

# Elections, Appointments, and Referenda

## 1. Purpose

This policy outlines the procedures for conducting elections, appointments, and referenda for the Mohawk Students' Association (MSA), ensuring that all regulations and procedures are fair, transparent and accountable, in accordance with MSA Bylaws, safeguarding the integrity of student representation.

## 2. Scope

This policy applies to all elected and appointed positions within the MSA, including:

- **Ex-Officio**
  - Chair (non-voting) – 1 position
  - President (voting) – 1 position
- **Officers (voting)**
  - Secretary – 1 position
  - Treasurer – 1 position
  - Director of College Affairs – 1 position
  - Director of External Affairs – 1 position
- **Directors (voting)**
  - Director at Large – 4 positions

This policy also governs the conduct of referenda on key issues affecting the student body, in accordance with the MSA Bylaws and other relevant legislation.

## 3. Chief Returning Officer (CRO)

### 3.1 Appointment of the CRO

- The CRO appointment will be brought forward on the recommendation of the Governance & Advocacy Specialist, who will be the Returning Officer (RO) for all elections and referenda of the Association as per their role requirements
- The CRO shall be appointed by the Board of Directors no later than one (1) month prior to the election period
- The CRO must be impartial, and cannot be a current candidate, current Board Member, or any individual with vested interests in the election outcomes
  - Should the CRO be an Ordinary Member of the Association, they will not be allowed to vote because the CRO has a duty to uphold the principles of neutrality and non-partisanship
- The CRO will serve for the duration of the election cycle; prior to nomination period through to the completion of the post-election review

## **3.2 Responsibilities of the CRO**

- The CRO has full authority over the management and conduct of the elections and referenda of the Association
- The CRO is responsible for the following:
  - Providing training and education to candidates regarding the expected conduct during the election process
  - Ensuring candidate compliance with the campaign rules outlined in Section 5.3 and the *Candidate Information and Enforcements Handbook*
  - Verifying the eligibility of candidates in collaboration with the Returning Officer(s) and/or Nominations Committee
  - Ensuring the voting process is fair and transparent
  - Addressing complaints and disputes in a timely manner as outlined in Section 13
  - Issuing enforcements and sanctions in a timely manner as outlined in Section 13
  - Protecting the integrity of election results by confirming votes and declaring winners

## **3.3 Authority of the CRO**

- The CRO has the authority to:
  - Disqualify candidates for serious violations of this policy and rules outlined in the *Candidate Information and Enforcements Handbook*
  - Impose penalties, including verbal and written warnings, or disqualification as necessary, even if no complaints were filed
  - Cancel or rerun elections in cases of significant electoral misconduct or irregularities
  - Delegate to the RO(s) to assist in administering components of the electoral process as needed

## **3.4 CRO Accountability**

- The CRO will submit a final report on the election process to the Board of Directors within two weeks following the conclusion of the election
  - The Board of Directors may provide oversight but cannot overturn the CRO's decisions, unless evidence of gross misconduct or error is present

## **4.0 Returning Officers (ROs)**

### **4.1 Ratification of the ROs**

- The Board of Directors will ratify the Governance & Advocacy Specialist, and any other individual brought forward to hold the position of RO, for the duration of the elections
- ROs must remain impartial and cannot be comprised of current Board Members or candidates
- The number of ROs will depend on the scale of the elections but must be sufficient to monitor campaign activities and voting procedures

## 4.2 Responsibilities of the ROs

- ROs will be responsible for the following:
  - Setting timelines for nominations, campaigns, and voting periods in accordance with this policy
  - Coordination of internal and external components related to the implementation and duration of the elections, including but not limited to, securing third-party voting software, review processes, and other requirements throughout this policy and in the *Candidate Information and Enforcements Handbook*
  - Monitoring and supporting candidates through nomination, vetting, campaigning and voting period
  - Setting up, managing, and overseeing online and in-person voting stations
  - Handling and documenting election-related complaints from candidates, students, or other stakeholders
  - Identify and triage technology issues relating to the third-party voting software or wireless communication within Mohawk College
  - Provide guidance and support to CRO as needed, including policy interpretation and training
  - Any other duties as assigned or delegated

## 4.3 Authority of ROs

- ROs report to the CRO and have the authority to:
  - Issue warnings to candidates or campaign teams for minor violations
  - Recommend sanctions to the CRO for more serious violations
  - Temporarily halt voting or campaigns in their assigned areas if they observe or identify misconduct or rule violations

## 4.4 Accountability of ROs

- ROs will submit regular reports and/or updates to the CRO throughout the election period
- The CRO will make all final decisions regarding the election and any complaints, with input from ROs

# 5. Main Election

## 5.1 Election Timeline

- **Notice of Election:** A formal notice of the election will be distributed to all student's minimum of eight weeks prior to the voting date. All main elections must conclude prior to the end of March of each year.
- **Nomination Period:** The nomination period will last for two weeks, beginning after the notice of election.
  - Should a position have no nominations, a one-week extension period will commence during the vetting period.

- Should the position remain vacant during the extension period, the position will remain vacant during elections and will be posted for appointment post-elections.
- **Vetting Period:** The vetting period will last for two weeks, beginning after the nomination period by the Nominations Committee.
- **Campaign Period:** The approved and/or endorsed candidates will have two weeks to campaign following the finalization of the nomination process.
- **Voting Period:** Voting will be held over three days. Ballots will open at 12:01am and close at 4:00pm on the final day of voting.

## 5.2 Voting Procedure

- Elections will be conducted using secure, third-party electronic voting software
- Voter eligibility will be verified through the student identification system to ensure only current Ordinary Members vote
- The candidate with the most votes for their respective position will be declared the winner
  - **Vote of Confidence:** Should a candidate be running uncontested; they must receive a simple majority (50% + 1) of the votes cast to win their respective position of the votes cast from the Ordinary Membership
- In the event of a tie, a run-off election will be held between the tied candidates only within five business days of the original election results

## 5.3 Campaign Rules

Candidates and any individual deemed to be acting on behalf of a candidate will follow all rules and procedures outlined in the election handbook, including:

- **Campaign Materials:** All campaign materials must be approved, in advance, by the ROs.
- **Endorsements:** Official MSA endorsements will not be permitted by any current Board Members, MSA or Mohawk College staff, nor can any MSA or Mohawk College resources be used to support or endorse any candidate
  - While the Board of Directors will endorse any internal candidates running for the position of President, Board members must remain neutral for the duration of the election.
- **Public Conduct:** Candidates and any individuals deemed to be acting on behalf of a candidate must conduct their campaigns with fairness, integrity, and respect, promoting a positive and inclusive environment. Individuals must not harass, bully, discriminate, or defame other Candidates or engage in bribery or voter manipulation. These are major offences, and any breach of these conduct standards may result in penalties, sanctions, or disqualification at the discretion of the CRO. All

major offences are subject to Mohawk College Student Behaviour Policy and/or potential legal action.

#### 5.4 Penalties for Misconduct

- **Warnings:** Minor violations will result in official verbal warnings from the RO and/or written warnings from the CRO
- **Disqualification:** Serious or repeated violations, including but not limited to, bribery, harassment, or behaviour that violates the fairness, integrity, or transparency of the electoral process, may result in immediate disqualification by the CRO

### 6. Election of President

The President is considered an Ex-Officio position and is responsible for leadership, strategic direction, and operational oversight of the MSA, including but not limited to being the official spokesperson of the MSA and senior Board Member.

#### 6.1 Eligibility

- Notwithstanding the eligibility requirements of Board Members as outlined in MSA Bylaws, the President is required to have been an Ordinary Member of the MSA and shall meet other qualifications:
  - Be a current Board Member in good standing, or;
  - Have been a Board Member who served within the last 18 months prior to the election having completed their term in good standing
  - Not holding a position on the Mohawk College Board of Governors
  - Be endorsed by the current Board of Directors to run for the position of President
  - Be endorsed by the Nominations Committee to run for the position of President
    - Should no candidate(s) come forward from the current or past Board who meet eligibility criteria and endorsements, the position will be open to the Ordinary Members at Large
    - Should no candidate(s) come forward from the Ordinary Members at Large, an extended nomination period will commence
    - Should no candidate(s) come from the extended nomination period, an external role posting will be posted until the position is filled

### 7. Election of Officers

Officers are responsible for leadership, strategic direction, and systematic monitoring of all aspects of operations of the MSA including but not limited to, their respective portfolios within the scope of their roles. This section outlines the election procedures for the following positions: *Secretary, Treasurer, Director of College Affairs, and Director of External Affairs*

## **7.1 Eligibility**

- All Officers will meet eligibility criteria as outlined in MSA Bylaws
  - Notwithstanding eligibility requirements, all Officers must not have CO-OP throughout the duration of their term of office
  - No Officer shall hold the position of Student Representative on the Mohawk College Board of Governors

## **8. Election of Directors**

Directors, namely Directors at Large, are elected by the Ordinary Members to represent a broad array of student interests. Directors at Large provide leadership, strategic direction, and systematic monitoring of all aspects of operations of the MSA.

### **8.1 Eligibility**

- All Directors will meet eligibility criteria as outlined in MSA Bylaws
  - No Director shall hold the position of Student Representative on the Mohawk College Board of Governors

### **8.2 Director Voting Procedure**

- Directors will be elected using a proportional voting system. Seats will be allocated based on the proportion of votes each candidate receives.
- Ordinary Members will vote for multiple candidates, with the total number of open positions determined by the Board each election cycle

## **9. Nomination Process**

The Nominations Committee is critical to ensuring the integrity and transparency of the election process. No candidate may run for office without first going through this process. All candidates must submit a letter of intent, resume, and completed nomination package to the designated elections email during the nomination period. Any submissions submitted outside of the nomination period, excluding extension period, will not be considered.

### **9.1 Nominations Committee Composition**

The Nominations Committee will include at least the following members:

- Chair of the Board (non-voting, facilitator)
  - If Chair is not available or ineligible, a Board Member who is not running for elections will serve as Chair of the Nominations Committee
- One (1) Director or Officer, chosen by the Board, who is not running or re-running in elections
- One (1) Ordinary Member (student representative at large), who is not running in elections
- One (1) MSA Executive Staff member

## 9.2 Responsibilities

The Nominations Committee will:

- Review nomination packages and conduct interviews with candidates to assess their qualifications for the role
- Ensure candidates meet all requirements as outlined in this policy
- Notify each candidate with respect to the status of their candidacy
  - No candidate may run for multiple positions; one (1) position only
- Confirming which candidates will appear on the ballot

## 10. Vacancies

This section outlines procedures for filling vacancies that occur mid-term.

### 10.1 Mid-Term Vacancies

- If a vacancy occurs during an Officer and/or Directors term of office before December 1, the Board must fill the position through a hiring process
  - If the vacancy is an Officer, another Officer or President may temporarily assume the duties and responsibilities of the vacant position during the hiring process
- If a vacancy occurs during an Officer and/or Directors term of office after December 1, the Board may decide not to fill the vacancy. The Board may appoint an existing member of the Board to fulfil the duties and responsibilities of the vacant position for the remainder of the term of office

### 10.12 President Vacancy

- Should the position of President become vacant mid-term, their duties will be assumed by another Officer of the Board if the vacancy is temporary
  - How an Officer fulfills the role will be determined by the Board through a proposal process and will be determined by majority vote
  - Officers assuming the role of Interim President must continue to meet all eligibility criteria
- Should the position of President become vacant mid-term and the vacancy is permanent, their duties may be assumed by another Officer of the Board
  - If no current Officer comes forward or is able to fulfill the role of President, the position will be posted for Ordinary Members and external candidates to apply, subject to eligibility criteria, for an interview and subsequent appointment
  - The formation of an internal Hiring Committee for the role of President will be established and will be comprised of the following:
    - Chair
    - Director of College Affairs
    - Director of External Affairs
    - One (1) Director at Large

- Director of Student Experience
- Senior Manager People & Culture
- Governance & Advocacy Specialist

## **10.2 Hiring Process for Vacancies of Other Board Members**

- A Hiring Committee will be formed consisting of:
  - Chair
  - President
  - Two (2) Board Members
  - Governance & Advocacy Specialist (non-voting)
  - Senior Manager People & Culture (non-voting)
- The committee will solicit applications and conduct interviews within four weeks of the vacancy
- Final endorsements for the candidate(s) will be granted by a majority vote of the Hiring Committee
- Endorsements will be provided to the Board for consideration at the next regularly or extraordinary scheduled Board Meeting

## **10.3 Appointment Procedure**

- Upon selection of a candidate, they will be appointed to the vacant position for the remainder of the term by majority vote of the Board
- All vacancies must be filled within sixty (60) days unless otherwise determined by Resolution the Board

## **11. Appointment of Chair**

The Chair of the Board is a crucial position, responsible for facilitating meetings and ensuring Board compliance with MSA Bylaws and Policies of the Board.

### **11.1 Eligibility**

- The Chair must meet eligibility criteria as outlined in MSA Bylaws however, may or may not be required to meet all criteria should the role of Chair be an external applicant

### **11.2 Appointment Process**

- A Hiring Committee will be formed, consisting of:
  - President
  - Two (2) Board Members
  - Governance & Advocacy Specialist (non-voting)



- Senior Manager People & Culture (non-voting)
- The position of Chair will be posted for Ordinary Members and external individuals to apply
  - All selected individuals will be interviewed and successful candidates will be put forward to the Board for appointment consideration
- The Board will appoint the Chair by majority vote following the main election
- The Chair will serve a one-year term but may be reappointed

## 12. Referenda

Referenda provide a mechanism for the Ordinary Members to make decisions on significant issues.

### 12.1 Calling a Referendum

- A referendum may be initiated by either a two-thirds majority vote of the Board or by a petition signed by at least 15% of the Ordinary Members
- All referenda, unless under special circumstances, will be run in conjunction with the main election no later than March of each year

### 12.2 Voting Procedure

- The referendum will be conducted by secure, third-party electronic voting software
- Clear and concise information regarding the referendum will be provided to all students no less than two weeks before voting
- All referenda will be decided by a Yes or No vote by the Ordinary Members
- A simple majority (50% + 1) of votes cast is required to pass a referendum, except where otherwise stipulated by MSA Bylaws

### 12.3 Referenda Campaigns

- All campaigns associated with any referendums of the MSA will not be aligned with an in favour or against motion; the MSA is neutral
- Students who wish to create referenda campaign groups that establish a stance of in favour or against the proposed referenda must establish during the Nomination Period and gain approval by the CRO prior to the close of the Nomination Period
- All referenda campaigns and campaigners are subject to the *Candidate Information and Enforcements Handbook*

## 13. Enforcements and Appeals

The CRO and the Elections Appeals Committee is responsible for enforcing and upholding this policy.

### **13.1 Dispute Resolution**

- All complaints regarding election violations or disputes must be submitted in writing (electronic) to the CRO within 24-hours of the alleged incident using the MSA Elections Complaint Form
  - Should a complaint be submitted outside of the 24-hour critical window, individuals can provide reason for a late submission which CRO will consider
- The CRO will investigate complaints within two business days and issue a decision

### **13.2 Appeal Process**

- The Elections Appeals Committee will be comprised of the following:
  - One (1) Board Member not running or re-running in the elections
  - Three (3) Ordinary Members (student representatives at large) not running or re-running in the elections
  - One (1) MSA Executive Staff member
  - Mohawk College staff representative

## **14. Amendments**

Amendments to this policy require a two-thirds majority vote of the Board.