



# Brock University Graduate Students' Association

## Document 040A

### Elections and Referenda of the Graduate Students' Association Bylaw

#### Name

1. This bylaw shall be referred to as the "Elections and Referenda of the Graduate Students' Association Bylaw".

#### Interpretation and Definitions

2. The Chief Returning Officer shall be responsible for the interpretation of this Bylaw.

3. Definitions:

- a. "Board" refers to the Board of Directors of the Graduate Students' Association (GSA),
- b. "Campaign Team" is a group of individuals registered to assist with the official "YES" or "NO" side of a referendum.
- c. "Campaigning" is any intentional act, planned or organized by or on the behalf of any candidate, intended to influence any voter in favour or in opposition of a candidate.
  - i. "Active Campaigning" shall mean any campaign activity, whether planned or unplanned, that has been performed with the intention of influencing any voter by a candidate or member of a campaign team
  - ii. "Passive Campaigning" shall mean any campaign activity that has been executed by an independent third party without relation to a registered candidate,
  - iii. "Campaigning Endorsement" shall mean any intentional action implicit or explicit by a candidate, or campaign team member, which influences or motivates any voter to vote in a race other than their own
- d. "Campaign Expenses" are any expense incurred by a candidate related to the production or distribution of campaign material or promotion of candidacy,
- e. "Campaign Manager" refers to the leader of a campaign team in a Referenda,
- f. "Campaign Materials" are any items, design, symbol, or mark that is created or copied in form to influence any voter to cast a ballot in favour or opposition of a candidate,
- g. "Campaign Period" is the period during which campaign activities are permitted.
- h. "Campaign Platform" is the stated goals, intentions, or values of an individual candidate used to influence any voter to cast a ballot in favour or in opposition of a candidate,
- i. "Campaign Speech" is any speech delivered by a candidate or member of a campaign team to a lecture, seminar, club, athletic team, social media platform, or any group or organization as it pertains to the electoral process,
- j. "Campus" shall refer to all the grounds, buildings, and facilities owned by the University, or any space used to fulfil the mandate of the University, whether permanent, temporary, owned, or otherwise,
- k. "Candidate" shall mean an individual who has been nominated and registered in accordance with the provisions of this bylaw,
- l. "Committee" shall refer to the Election and Referenda Committee,
- m. "Constituency" shall mean the group of graduate student voters who are entitled, by virtue of their membership, to vote to elect a representative



## Brock University Graduate Students' Association

### Document 040A

#### Elections and Referenda of the Graduate Students' Association Bylaw

- n. "Constitution" refers to the Constitution of the Graduate Students' Association (GSA),
  - o. "Early Campaigning" shall mean campaigning that occurs any time prior to the commencement of the Campaign Period,
  - p. "Election" represents all of the races being run during the duration of the same election period,
  - q. "Extenuating Circumstance" shall mean the mitigating factors which make an act appear to be less serious, less aggravated, or without malicious intent,
  - r. "Gift in Kind" shall mean any campaign material, whether a tangible good or otherwise, provided to a candidate without cost or below market value,
  - s. "Infraction" shall mean any act that contravenes the provisions of this or any other relevant bylaw set out by the GSA,
  - t. "Member" shall refer to a member of the Graduate Students' Association (GSA),
  - u. "Natural Justice" shall mean the principle of justice comprised of the right to a decision made in the absence of bias, the right to know the case against one's self and review related evidence, and the right to a fair opportunity to rebut said case,
  - v. "Nominee" shall refer to a member of the Graduate Students' Association (GSA) who seeks candidacy in any race
  - w. "Non-academic activities" shall refer to campus or Brock student identified co-curricular activities.
  - x. "Officer" shall refer to an Officer of the Corporation of the Graduate Students' Association (GSA), Inc.
  - y. "Ombudsperson" shall refer to the Office of the Student Ombudsperson of Brock University, or representative thereof
  - z. "Race" shall mean the group of candidates seeking election to an office by vote
  - aa. "Referenda" shall refer to all referendum questions posed to the student population during the same campaign period;
  - bb. "Referendum Question" shall refer to a specific referendum question posed to the student population in which "YES" and "NO" voting options are available;
  - cc. "Sanction" shall mean a punishment imposed upon a candidate for an infraction of this bylaw
  - dd. "University" shall refer to Brock University
4. Wherever a term not mentioned above appears in this Bylaw, it is intended to have the meaning ordinarily attributed to it in the English language.
- a. All definitions included in the Constitution of the Graduate Students' Association (GSA) shall apply to this document. Where two terms have different definitions, the definition in the constitution shall apply.
  - b. Anywhere the singular form is used, it includes the plural form and anywhere the plural form is used, it includes the singular form, unless explicitly specified in a provision.

## Visions and Principles

**Enacted:** February 2019

**Last Review:** February 2019

**Next Review:** February 2023



## Brock University Graduate Students' Association

### Document 040A

#### Elections and Referenda of the Graduate Students' Association Bylaw

5. The Graduate Students' Association (GSA) electoral process is governed by the following principles:
- a. Fairness:
    - i. Where each candidate is treated equally by the Chief Returning Officer, Elections and Referenda Committee, and the interpretation of this and related bylaws;
    - ii. where every candidate should be treated in a manner consistent with both the spirit and the language of this and related bylaws;
    - iii. where conflicts of interest of those involved in the administration of the election are fully declared prior to the commencement of the campaign period
  - b. Equality:
    - i. where each candidate will have an equal opportunity to access the student body during the campaign period to communicate their campaign platform;
    - ii. where no candidate may exploit a current or recently held position to gain unequal access to any part of the student body;
    - iii. where each graduate student will have an equal opportunity to become a candidate, subject only to the qualifications necessary to be eligible to hold office;
    - iv. where no candidate's financial resources will create a bias for or against their campaign;
    - v. where every graduate student shall have the opportunity to question and engage every candidate;
    - vi. where any candidate can appeal a decision made by either the Chief Returning Officer or the Elections and Referenda Committee in a manner consistent with natural justice;
    - vii. where all members can participate in the electoral process notwithstanding any distance, barrier, or obstacle such as, but not limited to, on co-op leave, studying abroad, or on the University's Satellite Campuses.
  - c. Transparency
    - i. where every member has the right to know how the election is to be administered prior to the start of the campaign period;
    - ii. where the rules and processes of the election, and the roles and responsibilities of each position, should be clearly laid out prior to the commencement of the nominations process;
    - iii. where every graduate student has the right to know the infractions of any candidate once all appeal avenues have been exhausted.
  - d. Student Interest
    - i. Where the interest of the graduate student body shall be held in the highest possible regard
    - ii. Where it is understood that no aspect of the elections process or a candidate's activities should unduly interfere with or disrupt the academic pursuits and non-academic pursuits of the student body.



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

- iii. Where it is understood that every graduate student will be encouraged to participate and become engaged in the election process

#### **General Administration**

6. The Chief Returning Officer must administer the elections process through this bylaw and respect its visions and principles.
  - a. The Chief Returning Officer will be assisted by the Deputy Returning Officer to whom they may delegate responsibilities.
  - b. The Elections and Referenda Committee is an oversight body to the elections process and will ensure the respect of the vision and principles of this bylaw by the Election staff.

#### **Composition of the Election and Referendum Committee**

7. The Election and Referendum Committee shall be composed of:
  - a. A Chief Returning Officer
  - b. A Deputy Returning Officer
  - c. Three (3) Committee members, including at least one Board member
8. The composition of the committee shall be approved by Board before the start of the campaign period.
9. No member of the Election and Referendum Committee may run or campaign while being a member of the Committee.

#### **Schedule of Elections**

10. Executive elections shall be held annually in the month of March. The date for this election must be approved by Board. By-elections may be called as required.

#### **Candidate Eligibility**

11. To be eligible for a race or to run a Referendum campaign, candidates must meet the following qualifications:
  - a. Be at least eighteen (18) years of age on the day of election;
  - b. Be of sound mind;
  - c. Have not declared bankruptcy within the last six (6) years;
  - d. Legally entitled to be Director of a corporation in Ontario;
  - e. Registered full or part-time graduate student in good standing at Brock University;
  - f. Reside in Ontario for the entire time they hold office;
  - g. Not have a co-op term for the entire time they will hold office.
12. Candidate will comply with any and all qualifications outlined in the Ontario Not-for Profit Corporations Act, 2010, S.O. 2010, c. 15.
13. All potential candidates must attend the all candidate meetings or make prior arrangements with the Chief Returning Officer

#### **Nomination Process**

**Enacted:** February 2019

**Last Review:** February 2019

**Next Review:** February 2023



## Brock University Graduate Students' Association

### Document 040A

#### Elections and Referenda of the Graduate Students' Association Bylaw

14. The GSA must advertise the opening and closing of nomination at least five (5) weeks prior to the election date.
- Nomination must be open for a minimum of four (4) weeks and close two (2) weeks prior to the election date.
  - Nominees must submit a completed Nomination Package prior to the closure of the nomination period.
  - Nomination package must include 5 signatures.
  - During the nomination process, potential candidates may communicate their platform only on a one-to-one verbal basis with potential nominators.
  - All candidates must attend the All-Candidates Meeting which will take place immediately after the closing of the Nomination Period. If the candidate cannot attend the meeting, arrangements must be made with the Chief Returning Officer prior to the meeting.
  - Each candidate may only submit one nomination package.
  - All candidates must sign a statement that they meet the qualifications and a waiver allowing the Chief Returning Officer to access the information necessary to verify this statement.
  - An uncontested Executive position at the close of the nomination period will be acclaimed by an affirmation vote. A simple majority will be required to affirm the candidate.

#### Referenda Initiation

15. Referenda are questions that required the approval of the Membership. All referenda shall be held on matters of Brock University property
- GSA Board may initiate the Referendum process by a majority vote at any regularly scheduled Board meeting which has reached quorum. A General Meeting which has reached quorum may direct the Board to initiate the Referendum Process.
  - In GSA-initiated referenda, the Board shall task the GSA Governance, Elections and Nominating Committee to draft the Referendum Question and associated Terms of Reference or Memorandum of Understanding to be forwarded to Board for debate, amendments, and approval.
  - Two-thirds (2/3<sup>rds</sup>) majority of the Board is required to approve any referendum that seeks to amend the Constitution.
  - The Board shall pass a motion by three-quarters (3/4) majority vote to allow the Graduate Students' Association to run either a "YES" or "NO" Campaign Team which could be chaired by a GSA Executive.
  - Referendum will take place no later than two (2) months after the approval of the Referendum Question by the Board. Campaigning shall begin at least two (2) weeks after the approval of the Referendum Question by the Board. Referenda may occur during any GSA approved election/campaign period.
  - GSA Members interested in leading a campaign team for one of the sides must apply before the end of the team formation period.
  - A referendum may be held during an election so long as the timelines are respected.





## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

#### **Conflict of Interest**

16. The Chief Returning Officer, the Deputy Returning Officer, and all members of the Election Committee must disclose any potential conflict of interest at the end of the nomination period. Board must approve any potential conflict and has the right to remove an Election Committee Member if a conflict is deemed serious enough.
17. GSA Executives and Board members are not allowed to campaign during their duties or while acting as a representative of the GSA, and are forbidden to use GSA resources (emails, spaces, promotional material, etc.) for campaigning.
18. GSA Executives are not permitted to endorse a candidate.

#### **Campaign Financing**

19. Campaign expenses are limited to \$50 per candidate for the purchase, production, or procurement of any campaign materials. A limit of \$75 shall be placed on the campaign expenses of both sides of a referendum, individually. Expenses include gifts in-kind and campaign material carried over from previous elections.
  - a. Candidates and campaign teams must submit to the Chief Returning Officer a complete itemized list of all their campaign expenses accompanied by receipts by 12:00 p.m. (noon) on the final day of polling.
  - b. Candidates and campaign teams will be reimbursed for one-hundred percent (100%) of their expenses, subject to any limits, fines, or sanctions imposed. Any campaign expense incurred by a candidate that is not accompanied by a receipt shall not be reimbursed.
  - c. Emergency Loan for purchasing campaign materials will be available at the discretion of the GSA Office Coordinator and the Chief Returning Officer.
  - d. Candidate overspending will be fined \$5.00 for every whole dollar overspent. This amount will be deducted from their reimbursement. Candidate overspending by more than 50% will be assigned a class "A" infraction

#### **Campaigning Rules**

20. No person may run in an election that would give them more than one voting position on the GSA Board.
21. During any referendum, only one (1) "YES" campaign team and one (1) "NO" campaign team will be allowed.
22. Candidates and campaign teams are responsible for familiarizing themselves with all material relevant to the electoral process, including, but not limited to, relevant bylaws, the Constitution, GSA political and administrative policies and any other material distributed by the Chief Returning Officer.
  - a. Executive candidate cannot promise to donate any portion of their compensation.
  - b. The candidates and campaign managers are responsible for their campaign and their campaign team members abiding by the rules of the election. The Chief Returning Officer will ensure that passive campaigners abide by the rules set out in this bylaw.
  - c. Candidate information will be available on the Election page of the GSA website

**Enacted:** February 2019

**Last Review:** February 2019

**Next Review:** February 2023



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

- d. To deliver campaign speeches to groups of students, organizations, or classrooms, Candidates must have received written permission and forwarded it to the Chief Returning Officer.
  - i. Candidates may not seek permission to speak from themselves.
- e. All campaign materials must be approved by the Chief Returning Officer prior to their use.
- f. All campaign posters shall adhere to the following conditions:
  - i. Candidates may only display the maximum number of posters stipulated by the Chief Returning Officer.
  - ii. Campaign posters shall be no larger than eleven (11) inches by seventeen (17) inches.
  - iii. Campaign posters shall be affixed with painter's tape only.
  - iv. Campaign posters shall not be placed on or affixed to any surface that the University deems inappropriate.
  - v. All physical Campaign materials must stay on Campus
  - vi. All campaign posters must be approved and stamped with a seal of the Chief Returning Officer.
  - vii. Each candidate, or designate, must remove their campaign materials from their locations by 4:00 P.M. on the day following the close of polling.
- g. No candidate may seek, accept, appear to be, or otherwise allow endorsement of their campaign by a third party
- h. Social media and websites may be used as an aspect of a candidate's campaign and shall adhere to the following conditions:
  - i. Each candidate or campaign manager must inform the Chief Returning Officer of all social media or electronic components of their campaign and grant access to view such accounts prior to the start of the campaign period.
    - 1. All social media accounts and websites can only be made public or active once campaign period has started.
    - 2. During the campaign period, candidates may post freely and openly from their social media accounts without necessitating permission from the Chief Returning Officer, so long as they adhere to the provisions of this Bylaw. Any material that could be considered Campaign Material, outside of simple text must be approved by the Chief Returning Officer like physical posters would.
    - 3. Personal social media accounts used for campaigning must be followed by the Chief Returning Officer.
  - ii. Prior to the start of campaigning, Candidates may announce their candidacy through a generic post approved by the Chief Returning Officer.
  - iii. A candidate who wishes to post outside of their personal or campaign page must obtain permission from the Chief Returning Officer prior to posting. The following will be required:



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

1. Written permission from the administrator of the group, thread, or forum;
2. In the event an administrator cannot be contacted, the Chief Returning Officer will grant permission only if the group is not academic based or focused on an area which is also prohibited in this bylaw;
3. In a group where the candidate is the administrator, they will seek permission from the Chief Returning Officer to post in the group. This does not include any groups directly related to the candidates' campaign.
- iv. Regardless if the GSA has been tasked to run the YES or NO side of a referendum, they are not permitted to advertise either side on their social media channels. All GSA posts regarding elections must remain impartial.

### **Voting**

23. Voting will be conducted by means of an online vote accessible only by those students eligible to cast a vote.
- a. If online voting is not available, the Election and Referendum Committee shall ensure that an alternative voting system is made available.
  - b. Students must be a Member of the GSA to be eligible to vote.
  - c. The Office of the Registrar of Brock University shall provide the list of eligible GSA Members to be based on the enrollment status.
  - d. Students may only vote once in any given race.
  - e. Online voting shall commence no earlier 12:00 a.m. of the first day of polling and close no later than 4:00 p.m. of the final day of polling.

### **Online Ballots**

24. The position being contested along with the number of available positions in a race shall be clearly indicated on the ballot.
- a. Names of candidates on a ballot shall appear as presented in their Nomination Package submitted to the Chief Returning Officer, unless a candidate has indicated they wish to use an alternate name, as approved by the Chief Returning Officer.
  - b. The name of candidates on a ballot shall indicate their surname first, given name second.
  - c. The order in which candidates appear on a ballot shall be randomized.
  - d. Referenda ballots must clearly indicate the title of the Referendum, the Referendum Question, and shall provide a link to or include in its entirety the associated Terms of Reference or Memorandum of Understanding.
  - e. Referenda ballots shall include "YES", "NO", and "Abstain" options for voting.
    - i. Affirmation vote for uncontested Executive position shall be conducted as a Referenda, including "YES", "NO", and "Abstain" options for voting.
  - f. Referenda ballots shall include the affirmative position of the referendum as the first voting option.





## **Brock University Graduate Students' Association**

### **Document 040A**

Elections and Referenda of the Graduate Students' Association Bylaw

#### **Tied Ballots**

25. In case of a tie, tie-breaking race shall be held within one (1) week after the announcement of the tie.

- a. The Chief Returning Officer, with the approval of a simple majority of the GSA Executives, shall choose and announce the date of the tie-breaking election.
- b. Only those candidates who have tied may participate in a tie-breaking election.
- c. Candidates and campaign teams can campaign up to, and including, the day of the tie-breaking vote.
  - i. Candidates and campaign teams shall be given a budget of half of their expense limit for the original race, to be filed as a separate itemized budget. Candidates are allowed to reuse any material kept from the election in which they tied.
- d. There shall be no quorum requirement for a tie-breaking election.
- e. No change to the eligible voters list will be made

#### **Quorum**

26. Quorum for:

- a. Executive elections and for referenda shall be 10% of the electorate.
- b. Quorum for an uncontested affirmation vote shall be 5%.

27. An election where quorum is required and not met after the closure of polling shall be considered invalid and no action shall be taken upon that election.

- a. The results of an election that does not meet quorum shall not be released to any person.
- b. The total ballots cast in the race that has not met quorum shall be made public through a posting on the Graduate Students' Association (GSA) website.
- c. It is the responsibility of the Chief Returning Officer with the approval of Board to reschedule any election that has not reached quorum.

#### **General Prohibitions**

28. Without limitation, during an election period, no candidate or campaign team may;

- a. Interfere with or disrupt the normal operations of the university including, but not limited to, any business or departments which normally operate on the university campus;
- b. Disrupt any academic setting on campus or the academic pursuits of the student body;
- c. Actively campaign in the Students' Alumni Centre, off campus, any residence, faculty or staff lounges, graduate student lounges or offices, computer labs, the James A. Gibson Library, in areas where commercial operations are underway, or by using Brock University's interoffice mail system; the University may revoke access to campaign spaces at any time.
- d. Remove, reposition, cover, overlap or deface another candidate or campaign teams material;
- e. Use campaign material that has not been approved by the Chief Returning Officer;



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

- f. Campaign on campus outside of the hours predetermined by the Chief Returning Officer;
- g. Campaign on campus during a non-business day;
- h. Campaign prior to the commencement of the campaign period;
- i. Offer a student a means by which to vote electronically;
- j. Combine, coalesce, or share any campaign material with a candidate in a race other than their own held during the same election period;
- k. Campaign in conjunction with a candidate in a race other than their own held during the same election period;
- l. Exceed the spending limit for campaign expenses determined prior to the campaign period;
- m. Advertise the distribution of alcohol in any campaign material, allow for the consumption of alcohol at campaign-related events, or use alcohol to influence a vote or a referendum in one way or another;
- n. Endorse a candidate in a race other than their own; or
- o. Fail to abide any provision specified in this bylaw.

#### **Enforcement Procedures**

29. The Chief Returning Officer must ensure compliance with the rules and regulations stipulated by this or any other applicable bylaw. The Elections Committee is empowered to sanction, penalize, and disqualify candidates for contraventions of this bylaw in accordance with the Visions and Principles contained within this bylaw.

30. Infractions of this bylaw shall be classified as;

- a. "Class A" infractions shall be considered a contravention of the provisions of this bylaw that are deemed seriously detrimental to either the elections process or the public perception thereof. Class A infractions include any action performed by a candidate or a referendum campaign team, that confers upon them an unfair or irreparable advantage over their competitors.
- b. "Class B" infractions shall be considered a contravention of the provisions of this bylaw that are not deemed seriously detrimental to the election process.

31. Infractions will be investigated and enforced following the following procedures:

- a. The Chief Returning Officer will communicate notice of alleged infraction within twelve (12) hours of commencing the investigation. The notice will include the statute that has been allegedly contravened, a description of the event or action at fault, and a description of the investigation procedures and timelines. The notice will be delivered by electronic mail.
- b. The investigation will include a meeting of the Election and Referenda Committee with the accused along with other people as required by the Committee to determine whether there has been contravention of this bylaw or not. After the investigation, the Committee will determine if a contravention of election procedures has taken place and if so what class the infraction was.
  - i. Class A infraction will result in immediate disqualification from the race.
  - ii. Class B infraction will result in sanction equal to the severity of the infraction. The sanction shall have a rational connection to the effect of the infraction committed and shall serve to rectify any favour, position or



## Brock University Graduate Students' Association

### Document 040A

#### Elections and Referenda of the Graduate Students' Association Bylaw

advantage gained by a candidate. The Chief Returning Officer may choose to impose a monetary sanction that cannot exceed 25% of the candidate's total reimbursement for their campaign expenses. The sanction shall be effective immediately.

- iii. Three Class B infractions will result in immediate disqualification from the race.
  - c. Candidate can appeal any infraction or sanction/disqualification made by Committee by giving notice in writing to both the GSA Office Coordinator and the Chief Returning Officer with in 24 hours of the Committee's decision being made public.
  - d. If an appeal is not made within the allotted time, the decision of the Committee is final and binding.
32. Infraction Hearing in which a Candidate or representative wishes to participate shall proceed as follows:
- a. Opening Statements by Chief Returning Officer as to the nature of the meeting
  - b. Report of the Chief Returning Officer
  - c. Rebuttal of Report by the Candidate or campaign manager
  - d. Questions of Committee Members
  - e. Closing Statements
  - f. All non-committee members are excused, and the Committee deliberates and drafts a notice of finding.
33. Disqualification Hearing shall proceed as follows:
- a. Call to Order by Chair of the Disqualification Panel
  - b. Case for Disqualification presented by the Chief Returning Officer
  - c. Rebuttal of case for Disqualification presented by the Candidate or campaign manager
  - d. Case against Disqualification presented by the Candidate or campaign manager
  - e. Rebuttal of case again Disqualification presented by the Chief Returning Officer
  - f. Closing statements presented by the Chief Returning Officer
  - g. Closing statements presented by the Candidate or campaign manager
  - h. Questions from members of the Disqualification Panel
  - i. Panel Deliberation
  - j. Adjournment
34. Disqualification Hearing shall be held in accordance with the following provisions:
- a. The purpose of a Disqualification Hearing will be to determine:
    - i. Whether the alleged activities did in fact occur;
    - ii. Whether the activity indeed constitutes a contravention of the bylaw and, thus, is an infraction;
    - iii. Whether the candidate or campaign manager was responsible for the activity; and
    - iv. Whether the infraction:
      1. Is seriously detrimental to the election process;
      2. Is seriously detrimental to the public perception of the election process; or



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

3. Has gained a candidate or campaign manager an unfair and irreparable advantage over their competitors.
- b. Should the hearing fail to establish at least one of the criteria specified above, the disqualification shall be considered invalid.
- c. The Disqualification Panel will be chaired by the Chair of the GSA Board (non-voting member) and be composed of (5) voting members:
  - i. One (1) member of the GSA Executive committee,
  - ii. Four (4) non-Executive members of the Board
- d. Members of the Disqualification Panel cannot have been candidate in any election or part of a campaign team.
- e. If the Chair of the Board was running in the election, another Executive will be designated as Chair of the Disqualification Panel.
- f. The Chief Returning Officer shall prosecute the infraction. The burden of proof shall be on the Chief Returning Officer.
- g. The Chief Returning Officer shall contact the members of the Disqualification Panel within twelve (12) hours of receiving the request from a candidate or campaign manager to schedule the date, time, and location of the hearing, being within two (2) business days after the request for the hearing is made by the candidate or campaign manager.
- h. The Panel shall meet at their own convenience to discuss and review the hearing procedures in addition to relevant legislation.
- i. The Chief Returning Officer shall provide disclosure to the candidate twenty-four (24) hours prior to the commencement of the Disqualification hearing.
- j. The Chair of the Disqualification Panel shall make the decision of the Panel public immediately after a decision has been made.
- k. Should the Panel choose to validate the disqualification of a candidate or campaign manager/referendum, that candidate shall be permanently disqualified and removed from their corresponding ballot. Should the Panel choose to invalidate the disqualification of a candidate, the Panel can decide to assign a Class B infraction to the candidate which could be appealed following the provisions included in this bylaw.

### **Appeals Process**

35. Should a candidate or campaign manager wish to appeal any administrative, procedural, or interpretative decisions made by the Chief Returning Officer, they may do so in writing to the Elections and Referenda Committee and may make representation to the Committee.
  - a. Class A and Class B infractions must be appealed following the provisions of this bylaw.
  - b. Decisions of the Disqualification Panel shall only be overturned if there is a demonstrable lack of due process or the hearing was not held in accordance with the provisions of this bylaw.
  - c. Upon receiving an appeal, the Board shall decide within seventy-two (72) hours of receiving the appeal.



## **Brock University Graduate Students' Association**

### **Document 040A**

#### **Elections and Referenda of the Graduate Students' Association Bylaw**

### **Student Ombudsperson and Conflict Resolution**

36. If, during the duration of an election period, a nominee, candidate, or member of a campaign team feels that the Visions and Principles contained within this bylaw have been contravened, they shall have the right to seek assistance, support, or advice from or issue a complaint to the Office of the Student Ombudsperson of Brock University without fear of reprisal.

- a. In the event a candidate may wish to seek advice from the Ombudsperson, they may do so according to the policies and procedures of the Office of the Student Ombudsperson of Brock University.
- b. In the event a candidate or campaign manager may wish to submit a formal complaint or grievance, they must do so in writing to the Ombudsperson and include the following:
  - i. Their name, contact information, and position for which they are a candidate
  - ii. Their explanation of the alleged contravention of this bylaw by the Chief Returning Officer, or Deputy Returning Officer
  - iii. An indication of the Visions and Principles of this bylaw alleged to have been contravened
  - iv. Upon receipt of a formal complaint or grievance, the Ombudsperson may choose to refer the complaint to the Chair of the GSA Board, if the Chair was not running in the election.
  - v. Should a nominee, candidate, or member of a campaign team contact the Ombudsperson for assistance during the duration of an election, the Chief Returning Officer, or Deputy Returning Officer, shall be compelled to participate in any meeting, discussion, or Alternative Dispute Resolution mechanism recommended by the Ombudsperson to affect a settlement of dispute.
  - vi. The provisions of this section shall not be construed to impose upon the Chief Returning Officer an obligation to uphold any decision or recommendation made by the Ombudsperson that would otherwise be made by the Chief Returning Officer.

### **Severability**

37. The provisions and part-provisions of this bylaw are hereby declared to be severable such that if any provision or part-provision or application thereof to any person or circumstance is declared invalid for any reason, such a declaration shall not affect the validity of the remaining provisions and part-provisions.