



**University Canada West**

**ACADEMIC COUNCIL BYLAWS**

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## ARTICLE I: PREAMBLE

- 1.1. University Canada West is committed to the highest principles of academic governance that incorporate formal and structured input from faculty, staff, students, alumni, and program advisory committee members related to program and institute-wide academic decisions. The Academic Council's primary focus is the academic quality of all new and existing programs.
- 1.2. The Academic Council is the senior academic body of the University. Among other things, it advises on the academic standards and policies of the University and provides program approval and review for the University. While financial decisions are made by the Board in consultation with the President, the determination that a program meets the academic requirements and standards of the University is that of the Academic Council.
- 1.3. The following Bylaws outline the academic governance framework of the University.

## ARTICLE II: INTERPRETATION

- 2.1. The following definitions are in use throughout, except as context requires otherwise:
  - 2.1.1. **“Academic Council”** means the Academic Council of the University;
  - 2.1.2. **“Alumni Member”** means a person who is an alumna or alumnus of the University and who is elected or appointed to the Academic Council;
  - 2.1.3. **“Board”** or **“Board of Governors”** means the Board of Governors of the University;
  - 2.1.4. **“Chair”** means the Chair of meetings of the Academic Council, or the Chair of one of its Committees as the context requires;
  - 2.1.5. **“Committee”** means a committee of the Academic Council;
  - 2.1.6. **“Confidential Information”** includes proprietary academic, student, technical, business, financial, legal, or any other information that the University treats as confidential, including all matters discussed at *in camera* meetings of the Academic Council and its Committees;
  - 2.1.7. **“Faculty”** means a person employed by the University as an instructor, a lecturer, an assistant professor, an associate professor, a professor or in an equivalent position designated by the Academic Council, except for employees classified by the University as “visiting,” “adjunct,” or “sessional;”

- 2.1.8. **“Faculty Member”** means a person meeting the definition of “Faculty” in section 2.1.7 and who has been elected or appointed to the Academic Council;
- 2.1.9. **“Member”** or **“Academic Council Member”** means a member of the Academic Council, including any Non-Voting Member;
- 2.1.10. **“Non-Voting Member”** means a person employed by the University who is appointed to the Academic Council or a Committee by the Chair and who does not participate in **votes** held by the Academic Council or the Committee;
- 2.1.11. **“President”** means the President of the University;
- 2.1.12. **“Programs”** includes all graduate and undergraduate degree programs offered by the University, not including certificate, micro-credential, and other educational programs and services;
- 2.1.13. **“Registrar”** means the Registrar of the University;
- 2.1.14. **“Related Person”** means a means a person who is, or within the previous five (5) years has been:
- a. related to the Member by blood, adoption, guardianship, marriage, or common-law marriage,
  - b. a member of the Member’s household;
  - c. a close personal friend of the Member; or
  - d. in an amorous or intimate relationship with the Member.
- 2.1.15. **“Related Entity”** includes:
- a. a public corporation of which the Member or a Related Person is a director or officer or the beneficial owner of more than 5% of the outstanding shares of any class;
  - b. a ‘for-profit’ private company of which the Member or a Related Person is a director or officer;
  - c. a ‘for-profit’ private company of which the Member or a Related Person is the beneficial owner of shares in the corporation;
  - d. a society or non-profit corporation of which the Member or a Related Person is a director or officer; and

- e. a partnership of which the Member or a Related Person is a partner, or of which one of the partners is a Related Entity of the Member by reason of clause (a), (b), (c), or (d) above.

- 2.1.16. **“Secretariat”** means those persons employed by the University with appointments to support and assist the Academic Council, including the Secretary;
- 2.1.17. **“Secretary”** means the Secretary to the Academic Council;
- 2.1.18. **“Staff”** means an employee of the University, other than officers of the University (President, Vice-Presidents, or the Registrar), faculty, Chairs, or the University Librarian;
- 2.1.19. **“Staff Member”** means a person meeting the definition of “Staff” in section 2.1.18 and who has been elected or appointed to the Academic Council;
- 2.1.20. **“Student Association”** is the representative student organization directly elected by the student body of the University;
- 2.1.21. **“Student”** means an undergraduate or graduate student who is registered at the University in the current term and is in good standing;
- 2.1.22. **“Student Member”** means a person meeting the definition of “Student” in section 2.1.21 and who has been elected or appointed to the Academic Council;
- 2.1.23. **“University”** means University Canada West.

### **ARTICLE III: POWERS OF THE ACADEMIC COUNCIL**

- 3.1. The Academic Council must advise and provide recommendations to the Board, and the Board must seek advice from the Academic Council, on the following:
- 3.1.1. the mission, vision, educational goals, objectives, strategies, and priorities of the University;
- 3.1.2. any program proposals advanced to the British Columbia Degree Quality Assurance Board for new Programs or substantial and material amendments to existing Programs;
- 3.1.3. the establishment, revision, or discontinuance of Programs and courses at the University;

- 3.1.4. the terms for affiliation with other post-secondary institutions and educational bodies;
  - 3.1.5. the evaluation of Programs and educational services;
  - 3.1.6. the setting of the academic schedule of the University;
  - 3.1.7. policies concerning the University library and resource centres;
  - 3.1.8. policies and guidelines concerning the qualifications for faculty members;
  - 3.1.9. the adjudication procedure for appealable matters of student discipline;
  - 3.1.10. consultation with community and program advisory groups outside the University concerning the University's educational programs; and
  - 3.1.11. other matters specified by the Board.
- 3.2. The Academic Council will make decisions with respect to academic and educational policies and services of the University, including:
- 3.2.1. criteria for awarding credentials, including degrees and honorary degrees;
  - 3.2.2. curriculum standards for Programs;
  - 3.2.3. qualifications required of applicants for admission as students to the University or to a program, department, or faculty of the University;
  - 3.2.4. policies concerning the examination and evaluation of student performance;
  - 3.2.5. policies concerning student withdrawal from courses, Programs, or the University;
  - 3.2.6. criteria for academic standing, academic standards, and the grading system;
  - 3.2.7. policies and procedures for appeals by students on academic matters and establishing a final appeal forum for academic appeals;
  - 3.2.8. policies on curriculum evaluation for determining whether:
    - 3.2.8.1. courses, Programs, or course credits from another university, post-secondary institution, or other educational body are equivalent to courses, Programs, or course credits at the University; and

- 3.2.8.2. courses, Programs, and course credits from one part of the University are equivalent to courses, Programs, or course credits in another part of the University;
- 3.2.9. policies with respect to research and research ethics at the University;
- 3.2.10. policies regarding residency requirements for awarding credentials for courses and Programs; and
- 3.2.11. other matters specified by the Board.
- 3.3. The Academic Council will make decisions with respect to how its meetings and proceedings are conducted, including determining how a Vice Chair is selected.

#### **ARTICLE IV: MEMBERSHIP, COMPOSITION, AND OFFICERS OF THE ACADEMIC COUNCIL**

- 4.1. Members of the Academic Council, in their function as members of the Academic Council, do not act as delegates of the bodies or constituencies from which they are drawn. Members of the Academic Council must endeavour to serve the best interests of the University as a whole, and to do so to the best of their ability.
- 4.2. The Academic Council will include *ex officio*, appointed, and elected members, and both voting and non-voting members, as outlined below:
  - 4.2.1. *Ex officio* (voting):
    - 4.2.1.1. the President;
    - 4.2.1.2. the University Vice-President Academic;
    - 4.2.1.3. the Registrar;
    - 4.2.1.4. the Executive Dean;
    - 4.2.1.5. Deans, Program Chairs, or senior academic position holders (one per Program); and
    - 4.2.1.6. the University Librarian;
  - 4.2.2. Elected (voting):



- 4.2.2.1. twelve (12) Faculty Members, with at least one representative from each Program, and including full-time and half-time appointments;
- 4.2.2.2. two (2) Staff Members; and
- 4.2.2.3. four (4) Student Members, including:
  - a. one elected by and for each student constituency (undergraduate, graduate, and online); and
  - b. one at-large Student Member;
- 4.2.3. Appointed (voting):
  - 4.2.3.1. one (1) Alumni Member who is not a Faculty Member or Staff Member; and
- 4.2.4. Appointed (non-voting):
  - 4.2.4.1. one (1) Member who is appointed by the Board of Governors; and
  - 4.2.4.2. the Secretary.
- 4.3. The officers of the Academic Council will consist of the Chair, the Vice-Chair, and the Secretary.
- 4.4. The President will serve as Chair.
- 4.5. The Academic Council will elect one of its members to serve as Vice-Chair, who will serve as Chair in the absence of the President. The Vice-Chair will serve for a term of one (1) year and until replaced and may not serve more than two (2) consecutive terms.
- 4.6. No Member may appoint a voting or non-voting proxy at Academic Council or at any Committee to act in the Member's absence.

## **ARTICLE V: TERMS AND VACANCIES**

### ***Terms of Office***

- 5.1. The term of office for elected and appointed Academic Council Members will normally be as follows:
  - 5.1.1. three (3) years for Faculty and Board Members;

- 5.1.2. two (2) years for Staff and Alumni Members; and
- 5.1.3. one (1) year for Student Members.
- 5.2. The term of each elected Faculty, Staff, and Student Member or appointed Member will normally begin on November 1.
- 5.3. The Academic Council plans for orderly transitions by ensuring that normally:
  - 5.3.1. appointment terms overlap such that no more than one-third of its membership changes annually; and
  - 5.3.2. the terms for Faculty Members are staggered such that no more than two of the twelve faculty appointments will end any given year.
- 5.4. Members who are appointed, but are not *ex officio*, may serve more than one term.

#### **Resignation**

- 5.5. An elected Member may resign from the Academic Council by giving notice to the Chair and Secretary in writing.

#### **Leaves of Absence**

- 5.6. Any elected Member may be granted a leave of absence by a resolution of the Academic Council for up to three (3) consecutive ordinary meetings of the Academic Council, except in the case of a Student Member who may be granted a leave of absence for up to two (2) consecutive ordinary meetings of the Academic Council.

#### **Declaration of Vacancy**

- 5.7. The position of an elected Faculty or Staff Member will be declared vacant by the Secretary when the Secretary has received notice that the Member:
  - 5.7.1. has resigned from the Academic Council;
  - 5.7.2. has ceased to be employed by the University;
  - 5.7.3. is going on leave from the University for a period of more than six months;
  - 5.7.4. has been granted disability leave;
  - 5.7.5. has left the constituency for which that Member has been elected; or
  - 5.7.6. has been absent without leave for more than two (2) consecutive ordinary meetings of the Academic Council.

- 5.8. The position of an elected Student Member will be declared vacant by the Secretary when the Secretary has received written notice that the Student Member has:
- 5.8.1. ceased to be a student in good standing at the University; or
  - 5.8.2. been absent without leave for more than two (2) consecutive ordinary meetings of the Academic Council.
- 5.9. Elected Faculty or Staff Members who inform the Secretary of their intent to remain on campus and to be active in the business of the Academic Council during a leave of absence will be exempt from the rule prohibiting membership during leave set out in Section 5.7.

### ***Filling Vacancies***

- 5.10. Where a vacancy exists for an elected Academic Council position from the Faculty, Staff and Student Members, the position will be offered (in the order of the number of votes received) to the persons who received the greatest number of votes in the most recent election to that office who were not elected.
- 5.11. If a vacancy for a Faculty or Staff Member cannot be filled in the manner specified in Section 5.10 due to a lack of candidates, the Chair may appoint a replacement Faculty or Staff Member to complete the remaining portion of the term of the resigning Faculty or Staff Member.
- 5.12. If a vacancy for a Student Member cannot be filled in the manner specified in 5.10 due to a lack of candidates, it will be filled by the Academic Council on recommendation of the Student Association or through a by-election in accordance with the approved Rules to Govern the Election to the Academic Council (Appendix A), at the discretion of the Registrar.
- 5.13. Academic Council positions filled through Sections 5.10, 5.11, and 5.12 will only be for the remainder of the original elected term of office.

## **ARTICLE VI: DUTIES OF MEMBERS AND OFFICERS OF THE ACADEMIC COUNCIL**

### ***Officers of the Academic Council***

- 6.1. The **Chair** has a duty to:
- 6.1.1. call meetings of the Academic Council as set out in these Bylaws;
  - 6.1.2. ensure that an agenda is prepared and distributed for each meeting as set out in these Bylaws;

- 6.1.3. preside over all meetings of the Academic Council;
  - 6.1.4. execute documents as authorized by the Academic Council;
  - 6.1.5. maintain liaison with the Board;
  - 6.1.6. ensure the Academic Council's decisions are enacted; and
  - 6.1.7. be the spokesperson and representative of the Academic Council.
- 6.2. The **Vice-Chair** will fulfill the duties of the Chair whenever the Chair is absent and will assist in the performance of the Chair's duties.
- 6.3. The **Secretary** has a duty to:
- 6.3.1. maintain an up-to-date record of minutes for meetings of the Academic Council and its Committees;
  - 6.3.2. make the approved minutes of meetings and approved policies available to members of the University community;
  - 6.3.3. maintain a current list of Academic Council and Committee Members, appointment dates, and terms;
  - 6.3.4. issue a copy of these Bylaws and guidance materials to newly elected Members;
  - 6.3.5. circulate the agenda and materials for meetings prior to a regular meeting of the Academic Council;
  - 6.3.6. develop and maintain a system of recording all proceedings of the Academic Council;
  - 6.3.7. facilitate the appointment or election processes for the Academic Council and its Committees, and ensure appointments are confirmed in writing; and
  - 6.3.8. maintain the official repository and records of the Academic Council and its Committees.
- 6.4. The **Registrar** has a duty to:
- 6.4.1. conduct elections and by-elections in accordance with the Bylaws and the approved Rules to Govern the Election to the Academic Council (Appendix A).

***Members of the Academic Council***

**6.5. Each Academic Council Member** has a duty to:

- 6.5.1. carry out their functions with the integrity, independence, good faith, and prudence of a reasonable person;
- 6.5.2. bring the perspective of their colleagues and may articulate the interests of any constituency that the Member may represent on the Academic Council;
- 6.5.3. act in the best interest of the University, even if that conflicts with the wishes of any constituency that the Member may represent on the Academic Council;
- 6.5.4. consult with any constituency the member may represent and communicate to such constituency the matters dealt with at Academic Council that are relevant to that constituency within the appropriate parameters of confidentiality with reference to the official and approved minutes of the Academic Council;
- 6.5.5. maintain the confidentiality of any issues discussed *in camera*, including both deliberations and documents, whether in meetings of the Academic Council or its Committees;
- 6.5.6. serve on two Committees of the Academic Council, except where the Chair has approved a request for an exception; and
- 6.5.7. prepare for meetings of the Academic Council and its Committees by considering the provided materials and participating in the debates and deliberations of the Academic Council and its Committees.

**6.6. Each Academic Council Member** must not:

- 6.6.1. both during or following their term as a Member, disclose Confidential Information to any outside person unless in receipt of prior written authorization by the Chair; and
- 6.6.2. disclose or use confidential information gained by virtue of their association with the University for personal gain, or to benefit Related Persons.

**6.7. An Academic Council Member** found to have breached his or her duty by violating the minimum standards set out in these Bylaws may, by resolution of the Academic Council, be reprimanded or be asked to resign from the Academic Council.

## ARTICLE VII: CONFLICTS OF INTEREST

- 7.1. In general, a conflict of interest arises when a Member uses, or has the potential to use, their position as a Member to benefit themselves, a Related Person, a Related Entity, or otherwise compromise their dedication to the interests of the University and their duties as a Member.
- 7.2. A conflict of interest may be financial or otherwise, and may fall into one of the following categories:
  - 7.2.1. an “**actual conflict of interest**,” where the personal interest actually conflicts with the Member’s obligations to the University and the Academic Council;
  - 7.2.2. a “**potential conflict of interest**,” where the personal interest has not yet conflicted with the Member’s obligations to the University or the Academic Council, but might reasonably be expected to; and
  - 7.2.3. an “**apparent conflict of interest**,” where a real or potential conflict of interest may or may not exist, but it would appear to a reasonable person that the Member is in a conflict of interest.
- 7.3. Members must arrange their private affairs and conduct themselves in a manner to avoid a conflict of interest. Every Academic Council Member must avoid any situation in which there is, or may appear to be, an actual, potential, or apparent conflict that could interfere with the Member’s judgment in making decisions in the University’s best interest.
- 7.4. A Member must not use his/her/their position on the Academic Council to:
  - 7.4.1. pursue or advance the Member’s personal interests, the interests of a Related Person or a Related Entity, or the interests of a person to whom the Member owes an obligation;
  - 7.4.2. directly or indirectly benefit from a transaction with the University over which the Member can influence decisions made by the University;
  - 7.4.3. take personal advantage of an opportunity available to the University unless the University has clearly and irrevocably decided against pursuing the opportunity, and the opportunity is also available to the public; or
  - 7.4.4. solicit clients for a Related Person or a Related Entity, or a person to whom the member owes an obligation.

- 7.5. There are several situations that could give rise to a conflict of interest, including but not limited to: accepting gifts, favours, or kickbacks from suppliers, close or family relationships with outside suppliers; passing Confidential Information to competitors or other interested parties; or using Confidential (or privileged) Information inappropriately.

### ***Disclosure***

- 7.6. In cases where a conflict of interest exists, or cannot be avoided, a Member must fully disclose the nature and extent of the conflict as soon as possible, and in all cases, prior to discussion or decision about a matter by the Academic Council. A Member must fully disclose all circumstances that could be construed as or perceived to be a conflict of interest.
- 7.7. A Member must, immediately upon becoming aware of an actual, potential, or apparent conflict of interest, disclose the conflict (in writing) to the Chair. This requirement exists even if the Member does not become aware of the conflict until after a transaction is complete.
- 7.8. If a Member is in doubt about whether a situation constitutes a conflict of interest, the Member must immediately seek the advice of the Chair. If appropriate, the Academic Council may seek advice from the University's legal counsel.
- 7.9. Unless otherwise directed, a Member must immediately take steps to resolve the conflict or remove the suspicion or appearance that it exists.
- 7.10. If any Member is concerned that another Member is in a conflict of interest, the Member must immediately bring his/her/their concern to the other Member's attention and request that the conflict be declared to the Chair. If the other Member refuses to declare the conflict, the Member shall immediately bring his/her/their concern to the attention of the Chair. If there is a concern with the Chair, the issue must be referred to the Vice-Chair.
- 7.11. The Academic Council will determine by majority vote whether a conflict of interest exists.
- 7.12. After a conflict of interest has been declared or determined by the Academic Council, the Member in conflict:
- 7.12.1. must not take part in the discussion of the matter or vote on any questions in respect of the matter giving rise to the conflict (although the Member may be counted in the quorum present at the Academic Council meeting);
  - 7.12.2. must not attempt, in any way or at any time, to influence the discussion or the voting of the Academic Council on any question relating to the matter giving rise to the conflict;

- 7.12.3. if the meeting is open to the public, may remain in the room, but must not take part in that portion of the meeting during which the matter giving rise to the conflict is under discussion;
  - 7.12.4. must leave the room prior to any vote on the matter giving rise to the conflict; and
  - 7.1.1. may be required by the Chair to withdraw from any meetings at which the matter is discussed.
- 7.13. Where a conflict of interest is discovered or disclosed after consideration of a matter by the Academic Council, the Academic Council will decide whether the involvement of the Member with the conflict influenced that decision. If the Academic Council determines that the involvement of said Member influenced its decision on the matter, the Academic Council will reconsider the decision and may confirm, rescind, or vary the decision.
- 7.14. The Academic Council will have the power to take action(s) directed toward a Member deemed to have failed to declare a conflict of interest.
- 7.15. Any decision by the Academic Council with respect to whether a conflict of interest exists with respect to any person, or as to the interpretation or application of these Bylaws, is final and binding.

## **ARTICLE VIII: RULES AND PROCEDURES**

### ***General***

- 8.1. All proceedings of the Academic Council and its Committees are governed by the current edition of *Robert's Rules of Order Newly Revised*, except as otherwise provided in these Bylaws.
- 8.2. The Governance and Policies Committee will consider and make recommendations on any matters relating to the rules and procedures of the Academic Council that are not otherwise covered by these Bylaws.
- 8.3. The Academic Council may – with a two-thirds (2/3) vote in favour – amend or suspend any provision of these Rules and Procedures at any time.

### ***Agenda and Presentations***

- 8.4. Any member of the Academic Council may request in writing that an item be added to the agenda of the next regular meeting.



- 8.5. Agenda items, supporting material, and schedules will be submitted to the Secretariat not less than ten (10) calendar days before the scheduled meeting.
- 8.6. Written presentations to the Academic Council by members of the University community must normally be delivered to the Secretariat not less than (10) calendar days before the scheduled meeting at which the presentation is to be made.
- 8.7. It is expected that items presented to the Academic Council or its Committees will normally have been vetted or screened by the appropriate faculty or administrative body prior to being presented to Academic Council.
- 8.8. The proposed agenda and supporting material will normally be circulated to the Members prior to any meeting not less than seven (7) calendar days before the scheduled meeting.
- 8.9. There will be agendas for the open and closed sessions. The open agenda will be made public.
- 8.10. The order of agenda items for regular open meetings will normally be:
  - 8.10.1. Call to Order and Territorial Acknowledgment
  - 8.10.2. Approval of the agenda
  - 8.10.3. Minutes of the previous meeting: Motion to adopt, amend, or correct the previous minutes.
  - 8.10.4. Business arising from the minutes: Information may be presented, and matters arising from the minutes discussed. Motions may be put and voted upon regarding matters arising from previous minutes.
  - 8.10.5. Remarks from the Chair: The Chair may report on issues of interest to the Academic Council; Members will have the opportunity to pose questions to the Chair regarding matters of interest to the Academic Council.
  - 8.10.6. Proposals and reports from the Academic Administrator
  - 8.10.7. Proposals and reports from the Registrar
  - 8.10.8. Question Period
  - 8.10.9. Correspondence and Receipt of Petitions: petitions may be received by the Academic Council and may be forwarded to appropriate Committees for consideration; statements may be circulated to Members.

- 8.10.10. Proposals and reports from Academic Council committees: normally presented in alphabetical order; reports normally be circulated to Members in advance; Committees may propose motions with respect to their reports.
- 8.10.11. Other business
- 8.10.12. Matters to be discussed *in camera*
- 8.10.13. Adjournment
- 8.11. The Chair will, at the beginning of a regular meeting, receive proposals for changes to the agenda.
- 8.12. In exceptional circumstances, any urgent matter not on the agenda of a regular meeting may, at the request of a Member and the discretion of the Chair, be added to the agenda under “Other business.”
- 8.13. When the agenda is modified at a meeting, the Chair will declare it approved as amended, unless there is a call for a formal vote to approve the agenda. When there are no additions or changes to the agenda, the Chair will declare the agenda approved as circulated.
- 8.14. Any member may give notice of a motion from the floor of the Academic Council, whereby the motion will be placed on the agenda of the next regular meeting of the Academic Council.
- 8.15. An item on the agenda of the open session may be placed into the closed (*in camera*) session at any time prior to or during discussion of the item by successful motion to have it so placed.

### **Minutes**

- 8.16. The Secretariat will record attendance at meetings of the Academic Council and its Committees in the minutes.
- 8.17. The Secretariat will distribute the minutes in draft form to the members of the Academic Council for approval at the next regular meeting. Draft minutes of a previous open session will be approved by Academic Council during the next open session. Draft minutes of a previous closed session will be approved by Academic Council during the next closed session.
- 8.18. The approved minutes will be the official record of an Academic Council meeting and will be readily accessible to members of the University community and the public by the Secretary.

### ***Regular Meetings***

- 8.19. The University will make every reasonable effort to ensure that members of the Academic Council are freed from their normal duties to attend the Academic Council meetings.
- 8.20. Regular meetings of the Academic Council will normally be held monthly, except in January and August, and at a location, date, and time specified by the Chair. The Chair will normally give Members at least seven (7) days' notice of a change being made to the location, date, or time specified for any regular meeting.
- 8.21. The Academic Council will make its schedule of regular meetings available to the University community in advance.
- 8.22. Regular meetings of the Academic Council will be open to the University community except when Chair determines the meeting, or portions thereof, should be held *in camera*.
- 8.23. A regular meeting may be cancelled by the Chair on the recommendation of the Secretary if there is neither urgent nor sufficient business to justify holding a meeting, but no more than one (1) consecutive regular meeting may be cancelled.
- 8.24. Academic Council meetings will adjourn at the order of the Chair no more than two (2) hours after the scheduled time of commencement. At any meeting, the time for adjournment may be extended for a maximum of thirty (30) minutes at a time by a successful motion for extension, which is not debatable and requires an affirmative vote of a simple majority of the voting Members present.

### ***Extraordinary Meetings***

- 8.25. Extraordinary meetings may be called at any time, at the discretion of the Chair or upon receiving a request from the Board, upon a minimum of forty-eight (48) hours' notice to the Members.
- 8.26. Following receipt of a petition signed by a minimum of one-half of the sitting Academic Council Members, the Chair will call an extraordinary meeting of the Academic Council within seven (7) days, which will take place at a time designated by the Chair.
- 8.27. The notice for any extraordinary meeting will clearly specify the purpose of the meeting and will be circulated to the Academic Council at least one (1) day before the meeting.
- 8.28. At an extraordinary meeting, only the matter(s) specified in the notice convening the meeting may be considered.

### **Quorum**

- 8.29. Unless otherwise determined by the Academic Council, quorum for the Academic Council will consist of a simple majority of voting Members.
- 8.30. Quorum for Committees of the Academic Council will be as set in their Terms of Reference. In the event that a quorum is not so set, the quorum will be a simple majority of the voting members of such a committee.
- 8.31. The presence of Non-Voting Members cannot be used to establish quorum at a meeting of the Academic Council or of any Committee.
- 8.32. Any business conducted at a meeting of the Academic Council (regular or extraordinary) where there is no quorum present will be considered unofficial, and any matters discussed will be subject to ratification at the next meeting held where a quorum is present.
- 8.33. Any communication arising from a meeting of the Academic Council where no quorum was present must be prefaced with a clear indication that the communication is subject to ratification.

### **Participation**

- 8.34. Attendance or voting by proxy is not permitted. Notwithstanding the foregoing, *ex officio* members of the Academic Council may assign a delegate to attend an open session on their behalf to respond to questions that may arise.
- 8.35. In-person attendance at Academic Council and Committee meetings is preferred when possible.
- 8.36. Where attendance in person at Academic Council or Committee meetings is not feasible, the Members may participate electronically if the Chair is satisfied that the proposed means of participation is effective and can be supported and the Chair provides prior approval.
- 8.37. A Member participating electronically in a meeting of the Academic Council, or any Committee, is deemed to be present at the meeting, may vote, and will be counted in the quorum.
- 8.38. The Chair of the Academic Council, or the Chair of any Committee, may determine that a meeting is to be held entirely by electronic means.

### **Recording**

- 8.39. Regular meetings of the Academic Council will be recorded by the Secretariat to ensure the accuracy of the minutes and to promote the accuracy of any communications or media coverage regarding the matters discussed.
- 8.40. Recordings of Academic Council meetings will be retained for six months and made available to the University community. After six months, recordings will be archived by the Secretariat.
- 8.41. No cameras, tape recorders, or other electronic equipment may be used by Members, invited guests, or other persons, except at the discretion of the Chair.
- 8.42. Closed meetings of the Academic Council, or deliberations and votes held *in camera*, will not be recorded by the Secretariat, and must not be recorded by Members or guests.

### **Guests and Observers**

- 8.43. Meetings of the Academic Council include both open and closed (*in camera*) sessions, as necessary.
- 8.44. Open sessions during regular Academic Council meetings will be open to the University community and members of the public, including members of the media. Members of the University Community will be encouraged to attend and observe open sessions.
- 8.45. Persons who are not Members of the Academic Council may only address Academic Council if granted leave to do so by the Chair or by the Academic Council.
- 8.46. The Academic Council and its Members may, from time to time, invite guests to make presentations to Academic Council and to answer questions, with prior written authorization from the Chair.
- 8.47. The Academic Council will invite the following to be non-voting permanent guests, with speaking rights, at Academic Council meetings:
  - 8.47.1. Project Manager, Transfer & Institutional Partnerships;
  - 8.47.2. Director, Scheduling & Curriculum;
  - 8.47.3. Manager of Scheduling Services;
  - 8.47.4. Curriculum Advisor;
  - 8.47.5. Director, Academic Operations and Support Services;

- 8.47.6. Compliance Officer;
  - 8.47.7. Representative of Marketing and Communications;
  - 8.47.8. Members of the Secretariat; and
  - 8.47.9. Other University staff, at the discretion of the Chair.
- 8.48. Notwithstanding the foregoing, if a topic or topics on the agenda contain material that is deemed to be private or confidential, the Chair will have the right to require those matters to be dealt with *in camera* and such matters will be confidential.
- 8.49. The Chair, at his/her/their discretion, may invite non-Members to attend an *in camera* session where their attendance supports the agenda. Such persons are required to maintain the confidentiality of any issues discussed in camera, including both deliberations and documents.
- 8.50. Membership in the Academic Council notwithstanding, the Secretariat may remain while matters are considered in camera unless directed otherwise by the Chair or by the Academic Council.
- 8.51. The Chair, at his/her/their discretion, may ask anyone who is interfering with the orderly conduct of the Academic Council's business to leave the meeting, regardless of whether it is being held in person or by electronic means.

### **Motions**

- 8.52. Motions may originate from:
- 8.52.1. a Committee presenting a report;
  - 8.52.2. a Committee advising the Academic Council in advance of its intention to bring forth motions at the next regular meeting of the Academic Council;
  - 8.52.3. a Faculty Member, if the Chair considers that the matter need not be referred to a Academic Council Committee;
  - 8.52.4. a Member presenting a notice of motion to be presented at the next regular meeting of the Academic Council; or
  - 8.52.5. the floor of the Academic Council, to be considered immediately in accordance with Section 8.14.
- 8.53. For each motion or amendment, the Chair will develop a speakers list. Academic Council Members may speak a second time on a motion or amendment only after the Chair has exhausted the list of first-time speakers. The mover of a motion or amendment will have the final opportunity to speak.

- 8.54. A motion included on the agenda may be withdrawn before being moved on the floor of the Academic Council with the consent of the meeting.
- 8.55. Any ruling or action of the Chair regarding motions or any other matter before the Academic Council may be challenged. Such a challenge is debatable, shall be voted upon by the Academic Council and requires a simple majority to sustain the ruling or action of the Chair.

### ***Voting***

- 8.56. Voting on ordinary business and motions will normally be by show of hands.
- 8.57. A member of the Academic Council may, at any time, request at any time through a motion that a roll call or secret ballot be conducted. Such a motion requires a simple majority in the affirmative to pass.
- 8.58. Each voting Member will have one vote on a motion. The Chair will have the same right of a single vote as other Members.
- 8.59. In the case of an equality of votes for and against a motion, the Chair will declare that the question is resolved in the negative.
- 8.60. The Secretariat will not record the names of those opposed unless a Member requests that they be recorded. The Secretariat will record names of abstentions.
- 8.61. The Chair will formally announce the outcome of each vote and this outcome will be recorded in the Academic Council minutes.
- 8.62. Any member of the Academic Council may ask that the vote count or the Member's individual vote or abstention be recorded in the Academic Council minutes.
- 8.63. In the event of a regularly scheduled Academic Council meeting being cancelled, or if an extraordinary need for Academic Council approval exists between regularly scheduled meetings, the Chair, after consultation with the Vice-Chair and Secretary, may request to have business it considers to be routine but time-sensitive to be considered via mail or email under the following procedures:
- 8.63.1. the Secretary will send the motion in question via mail or email to every Member, and should the Chair not consider it to be a matter needing to be considered in camera, the motion will be made publicly available;
- 8.63.2. the email sent under Section 8.63.1 shall specify the text of the motion to be considered for approval and include any necessary supporting documentation;

- 8.63.3. a matter sent out via email is approved if no objections are sent to the Secretary within seven (7) days of the email being sent;
- 8.63.4. if an objection is raised by any Member under Section 8.63.3 the matter is not approved and shall be considered at the next meeting of the Academic Council as a normal item of business but shall not be considered a motion to reconsider the question or a renewal of the motion;
- 8.63.5. a motion approved under this section shall be reported by the Secretary at the next meeting of Academic Council under Reports from the Registrar; and
- 8.63.6. a change to or suspension of the Rules and Procedures shall not be considered under this section.

## **ARTICLE IX: COMMITTEES**

### ***Standing and Ad Hoc Committees***

- 9.1. The Academic Council will appoint such standing and *ad hoc* Committees as it, from time to time, will determine necessary.
- 9.2. Upon recommendation of the standing Committees, the Academic Council will determine the membership, the method of appointment or election of members, and the Terms of Reference for all standing Committees. The Academic Council will determine the membership, the method of appointment or electing members, and the Terms of Reference for all *ad hoc* Committees.
- 9.3. Members normally commit to serving on two Committees of the Academic Council, except where the Chair has approved a request for an exception.
- 9.4. The standing Committees of the Academic Council are as follows:
  - 9.4.1. Academic Planning and Priorities Committee;
  - 9.4.2. Governance and Policies Committee;
  - 9.4.3. Quality Assurance Committee;
  - 9.4.4. University Curriculum Committee;
  - 9.4.5. Research and Scholarly Activities Committee;
  - 9.4.6. Honorary Degrees and Awards Committee; and



#### 9.4.7. Academic Appeals Committee.

##### ***Membership***

- 9.5. The size and composition of the Committees will be specified within each Committee's Terms of Reference and approved by the Academic Council.
- 9.6. When a vacancy occurs or is expected to occur on a Committee, or when a Committee wishes to add to its members, the Chair of that Committee will notify the Secretary.
- 9.7. The Secretary or designate will call the first meeting of each Committee as soon as feasible after the composition of the committees has been determined.
- 9.8. All Academic Council committees will elect a Chair and a Vice-Chair from among the voting members of the Committee at least every three (3) years by secret ballot. Prior to such an election, candidates will be given an opportunity to address their nomination and answer any questions committee members may have.
- 9.9. Members of Committees whose term of office on the Academic Council has ended are requested to continue attendance at committee meetings until their successors have been appointed.

##### ***Participation***

- 9.10. Committee members may not appoint a voting or non-voting proxy or another member to attend or act in their place.
- 9.11. Attendance at meetings of Committees is normally limited to members of the Committee. Others may attend only with the permission, or at the request of, the Committee or its Chair.
- 9.12. Section 9.10 notwithstanding, except in the case of the consideration of appeals or if a Committee otherwise resolves, all Members are permitted to attend meetings of any Committee as non-participating observers. Members who so attend will be held to the same standards for the confidentiality of materials and proceedings as Committee members. Observers must inform the Secretary of their intention to attend at least 24 hours prior to the meeting and reasonable efforts will be made to accommodate all observers.

##### ***Agenda and Minutes***

- 9.13. Agendas for Committee meetings will be proposed by Committee Chairs to their Committees for each meeting after consultation with the Vice-Chairs and Secretary to the Committee.

- 9.14. Unless a Committee resolved otherwise either for a particular matter or for a category of matters, the minutes of Committees of the Academic Council will be made publicly available.

### ***Committee Reports***

- 9.15. Standing Committees will report deliberations and make recommendations to the Academic Council. Such reports will occur regularly, as required, and at least annually.
- 9.16. Notwithstanding section 9.15, the Honorary Degrees and Awards Committee and Academic Appeals Committee, which have received delegated powers from the Academic Council, are required to present a report to Academic Council on their decisions.
- 9.17. A committee report is generally presented by the Chair of the Committee, but in the Chair's absence, another member of the Committee may do so.
- 9.18. Committee reports are not required to be seconded to be considered by Academic Council.

## **ARTICLE X: ELECTIONS**

- 10.1. The Registrar will conduct the elections required with respect to Academic Council Members in accordance with the rules for nominations, elections and voting made by the Academic Council and contained in Appendix A to the Bylaws (*Rules to Govern Elections to the Academic Council*).

## **ARTICLE XI: ACADEMIC COUNCIL FINANCES**

- 11.1. The Chair and the Vice-Chair will authorize expenditures for the Academic Council, including expenses incurred by members and the Academic Council committees in carrying out the Academic Council functions.
- 11.2. Members conducting approved Academic Council business will be reimbursed for travel and other expenses according to the University's policies.

## **ARTICLE XII: AMENDMENTS**

- 11.3. The Bylaws of the Academic Council may be amended by:

- 12.1.1. giving notice of a motion to amend the Bylaws at an Academic Council meeting;
- 12.1.2. providing the text of any amendment to the Bylaws, without significant deletion or addition, has been circulated to the members of the Academic Council at least five days prior to the meeting at which such vote is taken;
- 12.1.3. voting at a subsequent meeting of the Academic Council with a majority of the entire membership of the Academic Council; and
- 12.1.4. fulfilling any other legal requirements.

Incorporating the latest revisions made by the Academic Council on:

5 August 2022

## APPENDIX A: Rules to Govern Elections to the Academic Council

### 1.0 Preamble

- 1.1. The Rules to Govern Elections to the Academic Council (the “**Rules**”) have been developed to outline the process to be undertaken by the University for all elections of representatives to the Academic Council.
- 1.2. In the event of an inconsistency between the Rules and the Bylaws, the Bylaws will prevail.
- 1.3. The Academic Council has the authority to amend the Rules.
- 1.4. The Registrar, with the support of the Secretariat, is responsible for overseeing and reporting the conduct of all required elections.
- 1.5. The Rules will be reviewed by the Academic Council Governance and Policies Committee at least every three years.

### 2.0 Interpretation

- 2.1. The following definitions are in use throughout for the purposes of determining the eligibility of persons to submit nominations and to stand for and vote in elections to the Academic Council:
  - 2.1.1. “**Faculty member**” means a person employed by the University as an instructor, a lecturer, an assistant professor, an associate professor, a professor or in an equivalent position designated by the Academic Council, except for employees classified by the University as “visiting,” “adjunct,” or “sessional;”
  - 2.1.2. “**Programs**” includes all graduate and undergraduate degree programs offered by the University, but does not include certificate, micro-credential, and other educational programs and services;
  - 2.1.3. “**Staff member**” means an employee of the University, other than officers of the University (President, Vice-Presidents, or the Registrar), a faculty member, Chairs, or the University Librarian;
  - 2.1.4. “**Student**” means an undergraduate or graduate student who is registered at the University in the current term and is in good standing; and

- 2.1.5. **“Student Association”** is the representative student organization directly elected by the student body of the University.

### 3.0 General

- 3.1. In the event that unforeseen or unusual circumstances prevent the carrying out of any of the Rules, the Registrar will exercise his/her/their discretion in altering the Rules to fit the circumstances and will report any action taken to the Academic Council at its next regular meeting.
- 3.2. Notices of calls for nominations, voting, and results will be available on the University’s website, and by other means deemed appropriate by the Registrar.
- 3.3. The Registrar is responsible for preparing the elections schedule and will distribute the election schedule to all involved constituency groups prior to the election.
- 3.4. Orientation for all new Members may occur prior to the official term commencement date. It is the responsibility of the elected Members to ensure their participation in the orientation.
- 3.5. These Rules notwithstanding, the Registrar may allow Programs to conduct elections for their representatives to Academic Council using such rules acceptable to both the Program and the Registrar, and the Student Association to conduct elections for student representatives to the Academic Council using such regulations acceptable to both the Student Association and the Registrar with the proviso that the Registrar reserves the right to assume the conduct of any election at any time.

### 4.0 Eligibility

- 4.1. To nominate an individual, vote in an election, or stand for election, students, staff, and faculty members must meet the definitions in Section 2.1.
- 4.2. A student elected to the Academic Council must be registered in two of the following academic terms (Winter, Spring, or Summer Term) during his/her/their term of office to be eligible to be elected to and serve on the Academic Council.
- 4.3. A faculty or staff member, as defined in sections 2.1.1 or 2.1.3, who is on a leave of absence, will continue to be eligible to vote and to serve on the Academic Council subject to the rules of the Academic Council.

- 4.4. Faculty and staff members who are also students cannot stand for election, nominate, or vote as students.
- 4.5. To determine eligibility to be elected to and serve on the Academic Council, the Registrar is authorized to grant eligibility based on medical, compassionate, or other grounds.

## 5.0 Elected Positions

- 5.1. In accordance with the Bylaws of the Academic Council, the Academic Council will include the following elected representatives:
  - 5.1.1. twelve (12) faculty members, with representation from each Program and including full-time and part-time appointments;
  - 5.1.2. two (2) staff members;
  - 5.1.3. four (4) student members, including:
    - a. one elected by and for each student constituency (undergraduate, graduate, and online); and
    - b. one at-large Student Member.

## 6.0 Terms of Office

- 6.1. Faculty Members elected to the Academic Council by and from faculty members will normally take office on November 1 for a three-year term ending on October 31 of the third year.
- 6.2. Staff Members elected to the Academic Council by and from staff members will normally take office on November 1 for a two-year term ending on October 31 of the second year.
- 6.3. Student Members elected to the Academic Council by and from students will normally take office on November 1 for a one-year term ending on October 31 of the third year.
- 6.4. Any eligible person elected to the Academic Council to fill a vacancy arising for any reason other than the normal expiry of the term of the Member will take office immediately upon election and will fulfill the remaining term of the Member who is being replaced.
- 6.5. Vacancies will be filled in accordance with Sections 5.9, 5.10, 5.11, and 5.12 of the Bylaws.

## 7.0 Nominations

### ***Calls for Nominations***

- 7.1. A call for nominations will normally be issued in the Fall Term for Academic Council positions becoming vacant on November 1.
- 7.2. A call for nominations may also be issued on an *ad hoc* basis to fill a position that becomes vacant before the end of a member's term.
- 7.3. The Registrar will determine the deadline for all nominations, which must be at least four (4) weeks before the date of the election, which will be defined as the day when the election polls close.
- 7.4. A call for nominations will be issued at least ten (10) business days before the deadline for nominations. The Registrar may extend the deadline for nominations if he/she/they deems it necessary.
- 7.5. Calls for nominations will be issued electronically or by other means deemed appropriate by the Registrar.

### ***Nomination Papers***

- 7.6. Nomination papers must be received by the Registrar by 5:00 P.M. (Pacific Standard Time) on the day of the deadline for nominations. If a nomination paper is not received by this time, the nominee may not be eligible to stand for election.
- 7.7. Each candidate must consent to their nomination before standing for election.
- 7.8. A nomination paper must be:
  - 7.8.1. signed by a candidate, who will state that he/she/they is eligible to hold office and is willing to stand in the election;
  - 7.8.2. signed by at least three persons who are eligible to vote in the election; and
  - 7.8.3. delivered to the Registrar by 5:00 P.M. (Pacific Standard Time) on the day of the deadline for nominations.
- 7.9. The Registrar will invite a candidate to submit, along with the nomination paper, the following information to be provided to prospective voters:

- 7.9.1. a statement of candidacy that includes a brief biography and any other information the candidate considers relevant, and that does not exceed 300 words;
- 7.9.2. the following information about the candidate:
  - a. academic and honorary degrees, if applicable;
  - b. current occupation or course of study;
  - c. current and past academic, societal, governmental, or commercial offices held, if applicable;
  - d. current professional or business interests; and
  - e. list of publications, if applicable.
- 7.10. The use of hyperlinks in statements of candidacy is not permitted.
- 7.11. The information outlined in Section 7.9 must be provided to the Registrar at least two (2) weeks prior to the opening of the polls, or by an earlier date specified by the Registrar if this date is specified in the call for nominations. Failure to provide this information by the date specified may result in it not being made available to voters by the Registrar.
- 7.12. The information outlined in Section 7.9 will be made available on the University's website and by any other means deemed appropriate by the Registrar.
- 7.13. The Registrar will make all reasonable efforts to notify candidates of any errors or irregularities in their nomination papers before the deadline for nominations but is not bound to do so. A nomination paper that contains errors or irregularities after the deadline for nominations may, in the Registrar's sole discretion, be deemed invalid.
- 7.14. If no nomination papers are submitted before the deadline for nominations, the Registrar may issue a second call for nominations. If a second call for nominations fails to produce a candidate, the Registrar may use his/her/their discretion to issue additional calls for nominations or leave a position vacant.
- 7.15. In cases where the number of nominations received is equal to or less than the number of positions available, those candidates nominated shall be declared elected, and the Academic Council must fill any remaining vacancies as specified in the Bylaws.



### ***Withdrawal of Nomination***

- 7.16. A candidate who seeks to withdraw his/her/their nomination must notify the Registrar in writing.
- 7.17. Upon receipt of a written withdrawal of nomination, the candidate will cease to be a candidate for election.
- 7.18. If a written withdrawal of nomination is received after the deadline for nominations and paper ballots have been prepared or the election has started, the votes the candidate receives in the election will not be counted. When possible, notification of the withdrawal of a candidate will be included with the paper ballot.
- 7.19. When an electronic vote is to be conducted and a candidate's written withdrawal of nomination is received before the start of the election, the candidate's name will be excluded from the electronic ballot.
- 7.20. When an electronic vote is conducted and a candidate's written withdrawal of nomination is received after the start of the election and the number of vacancies is less than the number of remaining candidates, the Registrar may:
  - 7.20.1. allow the election to continue with the remaining candidates, in which case the electronic ballot will indicate that the candidate withdrew; or
  - 7.20.2. cancel the election and conduct a new election.
- 7.21. Electronic votes received for a candidate who has withdrawn will be deemed invalid.

## **8.0 Announcement of Candidates**

- 8.1. The Registrar will ensure that the names of all candidates are made available to the University community, normally by posting the names on the University's website within five business days following the deadline for nominations.
- 8.2. Candidates in an election will be informed of the election period.

## **9.0 Campaign**

- 9.1. There must be at least four weeks between the deadline for nominations and the start of the election.

- 9.2. Campaigning is undertaken at the individual's expense and in their own time. Campaigning includes, but is not limited to posters, signs, websites, social media, and other communication. Encouraging individuals to vote is not considered campaigning if there is no reference to an individual candidate or group of candidates.
- 9.3. Candidates are expected to conduct themselves in a manner respectful of other candidates.
- 9.4. Candidates are expected to make all reasonable efforts to represent facts accurately.
- 9.5. All campaign material will be in accordance with human rights and other legislation.
- 9.6. No candidate or any person acting on behalf of a candidate may use University resources that are not equally available to other candidates to further a campaign.
- 9.7. Candidates may not abuse the University's resources. All candidates are required to act with honesty and integrity.
- 9.8. Candidates must follow the Rules and any additional regulations and guidelines issued by the Registrar under the authority of the Rules. Failure to do so may result in the candidate's disqualification from the election.
- 9.9. Complaints about campaigning must be made in writing to the Registrar.

## 10.0 Election Register and Electoral Integrity

- 10.1. The Registrar, with cooperation from the Human Resources department of the University, will create the election register based on the eligibility criteria outlined in Section 3.0.
- 10.2. Only those persons whose names appear in the election register are entitled to vote in an election.
- 10.3. Activities that, in the opinion of the Registrar, are contrary to the good conduct of the election may result in a candidate or candidates being disqualified and/or the election being declared void by the Registrar, subject to appeal to the Academic Council. The action taken by the Registrar will stand until the Academic Council has ruled on the matter, but no new election will occur nor candidate or candidates declared elected until the Academic Council has ruled.
- 10.4. The Registrar may take such remedial actions as he/she/they deems necessary to enforce the Rules, correct or mitigate any unfair advantage received by any candidate, or contend with any situation not covered by these regulations, subject to appeal in accordance with Section 13.0.

## 11.0 Voting

### ***Voting Period***

- 11.1. Candidates will be given at least five business days' notice prior to the start of the election period.
- 11.2. For elections, other than of students to the Academic Council, the election period will be a minimum of five business days.
- 11.3. For elections of students to the Academic Council, the election period will be a minimum of three business days.
- 11.4. In exceptional circumstances, the Registrar may extend an election period.
- 11.5. The voting period begins at 12:01 A.M. (Pacific Standard Time) on the first day and ends at 11:59 P.M. (Pacific Standard Time) on the final day.

### ***Means of Voting***

- 11.6. Voting will be by secret ballot.
- 11.7. Voting shall be accomplished by means satisfactory to the Registrar, including electronic voting and paper ballots, with a preference given to electronic voting.

### ***Electronic Voting***

- 11.8. To vote electronically, voters will be required to verify their eligibility by means specified by the Registrar.
- 11.9. Voters may vote for up to the number of candidates that corresponds to the number of vacant positions or may opt to spoil their ballots.

### ***Paper Voting***

- 11.10. The Registrar will ensure that accurate paper ballots in a sufficient quantity are prepared in advance of the election.
- 11.11. The Registrar will appoint and supervise at least three independent scrutineers for each election conducted using paper ballots.
- 11.12. To vote by paper ballot, voters will be required to verify their eligibility by means specified by the Registrar.

- 11.13. A person entitled to vote will mark his/her/their paper ballot in accordance with the instructions on the ballot.
- 11.14. The scrutineers will be responsible for validating all paper ballots or for verifying the method of the election and validation of the paper ballot counting, and for counting and recording votes, if required.
- 11.15. The scrutineers will, when counting paper ballots, follow the procedures established by the Registrar to guarantee that a marked paper ballot cannot be matched to the voter.
- 11.16. A paper ballot is not valid if:
- 11.16.1. the person is not eligible to vote in the election;
  - 11.16.2. the person has not followed the instructions on the ballot;
  - 11.16.3. it contains any identifying mark; or
  - 11.16.4. it is marked for more candidates than there are vacancies.
- 11.17. Any person entitled to vote in an election may be present at the counting and recording of votes.
- 11.18. Paper ballots will be held by the Registrar for a period of one year following the announcement of election results. At the end of that time, the paper ballots will be confidentially destroyed.

***Spoiled ballots***

- 11.19. Spoiled ballots will be recorded by the Registrar but are not valid for the purposes of calculating election results.

## **12.0 Election Results**

- 12.1. The official results of each election, as validated by the Registrar and the scrutineers, will be retained by the Secretary until such time as they are transferred to the University archives in accordance with the University's records retention policies.
- 12.2. Candidates will be acclaimed for a vacant position if:
- 12.2.1. the number of candidates nominated is equal to or less than the number of vacant positions; or

- 12.2.2. a candidate has withdrawn his or her nomination and, as a result, the number of remaining candidates is equal to or less than the number of vacant positions.
- 12.3. If the number of candidates for a position is more than the required number of candidates to be elected, the candidate(s) with the most votes will be declared as elected.
- 12.4. In the event of an equality of votes between two or more candidates in an election, the final result will be decided by lot amongst the candidates, under the direction of the Registrar.
- 12.5. The Registrar will:
  - 12.5.1. announce the election results publicly within two (2) working days following each election;
  - 12.5.2. inform the President of the results of the election;
  - 12.5.3. report the Academic Council election results at the first Academic Council meeting following each election; and
  - 12.5.4. post results publicly on the University's website, including the number of eligible voters in an election, the number of votes received by each candidate, and the number of spoiled ballots.

## 13.0 Complaints and Appeals

- 13.1. Any complaints about the election procedures, campaigning, or results must be made in writing to the Academic Council, in the care of the Secretary, no more than forty-eight (48) hours after voting has been completed except for those solely contesting the actual tabulation of results. Statements contesting the vote totals reported must be received by the Secretary within two (2) days of the publication of the official results of the election in question. No such statement shall be accepted.
- 13.2. In the event of challenges to the conduct of the elections, an *ad hoc* Elections Appeals Committee will be convened by the Academic Council.
- 13.3. The Elections Appeals Committee will:
  - 13.3.1. be composed of one member of each constituent group, appointed by their executive (the member cannot have been a candidate in the election);

- 13.3.2. be chaired by the Registrar (or designate) or by the Academic Administrator (or designate), as determined by the nature of the appeal in accordance with Section 13.4.; and
- 13.3.3. have a mandate to hear the appeals based on the rules for election.
- 13.4. Appeals that question the conduct of candidates or the election process will be chaired by the Registrar or designate. In the case of an appeal against the conduct of the Registrar (or designate), the Academic Administrator (or designate) will chair the Election Appeals Committee. In either case, the Chair is non-voting.
- 13.5. All candidates of the affected constituent group will receive a copy of each appeal prior to the Election Appeals Committee hearing.
- 13.6. Each candidate will have an opportunity to respond to the appeal in writing. Each response will be signed and received by the Chair no later than 5:00 P.M. (Pacific Standard Time) two (2) days after receipt of the appeal.
- 13.7. The Elections Appeals Committee will review any complaints and will determine what action should be taken. The Elections Appeals Committee's decision is final and not subject to appeal.
- 13.8. The Chair of the Election Appeals Committee will allow each of these candidates an opportunity to speak to the Committee during the designated hearing. These candidates must confirm their attendance with the Chair at least 24 hours prior to the hearing. Time limitations and schedule for the hearing will be at the discretion of the Election Appeals Committee, taking into consideration the number of appeals and candidates wishing to address the Committee.
- 13.9. Each confirmed candidate addressing the Appeals Committee will be allowed one support person at the Appeals Committee Hearing. This support person is not able to address the committee.
- 13.10. Once all confirmed candidates have addressed the Elections Appeal Committee, the Committee will consider all evidence presented and take appropriate action, including:
- 13.10.1. overruling the objection or complaint;
  - 13.10.2. making recommendations to the Registrar with respect to future elections;
  - 13.10.3. ordering new procedures; or
  - 13.10.4. requiring a new election

- 13.11. The action taken by the Registrar will stand until the Elections Appeals Committee has ruled on the matter.
- 13.12. The Elections Appeals Committee's determination of appeals will be final and will not invalidate an election if the Elections Appeals Committee is satisfied that the election was conducted in good faith or the matter under appeal did not materially affect the result.