines and explaining their genesis.

During discussion, Mr. Holmes noted for the Committee's consideration that several significant changes had been incorporated for the 2005 elections, namely,

- that the campaign period for web-based voting was shortened to two weeks (the second of which coincided with the voting period);
- that expenses incurred prior to the campaign period but after the announcement of candidates were eligible to be claimed (for example, to design and print posters, or to prepare a webpage for release) as long as no campaigning took place during that time;
- that, to address privacy concerns, mailing labels would no longer be released to candidates; and

2. *Election Guidelines 2005* (cont'd)

- that the timing of the voting period for web-based voting coincide with SAC elections.

Numerous other minor amendments were discussed.

On motion duly moved and seconded

YOUR COMMITTEE RECOMMENDS

THAT the *Election Guidelines 2005*, a copy of which is attached hereto as Appendix A, be approved.

3. **Other Business**

There was no other business.

The meeting adjourned at 10:45 a.m.

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Secretary  
October 22, 2004

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Chair



# University of Toronto

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## OFFICE OF THE GOVERNING COUNCIL

To: University Affairs Board

From: Paul Holmes, Chief Returning Officer

Date: October 26, 2004

**Re: *Election Guidelines 2005***

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Attached are the *Election Guidelines 2005* which are being recommended for approval by the Elections Committee. The changes are identified below. The proposed revisions take into account the suggestions contained in the submissions received by the Elections Committee and the presentations made at the open meeting on October 4, as well as changes resulting from recently approved policies, and from experience with the current *Guidelines*. The changes indicated were approved by the Elections Committee at its meeting on October 18, 2004.

It is the opinion of the Committee that the proposed changes in the *Election Guidelines 2005* are legislative rather than substantive, and therefore may be approved by the University Affairs Board.

The major proposed revisions to the *Election Guidelines 2005* are as follows:

- Page 4: substituting the term “Associated Party” in the place of “Non-arm’s length Party”. The proposed change is simpler and more appropriate.
- Page 12: the voting period for the student elections has been set for Feb. 28 – March 4 which has been coordinated with SAC. In addition the campaign period has been shortened to commence one week prior to voting period from two weeks prior to reflect the fact that campaigning is now permitted during the voting period.
- Page 13: addition of subsection 2(3a) of the *University of Toronto Act, 1971* to provide greater clarity on the rules governing candidates eligible to run in more than one constituency.
- Page 15: addition of clause to permit the use of web addresses on candidate statement that appear on ROSI.
- Page 19: reference to clause 2.(14)(nb) of the *University of Toronto Act, 1971*, has been added to the section on balloting. The reference makes it clear eligible voters may only vote once.
- Page 19: reference to subsection 2(3a) of the *University of Toronto Act, 1971*. The addition is designed to restrict candidates to vote in the constituency in which they are running as a candidate.
- Page 21: reduction of the period within which a request for a written request for a recount may be submitted from 14 days to 7. The purpose is to ensure that recounts, if any, are conducted prior to the announcement of the winners.
- Page 25: substitution of “announcement of candidates” for “start of the campaign period”. A request was made to extend the period in which a candidate could incur election-related expenses to cover the period 30 days prior to start of the campaign period. The proposed revision would extend eligible expenses to cover those incurred prior to the campaign period but after the official announcement of the candidates

**Other Changes:**

Chapter I – Interpretation

- Deletion of the reference to “Arm’s length party”. The term is not used anywhere in the Guidelines.

Chapter IV – Regulations

- Deletion of the former section VI.(a)(ix) “Verification listings” which read as follows:
  - *Copies of the lists of students and staff used to verify the nomination forms will be available for viewing by prospective candidates or single representatives authorized by them in writing.*
    - *These lists will be available shortly after the nomination period opens, and may be seen in the Office of Governing Council, Room 106, Simcoe Hall from 9:00 a.m. to 4:45 p.m. Monday through Friday.*
  - *Since only one list per constituency will be available, candidates are asked not to mark the lists in any way.*
- The “verification lists” are listings by constituency of all eligible voters. In the past the printed lists have included personal information such as student name and number and address. The verification lists would also include the home address of faculty or staff on sabbatical or administrative leave. The University is under an obligation to keep this information confidential.
- Deletion of the former section VI.(c) “Voters mailing labels” which read as follows:
  - *Candidates may request a set of mailing labels for their constituency. The candidates will be charged the production costs.*
  - *The **mailing labels must be ordered before the close of the nomination period** or they will not be provided. They will be made available approximately two weeks after the close of nominations and must be picked up from the Office of the Governing Council.*
    - *In the event of an acclamation, the candidate's request for labels will be cancelled.*
  - *The labels are prepared well in advance of mailing of ballots or the web-based voting and there may be certain discrepancies between these lists and actual ballot mailing lists and voters’ lists.*
    - *The Office of the Governing Council and the Chief Returning Officer are not responsible for the accuracy of these lists, which will be prepared from records in the Human Resources Information System, ROSI and other University offices.*
- The University is under an obligation to keep the names and addresses of eligible voters confidential.
- Deletion of the former section VI.(d)(ii).6. “Ballot mailing lists” which read as follows:
  - *A list will be available during balloting for inspection by any member of the University at the Office of the Governing Council, Room 106, Simcoe Hall, from 9:30 a.m. to 4:30 p.m., Monday through Friday.*
- The University can no longer distribute this information due to privacy concerns



University of Toronto  
Governing Council

Election Guidelines 2005

**Revised October, 2004**

To request an official copy of this policy, contact:

The Office of the Governing Council  
Room 106, Simcoe Hall  
27 King's College Circle  
University of Toronto  
Toronto, Ontario  
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: [governing.council@utoronto.ca](mailto:governing.council@utoronto.ca)

Website: <http://www.utoronto.ca/govcncl/>

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## The Governing Council of the University of Toronto Election Guidelines 2005

### Chapter I - Interpretation

In these *Guidelines*:

“The *Act*” means *The University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended by *The University of Toronto Amendment Act, 1978*, S.O. 1978, c. 88

“Administrative Staff” means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof;

“Associated party” means an individual or group who a candidate knew, or reasonably ought to have known, would assist that candidate with his/her campaign. An organization will be deemed to be an associated party of a candidate if the candidate is a member of the organization.

“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;

“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;

“Distribute” shall mean the dissemination of campaign materials by a candidate, or an associated party, to an individual or group;

“Election period” means the period commencing at 9:00 a.m. on the first day for making nominations and ending on the day when all appeals and recounts, if any, have been finally disposed of and if none, on the day when winners are declared elected;

“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;

“Student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University. The Transitional Year Program and the Millie Rotman Shime Academic Bridging Program have been designated by the Governing Council as programs for the purposes of clause 1(1)(l) of *The Act*.

“Teaching Staff” means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of clause 1 (1) (m) of *The Act*. For the purposes of Governing Council elections, lecturer is understood to include the ranks of Lecturer and Senior Lecturer, Tutor and Senior Tutor. (Lecturer includes associates in the Faculty of Dentistry.) Assistant Professor (conditional), Athletics Instructor and Senior Athletics Instructor have also been designated by the Governing Council as academic ranks for the purposes of clause 1 (1) (m) of *The Act*.



## Chapter II - Purpose

Subsection 2 (2) of *The Act* established the composition of the Governing Council of the University as follows:

The Governing Council shall be composed of,

- (a) the Chancellor and the President, who shall be *ex officio* members;
- (b) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges;
- (c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council;
- (d) twelve members elected by the teaching staff from among the teaching staff;
- (e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;
- (f) two members elected by the administrative staff from among the administrative staff; and
- (g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni. 1971, c. 56, s. 2(2); 1978, c. 88, s. 2(1).

The purpose of these *Election Guidelines* is to provide a framework for the conduct of the election of teaching staff, administrative staff and student members to the Governing Council. Clause 2(14)(nb) of *The Act* provides for the Governing Council to “determine the manner and procedure of election of its members, including the determination of constituencies, assign students and members of the teaching staff and administrative staff to such constituencies, and conduct such elections ...”.

The *Guidelines* covering eligibility and nomination procedures are intended to reflect the provisions of the *Act* that members be elected by and from among their constituency. These *Guidelines* provide a mechanism to establish a connection between the candidate and the constituency for the required representation from constituencies addressed in the *Act*. It is important that the membership of the Governing Council reflects the community that it serves, and that each elected member is part of the community of interest shared by his/her constituency.

Once elected, members become trustees of the University with two key duties: the fiduciary duty and the duty of care and diligence both of which are encapsulated in the subsection 2(3) of *The Act*, which states that members of the Governing Council are to act "with diligence, honestly and with good faith in the best interests of the University...". Members of the Governing Council have a strict obligation in law to act in the best interests of the University of Toronto. While members bring to the table their own perspectives and those of the groups with whom they are associated, members do not act as anyone's delegate or primarily as vehicles for the expression of the concerns of a particular estate. Members are expected to put the interests of the University above their personal or constituency interests.

## Chapter III - Authority for the Conduct of the Elections

1. The election is conducted by the Governing Council under the authority of *The Act*.
2. In the event of any conflict between these *Guidelines* and the provisions of *The Act*, the provisions of the *Act* prevail.
3. These *Guidelines* pertain to the election of members from the teaching staff, administrative staff and students of the University to the Governing Council. These *Guidelines* may be applied, as appropriate, to the election of teaching staff and librarians to the Academic Board.
4. The University Affairs Board shall appoint a Chief Returning Officer who shall be responsible for the interpretation and implementation of these *Guidelines*. The Chief Returning Officer may not vote in any election held in his/her constituency.
5. The Chief Returning Officer shall rule upon the validity of nominations, violations of campaign rules, voter eligibility, and verification and tabulation of returns, assisted by such legal counsel or such other advice he or she may wish to employ. The Chief Returning Officer's decisions, when concerned with technical matters, may be appealed to the Elections Committee.
6. The Chief Returning Officer may prescribe forms for use in connection with the election which may contain instructions, information and requirements in addition to those set out in these *Guidelines*, so long as they are not inconsistent herewith or with procedures used in the previous Governing Council elections.
7. In matters of procedure not provided for in these *Guidelines*, the procedure shall be regulated by an analogy to the procedures that were employed in the previous Governing Council election, or if no analogy exists, as the Chief Returning Officer directs.
8. The members of the Elections Committee shall serve as the Election Overseers. The Election Overseers shall consider any objection to a ruling or decision of the Chief Returning Officer or any appeal or other matter of contention regarding the validity of nominations, eligibility of voters, tabulation and verification of returns or any other question arising in the conduct, or alleged to affect the validity of the election, either generally or in respect of any candidate or constituency. A majority of the Election Overseers shall constitute a quorum for the consideration of any such objection, appeal or other matter of contention, and the decision of the Election Overseers in such matters shall be final and not subject to any further review or appeal.
9. A member of the Elections Committee who is a candidate in the constituency in which an objection, appeal or other matter of contention has been filed may not act as an Election Overseer for that matter. The remaining members shall constitute the Election Overseers.

## Chapter IV - Description of Constituencies and Terms of Office

### a) Description of constituencies

#### Teaching Staff Constituencies:

“Teaching Staff” means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of clause 1 (1) (m) of *The Act*. For the purposes of Governing Council elections, lecturer is understood to include the ranks of Lecturer and Senior Lecturer, Tutor and Senior Tutor. (Lecturer includes associates in the Faculty of Dentistry.) Assistant Professor (conditional), Athletics Instructor and Senior Athletics Instructor have also been designated by the Governing Council as academic ranks for the purposes of clause 1 (1) (m) of *The Act*.

In all cases a teaching staff member's constituency will be determined on the basis of his or her major teaching appointment to a faculty, college or school. Only in the case of a teaching staff member without a teaching appointment to a faculty, college or school, will his or her constituency be determined by another appointment. Teaching staff who hold a concurrent non-academic or academic non-teaching appointment will vote in the appropriate teaching staff constituency.

#### Constituency I - 3 seats divided as follows:

Constituency IA - 1 seat all teaching staff members in the Faculty of Arts and Science who hold their major appointments in the Departments of Classics, East Asian Studies, English, Fine Art, French, Germanic Languages and Literatures, Italian Studies, Linguistics, Near and Middle Eastern Civilizations, Slavic Languages and Literatures and Spanish and Portuguese (excluding those who are members of Constituency II or III)

B. Corman - term expires June 30, 2006

Constituency IB - 1 seat FOR WHICH AN ELECTION IS REQUIRED

all teaching staff members in the Faculty of Arts and Science who hold their major appointments in the Departments of Anthropology, Economics, Geography, History, Philosophy, Political Science, Psychology, Sociology and Study of Religion (excluding those who are members of Constituency II or III)

M. Marrus - term expires June 30, 2005

Constituency IC - 1 seat all teaching staff members in the Faculty of Arts and Science who hold their major appointments in the Departments of Astronomy and Astrophysics, Botany, Chemistry, Computer Science, Geology, Mathematics, Physics, Statistics and Zoology (excluding those who are members of Constituency II or III)

B. Sherwood Lollar - term expires June 30, 2007

- Constituency II - 1 seat** FOR WHICH AN ELECTION IS REQUIRED
- all teaching staff who hold their major appointments at the University of Toronto at Mississauga
- W.R. Cummins - term expires on June 30, 2005
- Constituency III - 1 seat** all teaching staff members who hold their major appointments at the University of Toronto at Scarborough
- I. McDonald - term expires June 30, 2006
- Constituency IV – 1 seat** all teaching staff members in the Faculty of Applied Science and Engineering
- P. Byer - term expires June 30, 2007
- Constituency V - 3 seats** all teaching staff members in the Faculty of Medicine. Members elected from the Faculty of Medicine may not be from the same Department within the Faculty.
- P. Catton - term expires June 30, 2006  
J. Kirsh - term expires June 30, 2007  
J. Wedge - term expires June 30, 2007
- Constituency VI - 1 seat** all teaching staff members of the Faculty of Dentistry, Faculty of Nursing, Leslie Dan Faculty of Pharmacy and the Faculty of Physical Education and Health
- J. Thiessen - term expires June 30, 2006
- Constituency VII - 1 seat** FOR WHICH AN ELECTION IS REQUIRED
- all teaching staff members in the Faculty of Architecture, Landscape, and Design, Rotman School of Management, Faculty of Forestry, Faculty of Information Studies, Faculty of Law, Faculty of Music and the Faculty of Social Work
- A. Ripstein - term expires June 30, 2005
- Constituency VIII - 1 seat** FOR WHICH AN ELECTION IS REQUIRED
- all teaching staff members in the OISE/UT
- M. Beattie - term expires June 30, 2005

## Students

A "Student" is any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University. The Transitional Year Program and the Millie Rotman Shime Academic Bridging Program have been designated by the Governing Council as programs for the purposes of clause 1 (1) (l) of *The Act*. An individual who is not registered in such a program will not meet the definition of student under *The Act*.

Students from the St. George campus and the University of Toronto at Mississauga (UTM) must be registered in the constituency in which he or she holds his or her seat during the period September – May in order to hold his or her seat. Students from the University of Toronto at Scarborough (UTSC) must be registered in at least 2 of the 3 semesters between May and April.

Students enrolled in double degree programs may be registered in two different academic divisions during the course of their studies. Such programs include the LLB/MBA, the LLB/PhD, the LLB/MSW and the MD/PhD. For one year, students might be enrolled in the Faculty of Law or the Faculty of Medicine, placing them in the full-time undergraduate professional faculties constituency while in another year, they might be registered in the School of Graduate Studies, making them graduate students by definition for purposes of the elections. Students who undertake combined work for two degrees shall be candidates and hold office in the constituency for which they are eligible at the time of nomination and election.

"Graduate Student" means all students registered in programs of part-time or full-time study leading to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University in the School of Graduate Studies.

### Graduate Student Constituencies:

#### **Constituency I - 1 seat**

#### **FOR WHICH AN ELECTION IS REQUIRED**

all students registered in Division I (Humanities) and Division II (Social Sciences) of the School of Graduate Studies

O. Varga - term expires June 30, 2005

#### **Constituency II - 1 seat**

#### **FOR WHICH AN ELECTION IS REQUIRED**

all students registered in Division III (Physical Sciences) and Division IV (Life Sciences) of the School of Graduate Studies

E. Ko - term expires June 30, 2005

"Full-Time Undergraduate Student" means all students (except students registered in the Toronto School of Theology) registered at the University in a program of full-time study leading to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University who are not registered in the School of Graduate Studies. The status of a student as full time will be determined by the definition used in the student's academic division. For purposes of the Governing Council elections, students at the University of Toronto at Scarborough who are registered in a work term will be considered to be full-time students.

Full-Time Undergraduate Student Constituencies:

**Constituency I - 2 seats**

**FOR WHICH AN ELECTION IS REQUIRED**

all 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) (with the proviso that both members elected in Constituency I may not be registered in the same college on the St. George campus, or both registered at either UTM or UTSC, and in the event that a member elected while registered in one college or campus later registers in the college or on the campus in which the other elected member is registered, the transferring member shall resign his or her seat).

S. Kibria and A. Kopolovic - terms expire June 30, 2005

**Constituency II - 2 seats**

**FOR WHICH AN ELECTION IS REQUIRED**

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 (with the proviso that both members elected in Constituency II not be registered in the same faculty, and that in the event that a member elected while registered in one faculty or school later registers in the faculty or school in which the other elected member is registered, the transferring member shall resign his or her seat)

S. Neata and A. Pinto - terms expire June 30, 2005

"Part-Time Undergraduate Student" means all students (except students registered in the Toronto School of Theology) registered at the University in a program of part-time study leading to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University who are not registered in the School of Graduate Studies. The status of a student as part time will be determined by the definition used in the student's academic division.

Part-Time Undergraduate Student Constituency:

**Constituency I - 2 seats**

**FOR WHICH AN ELECTION IS REQUIRED**

all registered part-time undergraduate students

H. Andrews-Taylor and S. Chen - terms expire June 30, 2005

"Administrative Staff" means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof.

Administrative Staff Constituency:

**Constituency I - 2 seats**

B. Davis - term expires June 30, 2006

P.C. Choo - term expires June 30, 2007

**b) Terms of office - July 1 to June 30**

Administrative staff	three years
Students	one year
Teaching staff	three years

If a member is unable to complete his or her term, a by-election will be called to complete the term. (See Chapter VI (h), p. 26.)

## Chapter V - Election Schedule 2005

### Nominations (same for both elections)

Nominations open	Monday, January 17, 9 a.m.
Nominations close	Friday, January 28, 12:00 noon
Filing of corrected papers	Thursday, February 3, 5:00 p.m.
Announcement of candidates	Friday, February 4, 12:00 noon
Filing of intention to appeal	Monday, February 7, 5:00 p.m.
Appeals completed	Thursday, February 10, 5:00 p.m.
Announcement of additional candidates	Friday, February 11, 12:00 noon

### Mail Election

#### **Mandatory All-Candidates' Meeting**

**tba**

Withdrawal deadline (name not on mailed ballot)	Friday, February 11, 5:00 p.m.
Mailing of ballot papers	Week of February 14
Close of election	Friday, March 11, 5:00 p.m.
Announcement of results	Tuesday, March 15, 4:00 p.m.
Filing of intention to appeal	Thursday, March 17, 5:00 p.m.
Deadline for recount requests	Tuesday, March 22, 5:00 p.m.
Appeals completed	Thursday, March 24, 5:00 p.m.
Winners declared elected	Monday, March 28, 12 noon
Filing of sworn statement re expenses	Friday March 25, 5:00 p.m.
Notice of hearings re expenses	Friday, April 1, 12 noon
Hearings re expense completed	Thursday, April 7, 5:00 pm

### Web-based Election

#### **Mandatory Meeting of All Student Candidates**

**Friday February 11**

Campaign period	<b>February 21, 12:01 am – March 4, 5:00 pm</b>
Withdrawal deadline (name not on ballot)	Thursday, February 24, 5:00 p.m.
Voting period	<b>Monday, February 28 - Friday, March 4</b>
Announcement of results	Tuesday, March 8, 4:00 p.m.
Filing of intention to appeal	Thursday, March 10, 5:00 p.m.
Appeals completed	Thursday, March 17, 5:00 p.m.
Winners declared elected	Friday, March 18, 12 noon
Filing of sworn statement re expenses	Monday, March 21, 5:00 p.m.
Notice of hearings re expenses	Wednesday, March 23, 12 noon
Hearings re expense completed	Tuesday, April 5, 5:00 pm

- **Changes to the election schedule may be made by the Chief Returning Officer if circumstances warrant such changes.**



## Chapter VI - Regulations

### a) Nominations

#### i) Nomination period and deadline

- Nomination forms will be available at the Office of the Governing Council, Room 106, Simcoe Hall, and on the Governing Council web-site (<http://www.utoronto.ca/govcncl/elections/index.htm/>).
- Nominations for four teaching staff and eight student seats will open on **Monday, January 17, 2005** at 9:00 a.m. and remain open until **Friday, January 28, 2005** at 12:00 noon.
- Nomination papers **must be filed at the Office of the Governing Council** and nominations received elsewhere or after that time will be invalid.
- **Nomination papers sent by facsimile before the deadline will be accepted;** the original of the nomination form must follow immediately by hand or mail and be identical to the form submitted by facsimile. If the original form received after the close of nominations is different from the facsimile form submitted prior to the close of nominations, the nomination will be declared invalid.
- **Nominations must be filed on the nomination form provided by the Chief Returning Officer;** no other nomination form will be accepted.

#### ii) Eligibility of candidate

- Subsection 2(4) of *The Act* states: “No person shall serve as a member of the Governing Council unless he is a Canadian citizen.” Therefore, a candidate must be a Canadian citizen as well as being a member of the constituency in which he or she is nominated from the close of nominations to the day when all appeals and recounts, if any, have been finally disposed of and, if none, on the day when winners are declared elected.
- **Subsection 2(3a) of *The Act* states: “No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election.”**
- The eligibility of a candidate will be verified as follows:
  - all teaching staff constituencies - printed full name and department against Human Resources Information System records.
  - all student constituencies - printed full name and student number against Repository of Student Information (ROSI) records.<sup>1</sup>
  - administrative staff constituency - printed full name and department or office against records of the Human Resources Information Systems and staff records in the federated universities.
- If elected, the candidate must resign the seat if at any time he or she ceases to meet the eligibility requirements (see Chapter IV (a)).
  - For an undergraduate student governor from the St. George campus or the University of Toronto at Mississauga (UTM), this means meeting the eligibility requirements for the period September to May.
  - For an undergraduate student governor from the University of Toronto at Scarborough (UTSC), this means meeting the eligibility requirements in at least two of three semesters between May and the following April.
  - This eligibility requirement for students also applies to co-opted student members of the Boards and Committees of the Governing Council.
  - Please note the exception for students registered in double degree programs, page 9.

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<sup>1</sup> If a candidate is not registered in ROSI at the close of the nominations, the Chief Returning Officer may confirm the candidate’s registration status with appropriate University staff.

iii) Eligibility of nominators

- **All nominators must be members of the same constituency** (as defined in Chapter IV (a) above) as the nominee.
- A nominator may **not nominate more candidates for election than there are seats** vacant in his or her constituency.
- Candidates may **not** nominate themselves.

iv) Nomination signatures

- Nominations for **teaching staff** seats must contain the signatures of **10 nominators**, each indicating their printed full name and department or office.
- Nominations for **administrative staff** seats must contain the signatures of **20 nominators**, each indicating their printed full name and department or office.
- Nominations for **graduate, full-time undergraduate and part-time undergraduate student seats** must each contain the signatures of **20 nominators**, each indicating their printed full name and student number.

v) Citizenship

- Any person nominated as a candidate for a Governing Council election **must be a Canadian citizen** at the time of nomination, as required by The *Act* (see Chapter VI (a) (ii) above).
- Documentary **evidence of Canadian citizenship must be presented with each nomination form** for examination by the Chief Returning Officer.
  - Any one of the following will be considered acceptable evidence of citizenship:
    - certificate of birth in Canada
    - certificate of citizenship
    - certificate of naturalization
    - Canadian certificate of registration of birth abroad
    - certificate of retention of Canadian citizenship
    - valid Canadian passport.
  - **Photocopies will be deemed sufficient** for this purpose.
- Failing such documentary evidence, a **notarized statement** to the effect that the nominee is a Canadian citizen must accompany the nomination form.
  - The Office of the Governing Council will make available such statements for signature and, if requested a sufficient time in advance, will arrange for their notarization.
- In the absence (other than casual) from Ontario of the candidate, the notarized statement may be made on the candidate's behalf by someone having personal knowledge of the facts where the means of knowledge are stated to the satisfaction of the Chief Returning Officer.

vi) Candidates' statements

- Nominees may submit, on their nomination forms, a biographical statement or other comments, up to a limit of 100 words.
  - **The statement is voluntary** and will accompany the paper ballots or be posted with the web ballot.
  - As stated in Chapter VI (a) (viii), the candidate's signature on the nomination form shall signify approval of and responsibility for the candidate's statement.
  - Because the statement is a part of the candidate's campaign and because of practical considerations, the Chief Returning Officer will not be responsible for the accuracy of the statement.
- Candidates' statements **must be submitted before the close of the nomination period** and may not be altered or amended after the close of nominations except for minor editorial corrections as may be allowed by the Chief Returning Officer.

- New or extensively revised statements will **not** be accepted after the close of nominations. The statement must be **typewritten or clearly printed** to be acceptable.
- **Candidates may submit the statement electronically**, separately from the nomination form, as long as it is received prior to the close of nominations.
- The candidate's name will not be counted in the 100 - word total if placed at the beginning of the statement.
- Acronyms and abbreviations will be counted as one word.
- This 100 - word limit is not a guide, but an exact limit.
  - If a statement contains more than 100 words, only the first 100 words will be printed. The statement will not be distributed or otherwise made available if, in the opinion of the Elections Overseers, assisted by such legal counsel as they may wish to employ, it would render the University liable to a suit for libel. The decision of the Overseers in such instances shall be final.
- In the case of a mailed ballot, the candidates' statements will accompany the ballots.
- In the case of web-based elections, candidates' statements will be published in the campus press, be available on the Governing Council election web-site, and be linked to the ballot on ROSI during the voting period.
- **In the case of web-based elections, candidates' statements linked to the ballot on ROSI may include an address for candidate web-sites if, in the opinion of the Chief Returning Officer, it is technically feasible to do so. However, such addresses MAY NOT be "hotlinked" to the candidate web-sites.**

vii) Candidate's contact information

- Contact information including name, mailing address, phone number and e-mail address of the candidate is requested on the nomination form.
  - At least two of the following: a mailing address, an e-mail address or a 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.
  - **The Chief Returning Officer will communicate primarily via email with candidates.**

viii) Candidate's signature

- **Nomination papers shall be signed by the candidate.**
  - The signature of the candidate on the nomination form signifies his or her willingness to stand as a candidate, the possession of Canadian citizenship and his or her approval of and responsibility for the candidate's statement, if any, made on the form.
  - In the case of absence (other than casual) from Ontario of the candidate, the Chief Returning Officer may at his or her discretion accept verification of the candidate's willingness to stand, the possession of Canadian citizenship and approval of the candidate's statement by means of a cabled, telegraphed, telexed, faxed or e-mail message or a telephone call followed by written confirmation where the Chief Returning Officer is satisfied as to the authenticity of such message.

ix) Verification process

- Those nominations which have been received **by 12:00 noon on Friday, January 28, 2005** will be subject to a verification process. The eligibility of nominators will be verified as follows:
  - all teaching staff constituencies - printed full name and department against Human Resources Information System records
  - all student constituencies - printed full name and student number against Repository of Student Information (ROSI) records
  - administrative staff constituency - printed full name and department or office against records of the Human Resources Information Systems and staff records in the federated universities.

x) Certification of nomination

- A nomination will be certified as valid by the Chief Returning Officer if:
  - a **candidate is eligible** for election in the constituency in which he or she is nominated;
  - the **nomination form is the one provided by the Chief Returning Officer** either in the Governing Council Office or on the web;
  - the nomination form contains the **minimum number of verified nominators**;
  - the **nominee's signature is present**, indicating his/her consent to stand for election; and
  - the **form is accompanied by the citizenship papers** required by these *Guidelines* and by the Chief Returning Officer.
- Once a nomination has been certified correct, following the close of nominations, **no alterations can be made in the nomination papers** except for minor editorial corrections in the candidates' statements as allowed by the Chief Returning Officer.

xi) Errors or irregularities in nominations

- **The onus is on the person nominated for election to file a *bona fide* nomination paper.**
  - Errors and irregularities in these papers constitute grounds for rejection of the nomination.
  - Errors or irregularities may be corrected prior to the close of nominations, and some errors or irregularities, though not all, (see below and Chapter VI (a) (xiii)) may be corrected during the time allotted in the correction period.
  - The Office of the Governing Council will attempt to notify candidates of the existence of any errors or irregularities during this period, but is not bound to do so.
  - Candidates are advised to complete and submit their nomination papers early in the nomination period.
- The correction period is designed only to facilitate the correction of minor errors in nominations otherwise made in good faith.
- Candidates may not, knowingly file incorrect papers in order to use the correction period as an extension of the regular nomination period.

xii) Technical invalidation

- Despite the existence of the correction procedure, nomination papers will be automatically invalidated on technical grounds by the Chief Returning Officer if they are:
  - obviously in error
  - not appropriately verifiable
  - not accompanied by the other papers required by these *Guidelines* and by the Chief Returning Officer.
- Such decisions may be appealed to the Elections Overseers. The correction period detailed in Chapter VI (a)(xi) does not apply.

xiii) Deadline for filing corrected papers

- Those individuals who filed papers for nomination which were found in some way to be irregular or in error will be permitted to submit corrected papers by 5:00 pm **Thursday, February 3, 2005**.
- **NOTE:** not all errors or irregularities may be corrected during this period (see Chapter VI(a)(xi) and (xii)).
- Any corrected nominations filed after 5:00 p.m. on that day will be void.
- No new candidates may be nominated for election during this period.

xiv) Announcement of candidates for office

- On **Friday, February 4, 2005 at 12:00 noon**, the names of all candidates for office will be announced.

xv) Filing of notice to appeal decision

- Nominees whose papers are still found to be irregular or in error may file by **5:00 p.m. on Monday, February 7, 2005** at the Office of the Governing Council, notice of intention to appeal to the Election Overseers.

xvi) Appeals

- Insufficient time for the correction of nominations will not be considered legitimate grounds for appeal. Appeals will be completed by **5:00 p.m., Thursday, February 10, 2005**.
- The decision of the Election Overseers shall be final and not open to review.

xvii) Announcement of additional candidates

- The names of those who have successfully appealed the nomination procedure and are consequently additional candidates for office will be announced on **Friday, February 11, 2005, at 12:00 noon**.

xviii) Names of candidates

- The names of candidates nominated for election will be **public information** as they are received, **once the nomination has been validated**.
- The **names of nominators will not be released** by the Chief Returning Officer to the public or the other candidates.

xix) Withdrawal of nomination

- A person nominated as a candidate in the election may withdraw the nomination by submitting a notarized statement to the Chief Returning Officer.
  - The Office of the Governing Council will make available such a document for completion and, if requested a sufficient time in advance, will arrange for its notarization.
- In the mail ballot election, if a person nominated as a candidate wishes to have his or her name removed from the ballot, he or she must withdraw by **Friday, February 11, 2005 at 5:00 p.m.**
  - Where a candidate withdraws the nomination after this time, the withdrawal and the fact that his or her name remains on the ballot do not invalidate the election and votes cast for the candidate who has withdrawn shall not be counted and are void.
- In the web-based election, if a person nominated as a candidate wishes to have his or her name removed from the ballot, he or she must withdraw by **5:00 p.m. on Thursday, February 24, 2005**.
  - Where a candidate withdraws after the deadline to have his or her name removed from the ballot, the withdrawal and the fact that his or her name remains on the ballot do not invalidate the election and votes cast for the candidate who has withdrawn shall not be counted and are void.
  - In the case of elections in the Full-time Undergraduate Student Constituency II, when post-graduate medical students receive a mail ballot while all other students in the constituency vote in the web-based election, the fact that the names of candidates who have withdrawn after the mail ballot deadline but before the web-based ballot deadline remain on the mailed ballot does not invalidate the election and votes cast for the candidates who have withdrawn shall not be counted and are void.

xx) Acclamations

- A candidate will be acclaimed – deemed to be elected – by the Chief Returning Officer when:
  - following the completion of all correction and appeal procedures and the announcement of official candidates pursuant to sections xiv) and xviii), it appears that the number of candidates nominated for election in any constituency is equal to or less than the number of members to be elected for that constituency, except when the acclamation would violate other provisions in these *Guidelines*,

- where a person nominated as a candidate has withdrawn the nomination in accordance with section xix) and as a result thereof, the number of the remaining candidates duly nominated is equal to or less than the number of members to be elected in the constituency in question.

## b) Campaign period

### i) Mandatory all candidates' meeting

- **Candidates must either attend in person or send an authorized representative to an all-candidates' meeting** organized by the Chief Returning Officer to review campaign regulations.
  - 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.
  - The candidate, whether present in person or not, is entirely responsible for all information provided at the all-candidates' meeting.
  - Candidates will be required to sign a written agreement that they and all those who work for them will abide by the *Election Guidelines 2005*, including provisions for postering, campaigning and expenses.

### ii) Campaigning

- **Candidates for election to the Governing Council are expected to conduct honourable campaigns, in accordance with the rules of fair play.**
  - Fair play includes, but is not limited to, behaving in accordance with generally accepted community standards, being respectful of other candidates and their campaigns, representing facts accurately, and following the rules of campaigning and postering as set in these *Guidelines* and any additional regulations issued by the Chief Returning Officer.
- **Campaigning for elections held by mail ballot** in teaching staff and administrative staff constituencies may not begin until all candidates have been announced.
- Campaigning for web-based elections may not begin before 12:01 a.m. on Monday, February 21, 2005, and will end at the close of the voting period: 5 p.m. on Friday, March 4, 2005.
  - **During the specified web-voting period, candidates are expected to refrain from any behaviour that would interfere with a voter's freedom to cast a ballot for the candidate of his or her choice.**
- Campaign displays and the distribution of campaign material must be done in accordance with the regulations of Facilities and Services, and the regulations of each building, faculty, department, residence or administrative service on each of the three campuses.<sup>2</sup>
  - **It is the responsibility of the candidates to familiarize themselves with the rules which govern each of the above units.**
- **It is the responsibility of the candidate to ensure that all campaign tactics, materials and/or advertisements conform to all policies and regulations of the University of Toronto, and with all municipal, provincial and federal laws.**
  - Candidates shall be responsible for the actions, and violations stemming from such actions, of any associated party, however occurring.
- Candidates are not allowed to use in their campaign any service or tangible benefit conferred on them by virtue of their holding any position in any organization on campus. This includes, but is not limited to, office supplies, equipment, advertising space and secretarial services.
- A candidate may not campaign in any classroom without the expressed permission of the presiding faculty member(s).

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<sup>2</sup> Procedure on Distribution of publications, posters, and banners at the University of Toronto, is available at [http://www.facilities.utoronto.ca/general/Poster\\_procedure.htm](http://www.facilities.utoronto.ca/general/Poster_procedure.htm).

- To campaign in a classroom, a candidate must obtain consent from the professor/lecturer/instructor before the start of class. The candidate must inform the Chief Returning Officer of his/her speaking with a class within 24 hours of doing so.
- Regulations issued by the Chief Returning Officer with regard to the placement of posters are attached as Appendix B.
- Guidelines for Campaigning are attached as Appendix C.
- The Chief Returning Officer shall have authority to issue supplementary regulations as may be required to clarify specific situations.
- The University of Toronto reserves the right to charge any person who violates these *Guidelines* under the provisions of these *Guidelines* and any other applicable Codes, including the *Code of Student Conduct* (<http://www.utoronto.ca/govcncl/pap/policies/studentc.html>) and the *Statement on Prohibited Discrimination and Discriminatory Harassment* (<http://www.utoronto.ca/govcncl/pap/policies/harass.pdf>).

## c) Balloting

### i) Eligibility

- **Clause 2(14)(nb) of The Act states that: “.....no person shall be eligible to cast more than one ballot”.**
- All eligible voters are entitled to vote using the ballot provided by the Chief Returning Officer for the election.
- Candidates for election to the Governing Council who are eligible to vote in more than one constituency, shall vote in the constituency in which they have declared their candidacy *per subsection 2(3a) of The Act* and Chapter VI(a)(ii) of these Guidelines. Otherwise, eligible voters shall vote according to the following rules:
  - Members of the teaching staff who hold a non-academic appointment will vote in the appropriate teaching staff constituency.
  - Full-time students who are employed by the University as teaching assistants, research assistants, temporary library help, or in any other way will vote in the appropriate student constituency.
  - Part-time students who are administrative staff employees of the University may vote in the appropriate student constituency or in the administrative staff constituency, but not in both constituencies.
- If more than one mail ballot is received from any one voter in a constituency in which the voter is entitled to vote and in which the election is conducted solely by mail ballot, none of such ballots will be considered valid.
- All mail ballots submitted by ineligible or unverifiable voters will be invalidated.

### ii) By mail ballot

- teaching staff
- administrative staff
- post-graduate medical students

### 1. Method

- Ballots will be mailed to each voter at his or her sessional home address or the University address as recorded in the University's record systems. Where the Chief Returning Officer has good reason to believe that a voter can be reached at a campus address as opposed to an off-campus address recorded in the University's record system, he or she may direct a ballot to the campus address.
- Each ballot will be accompanied by a small secrecy envelope into which the marked ballot should be sealed.

- Also provided will be a return-address envelope into which the small secrecy envelope should be sealed.
- Voters will be required to provide, on the upper left-hand corner of the return envelope, information sufficient to allow verification of their ballot return.
- Each ballot will also be accompanied by an information sheet containing candidates' statements, information on the correct method to return the ballot, information on eligibility to use that particular ballot, and a short description of the powers and duties of the Governing Council.
- Persons who receive an incorrect ballot because of an error in records will be advised in the information sheet how to obtain the correct ballot.
- Persons who receive no ballot will be advised, through advertisements in the campus media and on the Governing Council elections web-site, how to obtain a ballot. Non-receipt of mailed ballots will not invalidate an election.
- A person who indicates that he or she has not received a ballot by mail may obtain one ballot from the Chief Returning Officer in person, by mail or by written proxy.

## 2. Voting in multiple seat constituencies

- A voter may vote for as many candidates as there are seats vacant in his or her constituency.

## 3. Marking the ballot

- **Any kind of mark** on the ballot which indicates an intention on the part of the voter to cast a valid vote is acceptable.

## 4. Balloting by absent voters

- It is suggested that voters who will be absent from their recorded address during the balloting period arrange to have their ballot forwarded to them.

## 5. Returning ballots

- Ballots may be returned through either Canada Post or University delivery or by hand to the Office of the Governing Council, Simcoe Hall, Room 106.
- Ballots returned by electronic means such as facsimile or e-mail will be invalidated.
- **Once submitted, a ballot will not be returned to the voter**, and may not be changed. A second ballot will not be provided.

## 6. Verification of ballots

- All mail ballots received by the Office of the Governing Council will be verified to ascertain the eligibility of the voter to vote in the constituency for which he or she has marked a ballot.
  - Teaching and Administrative Staff lists as of approximately February 11th will be used.
  - Name, college/faculty/school and signature should be provided on the envelope as requested.
  - Failure to provide the information requested may result in invalidation of the ballot.
  - If more than one ballot is received from a voter, all such ballots shall be invalidated.
- Verification of the ballots occurs as the ballots are received and is conducted under the supervision of the Chief Returning Officer. His or her decisions with respect to validation of ballots are final.



## 7. Counting of ballots

### i) Notification

- Prior to the end of the balloting period, the Chief Returning Officer will inform each candidate in writing of the place and schedule for counting ballots.
  - Counting will begin at the given time whether or not candidates and/or scrutineers are present.
  - In the event that a count time has to be changed, the Chief Returning Officer will use his or her best effort to contact all candidates concerned to inform them of the change.

### ii) Scrutineering

- Each candidate for election may serve as his or her own scrutineer or appoint in writing a scrutineer for the tabulation of mailed returns in the constituency to which the candidate belongs, and such scrutineers may also check the completed verification of mail ballot returns prior to tabulation.

### iii) Equality of votes

- In the case of equality of votes where the election of the candidates receiving an equal number of votes would result in the election of a greater number of candidates than there are vacancies to be filled in any constituency, the successful candidate or candidates shall be determined by an election between or among the candidates receiving an equal number of votes.
  - The Chief Returning Officer will set the new election schedule.
  - Ballots for this election will be mailed out within two weeks of the close of the first election.
- If the second election also results in an equality of votes, a third election will be held. The Chief Returning Officer will set the new election schedule.
  - Ballots for this election will be sent out no later than two weeks after the close of the second election.
- If the third election results in an equality of votes, the Chief Returning Officer will seek advice from the Elections Committee on how to proceed.

### iv) Announcement of results

- The number of votes received by each candidate will be announced, as will the number of spoiled ballots received.

### v) Recounts

- If authorized by the Election Overseers, a recount will be conducted on the written request of any candidate in a constituency, received within a period of **seven days** after the announcement of election results.

### vi) Retention and disposal of ballots and return envelopes

- All ballots received, and all return envelopes, will be held in security by the Office of the Governing Council for a period of twenty-one days after the announcement of election results or until the determination of all appeals, whichever is later, and shall thereafter be destroyed.

iii) By web-based voting

- all graduate and undergraduate students

1. Method

- The Chief Returning Officer has complete charge of all matters with respect to the Governing Council Elections and will maintain liaison with Student Information Systems on the production of the web-voting procedures.
- each student may obtain access to web voting through the Governing Council web page [www.utoronto.ca/govcncl](http://www.utoronto.ca/govcncl) or directly through ROSI at [www.rosi.utoronto.ca](http://www.rosi.utoronto.ca)

2. Date of election

- The election will normally be held over five consecutive days (Monday to Friday) to be chosen by the Chief Returning Officer in the period between February 6 and March 25.
- The Chief Returning Officer may establish advance web polls where it appears that because of a lack of scheduled University activities, a significant number of voters in a division may not have a fair opportunity to vote.

3. Hours of voting

- Web voting will held from Monday to Friday during the hours ROSI is accessible (Mon-Thur 6 a.m. to 11:30 p.m.; Fri 6 a.m. to 5 p.m.).

4. Web-voting stations

- Web access is available free on computers in the Information Commons and its satellite facilities on all three campuses and in many colleges, faculties and libraries. Some students will have web access through their personal computers.

5. Voting

- At the time the voter logs into ROSI, he/she will be asked to provide his/her student number and personal identification number.
- After successfully logging in to ROSI, the voter may click on the election button on the ROSI homepage. ROSI can be accessed either directly or through the Governing Council or the Information Commons homepages during the election period; verification of eligibility of the student to vote in the various constituencies will be determined by records in ROSI.
- Once recognized as a valid voter, the voter will then be informed of the constituency in which he/she is eligible to vote and provided with a list of options, including casting a ballot and reading the candidate statements.
- The candidates will be listed in alphabetical order by surname.
- The voter may vote for the number of candidates that corresponds with the number of vacant seats in the constituency, and may change his/her vote at will until the vote is recorded.
- The voter may choose not to vote at this point and may exit the election site and return to the process at another time.
- Once the voter has decided for whom to vote, clicking the “cast ballot” button brings up a confirmation screen. You may still correct your ballot at this point by returning to the ballot screen. Clicking the “cast your ballot” button will record your vote.
- If the voter marked no candidate or more than the maximum number allowed, a message will indicate the ballot as marked is invalid and ask the voter to amend the ballot before clicking the “cast ballot” button again. If the voter does not wish to amend the ballot, an invalid ballot

will be recorded if the “cast ballot” button is clicked the second time without changes being made to the ballot.

- If the voter leaves all candidate choices blank, and then chooses to cast his/her ballot, he/she is advised that he/she has not selected any candidates, and at that point can choose the ‘Spoil Your Ballot’ button.
- A student who has already voted will not be accepted by ROSI as an eligible voter a second time.

## 6. Verification of ballots

- In web-based voting, verification of the voters eligible to cast ballots is part of the process of allowing the voter to cast a ballot. Separate verification is not required.

## 7. Counting of ballots

### i) Notification

- Web-based voting, by its nature, will have no ballots to count.
- The Chief Returning Officer will receive a confidential report of the results which will be shared with the candidates at a scheduled meeting and then made public.

### ii) Equality of votes

- In the case of equality of votes where the election of the candidates receiving an equal number of votes would result in the election of a greater number of candidates than there are vacancies to be filled in any constituency, the successful candidate or candidates shall be determined by an election between or among the candidates receiving an equal number of votes which will be held no later than two weeks after the close of the first election. The Chief Returning Officer will set the new election schedule.
- If the second election also results in an equality of votes, a third election will be held no later than two weeks after the close of the second election. The Chief Returning Officer will set the new election schedule.
- If the third election results in an equality of votes where the election of the candidates receiving an equal number of votes would result in the election of a greater number of candidates than there are vacancies to be filled in any constituency, the Chief Returning Officer will seek advice from the Elections Committee on how to proceed.

### iii) Announcement of results

- The number of votes received by each candidate will be announced, as will the number of spoiled ballots recorded.

### iv) Recounts

- As there are no individual ballots in web-based voting, a recount is not possible.

### v) Retention of results

- The results of web voting will be kept on the ROSI system for twenty-one days after the announcement of election results or until the determination of all appeals, whichever is later, and shall thereafter be destroyed.

d) Appeals

i) Appeals concerning nominations

- Chapter VI(a)(xv) and (xvi)

ii) Filing of notice to appeal

- Candidates may file a notice of intention to appeal any matter arising in the conduct of elections, including the announcement of results but excepting a matter for which no appeal is provided, must be filed at the Office of the Governing Council by **5:00 p.m. on Thursday, March 10, 2005** for web-based elections, and 5:00 p.m. on Thursday, March 17, 2005 for mail ballot elections.

iii) Appeals

- Appeals will be completed by **5:00 p.m. on Thursday, March 17, 2005**, for web based elections and 5:00 p.m. on Thursday, March 24 for mail ballot elections. The decision of the Election Overseers shall be final and not open to review.

e) Elections not necessarily invalidated by irregularities

An irregularity, failure, non-compliance or mistake in any proceedings relating to the election, or to the election in any constituency, does not invalidate the election if it appears to the Election Overseers that the election was conducted in accordance with the principles of these *Guidelines* and that the irregularity, failure, non-compliance or mistake did not or is not reasonably likely to have affected the result of the election.

f) Election expenses

i) Spending limit

- Spending limits for the teaching staff are set at \$400 with \$300 reimbursable.
- Spending limits for the administrative staff are set at \$800 with \$600 reimbursable.
- Each year a separate spending limit will be set for each constituency in the student elections. The limit will be calculated on the basis of \$50 per thousand students enrolled as of November 1, minimum \$400.
- For 2004, the spending limits were:

Full-time undergraduates, Faculty of Arts and Science	\$ 1791
Full-time undergraduates, professional faculties	\$ 557
Part-time undergraduates	\$ 400
Graduate students – Constituency I	\$ 400
Graduate students – Constituency II	\$ 400

(See Chapter VI(f)(iii) below for procedures concerning enforcement of this limit and Appendices B and C concerning posters and campaigning.)

- In the event that an additional election is required as a result of an equality of votes in the previous election, a separate spending limit will be established by the Chief Returning Officer.

ii) Reimbursement of election expenses

- A student candidate who obtains at least 25 percent of the votes obtained by the candidate elected in the constituency with the lesser number of votes will be refunded an amount equal to the lesser of:

- (a) the first \$100 of spending, plus seventy-five percent of any additional spending of amounts above \$100 and less than the spending limit for the candidate's constituency, or
- (b) actual expenses.
- Expenses eligible for reimbursement include, but are not limited to, the following:
  - paper and office supplies
  - copying and printing
  - reasonable transportation costs incurred in connection with campaigning at campuses other than that at which the candidate is registered
  - advertisements
  - web design and domain expenses
  - refreshments, excluding alcoholic beverages (beer, wine, coolers, etc.)
  - the fair market value of all donated goods and services actually used in the candidate's campaign, except voluntary unpaid labour.
- Expenses ineligible for reimbursement include, but are not limited to, the following:
  - expenses incurred prior to the **announcement of candidates**
  - parking fines incurred during campaign-related activity
  - costs resulting from the removal of posters from University or non-University property as a result of illegal postering for the election
  - alcoholic beverages (beer, wine, coolers, etc.)
  - interest/financing costs for the election campaign
  - costs which could be considered of a personal nature and unrelated to the campaign
  - medical expenses including prescription and non-prescription drugs.
- Candidates who do not receive the required number of votes will not be eligible for any reimbursement.
- All candidates, whether they are seeking reimbursement or not, are required to submit receipts for all expenses including a statement of all donated goods and services actually used in the candidate's campaign (except voluntary unpaid labour) with their fair market value thereof, within fourteen days of the close of the election.
- Candidates will be required to sign a sworn statement that all expenses have been disclosed and that the total represents the total amount of expenses by the candidate or by anyone acting on his or her behalf or with his or her knowledge and consent.

iii) Enforcement of the election expenses limit

- Enforcement of the election expenses limit will be effected by the requirement to submit the sworn statement. There will be no circumstances under which the limit may be exceeded.
- If the sworn statement indicates that the limit has been exceeded, or if an allegation is made that a candidate has exceeded the limit, the Chief Returning Officer will investigate the matter and, if warranted, take the alleged violation to the Elections Committee acting as the Election Overseers.
  - A hearing will be held.
  - The decision of the Election Overseers will be final and binding.
  - If the candidate is found guilty, and has been successful in the election, he/she will be disqualified and lose his/her seat.
- Failure to submit the sworn statement concerning election expenses may be referred by the Chief Returning Officer to the Elections Committee which acting as the Election Overseers may conduct a hearing and impose penalties including, but not limited to, public announcement, disqualification from future Governing Council elections for a year or number of years, or, if the candidate has been successful in the election, disqualification and loss of seat.
- Within seven days of the deadline for submitting the sworn statement, the Chief Returning Officer must inform the Elections Committee and the concerned candidate(s) of any irregularities that have been discovered. If a hearing is necessary, it should be held as soon as possible and should be completed no later than four weeks following the close of the election.

g) **Resignation for ineligibility**

- A candidate will be declared ineligible if at any time during the election period he or she ceases to meet the eligibility requirements for that seat.
  - **A student member of Governing Council must be registered in the constituency in which he or she holds his or her seat by Monday, September 19, 2005.**
  - If an undergraduate student governor from the University of Toronto at Scarborough is not registered in the fall semester (September – December 2005), he/she must have been registered in the May – August 2005 semester, and must sign a letter of intent declaring that he/she will be registered in the January – April 2006 semester.
- Elected governors must resign if at any time during their term, they cease to meet the eligibility requirements for that seat.
- Please note the exception for students registered in double degree programs, page 9.

h) **By-elections**

- By-elections shall take place automatically unless the vacancy occurs within eight months of the end of a member's term.
- If the vacancy occurs in that period, the Chief Returning Officer shall consult the Elections Committee as to whether a by-election shall be held.
  - Notice of the Committee's meeting will be given to the appropriate recognized constituency organization in sufficient time to allow comments to be made to the Committee.
  - The decision of the Committee on whether a by-election should be held is final and binding.
- By-elections shall take place under the authority and regulations of the Chief Returning Officer, using procedures analogous to those contained elsewhere in these *Guidelines*.

i) **Re-opening of the nomination period**

- If no verified nomination papers are filed during the nomination period, or the number of verified nomination papers is fewer than the number of available seats, the Chief Returning Officer may re-open the nomination period twice.
- If the second re-opening of nominations fails to produce a candidate, the Chief Returning Officer will seek advice from the Elections Committee on how to proceed.

## APPENDIX A Powers and Duties of the Governing Council

### a) The University of Toronto Act

*The Act* vests in the Governing Council, the government, management and control of the University and of University College, and property, revenues, business and affairs therefore, and the powers and duties of the former Board of Governors and Senate of the University.

### b) Composition

The composition of the Governing Council is set out in subsection 2 (2) of *The University of Toronto Act*. The fifty members are as follows:

- 1 Chancellor (*ex officio*)
- 1 President (*ex officio*)
- 2 Presidential Appointees
- 16 Lieutenant-Governor in Council Appointees
- 12 Teaching staff
- 8 Students:   2 graduate students  
                  4 full-time undergraduate students  
                  2 part-time undergraduate students
- 2 Administrative staff
- 8 Alumni

### c) Boards and Committees of the Governing Council

In view of the size and complexity of the University and the extensive duties of the Governing Council, it has delegated many of its review powers to working boards. In addition to an Executive Committee, the Council has established an Academic Board, a Business Board, and a University Affairs Board. Members of Council normally sit on at least one of these boards. The working structure is outlined briefly below.

#### i) Academic Board

The Board is responsible for consideration of policy of an academic nature and for monitoring matters within its area of responsibility. The Committee on Academic Policy and Programs and the Planning and Budget Committee report to the Academic Board.

Specific areas of responsibility include:

- Admissions
- Awards
- Curriculum and academic regulations
- Academic appeals
- Academic discipline
- Budget guidelines and budget plans
- Endowed chairs, professorships and visiting lectureships
- Academic priorities for fundraising
- Capital plans, projects and space policy
- Continuing studies
- Enrolment policy

- Examinations and grading practices
- Planning policy
- University objectives
- Earned degrees, diplomas and certificates
- Establishment, termination or restructuring of academic units
- Research
- Submissions to external agencies
- Academic appointments policies
- Constitutions of divisional councils

## ii) Business Board

The Board is responsible for consideration of policy and for monitorial functions for matters affecting the business affairs of the University. The Audit Committee reports to the Business Board.

Specific areas of responsibility include:

- Fiscal policy and financial transactions not in the normal course of business
- Policy on financing and execution of capital projects and approval of any transactions as required by policy
- University owned or leased property, physical plant, equipment and related matters
- University policy on ancillary operations and monitoring of business ancillaries
- Policy on fundraising
- Alumni affairs
- Relations with the external community
- Communications
- Policy on organization of business functions
- Personnel policy for administrative staff (except librarians)
- Employee benefits
- Contractual relations with employee groups
- Tuition fees/policy on ancillary fees

## iii) University Affairs Board

The Board is responsible for consideration of policy of a non-academic nature concerning the University community and the public, and for monitoring matters within its area of responsibility. The Elections Committee reports to the University Affairs Board.

Specific areas of responsibility include policy on

- Campus and student services
- Compulsory non-academic incidental fees
- Student societies and campus organizations
- Ceremonials (excluding convocation)
- Extra-curricular programs and use of facilities
- Use of the University of Toronto name
- Campus security
- Day care
- Non-financial aspects of University investments
- Governing Council elections
- Relations within the University community, including non-academic discipline



## APPENDIX B Regulations Regarding Posters

**Timing** (For elections for Teaching Staff and Administrative Staff conducted by mail ballots)

Posters of any sort **may NOT be posted before Friday, February 11, 2005.**  
Posters must be removed **by Monday, March 28, 2005.**

**Timing** (For elections conducted by web voting)

Posters of any sort **may NOT be posted before Monday, February 21, 2005.**  
Posters must be removed by **Thursday, March 31, 2005.**

### General

The placing of posters on University property must be done in accordance with the regulations of Facilities and Services, and the regulations of each building on the three campuses. Violation of any restrictions imposed by University faculties, departments, or administrative services may result in the imposition of demerit points<sup>3</sup>:

1. Candidates must advise the Chief Returning Officer in writing of the approval received from the Manager, Property Management for the placement of posters in locations other than public bulletin boards, the planting or display of signs on University grounds, or the installation of a banner, within 2 days of obtaining such approval.
2. Any charges for labour and/or material costs related to the removal of posters from University or non-University property, or fines levied as a result of illegal postering are the sole responsibility of the candidate. Such charges will not be eligible for reimbursement.
3. Candidates are responsible for determining the specific regulations concerning the placement of posters in the various buildings on all three campuses. Failure to abide by these regulations may result in the imposition of demerit points.
4. Candidates may not remove or cover over posters of other candidates during the campaign period.

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<sup>3</sup> Procedure on Distribution of publications, posters, and banners at the University of Toronto, is available at [http://www.facilities.utoronto.ca/general/Poster\\_procedure.htm](http://www.facilities.utoronto.ca/general/Poster_procedure.htm).

## APPENDIX C Guidelines for Campaigning

**Candidates for election to the Governing Council are expected to conduct honourable campaigns**, including observation of poster regulations (Appendix B) and the campaign guidelines stated in Chapter VI (b) (ii) and/or below. Infractions of the regulations and guidelines may result in the imposition of demerit points and also be grounds for an appeal of the results to the Election Overseers, pursuant to Chapter III.8 of the *Election Guidelines 2005*. The University of Toronto reserves the right to charge any person who violates these *Guidelines* under the provisions of these *Guidelines* and any other applicable Codes, including the *Code of Student Conduct* (<http://www.utoronto.ca/govcncl/pap/policies/studentc.html>) and the *Statement on Prohibited Discrimination and Discriminatory Harassment* (<http://www.utoronto.ca/govcncl/pap/policies/harass.pdf>).

1. The 2004 campaign spending limits were:

Full-time undergraduates, Faculty of Arts and Science	\$ 1791
Full-time undergraduates, professional faculties	\$ 557
Part-time undergraduates	\$ 400
Graduate students - Constituency I	\$ 400
Graduate students - Constituency II	\$ 400
Teaching staff	\$ 400
Administrative staff	\$ 400

Please see Chapter VI(f) for complete details about spending limits, reimbursement provisions and enforcement of the limit.

2. Campaigning for elections held by mail ballot in teaching staff and administrative staff constituencies may not begin until all candidates have been announced.
3. Campaigning for web-based elections may not start before 12:01 a.m. February 21, 2005 and will cease at the end of the voting period.
4. Candidates will be required to inform the Chief Returning Officer of their election web-site, if they choose to create one.
5. The University crest may not appear on campaign literature, materials or web-sites. Candidates may use the University's name.
6. Candidates may place advertisements in the campus press to appear during the campaign period.
7. Candidates are responsible for removing all campaign material after the close of the election.
8. It is expected that candidates will not remove or deface each other's campaign material.
9. Candidates shall be responsible for the actions, and violations stemming from such actions, of any associated party, however occurring.
10. Candidates may not post or distribute campaign literature that might be considered libelous by the Chief Returning Officer.
11. Candidates' statements submitted on the nomination forms will be disseminated at the expense of the Governing Council by means chosen by the Chief Returning Officer.

12. Violation of Campaign Rules

- (a) The Chief Returning Officer (CRO) shall have the sole authority to enforce the provisions of the *Election Guidelines*.
- (b) No candidate may attempt to enforce the provisions of the *Election Guidelines*.
- (c) Allegations of violation of the *Election Guidelines* by a candidate or one of the candidate's workers shall be submitted in writing to the CRO who shall decide on the charge.
- (d) The CRO may lay charges of violations of campaign rules on his/her own initiative.
- (e) A charge of a violation must be given in writing to the CRO within five days of the alleged violation. The CRO will investigate each allegation, assisted by such staff that he or she may wish to employ.
- (f) In the case that the CRO receives frivolous and/or vexatious complaints, he/she may:
  - (i) Warn the candidate complainant that, in his/her opinion, the complaints are frivolous and/or vexatious, and request that the complaints be withdrawn.
  - (ii) If the complainant refuses to withdraw the complaints, the CRO may assign a neutral party to investigate whether the complaint is frivolous and/or vexatious.
  - (iii) If the neutral investigator determines that complaints received are frivolous and/or vexatious, the CRO is empowered to choose one of the following sanctions:
    - a. If the complainant is a candidate, assign 5 demerit points
    - b. Refuse to hear the complaint.
    - c. Recommend charges under the *Code of Student Conduct*.
  - (iv) Decisions made by the CRO in this regard are subject to appeal to the Elections Committee.
- (g) The Elections Committee shall meet from time to time as the Election Overseers at the call of the CRO to discuss any charges of violations to the campaign rules and to decide on the appropriate action to be taken, with such meeting being subject to the following:
  - (i) The CRO shall invite both the candidate making the allegation and the candidate alleged to have committed the offense to the meeting where the alleged violation will be addressed. Each candidate will have an opportunity to and present his/her case.
  - (ii) A written report of the minutes of the said meeting will be made available within a forty-eight (48) hour period to all those in attendance at the meeting.
- (h) It will be the responsibility of the candidate to ascertain his/her position with respect to decisions made by the Election Overseers regarding alleged violations committed by the candidate. This must be done on a daily basis by consulting the CRO, a published list, or minutes posted on a designated elections space in the Office of the Governing Council or on its web-site.
- (i) Details of confirmed violations will be posted to the Governing Council web-site and made available for publication.
- (j) Penalties assessed for a confirmed violation may include:
  - (i) Assignment of a demerit point 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.
- (k) Demerit points shall be assessed on the following basis:
  - (i) Campaign Materials:
    - Unintentional misrepresentation of facts

- Violation of postering regulations in Appendix B of these *Guidelines* 3
- Containing material explicitly forbidden in Guidelines for Campaigning (e.g. 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 in Appendix C of these *Guidelines* 3
  - Violation of Regulations Regarding Posters in Appendix B of these *Guidelines* 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, secretarial service and funding. 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
  - Making frivolous and/or vexatious campaign violation allegations. 5
- (l) Violations of the following nature will result in AUTOMATIC disqualification of a candidate:
  - (i) Any candidate spending over the maximum spending limit as set by the *Election Guidelines*
  - (ii) Intentional misrepresentation of campaign expenditures
  - (iii) A candidate accruing greater than 25 demerit points
  - (iv) Any attempted interference in the election process as regulated by these *Guidelines*
  - (v) Solicitation of Student Information System (SIS) and/or Personal Identity Number (PIN) numbers
  - (vi) Action or conduct which represents a flagrant undermining of the purpose and effect of the electoral process set up under these *Guidelines*.
- (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, keeping in mind the proviso that candidates may not be from the same college, campus or faculty in certain constituencies.

October, 2004