



**DURHAM COLLEGE OF APPLIED ARTS AND
TECHNOLOGY BY-LAW NO. 4**

Table of Contents

Section	Page
1. General	2
2. Definitions	2
3. Principles	5
4. Election Governance.....	5
5. Notice of Election	6
6. Candidate Qualifications	7
7. Eligibility to Vote and Voters List.....	7
8. Nominations and Nominations Period.....	8
9. Candidate Information Session (Mandatory).....	9
10. Campaigning and Campaign Period	9
11. Voting and Voting Period	11
12. Disqualification of a Candidate.....	12
13. Complaints	13
14. Appealing a Decision of the Chief Returning Officer	14
15. Appealing a Decision of the Electoral Committee	14
16. Continued Eligibility, Post-Election.....	15
17. Mid-Term Vacancies	15
18. Reporting	16
19. Retention of Records	16
20. Force and Effect.....	16

**DURHAM COLLEGE OF APPLIED ARTS AND TECHNOLOGY
BY-LAW NO. 4**

A by-law to regulate the election of Internal Governors pursuant to Ontario Regulation 34/03 under the *Ontario Colleges of Applied Arts and Technology Act, 2002* (“the Act”).

BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of the Durham College of Applied Arts and Technology (“Durham College”) as follows:

1. General

- 1.1. Durham College is committed to the principle of free and fair elections to be conducted in accordance with applicable legislation and applicable Durham College by-laws and policies.
- 1.2. Ontario Regulation 34/03 states that a Board of Governors of a College will include one Student, one Academic Staff Member, one Administrative Staff Member and one Support Staff Member, each of whom will be elected by the Students or by the relevant staff group.
- 1.3. Ontario Regulation 34/03 provides that no person will be a member of a College Board of Governors under clause (1) (c) of the regulation unless the person is duly elected in accordance with the procedures established by the Board after consultation with the Students and with the staff referenced in clause (1) (c) of the Act and set out in a by-law of the Board.
- 1.4. In keeping with Ontario Regulation 34/03, Durham College By-Law No. 1, Section 5, ‘Term of Office’ provides for Internal Governors (with the exception of a Student Governor) to serve a term of office determined by the Board, but not to exceed three years, renewable once, for a total service of six consecutive years. The term of office for a Student Governor will be one year, subject to re-election for a second year.
- 1.5. The term of appointment commences September 1 and concludes August 31 of the relevant years.

2. Definitions

Academic Staff Member

A person who is employed by Durham College as a teacher, counsellor or librarian.

Administrative Staff Member

A person who is employed by Durham College and who is not an Academic Staff Member, a Support Staff Member, or a Student.

Board

The Board of Governors of the Durham College of Applied Arts and Technology.

Business Day

Monday through Friday from 8:30 a.m. to 4:30 p.m. local time, excluding public holidays.

Campaigning

Activities undertaken by a Candidate or designate to promote a Candidate with the intent of winning the election.

Campaign Period

The defined period of time in which a Candidate or designate can undertake activities to promote a Candidate with the intent of winning the election.

Candidate

An individual who has been informed by the Chief Returning Officer that their nomination has been accepted.

Candidate Information Session

A mandatory information session hosted by the Chief Returning Officer for Candidates in a Student Governor Election.

Chief Returning Officer

The individual responsible for administering an Internal Governor election.

Constituency

A defined group of voters entitled to elect a representative.

College

Refers to the Durham College of Applied Arts and Technology.

College Council

A Council established pursuant to Durham College By-law No. 3 to provide a forum for Employees and Students to be consulted and to provide input on significant College matters.

Electoral Committee

A limited-term committee of the Board tasked with responding to specific complaints and appeals related to an election.

Employee

Any person in the employ of Durham College without regard for position, function, or other status of employment.

Good Academic Standing

A Student who is not on academic probation or suspension.

Internal Governor

A Governor elected from the Student, Academic, Administrative or Support Staff groups.

Nomination Form

The written form required to be completed in order to become a Candidate in a Student, Academic, Administrative or Support Staff election.

Nomination Period

The defined period of time in which Nomination Forms are accepted by the Chief Returning Officer.

Notice of Disqualification

A written notice issued by the Chief Returning Officer advising a Candidate that they have been disqualified.

Notice of Election

A written notice issued by the Chief Returning Officer advising of an upcoming Student, Academic, Administrative or Support Staff election.

Program of Instruction

A group of related courses leading to an Ontario College Certificate, Ontario College Diploma, Ontario College Advanced Diploma, Ontario College Graduate Certificate or an Ontario College Baccalaureate Degree or other document awarded by the Board of Governors.

Student

An individual who is enrolled in a Program of Instruction at Durham College, carrying a minimum course load of 50%.

Support Staff Member

A person who is employed by Durham College as a member of the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria or nursery staff.

Voting Period

The defined period of time in which votes can be cast.

Voters List

A list of eligible voters for a particular Constituency group.

3. Principles

- 3.1. An election will be fair, transparent, accessible and provide for freedom of choice.
 - 3.1.1. The Chief Returning Officer will ensure voting procedures are compliant with the customer service regulations of the *Accessibility for Ontarians with Disabilities Act*.

4. Election Governance

- 4.1. The Board will consult with College Council regarding any substantial amendments to this by-law.
- 4.2. The Nominating Committee of the Board will oversee the implementation of the procedures set out in this by-law.
- 4.3. The Board delegates authority to administer Internal Governor elections in accordance with this by-law to the Corporate and Board Secretary, who will act as Chief Returning Officer.
- 4.4. The Board will establish an Electoral Committee to:
 - 4.4.1. Consider and respond to a complaint where the decision may affect the outcome of the election;
 - 4.4.2. Consider and respond to appeals received in response to a Notice of Disqualification or a decision of the Chief Returning Officer.
- 4.5. The Electoral Committee will be comprised of the membership of the

Nominating Committee, excluding any Governor who has a conflict of interest or who is a member of the Constituency that is the subject of the complaint or appeal.

- 4.6. The Chair of the Nominating Committee will be the Chair of the Electoral Committee.
- 4.7. Quorum for a meeting of the Electoral Committee will be a simple majority of the members.
- 4.8. To ensure objectivity, the Corporate and Board Secretary will not provide administrative support to the Electoral Committee.
 - 4.8.1. The Executive Assistant in the Office of the President or designate will provide administrative support to the Electoral Committee.
 - 4.8.2. The Electoral Committee is not required to hold regular meetings and will convene in-camera only if necessary to consider a complaint or appeal that has been received.
 - 4.8.3. The Electoral Committee will conduct its affairs following procedural fairness.

5. Notice of Election

- 5.1. The Chief Returning Officer will issue a Notice of Election a minimum of fifteen (15) Business Days prior to commencement of the Nomination Period.
- 5.2. The Notice of Election will:
 - 5.2.1. Identify the Constituency, Candidate eligibility requirements and the dates of the Nomination, Campaign and Voting Periods;
 - 5.2.2. Include an overview of the position;
 - 5.2.3. Be communicated electronically to the relevant Constituency; and,
 - 5.2.4. Be posted on the Durham College website.

6. Candidate Qualifications

- 6.1. To qualify as a Candidate in an Academic, Administrative or Support Staff election, a Candidate must be a permanent Employee at Durham College.
- 6.2. To qualify as a Candidate in a Student election, a Candidate must be a Student who is in Good Academic Standing and who has no academic integrity alerts or student conduct violations on their student file.
- 6.3. A Candidate is only eligible to run in one of the Constituency's described in Ontario Regulation 34/03.
 - 6.3.1. An individual's Constituency is determined through their main affiliation with Durham College as determined by the records of Human Resources or the Office of Strategic Enrolment Services.
- 6.4. The following individuals are not qualified to be a Candidate:
 - 6.4.1. An individual who is less than 18 years of age;
 - 6.4.2. An individual who has been declared incapable by a court in Canada or in another country;
 - 6.4.3. An individual who has the status of bankruptcy.

7. Eligibility to Vote and Voters List

- 7.1. All permanent Employees, as determined by the records of Human Resources are eligible to vote in their Constituency as long as they remain an Employee of Durham College under the terms of the collective agreement for their Constituency or the administrative terms and conditions of employment during the Voting Period.
- 7.2. All Students, as determined by the records of the Office of Strategic Enrolment Services are eligible to vote as long as they remain a Student of Durham College during the Voting Period.
- 7.3. A Voters List will be prepared at the direction of the Chief Returning Officer three (3) Business Days prior to issuance of the Notice of Election.
 - 7.3.1. The Voters List for a Student election is provided by the Office of Strategic Enrolment Services.
 - 7.3.2. The Voters List for an Academic, Administrative or Support Staff election is provided by Human Resources.

- 7.4. The Chief Returning Officer will make a Voters List available, in electronic format only, for viewing at all campuses and the Pickering Learning Site during the Business Day upon issuance of the Notice of Election until the close of the Voting Period.
- 7.5. The purpose of the Voters List is:
 - 7.5.1. To assist the Chief Returning Officer in confirming proposed Candidates and nominators are on the Voters List and are eligible to participate in the election.
 - 7.5.2. To allow Constituents to confirm they are on the Voters List.
 - 7.5.3. To allow a Candidate to determine who is a member of their Constituency.
- 7.6. A Candidate can only view the Voters List and is not permitted to print or photograph the list.
- 7.7. Use of the Voters List for other purposes is prohibited.

8. Nominations and Nominations Period

- 8.1. The Nomination Period will be five (5) Business Days in duration.
- 8.2. Nomination forms will be available on the Durham College website and in the Board of Governors office (Oshawa Campus, Gordon Willey Building, A140).
- 8.3. A completed Nomination Form must be delivered to the Chief Returning Officer in-person by a proposed Candidate, who will present valid photo identification at the time of submission.
- 8.4. The Chief Returning Officer has the authority to reject a nomination if:
 - 8.4.1. The proposed Candidate does not meet the eligibility requirements outlined in Section 6 of this by-law;
 - 8.4.2. All sections of the Nomination Form are not complete;
 - 8.4.3. The Nomination Form is not received by the end of the Business Day when the Nomination Period closes;
 - 8.4.4. The information contained in the Nomination Form is incomplete or inaccurate.

- 8.5. If upon review of a Nomination Form, the Chief Returning Officer determines a Nomination Form is incomplete or inaccurate, a Candidate will have the opportunity to fix or correct a Nomination Form as long as it is re-submitted prior to the close of the Nomination Period.
- 8.6. The Chief Returning Officer will communicate acceptance or rejection of the nomination as soon as a determination is made or no later than 12:00 p.m. two (2) Business Days after the close of the Nomination Period.
- 8.7. The Chief Returning Officer will facilitate the posting of the names, photographs (optional) and personal statements (maximum word count of 100 words) of all Candidates who submit the required information within three (3) Business Days after the close of the Nomination Period on the Durham College website. In lieu of a written personal statement, a 90-second video statement is permissible.
- 8.8. All nominations are considered confidential until the close of the Nomination Period.
- 8.9. In the event that a Candidate advises the Chief Returning Officer of their desire to withdraw their nomination at least two (2) Business Days before the start of the Voting Period, the Chief Returning Officer will advise all other Candidates of the withdrawal. If time permits, the Candidate's name will be removed from the ballot.

9. Candidate Information Session (Mandatory)

- 9.1. All Candidates running for Student Governor must attend a Candidate Information Session hosted by the Chief Returning Officer in advance of the start of the Campaign Period. This date will be advertised on the Durham College website and be communicated to all Candidates a minimum of two (2) Business Days in advance.
- 9.2. A Candidate who does not attend the Candidate Information Session, or who does not make alternate arrangements to meet with the Chief Returning Officer prior to the start of the Campaign Period, will be disqualified.

10. Campaigning and Campaign Period

- 10.1. The Campaign Period will commence no later than three (3) Business Days after the close of the Nomination Period and will be eight (8) Business Days in duration.
- 10.2. Campaigning outside of the Campaign Period is prohibited.

- 10.3. All Candidates must accurately represent themselves and their position, and will not engage in acts of defamation or destruction of other Candidate's Campaign materials.
- 10.4. All Candidates must comply with applicable Durham College policies and procedures.
- 10.5. Physical Campaigning is restricted to public areas on-campus.
 - 10.5.1. Campaigning is not permitted in the President's office, on-campus residence or in a classroom, lab, meeting room, study room or the Learning Commons.
- 10.6. The Chief Returning Officer shall provide guidelines on the use of posters, which may include designating a common area to display election materials.
- 10.7. Use of Durham College's digital signage is permitted. To access this medium, a Candidate must submit a formal request using the appropriate form: <https://durhamcollege.ca/digitalsignage#submissionform>. All content must comply with the guidelines established by the Communications and Marketing Department and the Chief Returning Officer has the authority to reject any content contrary to Durham College policies.
- 10.8. Use of personal social media platforms is permitted.
- 10.9. The use of Durham College email, the Employee intranet (ICE) or Student intranet (MyCampus) by a Candidate for election purposes is prohibited, except as follows:
 - 10.9.1. During the Campaign Period, the Chief Returning Officer will distribute two Candidate messages (maximum word count of 100 words per message) by Durham College email, Employee intranet (ICE) or Student intranet (MyCampus).
 - 10.9.2. To be included in the distribution, a Candidate must provide the messages by the pre-determined deadline and the content will be reviewed and approved by the Chief Returning Officer.
 - 10.9.3. Messages will be sent in a group format to the appropriate distribution list and Candidates will not be given access to internal distribution lists.
- 10.10. The use of the Durham College logo on campaign materials is prohibited.

- 10.11. All Campaign costs will be at the expense of the Candidate. Campaign expenditures will not exceed \$100 for any Candidate.
 - 10.11.1. Proof of expenses (itemized receipts) must be retained by a Candidate and be made available to the Chief Returning Officer upon request until five (5) Business Days following the official announcement of election results or, if subject to a complaint, until ten (10) Business Days following the communication of a dispute or appeal ruling, whichever is later.
- 10.12. A Candidate is responsible for monitoring their own campaign materials to ensure compliance with this by-law and Durham College policies.
- 10.13. All Campaign materials must be removed from all Durham College campuses within one (1) Business Days following the close of the Campaign Period.
- 10.14. Notwithstanding Section 10, in order to respond to an extraordinary or an emergency situation, the Chief Returning Officer has the authority to implement changes to the types of Campaign activities that are permissible or contemplated by this by-law. Such changes will be communicated to all Candidates by email.

11. Voting and Voting Period

- 11.1. In the event that only one acceptable nomination is received by the Chief Returning Officer, the Candidate will be acclaimed and no election will be held.
- 11.2. In the event of an acclamation, the Chief Returning Officer will notify the Nominating Committee and the acclaimed Candidate within one (1) Business Day following the close of the Nomination Period. The name of the acclaimed Candidate will be communicated to the relevant Constituency within four (4) Business Days of the close of the Nomination Period.
- 11.3. In the event an election is required, the Voting Period will be five (5) Business Days in duration and will commence on the eleventh (11) Business Day following the close of the Nomination Period.
- 11.4. The Chief Returning Officer will promote the Voting Period to the relevant Constituency using communication channels appropriate to that group.
- 11.5. Voting will be conducted in a secure and confidential manner as determined by the Chief Returning Officer.
- 11.6. Each eligible voter will have one vote, and once a vote is cast, it cannot be changed.

- 11.7. In the event that any two Candidates receive an equal number of votes, the result will be determined by a coin toss conducted by the Chief Returning Officer in the presence of the two Candidates receiving the equal number of votes and the Durham College President or designate.
- 11.8. The result of the election will be communicated to the Nominating Committee and all Candidates within one (1) Business Day following the close of the Voting Period.
- 11.9. The Chief Returning Officer will post on the Durham College website, the names of all Candidates and the total number of votes received by each Candidate, and communicate the name of the successful Candidate to the relevant Constituency within four (4) Business Days following the close of the election.

12. Disqualification of a Candidate

- 12.1. A Candidate will be disqualified by the Chief Returning Officer if:
 - 12.1.1. In the case of a Student Governor election, the Candidate fails to attend the Candidate Information Session or fails to make alternative arrangements to meet with the Chief Returning Officer prior to the start of the Campaign Period.
- 12.2. A Candidate may be disqualified by the Chief Returning Officer if:
 - 12.2.1. If a Candidate violates this by-law, an applicable Durham College policy or a decision of the Chief Returning Officer whether or not a Candidate has received a prior written warning from the Chief Returning Officer.
- 12.3. If it is determined at the sole discretion of Chief Returning Officer there is satisfactory evidence to disqualify a Candidate, the Candidate will be issued a Notice of Disqualification, sent electronically to the email address provided on their respective Nomination Form.
- 12.4. A Candidate has two (2) Business Days from the date of the Notice of Disqualification to submit a written request to appeal the decision of the Chief Returning Officer to the Electoral Committee.
- 12.5. The date of the Notice of Disqualification is the date on which it is sent to the Candidate.
- 12.6. If a Candidate appeals the Notice of Disqualification to the Electoral Committee, the Candidate is permitted to participate in the Election until a decision of the Electoral Committee has been issued.

- 12.7. If a Candidate does not appeal the decision of the Chief Returning Officer or the decision of the Chief Returning Officer is upheld by the Electoral Committee, the Chief Returning Officer will post a Notice of Disqualification on the Durham College website and remove the Candidate's photograph and personal statement.
- 12.8. Time permitting, the disqualified Candidate's name will be removed from the ballot.
 - 12.8.1. Any votes received for a disqualified Candidate will be declared invalid. Individuals who voted for the disqualified Candidate will not have an opportunity to make an alternate choice.
 - 12.8.2. Presence of a disqualified Candidate's name on the Durham College website or ballot will not invalidate the election.

13. Complaints

- 13.1 The Chief Returning Officer has the authority to investigate and resolve a complaint by:
 - 13.1.1. Dismissing a complaint;
 - 13.1.2. Clarifying the rules for all Candidates;
 - 13.1.3. Issuing a warning to a Candidate;
 - 13.1.4. Mediating a dispute between two or more Candidates;
 - 13.1.5. Issuing a Notice of Disqualification to a Candidate.
- 13.2. All complaints must be received in writing and must indicate the details of the alleged violation of this by-law or applicable Durham College policy. All available evidence supporting the complaint must also be attached.
- 13.3. If a complaint is specific to the policies or procedures related to the Nomination, Campaigning or Voting Periods, the complaint must be received no later than one (1) Business Day following the close of the applicable period.
- 13.4. The Chief Returning Officer will respond to the complainant within two (2) Business Days of receiving the complaint in writing.

- 13.5. The complainant has two (2) Business Days from the date of the Chief Returning Officer's decision to appeal.
 - 13.5.1. The date of the Chief Returning Officer's response is the date it is sent to the complainant.
- 13.6. Notwithstanding any other provision in Section 13, any complaint that may result in a change to an election outcome will be referred to the Electoral Committee for determination.

14. Appealing a Decision of the Chief Returning Officer

- 14.1. All appeals must be received in writing and must outline why the decision of the Chief Returning Officer should be reconsidered, and include supporting evidence.
- 14.2. A request for an appeal must be filed with the Executive Assistant in the Office of the President or designate within the prescribed timeframe who will forward the appeal to the Electoral Committee within one (1) Business Day.
- 14.3. The Electoral Committee will convene a meeting within two (2) Business Days of receiving the appeal to decide the matter and will issue a decision to the complainant within two (2) Business Days of the meeting convened for that purpose.
- 14.4. The Electoral Committee has the power to:
 - 14.4.1. Dismiss the appeal; or
 - 14.4.2. Allow the appeal and make any decision the Chief Returning Officer could have made as outlined in Section 13.1.
- 14.5. The decision of the Electoral Committee on the appeal is final.

15. Appealing a Decision of the Electoral Committee

- 15.1. Only a decision of the Electoral Committee made pursuant to Section 13.6 can be appealed.
- 15.2. All appeals must be received in writing and must outline why the decision of the Electoral Committee should be reconsidered, and any include any supporting evidence.
- 15.3. Within two (2) Business Days of receiving a decision of the Electoral Committee, an appeal may be filed with the Corporate and Board Secretary who will forward it to the Board of Governors within two (2) Business Days.

- 15.4. The Board of Governors will convene a meeting within ten (10) Business Days of receiving the appeal to consider the matter, and once the Board of Governors decides on the matter, will communicate with the complainant within two (2) Business Days.
- 15.5. The Board of Governors has the power to:
 - 15.5.1. Dismiss the appeal; or
 - 15.5.2. Allow the appeal and make any decision it considers just and appropriate.
- 15.6. The decision of the Board of Governors on the appeal is final.

16. Continued Eligibility, Post-Election

- 16.1. An elected Governor must remain a member of the Constituency by which they were elected throughout their term of office.
- 16.2. A Student Governor must remain in Good Academic Standing and not receive any academic integrity or student conduct violations for the duration of their term of office.
- 16.3. 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 their graduation.

17. Mid-Term Vacancies

- 17.1. If an Administrative Staff Member, Academic Staff Member or Support Staff Member is unable to finish their term of office, the vacancy will be filled according to Section 6 of By-law No. 1.
- 17.2. If a Student Member is unable to finish their term of office, within one (1) month of the Board being notified:
 - 17.2.1. If eligible and willing, the Candidate with the second-most votes will be acclaimed as Governor.
 - 17.2.2. If the Candidate is either no longer eligible or not willing to serve as Governor, subject to 17.2.3. a new election will be held.
 - 17.2.3. If there are less than three (3) months to end of the term of office, the Student Member position will remain vacant.

18. Reporting

- 18.1. The Chief Returning Officer will provide a post-election report identifying all the Candidates, the number of votes received for each Candidate, the number of invalid votes and the total number of votes to a public meeting of the Board of Governors.

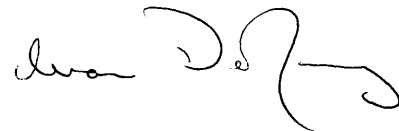
19. Retention of Records

- 19.1. All Nomination Forms will be securely destroyed no sooner than five (5) Business Days after the announcement of the election results or the resolution of appeals, whichever is later. All other records related to the election will be retained according to Durham College's Common Records Schedule.

20. Force and Effect

This by-law will come into force and take effect on the date it is passed by the Board of Governors at which time By-law No. 4 enacted February 10, 2016 is repealed.

Enacted by the Board of Governors and sealed with the Corporate Seal this 3rd day of June, 2020.



Ivan DeJong
Board Chair



Melissa Pringle
Corporate and Board Secretary