

03 – By-Law

MOTION: 2003-73

DATE APPROVED: November 27, 2003

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AMENDED: Changes Motion No. 2023-48

BY-LAW: No. 3

BE IT ENACTED as a By-law of The Board of Governors of The Lambton College of Applied Arts and Technology (hereinafter called the “Board”) for the Election of Representatives of College Constituent Groups to the Board of Governors as follows:

1.0 Policy

- 1.1 In accordance with the Regulations emanating from the Ontario Colleges of Applied Arts and Technology Act 2002, 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.

2.0 Definition

In this By-law, the following terms shall have the indicated meanings:

There are four constituent groups at Lambton:

- 2.1 “Academic staff” member means a person who is employed by the Board of Governors as a teacher, counsellor or librarian;
- 2.2 “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;
- 2.3 “Board of Governors” means the members of the Board of Governors of The Lambton College of Applied Arts and Technology;
- 2.4 “College” means The Lambton College of Applied Arts and Technology;
- 2.5 “Course” means a credit course in a program of instruction;
- 2.6 “Program of Instruction” means a group of related credit courses leading to a diploma, certificate, applied degree or other accreditation awarded by the Board ;
- 2.7 “Student” means a person who is enrolled in a course or program of instruction in a college;
 - 2.7.1 To qualify as a candidate in a student election, a candidate must be a full-time student with a Program GPA of at least 2.4 or a part-time student enrolled in at least 3 courses with a minimum Program GPA of 2.4.

- 2.8 “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 nursery staff.

3.0 Electoral Committee

- 3.1 The Board has established an Electoral Committee to ensure the observance of this policy and the implementation of the Regulation. The Electoral Committee may include non-Governor committee members.
- 3.2 The Electoral Committee is composed of the presidents of:
- Students Administrative Council
 - Support Staff Local
 - Academic Employees Local
 - Administrative Staff Association.
 - Executive Assistant to the Board of Governors
- 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.

4.0 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:
- the nomination/election process (including dates and deadlines)
 - the Regulation in summary form
 - Board of 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 section 4.2 above can be obtained.
- 4.5 Nominations must be supported by at least five (5) 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.

5.0 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.

6.0 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 by-law.
- 6.2 The Electoral Committee will determine if a secure anonymous online vote or an election with in-person paper ballots will be conducted. If an in-person paper ballot election is chosen then the Electoral Committee will ensure that a sufficient number of polling stations is identified and staffed and that ballot boxes are obtained to permit the opportunity for all members of the constituent groups to vote.
- 6.3 The vote will be either by a paper secret ballot or an anonymous secure online vote.
- 6.4 If an in-person paper ballot, each polling station will have a listing of each member of the constituent group provided by the department responsible for maintaining employee lists. The name of each voter will be removed after a ballot is distributed.
- 6.5 When the election is conducted by an anonymous secure online vote, the most current employee lists will be provided by the college department responsible for maintaining employee lists to the Information Technology Department and by the College Registrar for Student Governor elections.
- 6.6 The Electoral Committee will count the paper vote. For an anonymous secure online election the vote is tabulated by the online voting program.
- 6.7 The Electoral Committee will inform the Chair of the Board of the election results and the Board Executive Assistant on behalf of the Chair will inform the candidates and the constituency group.
- 6.8 The successful candidate for each constituent group will require a plurality of the votes cast by the appropriate group.

7.0 Procedure - Dispute Resolution

- 7.1 Any individual who has a complaint as to the application of this by-law 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 Board 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 Board, the complainant, and the affected constituent group.

8.0 Procedure - Equality of Votes

- 8.1 In the event that the election shall result in a tie vote between two or more candidates, then, upon the written request of any of the tied candidates delivered to the Chair of the Electoral Committee within 48 hours of the announcement of the election results, the votes shall be recounted under the supervision of an independent third party to be appointed by the Chair of the Electoral Committee.
- 8.2 The independent third party shall be appointed as quickly as is possible and in any event within 4 working days of the written request for a recount being given to the Chair of the Electoral Committee. Such recount shall be completed as quickly as is reasonably possible and in any event within 7 working days of the appointment of the independent third party. The results of the recount shall be set out in a written report of the independent third party which shall be delivered to the Chair of the Electoral Committee and to each candidate. The report of such independent third party shall be final and binding on all parties concerned and the candidate shown by such recount to have received the greatest number of votes shall be declared to have been elected.
- 8.3 In the event that the written report of the independent third party shall report that the votes for two or more candidates remain tied, 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 of straws shall be declared to have been elected.

9.0 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.

10.0

This by-law becomes effective on the date that it is passed and the pre-existing policy relating to the election of College constituent group representatives to the Board are repealed as of said date.

Reviewed this day of June 3, 2021

Signature on Original



Board of
Governors

Tania Lee, Chair

Signature on Original

Spencer Dickson, Secretary-Treasurer

Signature on the original