

## BY-LAW NO. 2

A By-Law relating generally to the election of  
Elected Governors of the Board of Governors of  
THE ST. LAWRENCE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

BE IT ENACTED as a By-Law of the College as follows:

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### PREAMBLE

This By-Law establishes a process for the election of Elected Governors to the Board of Governors (the “Board”) in compliance with Ontario Regulation 34/03 (the “Regulation”) of the Lieutenant Governor in Council under the Ontario Colleges of Applied Arts and Technology Act, 2002 (the “Act”), the Minister’s Binding Policy Directive: Protocol for Board Nominations and Appointments and By-Law No. 1 of the College.

### 1. Definitions and Interpretations

In addition to the words defined elsewhere in this By-Law, the Definitions and Interpretations outlined in the St. Lawrence College Board of Governors By-Law No. 1, Section 1.1 (Definitions) shall carry the same meaning within this St. Lawrence College Board of Governors By-Law No. 2.

This By-Law shall be, unless the context otherwise requires, construed and interpreted in accordance with the following:

- a) save as aforesaid, words and expressions defined in the Act or the Regulation have the same meanings when used herein;
- b) words in the singular include the plural and vice-versa and words in one gender include all genders and words importing persons include individuals, corporations, partnerships, trusts and unincorporated organizations; and,
- c) the headings used in the By-Law are inserted for reference purposes only and are not to be considered or taken into account in construing the terms and provisions thereof or to be deemed in any way to clarify, modify or explain the effect of any such terms or provisions.

## **2. Elections**

Elections shall be executed in conjunction with the approved rules and regulations in accordance with the Board of Governors By-Laws No. 1 and No. 2 as well as the following internal St. Lawrence College documents:

- Governor Certificate and Consent Form (for all Governors)
- Internal Governor Nomination Form Administrative (Management) Rep
- Internal Governor Nomination Form Faculty Rep
- Internal Governor Nomination Form Student Rep
- Internal Governor Nomination Form Support Staff Rep
- Student Governor Election Package (Student Reps only)

Any vacancy that occurs shall be filled in accordance with Section 12 of this By-Law (by-elections).

## **3. Electoral Officers**

The President of the College shall appoint a Chief Electoral Officer to oversee the election process.

## **4. Voter and Candidate Eligibility**

In accordance with the internal St. Lawrence College document, Internal Governor Rotation Schedule, the campus rotation schedule and the St. Lawrence College Board of Governors Student Governor Representation Election Information Package, an eligible candidate shall be an individual who:

- a) Shall be eligible to vote and run for election by the Students as an Elected Governor if they study out of the appropriate campus (see Appendix A);
- b) Shall be eligible to vote and run for election by the relevant Staff group as an Elected Governor if they work primarily out of the appropriate campus (Schedule A); and,
- c) Candidates participating in an Elected Governor Election must complete in full and to the best of their ability, the related Internal Board Member Nomination Form.

No candidate shall be an Electoral Officer or a Polling Clerk.

No candidate shall be a member of the College Executive Team.

Students or Staff who are unsuccessful in an election are eligible to run in the next election so as long as they continue to meet the candidate eligibility criteria above.

## **5. Nominations and Campaign Periods**

Nominations shall open twenty (20) business days and close ten (10) business days prior to the scheduled start of the election. All nominations shall be submitted on the prescribed nomination forms and be sent to the Chief Electoral Officer through paper mailing or electronic means.

The campaign period shall begin with the opening of nominations and close ten hours prior to the opening of the polls.

## **6. Voter List**

A list of eligible voters shall be produced by the Human Resources or Registrar's Office departments of the College.

## **7. Polling Period**

The polls shall be open from 10:00am to 8:00pm EST on the date chosen for the election.

An advance poll shall be conducted during the preceding week from the hours of 3:00pm to 8:00pm EST on the date selected.

Voters may be required to provide proof of employment at the College, or student identification to allow entry into the online polling portal. As each voter is identified, they will be granted access to the online voting portal where they are entitled to cast one (1) vote. Once the voters have made their selection, that person's name shall be electronically stroked off of the voters' list thus prohibiting them from voting again.

Confidential electronic voting shall be conducted from each voter's personal computer. The Information Technology department will supply access to a college computer as required.

All campaign materials must be removed prior to the polling period. Materials may remain visible during the advanced polling period.

## **8. Counting of Ballots**

Votes are through automatic electronic means.

The candidate receiving the highest number of votes will be declared the winner.

If any candidate requests a recount in writing or through electronic submission, such a recount shall be held no less than three (3) business days after the official count.

In the event of a tie, the President or designate shall determine the winner by the toss of a coin in the presence of the Chief Electoral Officer and the candidates, but only after it has been determined that neither candidate wishes to withdraw in favour of the other.

### **9. Inspection of Voting System**

Each candidate may request a meeting with the Chief Electoral Officer to review the online voting system prior to the beginning of the Polling Period.

### **10. Announcing Election Results**

Following the official declaration of a winner, the Chief Electoral Officer shall ensure that the election results are shared with both the College Community and members of the Board of Governors through both email and posting to the Board of Governors page on the St. Lawrence College website.

### **11. Appeal Procedure**

Appeals to any action or decision shall be made to the Chief Electoral Officer. The decision of the Chief Electoral Officer shall be final. A written decision shall be given to any appeal within three (3) business days.

### **12. By-Election**

Where for any reason, an ongoing vacancy should occur amongst any of the Elected Governors, a by-election will be held as early as possible, consistent with the provisions of the St. Lawrence College Board of Governors By-Law 1 and this By-Law.

Elected Governors elected through a by-election will complete the terms of those whom they were elected to replace.

Wherever possible, the By-Election process will follow the Internal Board of Governors Rotation (Appendix A) however in instances where there is a lack of campus representation amongst the Elected Governors, the rotation schedule may be subject to change to ensure there is Kingston, Brockville and Cornwall representation amongst the Elected Governors.

### **13. By-Laws**


This By-Law shall be accessible to the public and available free of charge on the College's website.

A By-Law or an amendment to a By-Law passed by the Board shall have full force and effect from the time of the Board resolution or from such future time as may be specified in said Board resolution.

The previous version of By-Law No. 2 of the College is repealed upon the enactment of this By-Law. Such repeal shall not affect the validity of any act done or right or privilege, obligation or liability acquired or incurred under such By-Law prior to its repeal.


Enacted by the St. Lawrence College Board of Governors on this 10<sup>th</sup> day of September, 2019.

Original Signed by:

A rectangular box containing a handwritten signature in cursive script that reads "Ginette Ferguson".

Ginette Ferguson  
Chair, St. Lawrence College Board of Governors

AND

A rectangular box containing a handwritten signature in cursive script that reads "Glenn Vollebregt".

Glenn Vollebregt  
Ex-Officio, St. Lawrence College Board of Governors  
President and CEO, St. Lawrence College