

**THE BOARD OF GOVERNORS OF THE
NIAGARA COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

BY-LAW NO. 4
(Internal Elections)

BE IT ENACTED as a by-law of THE BOARD OF GOVERNORS OF THE NIAGARA COLLEGE OF APPLIED ARTS AND TECHNOLOGY (hereinafter called the "Corporation") as follows:

1. Definition of Candidates and Their Constituencies

For each of the staff definitions below, eligibility will be determined by employee status at January 31st of the year of the election. Persons in each category must continue to meet the criteria below at the time of the election in order to be eligible to vote or be nominated.

A) Academic Staff Member

is a person who is employed full-time by the College as a teacher, a counsellor or a librarian.

B) Support Staff Member

is a person who is employed full-time by the College as a member of the office, clerical, technical, health care, maintenance, building, service, shipping, transportation, cafeteria or nursery staff and is not governed by the Terms and Conditions of Employment for Administrative Staff.

C) Administrative Staff Member

is a person who is employed on a full-time or permanent basis by the College who does not fit the definition of an academic or support staff member. Permanent employment is defined as continuous service from January 1st to December 31st of the year immediately preceding the election.

D) Student

is a person enrolled in a Program of Instruction at Niagara College, whether on a full or part-time basis. A Program of Instruction is defined as a group of related courses leading to the awarding of one of the following credentials: Ontario College Certificate, Ontario College Diploma, Ontario College Advanced Diploma, Applied Degree or Ontario College Graduate Certificate.

2. Terms of Office and Right to Renewal

Members elected by academic, administrative and support staff shall hold office for a term not to exceed three years and shall not serve for more than six years consecutively but are eligible for re-election after two years absence from the Board for successive terms not to exceed six years in total.

A member elected by the students shall hold office for a one-year term and shall not serve for more than four years consecutively but is eligible for re-election after two years absence from the Board for successive terms not to exceed four years in total.

Where a person elected to the Board ceases temporarily or permanently to be a student, academic, administrative or support staff member, as the case may be, the person ceases to be a member of the Board. Notwithstanding the above, a student who graduates prior to the expiration of the student's term may remain a member of the Board until August 31 in the year of his or her graduation.

Except in the case of a bi-election to fill a vacancy during a term, all internal members of the Board shall take office on the 1st day of September in the year of their election. All members' terms will terminate on August 31 of the year in which the term ends.

3. Provision for Time to Attend Meetings and Activities of the Board

The Board will not schedule meetings in a deliberate attempt to exclude any elected member from attending because of his/her work. Every attempt will be made to release an elected member from his/her work assignment to attend meetings and activities of the Board.

4. Filling of Mid-term Vacancies

Where a vacancy occurs for an internal staff position of the Board of Governors, for any reason, the Board will declare the position vacant and order a by-election provided that more than three months remain before the next regular election; if less than three months remain, the position will remain vacant until the election takes place.

The duties of Replacement Board Representative are incorporated in the duties of one of the SAC Executive positions. Should the Student Governor resign or otherwise cease to be a member of the Board, the Replacement Student Governor shall automatically replace the Student Governor for the remainder of the term.

5. Co-ordination and Conduct of Elections

Election of the student representative will be coordinated with the Student Administrative Council (SAC). The position of Student Governor will be incorporated into the SAC elections and the position of Replacement Student Governor is incorporated in the duties of one of the duly elected SAC executive members.

For all other positions, the Secretary of the Board, as defined in Board by-law, or his/her delegate will perform the duties of Chief Returning Officer (CRO) for the elections. The CRO will be responsible for the co-ordination and conduct of the election process and will supervise the election procedures. Any decisions made by the CRO may be appealed to the Chair of the Board by submitting a request in writing no later than three (3) days from the date of the decision.

The appeal should include the decision by the CRO being appealed, a description of the situation and the resolution sought by the appellant.

The CRO is responsible for ensuring that the SAC election procedures for electing the Student Governor are not in conflict with the Board's election procedures.

6. Online election process

Elections may be conducted online as long as the online election process has been approved by CRO for use in electing an internal governor (i.e. security, access by eligible voters, one vote per eligible voter, confidentiality of votes, etc.). The process must respect the principles outlined in this By-law.

7. **The Election Process**

A) **Call for Nominations**

Call for nominations will be announced via internal e-mail, will be posted on appropriate areas of the College's web site as well as posted in prominent locations throughout all campuses. The call will include the positions for which elections are being held, the election date and the deadline for nominations. A minimum of two weeks from date of call will be allowed for nominations.

Nomination forms will be made available to all College staff and students. Nominations for each employee group are to be submitted to the CRO by the date and time specified. Nominations must be seconded by two members of the constituent group being represented and signed by the candidate indicating his or her willingness to stand.

Where only one nomination is received to represent a constituent group, that candidate will be declared elected by acclamation.

B) **Campaigning**

After nominations are closed, a list of nominees for each group, in alphabetical order, will be prepared by the CRO and circulated by e-mail and/or posted the College's web site.

Two weeks will be provided for nominees to campaign for office.

The CRO will establish Guidelines and Procedures for internal elections. Candidates will be required to agree in writing to abide by the policies, procedures and guidelines for the election of members to the Board of Governors. Failure to do so will result in the candidate's disqualification from running in the election.

All candidates are responsible for their own campaign expenses, however candidates may use College facilities, equipment, and photocopying in accordance with the guidelines and procedures established by the CRO.

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 members of the electorate with a view to asking them to vote for a particular candidate.

Should the CRO find a candidate or his/her helper to be in violation of this By-law or the guidelines and procedures for internal elections, the CRO shall take such action as he/she deems reasonably necessary to ensure compliance with this By-law and said guidelines and procedures, up to and including disqualifying the candidate from running in the election.

D) **Notification of Election Dates**

The CRO will fix the date of the election, allowing the required time for the call for nominations and campaigning by candidates. An advance poll may be held at the discretion of the CRO. These dates will be included in the call for nominations and on the Nomination Form and will serve as first notice to the electorate.

After nominations are closed, notices will be sent by e-mail and/or posted on the College's web site.

E) Voting

An eligible voter is only permitted to cast one ballot in the election. The individual is limited to voting in a specific constituent group that is established through the voter's affiliation with the College.

- (a) Computer-generated Voters' Lists will be prepared at the close of nominations. Once the lists are prepared, they will be available to candidates for their review at the President's office.
- (b) Votes may be cast using paper ballots or, if available, by electronic means.
- (c) Ballot boxes will be set up at locations to be determined by the CRO. Voters may only vote at the polling station at their assigned campus. Voters who will be at another campus on Election Day must submit a written request to the CRO to change their voting location at least one week prior to the day of the election.
- (d) Voting will be by secret vote. Each polling station will have a listing of each member of the constituent group assigned to that campus. The name of each voter will be crossed off after a ballot is distributed.
- (e) The form of paper ballots and electronic ballots, if available, will be approved by the CRO.
- (f) Hours of voting will be determined by the CRO. The polls will be open during hours such that eligible voters have an equal opportunity to vote.

F) Counting of Ballots

Counting of ballots will take place as determined by the CRO. This process will be supervised by the CRO.

The successful candidate will be determined by a simple majority of votes cast by persons in the applicable constituent group. In the event of a tie, the CRO will conduct a draw by lot.

The candidates will be notified of the day the ballots will be counted so that they or their designated representatives may be in attendance throughout the count procedures.

On the specified day, the ballot boxes will be opened in the presence of the CRO. The sealed ballots from each campus will be counted and compared to the number of voters removed from the official Voters' List for that campus. If there is a discrepancy, the Chair of the Board will determine whether the discrepancy is significant enough to warrant voiding the election results.

Once the total number of voters from each campus has been confirmed against the official Voters' List the count will commence.

The CRO will rule on the eligibility of any ballot disputed due to improper marking.

Where a candidate has made an application for a recount within 5 working days and it has been accepted by the CRO, the recount will be done from the ballots.

G) Dispute Resolution

In the event of an appeal of a ruling of the CRO, the Chair of the Board will be requested to rule.

Complaints must be filed within ten (10) days of the official announcement of the vote. If, at the expiration of the 10-day period no complaints have been filed, all election materials will be destroyed.

8. **Notifications**

Candidates will be informed of the results by the CRO once the official count has been completed.

Board of Governors will be informed of the results at next meeting of the Board.

9. **Orientation of Elected Members**

Elected members will participate in the regular orientation program usually held in August of each year.

10. **Close of elections**

At the close of each election, the CRO will complete a validation form indicating the candidates' names, number of votes cast for each candidate, number of spoiled ballots, total number of paper ballots cast per location, and total number of electronic votes cast per location. This validation form shall be signed by the CRO.

The CRO will destroy the ballots following the receipt and tabulation of all votes, the communication of the results, and the elapse of the dispute resolution time provided for in this by-law or the resolution of any dispute initiated in accordance with this by-law, as the case may be.

11. **Installation of New Members**

New members will begin their duties in September of each year unless otherwise stipulated in the Call for Nominations.

ENACTED BY THE BOARD OF GOVERNORS of The Niagara College of Applied Arts and Technology and sealed with the corporate seal the 22nd day of January, 2004 and revised on the 6th of June, 2006.



J. Ryan, Chair
Niagara College Board of Governors



D. Patterson, Secretary
Niagara College Board of Governors