



UWSA ELECTIONS POLICY

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SECTION 10. Interpretation

10.01 *Definitions*

In this Elections Policy, unless otherwise defined below, capitalized words have the meanings assigned to them in the By-Laws. Unless the context requires otherwise:

- “Act” means the Corporations Act (Ontario) or any similar legislation under which the UWSA may be governed in the future;
- “Affiliation” means an active working alliance between individuals or groups of individuals;
- “All Candidates Meeting” means the meeting of the candidates organized by the CRO as defined within this Policy;
- “Board” means the UWSA Board of Directors as defined in the UWSA By-Laws;
- “Board of Governors” means the Board of Governors of the University of Windsor;
- “By-Elections” means any election of Directors or Executives where the Members have voting rights that is not the General Election;
- “By-Laws” means the governing By-Laws of the UWSA;
- “Candidate” means any individual who has met the eligibility requirements of Section 50 of this Policy;
- “Campaigning” means any activity or message that serves to promote a Candidate;
- “Campaign Team” means the group of individuals offering assistance to the Candidate in accordance with Section 80.03;
- “Chair” means the Chair of the UWSA Board of Directors;
- “Committee” means a committee of the Board;
- “Constituency” means the body of voters that is eligible to cast a vote for a certain position;
- “CRO” means the Chief Returning Officer of the UWSA;
- “Days” means calendar days;

- “Director” means an elected or appointed member of the Board;
- “DRO” means a Deputy Returning Officer as appointed in accordance with this Elections Policy;
- “EC” means the Election Committee established in accordance with the By-Laws;
- “Election” means a General Election or By-election, as the context requires;
- “Elections Calendar” means a schedule of key dates for an Election that are established in accordance with this Elections Policy;
- “Election Officials” means the CRO, DRO(s), and clerks;
- “Elections Policy” means this policy, as may be amended, supplemented or replaced from time to time in accordance with the provisions of this Elections Policy and the By-laws;
- “Employee” means an individual hired by the UWSA;
- “Executive” means the President or Vice Presidents of the UWSA;
- “General Election” means the principal election held by the UWSA during the Winter Semester in which the Members elect the following term’s Directors and Executives;
- “General Manager” means the Employee hired by and reporting to the Board to manage the office and staff members of the UWSA;
- “Harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- “Member” means an individual who is admitted as a UWSA Member according to the criteria as set out in By-Law 30;
- “Nomination Period” means the period of time during the Elections Calendar set in accordance with this Policy where Members may seek nomination from the membership or the applicable constituency;
- “President” means the President of the UWSA;
- “Returning Officer” means the CRO or the DRO
- “Senate” means the University of Windsor Senate;
- “Simple majority” means a vote supported by fifty (50) percent plus one of those voting;

- “Supporting staff” means the General Manager and any other designated UWSA staff inheriting responsibilities by direction of this Policy;
- “University” means the University of Windsor, in the City of Windsor, in the Province of Ontario;
- “University of Windsor Student Code of Conduct” means the student code of conduct approved by the Senate of the University;
- “UWSA” means the University of Windsor Students’ Alliance; and
- “Vice President” means a Vice President of the UWSA.

10.02 *Interpretation*

In this Policy, unless otherwise defined:

1. Words importing the singular include the plural and vice-versa;
2. Words importing gender include all genders;
3. All capitalized terms found within this Policy but not defined have the meaning ascribed to them in the By-Laws; and
4. If a number of days’ notice is required to be given, the day of posting of the notice will not, unless it is otherwise provided, be counted in those number of days.

SECTION 20. Introduction to the Elections Policy

20.01 Purpose

1. The purpose of this Policy is to:
 - a. ensure the fair and unbiased administration of UWSA Elections in accordance with democratic values and principles;
 - b. establish the rules and procedures that govern the Elections and those involved, and the conduct within Elections; and
 - c. delegate authority for the management of UWSA Elections to the Returning Officers and oversight of UWSA Elections to the Elections Committee.

20.02 Scope

1. This Policy applies to all UWSA Elections, Election Officials and Supporting Staff, Candidates, and Campaign Teams.
2. This Policy does not apply to any Election conducted by a Student Society, unless otherwise specified.

20.03 Maintenance and Execution

1. The Governance and Policy Committee of the Board must maintain this Policy and conduct an annual review of this Policy.
2. The Election Officials, Supporting Staff, and Elections Committee must execute this Policy and uphold its spirit and principles.

20.04 Policy Amendment

1. Amendments may be proposed by the Governance and Policy Committee and must be given written notice as per the By-Laws.
2. Amendments must not be retroactive (unless otherwise required by law).

3. Any amendment to this Policy that is made less than six (6) months prior to an Election will only take effect after that Election, unless waived by a two-thirds (2/3rd) majority of the Board.
 - a. The Board may exercise its power to waive the time requirement in Section 20.04(3) only under the following conditions:
 - i. if the amendment seeks to remedy a contradiction with the By-Laws or previously raised issues as reported by the CRO and EC; and
 - ii. if it is adopted no less than thirty (30) days prior to the commencement of the Nomination Period.

20.05 *Student Code of Conduct*

1. Every Member is bound by the University of Windsor Student Code of Conduct, including with respect to all matters pertaining to Elections. In the event of an inconsistency between standards set out in the University of Windsor Student Code of Conduct and this Elections Policy, the more rigorous standard will apply.

20.06 *Force Majeure*

1. “Force majeure” is defined as extraordinary circumstances beyond the control of the UWSA, including but not limited to the following: “acts of God”, riots, strikes, campus closures and the consequences from those events.
2. In the event any such circumstance impairs the ability of the UWSA to conduct an Election in accordance with this Policy, the CRO will make a recommendation to the EC as to how, if at all, a fair and democratic election can run in the circumstances.
3. The EC has the power to accept, accept with modifications, or reject the recommendation, provided that any deviation from this Policy is justifiably in the best interests of the UWSA Members.

SECTION 30. Eligibility

30.01 *The Constituencies*

The Constituencies and number of Constituency Representative(s) are defined within the By-Laws and determined by enrolment figures as verified with the Office of the Registrar of the University.

30.02 *Candidate Eligibility*

1. Every Candidate must be a Member of the UWSA prior to the close of the Nomination Period.
2. **General Eligibility**
 - a. Every Member is eligible to run as a Candidate, except:
 - a. Any Member who has been removed as a Director or Executive within the preceding twelve (12) months;
 - b. Any Member who is disqualified from being a Director under the Act;
 - c. Any Member who is a party in litigation with the UWSA; or
 - d. Any Election Official.
3. **Executive Eligibility**

In addition to the requirements as set out in section 30.03(3), every Member is eligible to run for the office of President or Vice President, except:

 - a. Any Member who does not have the right to be employed in the province of Ontario.
4. A Candidate will be declared ineligible if they fail to:
 - a. Submit a valid nomination package by the close of the Nomination Period;
or
 - b. Attend the All-Candidates' Meeting.

5. Any Member seeking nomination for a faculty representative position may only be nominated for the faculty in which they are currently registered in a program.

30.03 *Nominations*

1. Every Member running for a contested position within a UWSA Election must:
 - a. Obtain the nomination package;
 - b. Read and acknowledge its contents; and
 - c. Return their completed nomination package to the UWSA head office in a sealed envelope within the Nomination Period.
2. Nomination packages will be made available by the CRO at the UWSA head office and on the UWSA website at the start of the Nomination Period.
3. Each nomination package contains the following:
 - a. A nomination form;
 - b. A Proof of Registration form;
 - c. A Proof of Age form;
 - d. A Candidate's Representative form;
 - e. A Campaign Team form;
 - f. An Expense Allocation form;
 - g. An Elections Calendar;
 - h. A Withdrawal of Candidacy form;
 - i. A job description of the contested position;
 - j. A link to the University of Windsor Code of Conduct;
 - k. A link to the online Elections Policy; and
 - l. Any additional resources as may be determined by the CRO.
4. The UWSA Officer or Employee receiving the nomination package must mark it with the date and time of receipt and their signature.

5. The Returning Officers must store the nomination packages and any other confidential election material in a secure location, as designated by the General Manager.

30.04 Nomination Signatures

1. A Candidate must be nominated by the following number of Members in order to be eligible for the respective positions:
 - a. President – 100;
 - b. Vice President – 75;
 - c. Senator – 50;
 - d. Board of Governors' Representative – 50; and
 - e. Director – 25.
2. A nomination is only valid if the nomination is evidenced in the Candidate's nomination package with the following information: the nominator's full name, student number, constituency/faculty name and signature.
 - a. For Directors, nominators must be from the specific constituency that the Director is seeking and eligible to represent, as set out in the By-Laws.

30.05 Eligibility Approval

1. The CRO will verify all nomination packages within forty-eight (48) hours of the close of the Nomination Period.
2. Any Member who returns the nomination package after the close of the Nomination Period will be treated as though they never submitted the nomination package and their application will be deemed invalid.
3. A nomination package will not be invalid solely as a result of an error or omission by a UWSA Officer or Employee.

4. The CRO will immediately notify any Member who has, before the deadline, submitted an invalid nomination package and provide a twenty-four (24) hour period to submit a valid nomination package.
5. Upon completion of the verification process, the CRO will determine and publish the eligible Candidates within the Election.
 - a. If a Candidate is ruled ineligible for any reason other than missing the deadline, the Candidate may appeal the CRO's ruling to the EC in a written submission. The EC will have twenty-four (24) hours from the receipt of the appeal to make a decision and inform the CRO to update the publication of eligible Candidates accordingly.

SECTION 40. Administration of Elections

40.01 *Elections Committee (EC)*

1. Authority

The Elections Committee (EC), as stated in the By-Laws, oversees the Elections of the UWSA.

2. Composition

The EC consists of:

- a. Three (3) individuals, who must be Members of the UWSA, appointed by the Board (voting);
- b. A current member of the Board of Directors, who is not seeking re-election and is not a member of a campaign team, appointed by the Board (non-voting);
- c. The CRO as an ex-officio member (non-voting); and
- d. The General Manager as chair of the EC (non-voting).

3. Responsibilities

The EC has the general responsibilities as set out in the By-Laws governing elections and committees and any specific responsibilities set out in this Elections Policy, including the responsibility and obligation to:

- a. Not be a Candidate or on a Campaign Team and to meet all other requirements of the By-Laws governing the composition of the EC.
- b. Act fair and impartial during the Election; and
- c. Declare any conflict of interest and abstain from voting on any matter in which they have a conflict of interest or the appearance of a conflict of interest. If so ruled by two-thirds (2/3rds) majority of the EC to not have done so, they must immediately resign their position.
 - i. A conflict of interest must be noted in the minutes of the meeting. In the event of a resignation, the General Manager must be informed (if they are not already aware), and they will promptly notify the Board of Directors.

4. Powers of the EC

The EC reserves the power to:

- a. Modify the following section of this Policy; and
 - i. Section 60. Rules for Elections
- b. Overrule decisions made by the CRO, unless otherwise specified within this Policy.

5. Removal or Resignation

If an EC member is removed or if they resign before the close of the Nomination Period, the Board may elect another individual, who meets the requirements as stated in the By-Laws, to fill the vacancy.

40.02 *Election Officials & Supporting Staff*

1. Election Officials consist of the Chief Returning Officer, Deputy Chief Returning Officer(s), and polling clerks.
2. Supporting Staff consists of the General Manager.
3. Election Officials and Supporting Staff:
 - a. Must be objective and unbiased in fulfilling their duties;

- b. Must not be a Candidate or on a campaign team in any Election which they help administer; and
- c. Must refrain from involving themselves in the Election beyond their outlined responsibilities.

40.03 *Chief Returning Officer (CRO)*

1. The Chief Returning Officer will administer the UWSA Elections.
2. The CRO must:
 - a. Report and be accountable to the EC;
 - b. report to the EC on any matter falling within the Elections Policy and on any matter of concern that is directed to them by a resolution of the EC;
 - c. provide regular updates regarding the timing and progress of the electoral process to the General Manager;
 - d. ensure that the Elections Policy and the By-Laws (as they apply to Elections) are enforced;
 - e. act as the authorizing authority for all election notices, publicity and campaign materials regulated by this Elections Policy;
 - f. organize and conduct the All-Candidates Meeting;
 - g. organize and conduct Candidate debates, if sufficient interest is given by the Candidates;
 - h. provide a final post-election report to the EC and Board of Directors regarding the conduct of each Election at the end of the Election;
 - i. on behalf of the EC, issue the official election results to the Candidates, Members, and media, as appropriate; and
 - j. take reasonable steps consistent with this Elections Policy and the directives of the EC to ensure impartiality in the conduct of each Election.
3. The CRO is empowered to establish, with consultation and prior approval of the EC, guidelines for the conduct of Elections consistent with this Elections Policy.
 - a. The CRO must maintain and make available to the EC a record of guidelines used in past Elections.

40.04 Deputy Returning Officer (DRO)

1. The CRO may hire up to two (2) DROs to assist the CRO in the administration of UWSA Elections.
2. The DRO(s) must:
 - a. Report and be accountable to the CRO;
 - b. Aid the CRO in promoting and administering the Election;
 - c. Act impartially in the Election;
 - d. Assume the responsibilities of the CRO if the CRO becomes unavailable to carry out their duties under this Elections Policy; and
 - e. Assume other duties delegated by the EC or CRO.

40.05 Polling Clerks

1. The CRO must hire and train the required number of polling clerks to staff polling stations during the voting period.

40.06 General Manager

1. The General Manager will support the Elections Committee with institutional knowledge and guidance on electoral procedures (i.e. relevant By-Laws and Policies).
2. The General Manager must:
 - a. Act as the impartial non-voting chair of the EC;
 - b. organize and conduct a training session for the EC and CRO on electoral procedure as provided in the By-Laws and this Elections Policy;
 - c. provide support and guidance only in the form of institutional and procedural knowledge, strictly refraining from making decisions for the EC;
 - d. ensure that UWSA offices and resources are not utilised for campaigning purposes; and
 - e. ensure that all UWSA employees strictly refrain from involvement in the Elections or be otherwise subject to disciplinary measures.

SECTION 50. Election Calendar

50.01 Calendar Approval

1. The CRO or designate will create and make available an Election Calendar for the administration of each UWSA Election, establishing dates for:
 - a. Notice of Nominations;
 - b. Nomination Period;
 - c. Notice of Election;
 - d. All-Candidates Meeting;
 - e. Campaign period;
 - f. Voting period; and
 - g. Appeal deadline.
2. The CRO must present the Election Calendar to the Board for approval at least seven (7) days before the start of the Nomination Period.

50.02 Call of an Election

1. On or before the start of the Nomination Period, the UWSA must publicize the following Election information through campus publication:
 - a. The Election Calendar;
 - b. The list of contested positions;
 - c. Nomination requirements; and
 - d. This Elections Policy.

50.03 Nomination Period

1. The Nomination Period must be held no later than four (4) weeks and end no earlier than two (2) weeks before the start of the Voting Period.
2. The Nomination Period must last at least ten (10) consecutive days.

50.04 *Campaign Period*

1. The Campaign Period must be held after the completion of the All-Candidates Meeting.
2. The Campaign Period must be held at least nine (9) days before the Voting Period and end the day before the Voting Period.
3. The Campaign Period must last at least seven (7) days.

50.05 *Voting Period*

1. The Voting Period must last at least two (2) days.
2. The first day of the Voting Period will be the day after the Campaign Period ends.
3. Every Polling Station must be opened no later than 9:30 AM and closed no earlier than 6:00 PM during the Voting Period.

SECTION 60. All Candidates Meeting

60.01 *Meeting Time*

1. The CRO will conduct the All Candidates Meeting between the close of the Nomination Period and the start of the Campaign Period.

60.02 *Attendees*

1. Every Candidate, or their authorized representative, must attend the All Candidates Meeting in its entirety. The Candidate must notify the CRO of their representative's name at least twenty-four (24) hours before the meeting, and the representative must make their status as a representative known to the CRO during the meeting.
 - a. The Candidate's representative cannot:
 - i. be another Candidate; or
 - ii. a member of another Candidate's campaign team

- b. If it is not possible to send a representative, the Candidate must contact the CRO within twenty-four (24) hours of the All Candidates Meeting to arrange a meeting.
2. A Candidate who fails to attend, or have a representative attend, the All Candidates Meeting, or fails to meet with the CRO in accordance with section 60.02(b), will be disqualified from the Election.

60.03 *Meeting Agenda*

1. The All Candidates Meeting is held (but not limited) to:
 - a. Introduce the Election Officials, and their duties and functions, to the Candidates;
 - b. Introduce the Candidates to each other;
 - c. Introduce the governance structure and function of the UWSA;
 - d. Review the UWSA job description for each contested position (i.e. Director, Senator, Vice President and President positions);
 - e. Review the Election Calendar;
 - f. Review the Elections Policy and other pertinent UWSA By-Laws and policies;
 - g. Review the appeals process and inform the Candidates of the EC's designated UWSA email to which they must send appeals;
 - h. Provide contact details for the CRO and DRO(s); and
 - i. Allow Candidates an opportunity to address any questions or concerns.
2. It is the responsibility of each Candidate to understand the information provided at the All Candidates Meeting.

SECTION 70. Campaigning Rules

70.01 *Campaigning*

Only Members of the UWSA can engage in campaigning. Any individual who has, at any point, engaged in campaigning must provide proof of membership to the CRO or EC upon request.

1. **Pre-Campaigning**

Campaigning is not permitted before the Campaign Period. However, a prospective Candidate may meet with individuals for the purposes of assembling a Campaign Team during the Nomination Period.

2. **Responsibility of Candidates**

Each Candidate is responsible for the actions and violations of their Campaign Team. The CRO reserves the right to impose disciplinary action for any violation of this Elections Policy.

3. **Rules of Fair Play**

Every Candidate must campaign according to the rules of Fair Play. Violating the rules of Fair Play include, but are not limited to, the following:

- a. Breaching generally accepted community standards;
- b. Libel;
- c. Slander;
- d. Coercion of voters;
- e. Harassment;
- f. General sabotage of another Candidate's campaign;
- g. Malicious or intentional breach of Elections Policy;
- h. Persistent attempts to undermine the ability of the Election Officials or Supporting Staff to carry out their responsibilities; and
- i. Any attempt to undermine the electoral process.

4. Campaigning during Voting Period

- a. Only electronic or online campaigning is permitted during the Voting Period. In-person or “physical” campaigning is prohibited.
- b. “Physical” campaigning does not include private conversations between friends or wearing t-shirts.

5. Prohibition on Candidate-Provided Devices

Candidates are not permitted to provide a device to a voter for the purpose of online voting, or when it may be reasonably expected that the voter would use the device to vote online.

6. Campaign Team

- a. A Candidate cannot add individuals to their Campaign Team after the close of the Nomination Period.
- b. Campaign Team members are Members of the UWSA who aid a Candidate in campaigning activities on campus that involve engaging other students, including handing out fliers, giving class talks, and speaking to students on the Candidate’s behalf. Students who do not engage in these activities are not considered campaign team members.

7. Candidate Supporters

The following activities constitute being a supporter of a Candidate rather than a Campaign Team member:

- i. appearing in campaign videos;
- ii. wearing shirts to support a Candidate; or
- iii. sharing social media posts in support of a Candidate.

8. Penalty for Unauthorized Campaigners

Candidates may face penalty only for registered campaign team members partaking in the activities listed in 70.07 and not supporters partaking in the same.

9. Conflict of Interest

All members of the UWSA staff, with the exception of Election Officials and designated Supporting Staff, are prohibited from campaigning in any way and must remove themselves from all involvement relating to the Elections.

10. Unpaid Leave

Any Executive wishing to campaign or act as a member of a Campaign Team must take an unpaid leave of absence for the duration of the Campaign and Voting Periods, with the exception of emergency affairs and financial approval responsibilities.

11. UWSA Property and Resources

Use of UWSA property or resources for campaigning purposes is prohibited. Unless specified otherwise, all spaces used to provide services of the UWSA are considered UWSA property and any function of an office empowered by the UWSA is considered a UWSA resource.

12. Adherence to Existing Policy

It is each Candidate's responsibility to ensure that their campaign tactics, materials and advertisements conform to all policies and regulations of the UWSA and with all municipal, provincial, and federal laws. Campaign displays and distribution of campaign materials on campus are also subject to the individual rules and regulations of buildings on campus.

70.02 *Campaign Expenses & Reimbursement*

1. Campaign Expenses

Candidates will be reimbursed for their allowable election expenses, provided that they:

- a. Complete a campaign expense allocation form;
- b. Collect all original expense receipts; and
- c. Submit all these items to the CRO within twenty-four (24) hours of the close of the Voting Period.
- d. Failure to submit these items will result in the Candidate's reimbursement being withheld.

2. Expense Limits

- a. Candidates have the following expense limits:
 - i. Executive candidates – three hundred (300) dollars;

- ii. Senate and Board of Governors' Candidates – two hundred (200) dollars; and
- iii. Director Candidates – one hundred and fifty (150) dollars.

3. Campaign Donations

- a. Sources and amounts of any campaign donations and sponsorship must be itemized on a Donation Form and submitted to the CRO.
- b. Candidates will not be reimbursed for this amount.

4. Videos and Apps

- a. Production of all campaign videos will receive a one (1) time expense of ten percent (10%) of the applicable campaign spending limit.
- b. Production of all phone and web applications will receive a one (1) time expense of ten percent (10%) of the applicable campaign spending limit.

5. Expenditure Exceptions

- a. No expense will be assigned to the use of computers, phones, tablets, or other similar items that confer no special advantage to a Candidate.

6. Reimbursement Process Details

- a. Failure to remove hung or posted campaign materials will result in the Candidate's reimbursement being withheld until all materials are properly discarded of .
- b. Candidates who have not incurred any expenses are still required to hand in their expenditure forms.
- c. The CRO can refuse to pay any submitted expense that is unrelated to the Candidate's election campaign or that is not properly evidenced by a receipt (except in the case of free or donated items).
- d. All submitted receipts must include a company name, address, contact details, in addition to the date of purchase, the price of each item purchased and the total purchase amount.
- e. If a Candidate does not include a receipt for a campaign expense, or if the campaign material was free or donated, a fair market value will be assigned to that expense at the discretion of the CRO.

- f. If the CRO has reason to believe the Candidate has exceeded the monetary limit, it will notify the Candidate and the Candidate must prove otherwise.
- g. Any Candidate can appeal the CRO's decision regarding campaign expenditure refunds to the EC within a forty-eight (48) hour time period of the refund being issued or denied.

Section 80. Voting Process

80.01 Voter Eligibility

1. All Members of the UWSA, as defined within the By-Laws, are eligible to vote in UWSA Elections.

80.02 Allocated Votes

1. Every Member is entitled to one (1) vote for each Executive position;
2. Every Member is entitled to one (1) vote for each Senate position;
3. Every Member is entitled to one (1) vote for the Board of Governor's Representative position;
4. Every Member is entitled to vote for the Director position allocated to their faculty or special constituency group under By-Law 50.02.

80.03 Polling Stations

1. Polling stations must be:
 - a. opened no later than 9:30 AM and closed no earlier than 6:00 PM on voting days;
 - b. constructed to allow privacy for the voter in the casting of their vote;
 - c. staffed by at least one (1) Election Official;
 - d. equipped with a computer that has reliable connection to the online voting system; and

- e. located in prominent areas around the university campus, as determined by the CRO and EC.
2. The following are the restrictions on polling stations:
 - a. Candidates are not allowed to be positioned within six (6) meters of a designated Polling Station, except to vote.
 - b. Candidates are responsible for removing their physical campaign materials from any area within six (6) meters of a Polling Station before the first voting day.
 - c. Campaign materials cannot be clearly visible from the Polling Stations, at the discretion of the CRO.

80.04 Ballots

1. Members will vote by completing ballots via a secure online voting system and, if necessary, paper ballots.
2. Each ballot will:
 - a. identify each of the contested positions in the Election;
 - b. for each contested position, a list of the Candidates' names in alphabetical order by last name;
 - c. for each Candidate, include a designated marking area or checkbox permitting the voter to vote for that Candidate (provided that if there is only one Candidate running for the position, both a "Yes" and "No" option will be provided); and
 - d. for each contested position, include a designated marking area or checkbox permitting the voter to "Decline to vote" for any of the Candidates for that contested position.

80.05 Voting System

1. Voting must be conducted through a secure University of Windsor online voting system.

2. Where an eligible voter faces an issue that prevents them from using the online voting system, or where a secure online voting system is unavailable, the CRO may authorize a paper ballot for that voter upon presentation of their student identification card.
3. Accommodation will be made for all UWSA Members.
4. Paper ballots must be sealed and stored in a secure location by the CRO.

80.06 Voting Irregularities

1. The CRO, in consultation with the EC, will determine the best course of action in the event of an online voting system failure for any duration of time during the Voting Period.

Section 90. Election Results

90.01 Release of Results

1. Unofficial Results

Unofficial election results will be released within twenty-four (24) hours from the close of the Voting Period.

2. Official Results and Ratification

- a. Official results will be released within fourteen (14) days from the close of the Voting Period, once they have been ratified by the Board at the subsequent meeting following the release of the unofficial results.

3. Winning Candidate

- a. The Candidate with the most votes for their position will be declared the winner of their respective election.
- b. Should the outcome of a single-candidate position result in a “No” vote, that particular position will be regarded as vacant, subject to the provisions of the By-Laws dealing with such vacancies.

4. Ties

- a. In the event of a tie, a run-off election between the tied Candidates will take place on one (1) voting day within seven (7) days of the Voting Period.
- b. The tied Candidates must be permitted to campaign following the CRO's announcement of the run-off Election until the end of the day before the run-off Election.
- c. Should the re-vote result in another tie, the Election will be resolved by way of coin toss performed by the CRO.

5. Automatic Recount

- a. An automatic recount will take place if the voting margin on the paper ballots is within the following schedule:
 - i. Executive Candidates – 50 votes
 - ii. Director, Senator and Board of Governors' Candidates – 10 votes

6. Requested Recount

- a. A Candidate may request a recount of votes for their position by submitting a written request to the CRO within forty-eight (48) hours of the announcement of unofficial election results. In evaluating the request for a recount, the EC has absolute discretion. In the event that the request is granted, the ballots will only be recounted once. The CRO and EC may request additional recounts at their discretion.

Section 100. Complaints & Penalties

100.01 Complaint Process

1. Submitting Complaints

- a. Any Member ("the complainant") may submit a complaint to the CRO about a violation of this Policy before the release of the official results.
- b. All complaints must be e-mailed to the official e-mail address of the Office of the CRO: crouwsa@uwindsor.ca.

- c. The complaint must contain the complainant's name, student number, contact information and detailed reasoning for the complaint, including (i) when it happened; (ii) where it happened; (iii) who was involved; and (iv) any other relevant information.

2. Investigating Complaints

- a. The CRO must review the complaint and decide, within forty-eight (48) hours of receiving the complaint, whether or not to investigate the complaint.
 - i. This does not apply in the event of a violation of the law, in which case the CRO is obliged to investigate the complaint and, if applicable, report to the General Manager.
- b. If the CRO decides to not investigate the complaint, the CRO must advise the complainant accordingly within the forty-eight (48) hour timeline.
- c. If the CRO does decide to investigate the complaint, the CRO must, within the forty-eight (48) hour timeline:
 - i. notify the complainant of the intent to investigate; and
 - ii. provide a summary of the complaint to the Candidate against whom the complaint is made ("the respondent").
- d. The respondent must be given a reasonable opportunity to be heard by the CRO before a decision is made to impose any penalty on the respondent.
- e. All complaints, including the fact of the complaint, are prohibited from being publicly or privately disclosed to anyone, except the involved parties, until the investigation into the complaint has received a ruling.
- f. If the CRO determines that the respondent has failed to comply with this Policy, the CRO must rule on the appropriate course of action.
 - i. Notification of the ruling must be made to the respondent through a written document to their uWindsor e-mail or by handing the document to them in-person.

- ii. After the ruling has been issued, the CRO will publicly document the ruling on a designated section of the UWSA website with the goal of a transparent electoral process and ensuring that other Candidates do not repeat the same violations noted in the ruling. A complaint that breaches the confidentiality of the complainant must not be publicly published, but must still be documented.

100.02 *Penalties*

1. **Power to Penalty**

- a. The CRO has the power to issue any penalty listed in section 90 against a Candidate and can only be overturned by a decision of the EC as stated in section 100.

2. **Cause for Penalty**

- a. Penalties will be issued to Candidates for any violation of Section 70.
Rules for Elections.

3. **Types of Penalties**

- a. The CRO or EC may issue the following penalties to Candidates:
 - i. Restrictions on future campaigning;
 - ii. Restrictions on future campaign expenditures;
 - iii. Loss of part or entire refund for campaign expenditures;
 - iv. Loss of privileges pertaining to the use of UWSA property and resources for Candidates who are UWSA Directors, Executives, employees, or volunteers;
 - v. Disqualification from the Election;
 - vi. Filing a Student Code of Conduct violation with the University of Windsor, subject to verification with the University's Academic Integrity Office; and
 - vii. Any combination of these penalties.

100.03 Disqualification

1. Automatic Disqualification

- a. Violations of the following nature result in an automatic disqualification of a Candidate:
 - i. being ineligible as per Section 30;
 - ii. spending over the maximum spending limit as per Section 80; or
 - iii. intentional misrepresentation of campaign expenditures.

2. Disqualification of Winning Candidate

- a. In the event a winning Candidate in an Election is disqualified, the runner-up is declared the winner, provided that:
 - i. The runner-up has received at least 60 percent (60%) of the number of votes cast for the winning Candidate.
- b. If no Candidate has received the amount, as stated in the previous paragraph, of the votes cast for the disqualified winning Candidate, the seat will be declared vacant.

Section 110. Appeals

110.01 Appeals Authority

1. The Elections Committee (EC) will hear all appeals.
2. Decisions of the EC are final and non-appealable.

110.02 Appeal Process

1. Submitting Appeals

- a. The EC will have a designated UWSA e-mail to which Candidates can submit appeals.
- b. All appeals must be sent directly to this e-mail address and have the CRO copied into the e-mail.
- c. All appeal submissions must be signed and dated by an Election Official or the EC Chair.

2. Appeals of CRO Rulings

- a. A “ruling” of the CRO is defined as any decision made by the CRO under this Elections Policy.
- b. Any Candidate may challenge a ruling of the CRO in an online written submission to the EC within twenty-four (24) hours of receiving the ruling.
 - i. Written submissions appealing the CRO’s ruling must contain the appellant’s name, student number, contact information and detailed reasoning for challenging the ruling.
- c. The EC must investigate the appeal and decide on the appropriate course of action within forty-eight (48) hours of receiving the appeal.

3. Appeals of Election Results

- a. Any Candidate may challenge the validity of their election result in an online written submission to the EC within forty-eight (48) hours of the release of the unofficial election results.
- b. The remaining procedure as outlined in section 110.02(1) must be adhered to.
 - i. Written submissions appealing election results must contain the appellant’s name, student number, contact information and detailed reasoning for challenging the results.
- c. The EC must investigate the appeal and decide on the appropriate course of action within forty-eight (48) hours of the receipt of the appeal.

4. Retraction of Appeal

- a. If, at any time, the appellant wishes to retract their appeal, they may do so by submitting a letter to that effect, addressed to the EC.

5. Ratification

Upon the recommendation of the EC, the Board of Directors may refuse to ratify any single Director election.