

## Board Governance Policy

### BG I-05 Election of Internal Members to the Board of Governors

Policy Category :	Board Process		
Date First Approved:	2018-12-10 (yyyy-mm-dd)	Date Last Reviewed	2023-11-20 (yyyy-mm-dd)
Board Meeting Number:	510	Mandatory Review Date	2025-11-20 (yyyy-mm-dd)

### PURPOSE

The Board of Governors is responsible for ensuring that the election of internal members to the Board of Governors (the “Board”) complies with Ontario Regulation 34/03 (the “Regulation”) under the Ontario Colleges of Applied Arts and Technology Act, 2002 and the Minister’s Binding Policy Directive: Protocol for Board Nominations and Appointments (the “MTCU Directive - Board Nominations”).

### POLICY

#### 1. ADMINISTRATION OF POLICY

- 1.1 The Office of the President and Board of Governors is responsible for administering this policy on behalf of the Board of Governors.
- 1.2 The President may delegate the administration of this policy to a member of the College management executive team.

#### 2. VOTER QUALIFICATIONS

##### 2.1 General

There are four constituent groups represented on the College’s Board of Governors. An individual is eligible to vote for a candidate only within their constituent group:

- 2.1.1 Academic Staff Member - a person who is employed by the College as a professor, instructor, counsellor or librarian;
- 2.1.2 Administrative Staff Member - a person who is employed by the College and who is not an Academic Staff Member, a Support Staff or a Student;
- 2.1.3 Student - a person who is enrolled in a minimum of three (3) courses (online or in person) or one (1) program of instruction at the College. If enrolled in online offerings only, the student must be able to participate in regular meetings of the Board;
- 2.1.4 Support Staff Member - a person who is employed by the College as a member of the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria or Early Learning Centre.

### 3. CANDIDATE QUALIFICATIONS

- 3.1 A qualified employee candidate is an Algonquin College employee (full-time or other-than-full-time). Other-than-full-time employees must not be in a position with an employment term scheduled to end before a three (3) year term of office. A qualified student candidate is a full-time student maintaining a cumulative Grade Point Average of 2.4. A part-time student is eligible if enrolled in a minimum of three (3) courses per academic term (online or in person) for at least two (2) academic terms during the one year term of office and maintains a Grade Point Average of 2.4.
- 3.2 Qualified candidates are only eligible to run in one of the constituent groups. The candidate's group is determined through their main affiliation with Algonquin College.
- 3.3 The following individuals are not qualified to be appointed as a governor:
  - 3.3.1 an individual who is less than 18 years of age;
  - 3.3.2 an individual who has the status of bankruptcy;
  - 3.3.3 an individual who is concurrently serving as a Director on the Algonquin Students' Association Board of Directors;
  - 3.3.4 an employee under a contract or term with a termination date before the last date of a three (3) year term of office; or
  - 3.3.5 a part-time student who is not enrolled in at least three (3) courses per academic term for at least two (2) academic terms before the end of a one year term of office.

### 4. TERM OF OFFICE

- 4.1 **Student Governor**

The student governor will serve a term of one year. The student governor may serve one additional one-year term if re-elected provided they continue to be eligible to be a candidate under Section 3 Candidate Qualifications.
- 4.2 **Academic, Administrative and Support Staff Governor(s)**

The Academic, Administrative and Support Staff Governor(s) will serve a term of three years. The Academic, Administrative and Support Staff Governor(s) may serve a second three-year term if re-elected provided they continue to be eligible to be a candidate under Section 3 Candidate Qualifications.
- 4.3 **Mid-Term Vacancies**

The Returning Officer will assess the circumstances surrounding vacancies and provide the Board with a plan of action.

### 5. STAFFING

- 5.1 **Selection of Returning Officer**

The President or his/her designate shall recommend a candidate to be appointed as the Returning Officer by the Board. The Returning Officer shall have the following qualifications:

- 5.1.1 Familiarity with Algonquin College;
- 5.1.2 Experience in accounting, auditing, administration or experience and knowledge of election processes.

**5.2 Duties of the Returning Officer:**

- 5.2.1 receive the nominations from the constituent populations;
- 5.2.2 verify eligibility of nominees;
- 5.2.3 inform candidates of their eligibility or ineligibility;
- 5.2.4 establish procedures for the election;
- 5.2.5 ensure the integrity of the election;
- 5.2.6 monitor the campaign of the candidates;
- 5.2.7 conduct the orientation session for candidates;
- 5.2.8 be responsible for keeping the signed election agreement;
- 5.2.9 ensure the election results are promptly communicated and reported as set out in this policy;
- 5.2.10 have authority to answer questions arising from these policies, procedures, guidelines and schedules for the Election of Internal Members to the Board of Governors;
- 5.2.11 have authority to disqualify a candidate found in violation of these policies, procedures, guidelines and schedules; and
- 5.2.12 where appropriate, seek guidance from the Chair of the Board of Governors.

**6. SELECTION OF SCRUTINEERS**

Each candidate may select one representative to review the election process with the Returning Officer.

**7. DUTIES OF THE SCRUTINEERS**

The scrutineers shall:

- 7.1 demonstrate objectivity and compliance with the policies, procedures and guidelines for the *Election of Internal Members to the Board of Governors*;
- 7.2 review the election process with the Returning Officer; and
- 7.3 observe the results of the electronic ballots for the candidate that he/she is representing.

## 8. NOTICE OF THE ELECTION

Notice of the election for each constituent group will be communicated electronically through myAC, Algonquin College's internal website, and through social media and on campus video screens.

## 9. CONFLICT OF INTEREST

### 9.1 College Administrative Staff

In the event that College administrative staff are observed to be endorsing a candidate, the candidate may be disqualified by the President of the College.

### 9.2 Unions and Associations Representing Constituent Groups

In the event that members of the executive of the Academic and/or Support Staff unions, Students' Association or Administrative Staff Association are observed to be endorsing a candidate, the candidate may be disqualified by the President of the College.

## PROCEDURE

### 1. NOMINATION PROCESS PROCEDURES

- 1.1 The Returning Officer will supervise a call for nominations addressed to the specific constituent group(s).
- 1.2 Information for each group will be available on the internet at: [www.algonquincollege.com/bog\\_elections](http://www.algonquincollege.com/bog_elections) and will provide details of the nomination/electoral process (including dates, deadlines and schedules). Candidates will be directed to the Board website at [www.algonquincollege.com/board/manual](http://www.algonquincollege.com/board/manual) where they can access this Board Policy as well as other information pertaining to the Board.
- 1.3 The Returning Officer will distribute an electronic call for nominations. The call will also be addressed to part-time students and other-than-full-time members of the employee constituent groups.
- 1.4 Nominees and nominators for a governor position on the Board from a constituent group must be members of that constituent group.
- 1.5 Nominations must be supported by at least ten (10) nominators for each nominee of the constituent groups.
- 1.6 For an employee to nominate an employee from their constituent group, they must login to the [Algonquin College Voting System \(ACVS\)](#) using their Algonquin College network credentials, and the ACVS will automatically populate the required employee contact information fields.
- 1.7 For a student to nominate a student, they must login to the [Algonquin College Student Information System \(ACSIS\)](#) using their Algonquin College student network credentials. Once logged in, a direct link to the [Algonquin College Voting System \(ACVS\)](#) will be available during the election period. The ACVS will automatically populate the required student contact information fields.
- 1.8 A member of a constituent group may nominate more than one nominee of the constituent group.

- 1.9 Nomination must be completed online through the [Algonquin College Voting System \(ACVS\)](#) by the date and time specified.
- 1.10 The Returning Officer will review all nomination online submission for conformity to this procedure.
- 1.11 Where only one candidate has been officially nominated within the time fixed for that purpose, the Returning Officer shall declare that candidate elected by acclamation.
- 1.12 The Returning Officer will then post the list of candidates on myAC and, for students, the [Algonquin College Student Information System \(ACSIS\)](#). An email will also be sent out notifying the constituent group(s) of the candidates.

## 2. CANDIDATE PROCEDURES

- 2.1 If the Returning Officer finds a candidate to be in violation of the policies, procedures and guidelines of the Election of Internal Members to the Board of Governors, he/she shall take such action as he/she deems reasonably necessary to ensure compliance with these policies, procedures and guidelines, up to and including disqualifying the candidate from running in the election. Any candidate who fails to comply with subsections 2.2 through 2.4 of this section may be disqualified from running in the election.
- 2.2 All qualified candidates **must attend** an orientation with the Returning Officer to receive, review and agree in writing to abide by the policies, procedures and guidelines for the Election of Internal Members to the Board of Governors. In the event that any candidate cannot attend the scheduled orientation session, it will be the responsibility of that candidate to reschedule a date with the Returning Officer.
- 2.3 Campaign material may be posted and distributed within the College as listed within the Guidelines for Posting Board of Governors Election Campaign Posters.
- 2.4 There is to be no electioneering at any campus on election day(s). "Electioneering" includes, but is not limited to, putting up for display or replacing campaign materials, distributing campaign information (printed and electronic) and speaking to, or hosting activities for, members of the constituent group that could be viewed as asking the constituents to vote for a particular candidate.

## 3. DISQUALIFICATION

In the event that a candidate, or the executive of the constituent group that he/she represents, is found to be in violation of this policy, the following steps will be taken:

- 3.1 The Returning Officer will be notified of the violation either in writing or verbally;
- 3.2 The Returning Officer will assess whether or not the violation actually occurred in consultation with the President or his/her designate;
- 3.3 Once a violation has been confirmed, the candidate will be contacted and requested to meet with the Returning Officer;

- 3.4 The Returning Officer will present to the candidate a written memo reporting that:
  - 3.4.1 he/she is disqualified;
  - 3.4.2 the specific element of this policy, procedure or associated guidelines violated; and
  - 3.4.3 the process available to appeal the decision.

#### **4. VOTING**

The Algonquin College Voting System will open at a designated time(s) and date(s) as set by the Returning Officer. Those eligible to vote will follow the electronic voting instructions to cast their electronic ballot as follows:

- 4.1 Employees – follow instructions as set out on myAC or at a designated voting station.
- 4.2 Students – follow instructions as set out on the [Algonquin College Student Information System \(ACSIS\)](#) or at a designated voting station.
- 4.3 Electors may vote through the electronic voting system from the time the election begins until it ends.

#### **5. ASSISTED VOTING PROCESS**

Where an elector has reason to believe that he or she will be unable to use a computer to vote electronically due to medical or physical limitations, the elector may apply in writing, or by a means as deemed appropriate to their limitation, to the Returning Officer, to seek assistance casting his/her vote using the Algonquin College Voting System.

#### **6. COUNTING THE BALLOTS**

- 6.1 The Returning Officer will oversee the process of totaling the electronic votes.
- 6.2 The scrutineers will be invited to be present for the count and will be informed of the total number of ballots cast for the candidate that he/she is representing per elector register.
- 6.3 Election results are embargoed until candidates are informed. Section 7 identifies the process for communicating election results.
- 6.4 In the event of a tie between two candidates, the Returning Officer shall select the successful candidate by the flipping of a coin in the presence of the tied candidates.

#### **7. COMMUNICATION AND PUBLICATION OF ELECTION RESULTS**

- 7.1 Election results will be reported transparently and accurately. This includes providing information about the methodology used for counting and tabulating votes.
- 7.2 Communication and Publication of Election Results

- 7.2.1 On the day the votes are counted and prior to publishing any election results, the Returning Officer will communicate the preliminary election results, including a breakdown of results, to all candidates either in person or by calling the candidate at the telephone number provided. Where the candidate cannot be reached by the end of the day, an email will be sent communicating the preliminary election results.
- 7.2.2 On the day the votes are counted, the Returning Officer will provide to the President the preliminary election results (the names of the candidates elected/acclaimed), who will notify the Chair of the Board of Governors. The Returning Officer shall also provide to the Governance Committee of the Board of Governors a report of the official tabulation of the results.
- 7.2.3 The day after the votes are counted, the College will publish preliminary election results on myAC and the Algonquin College Student Information System (ACSIS) and communicate the results through other appropriate channels, ensuring that the results are easily accessible to the College community. The publication of preliminary results will include a breakdown of results by candidate, allowing each candidate the opportunity to verify the accuracy of the data.
- 7.2.4 If no appeals are filed within the period specified in Section 9.1.3, the preliminary results will become official election results upon expiration of the appeal period. If an appeal is filed, the contested results will only be official once all appeals have been addressed.
- 7.2.5 Mechanisms for independent verification and auditing of election results will be established. This may involve inviting scrutineers to verify and validate the results. Any irregularities or discrepancies identified during the verification and auditing process will be thoroughly investigated, and corrective measures will be implemented as necessary.

## **8. DISPOSITION OF THE ELECTION DOCUMENTS**

The Returning Officer shall arrange to have all pertinent election print and electronic materials stored for a period of one month. In the event of an appeal, pertinent election materials will be retained until final disposition of the appeal process. Thereafter the stored materials may be securely destroyed.

## **9. ELECTION REVIEW AND APPEAL BOARDS**

Before an election is held, the Board of Governors shall appoint an Election Review Board and an Election Appeal Board, each consisting of three current external Board Members. Both the Election Review Board and Election Appeal Board shall select one of its members to chair its proceedings.

### **9.1 Election Review Board**

- 9.1.1 The Election Review Board shall hear and resolve any appeal by a candidate (appellant) against a decision of the Returning Officer (respondent).
- 9.1.2 The Election Review Board shall answer any question put to it by the Returning Officer that arises from the application of the policies, procedures and guidelines for the Election of Internal Members to the Board of Governors to the election of an internal governor.
- 9.1.3 Any appeal to the Election Review Board must be filed with the Office of the President and

Board of Governors or his/her designate's office within five (5) working days following the posted preliminary election results. The appeal must be in writing and contain reasons why the Returning Officer's decision should be reviewed.

- 9.1.4 Parties shall be entitled to full disclosure of all information to be relied upon at the Election Review Board hearing.
- 9.1.5 The Election Review Board shall hear any appeal within five (5) working days of its having been filed.
- 9.1.6 The Election Review Board shall notify the appellant, Returning Officer, and any other person with information or knowledge relevant to the appeal of the date, time, and place of the hearing. The notice of hearing shall include a statement that if any party does not attend, the hearing may proceed in his or her absence and he/she will not be entitled to any further notice of the proceedings.
- 9.1.7 The appellant shall be invited to attend the Election Review Board hearing and to address the contents of his or her letter of appeal and present any other information he/she believes is relevant to the matter under appeal.
- 9.1.8 The Returning Officer and any other person with information or knowledge relevant to the appeal shall also be invited to attend the Election Review Board hearing and to present information about the matters at issue.
- 9.1.9 The Election Review Board, appellant and respondent may put questions to any person present at the hearing. The appellant and the respondent shall have the right to call and cross-examine witnesses.
- 9.1.10 All parties shall be entitled to be represented at the hearing by a person of his/her choice and at his/her own expense.
- 9.1.11 The Election Review Board shall give its decision within five (5) working days from the completion of the hearing to the parties. It shall communicate its decision to the Board of Governors and the involved parties.

## **9.2 Election Appeal Board**

- 9.2.1 Within five (5) working days of the Election Review Board's decision, the appellant may appeal to the Election Appeal Board. The notice of appeal shall be sent in writing to the Office of the President and Board of Governors or his/her designate's office and it shall contain reasons for the appeal.
- 9.2.2 The Election Appeal Board shall hear the appeal within ten (10) working days of its having been filed.
- 9.2.3 The Election Appeal Board shall follow the same procedures as the Election Review Board set out in subsections 9.1.4 and 9.1.6 to 9.1.10.
- 9.2.4 The Election Appeal Board shall forward its written decision, with reasons, to the Board of Governors. It shall communicate its decision to the parties within ten (10) working days of the hearing.



9.2.5 The decision of the Election Appeal Board is final and binding on all the parties.

## **10. THE ALGONQUIN COLLEGE VOTING SYSTEM**

The Algonquin College Voting System is the College's electronic voting system and is supported by the College's Information Technology Services Department and their systems access policies and protocols. This allows voters to log in and be authenticated as an entitled voter for election purposes. The Algonquin College Voting System is recognized as secure and accurate in its ability to authenticate voters and to tabulate voting results.

## **11. ACCESS TO THE ELECTRONIC VOTING SYSTEM**

The Returning Officer will promote and advertise to the electorate the applicable voting days for elections. During such a voting period, the Algonquin College Voting System will include a link enabling the electorate to cast their votes. By engaging this link, the voters will be authenticated for validity and then be shown the electronic ballot form. Voters will complete the electronic ballot as indicated and confirm their vote.

Access will be available to the Algonquin College Voting System throughout the entire voting period. Voters may access the Algonquin College Voting System through any internet-enabled computer workstation, either at Algonquin College or at another location (i.e. personal computer at home). The Returning Officer will be responsible for ensuring the activation of the Algonquin College Voting System at the start of the voting period and deactivating the Algonquin College Voting System at the conclusion of the voting period. It is the responsibility of the voters to ensure that they allow enough time to complete the voting transaction process on the Algonquin College Voting System when the voting period will be closing. Should a voter not complete the voting transaction process by the stated end of the voting period, the electronic ballot will not be included in the final vote tabulation. The deadline for the end of the voting period is not flexible and will be strictly enforced.

## **12. FAILURE OF THE ELECTRONIC VOTING SYSTEM**

12.1 In the event that the Algonquin College Voting System is inaccessible, the Returning Officer should be notified immediately to alert the Information Technology Services (ITS) department. A message advising the constituents of the unforeseen delay and the estimated time when the system will be restored will be posted.

12.2 In the event the Algonquin College Voting System is rendered inaccessible due to a system failure, the Returning Officer, in consultation with ITS, will determine if the voting period must be rerun or if the voting period will continue without interruption. If the system is determined to be in a state of failure for longer than twenty-five percent (25%) of the total time allotted for the voting period, then the period will be rerun at the time when the Returning Officer is satisfied that the system is restored. When possible, the period for conducting the extension should be no longer than five (5) business days after the system is restored. Such rescheduling of the vote will be communicated to the Algonquin College community.

12.3 In an instance where the Algonquin College Voting System is determined to be inaccessible due to a system failure for a period of less than twenty-five percent (25%) of the total time allotted for the voting period, the Returning Officer will either extend the voting period or continue with the regularly scheduled voting period. Under this scenario, the Returning Officer will only extend the voting period if the system has been inaccessible during a large portion of a business day during the voting period, i.e. inaccessible for six hours during a normal business day.

12.4 ITS will be consulted in determining if the voters list has been compromised by a system failure. Should the list be determined to have been compromised, the Returning Officer will rerun the voting period as described in subsection 12.2 of this section. Should the voter's list not be compromised by the failure, the Returning Officer will be permitted to continue under the terms described in subsection 12.3 in this section.

### **13. USE OF PAPER BALLOTS**

The Returning Officer reserves the right to conduct elections using traditional paper ballots for any election where there is concern for the reliability of the Algonquin College Voting System or the system is in a state of prolonged failure.

### **MONITORING**

The Returning Officer shall report to the Governance Committee on an annual basis on each election process, outcomes and recommendations to amend this policy or related materials.

### **RELATED MATERIALS**

Guidelines for the Election of Internal Members to the Board of Governors (*development pending policy approval*)

Guidelines for Posting Board of Governors Election Campaign Posters (*development pending policy approval*)