

# SOCIETY NOMINATION & ELECTION POLICY

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<b>PROCEDURE TYPE</b>	BOARD
<b>APPROVING AUTHORITY</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>POLICY OWNER</b>	ONTARIO TECH STUDENT UNION BOARD OF DIRECTORS
<b>APPROVAL DATE</b>	FEBRUARY 2019
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<b>LAST UPDATED</b>	JANUARY 2022; POSTER POLICY (8.2), DISPLAYING CAMPAIGN MATERIALS (8.3), SOCIAL MEDIA POLICY (8.4), CAMPAIGN FINANCING (10.1), REPORTING VIOLATIONS (12.1), SCHEDULE OF PENALTIES 12.6), DISQUALIFICATION/VOID (12.7)

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## 1. INTERPRETATION

The Chief Returning Officer will make all interpretations of this Policy. For the purpose of this Policy:

### 1.1 Definitions

- 1.1.1 **General Bylaws**  
Refers to the Ontario Tech Student Union General Bylaws.
- 1.1.2 **OTSU or Student Union**  
Refers to the Ontario Tech Student Union.
- 1.1.3 **Society Election Policy**  
Refers to the policies and procedures established in this document.
- 1.1.4 **Faculty**  
Refers to a group of academic programs under a specific discipline at Ontario Tech University.
- 1.1.5 **OTSU Societies**  
Refers to student groups created by students for students. Each Society represents one faculty or school. Societies represent all their members equally.
- 1.1.6 **OTSU Clubs**  
Refers to a group of individuals created by students that share a mutual interest in a particular area and have been ratified by the Club & Society Office. Clubs are not faculty or school specific and must be open to all Ontario Tech University students.

- 1.1.7 **Candidate**  
Refers to any person who is eligible to be a Society Executive; has submitted a completed Nomination Package; and has received confirmation of their candidacy from the Chief Returning Officer (CRO).
- 1.1.8 **Campaigning**  
Refers to any activity intended to influence the decision of one or more voters.
- 1.1.9 **In-Person Campaigning**  
Refers to any activity intended to influence the decision of one or more voters with the personal presence or action of the individual specified.
- 1.1.10 **Campaign Materials**  
Refers to physical promotional items intended to influence the decision of one or more voters. Campaign materials include posters, handbills, and other pamphlets.
- 1.1.11 **Campaign Period**  
Refers to the designated days during which candidates may campaign.
- 1.1.12 **Nomination Period**  
Refers to the designated days where a hopeful candidate is permitted to collect nominations in the form of signatures.
- 1.1.13 **Society Elections**  
Refers to the organized process of electing executives for Societies. The process of elections includes the Nomination Period, the Campaign Period, and the Voting Period.
- 1.1.14 **Elections Office**  
Refers to the CRO and any DROs.
- 1.1.15 **CRO**  
Refers to the Chief Returning Officer, as designated by the OTSU.
- 1.1.16 **DRO**  
Refers to any Deputy Returning Officers, as designated by the OTSU.
- 1.1.17 **Endorsement**  
Refers to a demonstration of support or public recommendation of a Candidate, through either verbal or non-verbal communication by any person who represents, or could be reasonably considered to represent, any Club, any Society, the OTSU, or the Ontario Tech University Administration or Staff.
- 1.1.18 **Slate**  
Refers to a group of candidates attempting to get elected collectively.
- 1.2 **Rules of Interpretation**  
In Society Election Policy:
  - 1.2.1 Words importing the plural form include the singular and vice-versa;
  - 1.2.2 Any words importing any gender include all other genders;
  - 1.2.3 The invalidity or unenforceability of any provision of the policy will not affect the validity of enforceability of any other provision of the policy; and
  - 1.2.4 All capitalized items found herein but not defined have the meaning ascribed to them in the General Bylaws.

## **2. PURPOSE**

2.1 The Purpose of this policy is to:

- 2.1.1 Delegate authority for the administration of the Society Elections to the CRO and the Elections Committee;
- 2.1.2 Establish expectations for the conduct of the candidates during elections; and
- 2.1.3 Outline standards and criteria for the administration of fair, transparent, and valid elections.

## **3. ADMINISTRATION OF ELECTIONS**

### **3.1 Elections Committee**

The Elections Committee reserves the right to overrule any decision or interpretation made by the CRO. The Elections Committee shall hear all appeals. The Elections Committee shall:

- 3.1.1 Act autonomously from any Ontario Tech University or OTSU influences;
- 3.1.2 Act impartially and in the best interest of the Clubs and Societies Office;
- 3.1.3 Not demonstrate support for a Candidate;
- 3.1.4 Familiarize themselves with the Bylaws, Society Election Policy, and all election procedures;
- 3.1.5 Conduct the election in a fair manner; and
- 3.1.6 Have the power to disqualify a candidate or rule any election void.

### **3.2 Chief Returning Officer (CRO)**

The CRO has the following duties:

- 3.2.1 Ensure a democratic, impartial, fair, transparent, and accountable election process;
- 3.2.2 Enforce the Society Election Policy and other policies as they relate to Society Elections;
- 3.2.3 Recruit and train any volunteers/staff necessary to conduct the election;
- 3.2.4 Organize and administer the All-Candidates Meeting; and
- 3.2.5 Authorize all election notices, publicity and campaign materials.

### **3.3 Deputy Returning Officer (DRO)**

The DRO has the following duties:

- 3.3.1 Ensure a democratic, impartial, fair, transparent, and accountable election process;
- 3.3.2 Help the CRO enforce the Society Election Policy and other policies as they relate to the Elections;
- 3.3.3 Review and approve all campaign materials produced by candidates;
- 3.3.4 Assist in organizing and administering the All-Candidates Meeting; and
- 3.3.5 Authorize all election notices, publicity and campaign materials.

## **4. NOMINATION POLICY**

### **4.1 Nomination Rules**

All nominations are subject to the following rules:

- 4.1.1 All nominees must be Full Time Voting Members in good standing to be nominated and must remain in good standing and qualified throughout the nomination and election period in order to stand for election;

- 4.1.2 All nominations must be made in writing, in a form approved by the Student Union and the nomination form must be signed by:
- (i) The Full Time Voting Member nominated; and
  - (ii) At least 25 Full Time Voting Members in good standing.
- 4.1.3 Nominations shall only be accepted for positions that are currently vacant, or will become vacant at the conclusion of the current election cycle;
- 4.1.4 Nominations must be submitted in advance of an election, in accordance with such deadlines as may be established by the Board; and
- 4.1.5 Nominations are not permitted from the floor at a General Meeting.

#### 4.2 Eligibility Requirements

For nomination to be considered valid, an eligible nominee must:

- 4.2.1 Not have been impeached from a Society, Club, or OTSU executive office;
- 4.2.2 Not have been disqualified from a OTSU General Election in the last three years;
- 4.2.3 Attend the All-Candidates Meeting or send a registered designate to attend on their behalf;
- 4.2.4 Belong to the society for which they are running for; and
- 4.2.5 Not be a current OTSU Executive member.

## 5. CANDIDATE EXPECTATIONS

### 5.1 Knowledge Requirements

All nominees are expected to understand and abide by:

- All OTSU Bylaws and Policies;
- All Ontario Tech University Bylaws, Policies, and Residence Policies;
- Ontario Tech University Student Code of Conduct;
- The Ontario Human Rights Code; and
- All Federal, Provincial, and Municipal laws.

### 5.2 Required Response

Candidates must respond to inquiries from the CRO, DRO, Elections Committee, and General Manager within 24 hours.

## 6. CAMPAIGNING

### 6.1 Campaign Period

In-person campaigning is only permitted during the designated Campaign Period. For this policy, the following activities constitute In-person Campaigning:

- The distribution, posting, or publication of any Campaign Materials; and
- Public appearances or speeches related to the election.

Campaign materials are strictly prohibited from being posted or published before the start of the Campaign Period. Any Campaign Materials posted during the designated Campaign Period can remain until the close of the Voting Period.

## 6.2 Campaign Locations

The following locations are considered off-limits for campaigning:

- Libraries;
- OTSU space;
- Study Space;
- Durham College Space
- Faculty offices;
- Classrooms or Lecture halls;
- Bathrooms; and
- Third-Party Venues.

## 6.3 Slates

Slates, real or apparent, are strictly prohibited. For the purpose of Society Elections, the following activities constitute a Slate:

- Endorsing another candidate;
- Sharing/pooling campaign finances;
- Appearing in campaign material with another candidate;
- Sharing branding or slogans with another candidate; or
- Any other activity that could give voters the impression of Slate.

# 7. RULES OF FAIR PLAY

## 7.1 Fair Play

All students taking an active role in Society Elections must conduct themselves by the rules of fair play and positive campaigning. Rules of fair play include, but are not limited to:

- 7.1.1 Respect. Election participants must respect the dignity and rights of others. Election participants are expected to respect the institutional environment and shall not bring disrepute on:
- (i) Ontario Tech University including students, faculty, staff, and the administration; or
  - (ii) Ontario Tech Student Union.
- 7.1.2 Fair competition. Participants in Society Elections are expected to earn success by their own merits without cheating, spreading falsehoods, or attempting to achieve an unjust advantage; and
- 7.1.3 Compete on equal terms. Candidates cannot bolster their election by relying on resources unavailable to all candidates.

## 7.2 Positive Campaigning

All campaign shall be positive and conducted in good faith. Candidates are required to demonstrate respect for other candidates. Candidates are not permitted to engage in campaign tactics that attack, demean, belittle, unfairly target, or threaten members of the University community.

Candidates shall show respect for the rights of all students and staff to continue to work and study during the course of the elections.

An emphasis on positive campaigning does not restrict candidates from challenging their fellow candidates. Candidates are encouraged to offer constructive criticism and debate with each other; however, this must be done

professionally. Personal attacks will not be tolerated. Any violations of the Student Code will be reported to Campus Safety for investigation.

## **8. CAMPAIGN MATERIAL**

### **8.1 Campaign Material Requirements**

The CRO must approve all Campaign Materials before being distributed. Campaign Materials cannot promote unlawful behavior.

### **8.2 Poster Policy**

Posters MUST include:

- The Candidates full name, as it is to appear on the ballot;
- The Society the Candidate is a member of;
- The title of the position that the Candidate is nominated for;
- The dates of the voting period; and
- The OTSU poster approval sticker.

Posters MUST NOT include:

- Any mark insinuating a Candidate is formally associated with Ontario Tech University or Durham College;
- Any Copyrighted material; or
- Any material that could reasonably be upsetting, insulting, or objectionable to some or most people.

Posters must be removed within two (2) business days after the end of the Voting Period. Candidates are responsible for the removal of posters.

### **8.3 Displaying Campaign Materials**

Candidates can only post materials in accordance with Ontario Tech University Policies. Posters must be put up with white “sticky tack”. Materials cannot obstruct windows, doorways, or other posted materials. Candidates can only distribute Campaign Materials in valid Campaign Locations.

Candidates will be required to pay for any expense associated with removing posters or other campaign material. All costs associated with removing campaign materials must be accounted for on the Campaign Expense Form. For Candidates whose posters go missing or are vandalized, the CRO can grant a replacement number of posters equal to the number missing upon confirmation.

### **8.4 Social Media Policy**

Candidates may utilize social media websites to promote their campaign. The following guidelines apply:

- 8.4.1 Candidates are permitted to create a unique page to support their election or utilize an existing social media account;
- 8.4.2 Any online or social media campaign posts must be made public and cannot be posted on private pages;
- 8.4.3 Candidates may advertise online. All costs associated with online advertising must be accounted for on the Campaign Expense Form;
- 8.4.4 Candidates cannot send unsolicited e-mails or unsolicited private messages about their campaign; and
- 8.4.5 Social media must not include any copyrighted material or material that could be reasonably upsetting, insulting, or objectionable to some or most people.

## **9. OUTSIDE INFLUENCE**

### **9.1 Seeking Endorsements**

Endorsements, real or apparent, are strictly prohibited. Candidates cannot benefit from the resources of Clubs, Societies, or Ontario Tech University staff and administration.

Candidates are not permitted to solicit Ontario Tech University, Ontario Tech Student Union, or Durham College services, staff, students, or administration to campaign on their behalf or promote their election.

### **9.2 Leave of Absence**

Candidates shall take of leave of absence from any Club or Society position they hold. You cannot perform any duties on behalf of a Club or Society. You must notify the CRO, in writing, of this leave of absence before the start of campaign period.

## **10. CAMPAIGN FINANCING**

### **10.1 Reimbursement of Funds**

Candidates will be reimbursed for campaign expenses. This money shall not be taken from the Society account. Candidates can spend up to:

- \$50 for Presidential Candidates
- \$25 for all other positions

Candidates must track their campaign expenses on the Reimbursement of Funds Form with original receipts. Candidates shall submit a completed Reimbursement of Funds Form to the CRO by the end of the voting period. Candidates shall be reimbursed, up to the spending limit, after the CRO has audited the form. Candidates who fail to submit a form, or submit a form after the deadline, will not be reimbursed.

Candidates must abide by the Elections Financial Guidelines as set out in the Campaign Package.

### **10.2 Campaign Donations**

Campaign Donations are strictly prohibited.

## **11. INTEGRITY OF ELECTRONIC VOTING**

### **11.1 Electronic Voting**

The CRO shall provide all members of a Society with a secret electronic ballot.

### **11.2 Voting Abuse**

Candidates are required to uphold the integrity of the electronic voting process. The following activities constitute electronic voting abuse:

- 11.2.1 Efforts by candidates to influence voters by holding parties or social events where individuals are encouraged to vote on the premises;
- 11.2.2 Offering favors or gifts in exchange for votes;
- 11.2.3 Pressuring individuals to vote in the presence of a candidate or campaign; or
- 11.2.4 Bringing the means of electronic voting to a voter.

## 12. REPORTING CAMPAIGN VIOLATIONS

### 12.1 Reporting Violations

A complaint shall be prepared and signed by the complainant(s) using the Society Campaign Violation Form. All incidents of violence shall be immediately reported to Campus Security. The complaint shall summarize the details of the alleged violation, and provide relevant evidence. The information so provided will be held in confidence in so far as it can be allowed by the process, but could become public.

Candidates shall avoid making frivolous or vexatious complaints and/or having someone make frivolous or vexatious complaints on their behalf.

Complaints against a candidate are permitted up to 24 hours after the close of Voting Period. No new campaigning violation complaints will be permitted once the official results are released.

### 12.2 Investigation of Complaints

Upon receipt of a complaint, the CRO will investigate the matter and effect a timely and appropriate response. As part of this review, the CRO may interview the complainant and the candidate whose conduct is being questioned as well as any witnesses to the incident. The candidate whose conduct is being questioned shall be advised of the details of the complaint and be given the opportunity to respond. They shall not be present when the CRO interviews the complainant and any witnesses. The CRO may decide that the complaint is without merit on its face and that there is no basis to proceed further. On completion of an investigation, the CRO shall provide the candidate whose conduct is in question with a written summary of the complaint and the details of the investigation, along with any penalties. The CRO is not obligated to notify the complainant of details or results of the investigation.

### 12.3 Resolution of Complaints

The CRO shall evaluate the merits of a reported violation and issue a decision within two business days of the close of the investigation. The CRO shall base their decision on a balance of probabilities. If the evidence is evenly balanced (or no evidence has been adduced) the CRO shall rule in favor of the candidate whose conduct is in question. The burden of proof lies with the complainant.

### 12.4 Remedies

Where the CRO finds there has been a violation of the Society Elections Policy by a candidate or campaign, the CRO may impose a penalty or instruct the candidate to comply with a course of action to resolve the complaint.

### 12.5 Penalties for Violations

The CRO may impose the following penalties to any Candidate who has been found to have committed a campaign violation:

12.5.1 Assign a demerit point penalty up to the maximum for a given violation;

12.5.2 Assign multiple penalties where more than one violation has occurred;

12.5.3 Disqualify a Candidate; or

12.5.4 Declare that the election of a Candidate be ruled void.

### 12.6 Schedule of Penalties

Demerit points are assessed on, but not limited to, the following basis:

SECTION	ELECTIONS VIOLATION	DEMERIT POINTS
5.6	Unlawful behaviour during elections	20
6.1	Campaigning before campaign period	10



SECTION	ELECTIONS VIOLATION	DEMERIT POINTS
6.1	Campaigning after campaign period	7
6.1	Campaigning during voting period	20
6.2	Campaigning in an unauthorized location	4
6.4	Slate Candidacy	20
7.1	Spreading falsehoods/misrepresentation of facts	7
7.1	Relying on resources unavailable to all candidates	10
7.2	Personal attacks	10
7.2	Campaigning in bad faith	4
8.1	Posting unapproved campaign material	7
8.3	Displaying materials in unauthorized location	2 (per location)
8.3	Improper distribution of campaign materials	5
8.4	Violating social media policy	5
9.1	Seeking endorsements	7
10.1	Failure to disclose spending	1 (per dollar not disclosed)
10.1	Overspending	1 (per \$10 spent over budget)
11.2	Abuse of Electronic Voting	10
12.1	Multiple frivolous or vexatious complaints	4
12.3	Failure to comply with the CRO's resolution	10

## 12.7 Disqualification

Violations of the following nature will result in the disqualification of a Candidate and/or will render the election result void:

- 12.7.1 A candidate receiving greater than 100 percent of the allowable demerit point limit, as follows:
- Executive Candidates: 20 Demerit Points
  - Director Candidates: 20 Demerit Points
- 12.7.2 Solicitation of Ontario Tech University or Durham College Administration to interfere in the Elections Process. Solicitation includes, but is not limited to, actions that encourage Ontario Tech University or Durham College Administration to apply pressure on the CRO or Elections Committee, interference in the voting or ballot counting process, withholding vital elections documents, and withholding Student Union funds.
- 12.7.3 Consistent third-party involvement. Violations of the following nature will result in the election result or nomination void:

Violations of the following nature will result in the election result or nomination void:

- 12.7.4 Anyone improperly declared an eligible candidate;
- 12.7.5 Failure to attend the All-Candidates meeting without giving the CRO an adequate reason 24 hours before the scheduled All-Candidates Meeting;

In the event a winning Candidate is disqualified the results of the election will be void and the runner-up with the highest number of votes will be declared the winner.

## 12.8 **Appeals**

The decision of the CRO may be appealed to the Elections Committee. The candidate will be given one business day to adduce new evidence and submit a letter of appeal from the day the CRO issues a decision or from the day that Election Results are announced. The decision of the Elections Committee is binding and no further appeal will be accepted.