

BY-LAW NO. 3

THE BOARD OF GOVERNORS OF THE ALGONQUIN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

BE IT ENACTED as a By-law of the Board of Governors of The Algonquin College of Applied Arts and Technology for the Election of College Constituent Groups to the Board of Governors as follows:

1. **POLICY**

- 1.1 In accordance with the Regulation emanating from the Ontario Colleges of Applied Arts and Technology Act, all members of the constituent groups of the College (Academic, Administrative, Student and Support Staff) shall have an opportunity for effective participation in the nomination and election process for membership on the Board.
- 1.2 In support of this policy the following procedures have been developed after consultation with representatives of the constituent groups.

2. **DEFINITION**

There are four constituent groups at the College:

- academic staff member means a person who is employed by the Board of Governors as a teacher, counsellor or librarian;
- administrative staff member means a person who is employed by the Board of Governors and who is not an academic staff member, a support staff member or a student;
- student means a person who is enrolled in a course or program of instruction in a college;
- support staff member means a person who is employed by the Board of Governors as a member of the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria or Early Learning Centre.

3. **ELECTORAL COMMITTEE**

- 3.1 The Board has established an Electoral Committee to ensure the observance of this policy and the implementation of the Regulation.
- 3.2 The Electoral Committee is composed of the presidents of:
 - Students' Association
 - Support Staff Local
 - Academic Employees Local
 - Administrative Staff Association.

- 3.3 The presidents may each designate a member of their respective constituent groups to replace them on the Electoral Committee.
- 3.4 In addition, the Board will appoint the President of the College, or his/her designate, as Chair of the Electoral Committee.
- 3.5 The Electoral Committee reports to the Chair of the Board of Governors.
- 3.6 The Electoral Committee recognizes the rights of part-time members of the constituent groups as defined in the Regulation and will endeavour to ensure their participation in the electoral process.
- 3.7 The members of the Electoral Committee recognize that should a conflict of interest arise, the affected member will declare such conflict, propose a replacement and withdraw from participation on the Committee.

4. **PROCEDURE - NOMINATION PROCESS**

- 4.1 The Electoral Committee will supervise a call for nominations addressed to the specific constituency group.
- 4.2 The information sent to each group will provide details of
 - a) the nomination/election process (including dates and deadlines)
 - b) the Regulation in summary form
 - c) Governor Roles and Responsibilities
- 4.3 The Electoral Committee will distribute a call for nominations. The call will be addressed also to the part-time members of the constituent groups.
- 4.4 The call for nominations will inform the constituent group where the information in 4.2 can be obtained.
- 4.5 Nominations must be supported by at least ten (10) nominators for each nominee of the constituent groups.
- 4.6 The nomination paper must indicate the name, signature and student/employee number of each nominator.
- 4.7 A member of a constituent group may sign the nomination paper for more than one candidate of the group for nomination.
- 4.8 Nomination papers will be returned to the Electoral Committee. Papers received after the deadline will be rejected.

- 4.9 The Electoral Committee will review all nomination papers for conformity to this procedure.
- 4.10 The Electoral Committee will publish the list of nominees.

5. PROCEDURE - CANVASSING PROCESS

- 5.1 Between the establishing and publishing of the slate of candidates and the date of election there will be a period during which individuals may canvas their respective groups.
- 5.2 Complaints with regard to the conduct of nominees must be addressed to the Electoral Committee.

6. PROCEDURE - ELECTION PROCESS

- 6.1 The elections will be supervised by the Electoral Committee which will determine supplementary procedures that are not addressed in this policy.
- 6.2 The Electoral Committee will work with Information Technology Services to ensure that information is posted in a timely manner.
- 6.3 Voting will be done electronically in a secure manner and a person will only be able to vote once.
- 6.4 The vote will be done electronically and announced by the Chair or Acting Chair of the Electoral Committee within one hour of the end of voting.
- 6.5 The Electoral Committee will forward the results of the election to the Chair of the Board for public announcement.
- 6.6 The electronic voting process and workflow will be validated by the College auditors to ensure the integrity and authenticity of the process.

7. PROCEDURE - DISPUTE RESOLUTION

- 7.1 Any individual who has a complaint as to the application of this policy through its procedures has the right to address such complaint to the Chair of the Electoral Committee.
- 7.2 The complaint must be in writing and must indicate the details of the alleged violation of policy and procedure.
- 7.3 The Chair will forward the complaint to the Electoral Committee for review.

- 7.4 The Electoral Committee will investigate the complaint and attempt to resolve it.
- 7.5 Failing resolution by the Electoral Committee, the complaint may be referred by either the complainant or the Electoral Committee to the Chair of the Board who shall, within 5 days of such referral, appoint an independent third party to investigate the complaint.
- 7.6 The third party's mandate is restricted to a determination as to whether the policy and procedures of this by-law have been correctly applied and if not:
- 7.6.1 if the election has not yet been completed, what remedial measures should be undertaken to remedy, so far as is reasonably possible, the impact of the acts or omissions upon which the complaint was based; and
- 7.6.2 if the election has been completed, whether the will of the constituent group is nevertheless reflected in the election results and if not whether the election must be repeated.
- 7.7 The third party will commence the dispute resolution process within ten (10) working days of appointment and shall complete the dispute resolution within 20 days of the third party's appointment.
- 7.8 The third party will establish appropriate procedures and the College and representatives of the constituent groups will comply with all reasonable requests by the third party for information relating to the complaint.
- 7.9 The report of the third party will be binding on the College, the complainant, and the affected constituent group.

8. **PROCEDURE - EQUALITY OF VOTES**

- 8.1 In the event that the election shall result in a tie vote between two or more candidates, then the tie shall be resolved by the drawing of straws under the supervision of the Chair of the Electoral Committee. The winner of such drawing shall be declared to have been elected.

9. **PROCEDURE - OTHER**

- 9.1 In the event of a mid-term vacancy the Electoral Committee will reconvene and supervise a nomination and election process for the constituent group affected by the vacancy.

9.2 The term of the member elected commences on the date of election and shall be of same length as the person originally elected and shall terminate on August 31st of the year in which the terms ends.

Enacted this 19th day of September, 2005

Chair

Secretary