



## University Students' Council of the University of Western Ontario

### 5<sup>th</sup> MEETING OF COUNCIL 2017/2018

29 November 2017

USC Community Room  
7:00 PM

1. Call to Order
2. O Canada
3. Western Song
4. Land Recognition
5. Roll Call
6. Comments from the Chair
7. Consent Agenda

#### Governance & Finance Standing Committee:

- i. Amendments to the Nominating Committee Terms of Reference ([Consent Motion 1, Recommendation Report 1](#), Appendix 1) – K. Olsen
- ii. Standing Resolutions of Council: OUSA Elections ([Consent Motion 2, Recommendation Report 2](#), Appendix 2) – *C. Caracciolo, Ivey Councillor*
- iii. Standing Resolutions of Council: Resource Members ([Consent Motion 3, Recommendation Report 3](#), Appendix 3) – *K. Olsen, Chair, Governance & Finance Standing Committee*

#### Student Experience Standing Committee:

- iv. Purple Bikes Review – ([Consent Motion 4](#)) – *G. Zhu, Chair, Student Experience Standing Committee*

#### Approval of Minutes

Meeting of Council (25 October 2017)

8. Approval of Agenda
9. Presentations
  - i. Smoke Free Campus Presentation (20 minutes) – *A. Hutchinson, Dr. T. Paul, and C. Bumbacco*
  - ii. RadioWestern Update (20 minutes, 5-minute Q&A) – *A. Barton, Station Manager*
  - iii. Textbook Rental Service Feasibility Investigation (10 minutes, 5-minute Q&A) – *C. Caracciolo, Ivey Councillor*

#### 10. For Action

##### Advocacy Standing Committee:

- iii. Introduction of a Meal Support Service on Campus ([Motion 1](#)) – *E. Juhasz, HSSA Councillor*
- iv. After-hours Drop-in Support ([Motion 2](#)) – *E. Juhasz, HSSA Councillor*

##### Governance & Finance Standing Committee:

- v. Amendments to By-Law 2 ([Motion 3, Recommendation Report 1, Appendix 1](#)) – K. Olsen
- vi. Amendments to the EGC Violations Procedure ([Motion 4, Recommendation Report 2, Appendix 2](#)) – K. Olsen
- vii. Amendments to By-Law 6 ([Motion 5, Recommendation Report 3, Appendix 3](#)) – K. Olsen
- viii. Motion Calling for a Referendum Concerning the CHRW Fee ([Motion 6, Recommendation Report 4, Recommendation Report 5](#)) – K. Olsen
- ix. International Student Representative ([Motion 7, Recommendation Report 6](#)) – *C. Chao, SSC Councillor*

##### Student Experience Standing Committee:

- x. Textbook Rental Service Feasibility Investigation – ([Motion 8, Appendix4, Appendix 5](#)) – *C. Caracciolo, Ivey Councillor*



## University Students' Council of the University of Western Ontario

### Council Election:

- xi. Election of Council Members to the Budget Taskforce ([Motion 9](#))
- xii. Election of USC Representative on SSC Hiring Committee ([Motion 10](#))
- xiii. Election of USC Representative for Parking Appeals Committee ([Motion 11](#))
- xiv. Election of USC Council Member to the Board Nominating Committee ([Motion 12](#))

### Other:

- xv. Motion to Advocate in Favour of the Missed Academic Work Relief Program ([Motion 13, Appendix 6](#)) – *F. Ye, SSC Councillor*

### 11. For Information

- i. Executive Reports (45 minutes)
- ii. Report of the Chair of the Board of Directors (10 minutes)
- iii. Report from the Chair of the Student Senators (10 minutes)
- iv. Report from Standing Committee Chairs (10 minutes)
  - a) Governance and Finance Standing Committee
  - b) Advocacy Standing Committee
  - c) Student Experience Standing Committee
  - d) Agenda and Council Operations Standing Committee

### 12. For Discussion

### 13. New Business

### 14. Termination



## University Students' Council of the University of Western Ontario

### CONSENT AGENDA

#### For Action

##### Governance & Finance Standing Committee:

- i. Amendments to the Nominating Committee Terms of Reference ([Consent Motion 1](#), [Recommendation Report 1](#), Appendix 1) – K. Olsen
- ii. Standing Resolutions of Council: OUSA Elections ([Consent Motion 2](#), [Recommendation Report 2](#), Appendix 2)  
– C. Caracciolo, Ivey Councillor
- iii. Standing Resolutions of Council: Resource Members ([Consent Motion 3](#), [Recommendation Report 3](#), Appendix 3)  
– K. Olsen, Chair, Governance & Finance Standing Committee

##### Student Experience Standing Committee:

- iv. Purple Bikes Review – ([Consent Motion 4](#)) – G. Zhu, Chair, Student Experience Standing Committee

#### Approval of Minutes

25 October 2017 Minutes

### The Unanimous Consent Agenda

#### The Council's parliamentary authority -- Robert's Rules of Order -- explains the consent agenda:

The consent agenda (or in some cases, the consent calendar) allows members to vote on a group of items en bloc (as a group) without discussion. This is a good way to dispose of business that is non-controversial. Approving the minutes, paying the bills, and approving customary donations are examples of non-controversial business. For an organization to use a consent agenda, it needs to adopt a special rule of order.

The presentation of the consent agenda is established by a special rule of order and should be taken up before committee reports. If the consent agenda includes the approval of the minutes, then it should be taken up before any business is transacted. Every member should have a printed copy of the consent agenda when the presiding officer presents it. When presenting it, the chair asks if any member wants to extract an item from the consent agenda.

A number of Canadian university Boards and Councils have employed the consent agenda format to include not only routine approval items, but also information items. One reason for using this format is to allow the Board/council to focus on major items of business. While approval of an omnibus motion saves time at meetings, members will want to review the agenda materials carefully in order that they properly discharge their responsibilities.

#### How it works:

The Speaker identifies action and information items that are routine and/or likely non-controversial. In so doing, she may consult with the relevant committee chair, and principal resource persons. In each Committee's report, these items are noted in the list of items at the beginning of the report. Action and information items on the agenda and in committee reports that are not noted on the consent agenda will be presented singly for discussion and voting (when appropriate).

When members receive their council agendas, they should review all reports in the usual manner. If any member wants to ask a question, discuss, or oppose an item that is marked for the consent agenda, he or she can have it be removed from the consent agenda by contacting the Speaker of Council prior to the meeting or by asking that it be removed before the Speaker calls for a mover and seconder for the motion to approve or receive, by unanimous consent, the items listed.

At the Council meeting, before the unanimous consent motion is presented for approval, the Chair of the Council (1) will advise the Council of items that are to be removed from the list, based on prior requests from Council members; and (2) will ask if there are any other items that should be removed from the list. The remaining items are then unanimously approved en bloc without discussion, saving the time that would be required for individual presentation and voting. Those matters that have been struck from the consent agenda will be handled in the usual way as each Committee's report is presented.



**University Students' Council of the University of Western Ontario**

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**Consent Motion 1**

**Amendments to the Nominating Committee Terms of Reference**

**Be it resolved that**, Council approve the following amendments to the Nominating Committee Terms of Reference (Appendix 2).

**OLSEN/seconder**



## University Students' Council of the University of Western Ontario

### Recommendation Report 1

#### Governance and Finance Standing Committee Recommendation Report

<b>Item:</b>	<b>Amendments to the Nominating Committee Terms of Reference</b>
<b>Author:</b>	<b>Governance and Finance Standing Committee</b>
<b>Purpose of Report:</b>	<b>For Information</b>

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to the Nominating Committee Terms of Reference policy pertaining to both the Board of Directors nominating committee and the Appeals Board nominating committee be adopted by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. Best practices for Nonprofits concerning representation on a Board of Directors nominating committee;
2. Recommendations from USC HR and the President; and
3. The irregularity between the existing Nominating Committee TOR policy for the hiring of appeals board members, and Bylaw #6, which outlines its own process for Appeals Board selection.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by Board Chair Andriy Katyuhka, concerning the current composition of the Board Nominating Committee. The amendment to the Appeals Nominating Committee came forward during discussion on the floor of the Governance and Finance Standing Committee, as the irregularity between the Nominating Committee TOR and Bylaw #6 was brought up.



## Appendix 1

### Nominating Committees Terms of Reference

Effective: September 14<sup>th</sup> 2016

USC Council

Last Reviewed: September 14<sup>th</sup> 2016

To be Reviewed: November 2018

#### 1. Objective

To better allocate nominating between Council, the Board, and the Appeals Board by spreading the workload between three highly specialized committees. To create checks and balances so that appropriate bodies still have final say on the membership of each nominated position.

#### 2. Board Nominating Committee

##### 1. Mandate

- i. Coordinate promotion of Director postings.
- ii. Develop interview questions, conduct interviews, and select a list of recommended candidates.
- iii. Provide a detailed recommendation of new Directors to Council for ratification, outlining specific skillsets, experience, and education that qualify recommended candidates for the position.

##### 2. Composition

- i. Board Chair
- ii. One USC Director
- iii. One USC Councillor
- iv. Senior Manager, Human Resources (Resource)
- v. Secretary Treasurer

#### 3. Appeals Nominating Committee

##### 1. Mandate

- i. Coordinate promotion of Appeals Board postings
- ii. Develop interview questions, conduct interviews, and provide a detailed recommendation of new Appeals Board members to the Board of Directors and Council for ratification.
- iii. Recommendation must include information on specific skillsets, experience, and education that qualify recommended candidates for the position.

##### 2. Composition

- i. Appeals Board Chair or Deputy Chair
- ii. Two (2) additional directors elected by the board, and One outgoing Appeals Board Member
- iii. Three (3) Ordinary Members elected by the Council One returning Appeals Board Member

#### 4. Executive Selection Committee

##### 1. Mandate

- i. The Executive Selection Committee is responsible for coordinating promotion, developing interview questions, conducting interviews, and selecting the Communications Officer and Secretary-Treasurer.

##### 2. Composition

###### a. Voting

- i. Incoming President and CEO
- ii. One Director
- iii. One Councillor



## University Students' Council of the University of Western Ontario

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- b. Resource
  - i. Outgoing President
  - ii. Outgoing Secretary-Treasurer (for Secretary-Treasurer selection)
  - iii. Outgoing Communications Officer (for Communications Officer selection)
  - iv. Senior Manager, Human Resources

### **8. Context and Enactment**

1. Documents Repealed – Board and Appeals Nominating Committee
2. Supporting/Related Documents –
3. Date Passed – September 14<sup>th</sup> 2016
4. All previous Amendments –



**University Students' Council of the University of Western Ontario**

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**Consent Motion 2**

**Standing Resolutions of Council: OUSA Elections**

**Be it resolved that**, Council approve the amendments to the Standing Resolutions of Council pertaining to OUSA Elections.

**CARACCIOLLO**/Seconder



## University Students' Council of the University of Western Ontario

### Recommendation Report 2

#### Governance and Finance Standing Committee Recommendation Report

Item:	Standing Resolutions of Council: OUSA Elections
Author:	Governance and Finance Standing Committee
Purpose of Report:	For Information

#### Recommendation:

The recommendation of the Governance and Finance Committee is:

That the proposed changes to the Standing Resolutions of Council pertaining to OUSA Elections be adopted by Council.

#### Summary of Considerations:

Member Councillors considered the following:

1. The difficulty associated with remembering names when there are many applicants presenting over a long period of time; and
2. The feasibility of including a picture of a candidate alongside their name.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by Councillor Caracciolo to the Governance and Finance Standing Committee concerning the fairness of OUSA elections on Council floor.



## University Students' Council of the University of Western Ontario

### Appendix 2

#### OUSA Elections

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Effective Date: 29 November 2017
Expiry Date: in perpetuity

**Whereas**, in the past there has been a high number of candidates running for OUSA election by Council;  
Whereas, during the initial voting period it can be challenging for members of Council to remember the name of every OUSA candidate;

**Whereas**, in the event of a second round of voting, significant time has passed after the first round of votes have been counted, and it is exceedingly challenging for members of Council to remember names of the candidates if they have already left the Council meeting;

**Whereas**, the integrity of the OUSA election process is jeopardized when Councilors are not certain of who they are voting for in the election;

**Be it resolved**, during Council meetings where OUSA representatives are elected, the following will be distributed to Councilors before the candidates speak:

- A list of names of all candidates in the election
- A picture of the candidate beside their name



## University Students' Council of the University of Western Ontario

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### **Consent Motion 3**

#### **Standing Resolutions of Council: Resource Members**

**Be it resolved that**, Council approve the amendments to the Standing Resolutions of Council pertaining to Non-Voting Resource Members of Council (Appendix 1).

**OLSEN**/Seconder



## University Students' Council of the University of Western Ontario

### Recommendation Report 3

#### Governance and Finance Standing Committee Recommendation Report

Item:	Standing Resolutions of Council: Non-voting Resource Members
Author:	Governance and Finance Standing Committee
Purpose of Report:	For Information

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to the Standing Resolutions of Council pertaining to Non-Voting Resource Members be adopted by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. The role of Resource Members on Council has not been defined in the past;
2. Resource Members do not have the democratic legitimacy to speak for or against motions on the Council floor at-large, but do hold valuable and useful information through their expertise and through virtue of their position; and
3. That Resource Members may, at times, have to speak for or against something directly related to their portfolio, and as such, they should be eligible to have speaking rights deferred to them.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought up by Secretary Treasurer McAuley about the lack of rules governing Resource Members on Council, recognizing that they serve a separate purpose from Ordinary Voting Members in debate. The Governance and Finance Standing Committee Chair drafted a motion to address this policy gap and discussed the nuances of the changes during the next Standing Committee meeting.



## University Students' Council of the University of Western Ontario

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### Appendix 3

#### Resource Members

Effective Date:	29 November 2017
Expiry Date:	in perpetuity

**Whereas**, Non-Voting Resource Members of Council are not elected to represent student interests, and instead hold their seat on Council through virtue of their expertise and relevant experience on select topics;

**Be it resolved**, that all Non-Voting Resource Members of Council hold full speaking rights, except during debate period;

**Be it further resolved**, that Non-Voting Resource Members of Council may only respond to points of order and points of information during debate period;

**Be it further resolved**, that Non-Voting Resource Members of Council may still have full speaking rights deferred to them by a voting Ordinary Member of Council during debate period.

OLSEN/Seconder



## University Students' Council of the University of Western Ontario

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### Consent Motion 4

#### Purple Bikes Review

**Whereas**, Purple Bikes is a service that Council would like to know more about

**Whereas**, the executive has the knowledge and access to resources to evaluate the service;

**Let it be resolved**, that Council task the Executive with doing a review of Purple Bikes and presents it to the Student Experience Standing Committee at their meeting in January.

Zhu/Seconder



University Students' Council of the University of Western Ontario

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**AGENDA**  
**5<sup>th</sup> MEETING OF COUNCIL 2017/2018**



**Motion 1**

**Introduction of a Meal Support Service on Campus**

**Whereas**, eating disorders continue to be a pandemic amongst young adults in Canada, with about 2% of Canadians report an eating disorder – however the number may be higher as most eating disorders are guarded and kept secret.

**Whereas**, according to the National Eating Disorder Information Centre (NEDIC), eating disorders have the highest mortality rate of all mental health illnesses (due to both illness complications and suicide). Eating disorders also have one of the highest rates of relapse – relapses for anorexia nervosa in Dutch patients ranged from 35%-41% relapse after 18 months from initial treatment (see resource link 2). Canadian statistics show similar trends.

**Whereas**, the Canadian Mental Health Association (CMHA) cites self-directed care practices as excellent compliments to professional treatment, Western currently lacks resources that are specifically targeted towards students recovering from eating disorders.

**Whereas**, the introduction of a meal support service would complement professional treatment such as counselling, while allowing students to take autonomy of their health in a safe, informative social setting.

**Be it resolved that**, the USC consider introducing a student meal support service as part of a current/existing USC-based service, or as a new independent service at the discretion of the executive.

**Be it further resolved that**, should this motion pass, the service be implemented following the winter holidays near the start of the winter 2018 term.

JUHASZ/Watson

**Resource Links:**

Eating Disorder Fact Sheet:

<http://nedic.ca/know-facts/statistics>

Study: Relapse in Dutch Patients:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017136/>

Eating Disorder Information (Refer to Appendix 17, pp. 228 of the document)

[https://www.ncbi.nlm.nih.gov/books/NBK49304/pdf/Bookshelf\\_NBK49304.pdf](https://www.ncbi.nlm.nih.gov/books/NBK49304/pdf/Bookshelf_NBK49304.pdf)

Additional Fact Sheet

<http://www.statcan.gc.ca/pub/82-619-m/2012004/sections/sectiond-eng.htm#a1>

Additional Fact Sheet

<https://cmha.bc.ca/documents/eating-disorders-3/>

Meal Support Fact Sheet (in a clinical setting)

<http://www.eatingdisordersrecoverytoday.com/what-is-meal-support/>



## University Students' Council of the University of Western Ontario

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### **Motion 2**

#### **After-Hours Drop-In Support**

Whereas, mental health continues to be an issue that affects students at all times of the year, not just during examination periods.

Whereas currently, Western has implemented many resources such as after-hours support during examination periods. However, the accessibility to after-hours support and similar resources are limited during non-examination periods.

Whereas, without intervention methods such as after-hours support centers, the result of mental crises will have a negative impact on students, seeing as the majority of crisis reports occur in the evening and holidays (such as Christmas) when most services are closed.

Whereas currently, the only after-hours support centre is the CMHA crisis centre located at Huron and Adelaide – a commute that may be difficult, if not impossible for a student in crisis. Other options such as emergency rooms, can be traumatic for students, especially if they are admitted without supporters.

Whereas, the Peer Support Centre is an excellent example of a “first-line of support” in the context of crisis intervention.

Be it resolved that, the USC consider implementing an after-hours support centre under the organization of the Peer Support Centre; the hours of this service are recommended to be 6pm-12am 7 days a week, but can be modified at the discretion of the executive.

Be it further resolved that, the USC provide the Peer Support Centre with an additional supervising staff member to facilitate the extended hours, the increase in student volunteers, and a new effective advertising campaign for the Peer Support Centre and its services.

Be it further resolved that, should this motion pass, the final planning and solidification of the program will be assigned to a group of Councillors (selected at the discretion of the executive and Councillors) to work in collaboration with the Peer Support Centre.

JUHASZ/Watson



**University Students' Council of the University of Western Ontario**

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**Motion 3**

**Amendments to By-Law 2**

**Be it resolved that**, Council approve the following amendments to By-Law 2 (Appendix 3).

**OLSEN**/Seconder



## University Students' Council of the University of Western Ontario

### Recommendation Report 1

#### Governance and Finance Standing Committee Recommendation Report

<b>Item:</b>	<b>Amendments to Bylaw #2</b>
<b>Author:</b>	<b>Governance and Finance Standing Committee</b>
<b>Purpose of Report:</b>	<b>For Information</b>

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to Bylaw #2 be adopted by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. A presentation covering all proposed changes to Bylaw #2;
2. Clarification on specific miscellaneous points of interest; and
3. Debate surrounding the changes to SPO balloting that would prevent one Councillor who is both incoming and outgoing from casting two ballots during the AGM.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by Council during the September 2017 meeting. Following the calls for a review by the Governance and Finance Committee, the Ad-hoc Elections and Nominations Review Subcommittee of the Governance and Finance Standing Committee was struck. This Subcommittee submitted its final recommendations to the Governance and Finance Standing Committee on November 22, following consultations with relevant stakeholders and after reaching out to other student organizations to establish an understanding of elections best-practices.



## Appendix 1

### Elections Procedures of the University Students' Council

#### Elections Procedure Code

The University Students' Council of the University Western Ontario, hereinafter called the "Corporation" is a governing body incorporated in 1965 under Letters Patent with Directors and members duly elected by the students of the University of Western Ontario, and, in this capacity, the Corporation finds itself concerned with the democratic operation of electoral rules and procedures by which it abides. As such, the Corporation has approved the procedures and standards set out in this By-Law in an attempt to accomplish the following:

#### Vision Statement

To maximize the opportunity for students to be involved in USC-governed elections at the University of Western Ontario, as candidates, voters and informed individuals.

Principles:

- To ensure fairness and democracy.
- To provide a manner of balloting that is efficient, effective, impartial and confidential.
- To increase student awareness as to the occurrence of student elections.
- To allow any student to be a candidate in an elections, regardless of financial status.
- To raise the level of debate surrounding student issues.
- To protect the reputation of the University and the USC in the city and elsewhere.

#### Statement of Independance

**The USC shall not endorse or support the views of any Candidate in any election. Further, the views of any Candidate during the course of campaigning shall not necessarily represent the views of the USC or current Elected or Appointed Officials.**

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**CONTENTS: BY-LAW #2: ELECTIONS BY-LAW**

**PART A: ELECTIONS**

1. Definitions
2. Jurisdiction
3. Administration of Bylaw #2
4. Amendments to Bylaw #2
5. Annual Elections Timetable
6. The Constituency
7. Candidate Eligibility
8. Voter Eligibility
9. Administration of Elections
10. The Ballot
11. Rules for Elections, Plebiscite, and Referenda
12. Campaign Materials and Branding
13. Campaign Finances
14. Violations of Campaign Rules
15. Interference by Outside Parties
16. Election Results
17. Special Rules for Student Programs Officer Election
18. Preferential Voting Rules
19. Special Rules for Speaker Elections
20. Appeals of Committee Decisions or Elections Results

**PART B: REFERENDA AND PLEBISCITES**

21. General
22. Student-Initiated Referendum
23. Council-Initiated Referendum
24. Student-Initiated Plebiscite
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26. Registered Interest Party
27. USC-Sponsored Interest Side
28. Information-Based Campaign
29. Finances
30. Appeals of Plebiscite or Referendum Results
31. Context and Enactment

**Commented [1]:** I think a list of the context of bylaw 2 at the beginning would soothe a lot of candidates minds, since they could see that most of it really doesn't apply to them



**BY-LAW#2: ELECTIONS BY-LAW**

29 November 2017 ~~17 January 2001~~

USC Council

**PART A: ELECTIONS**

**1. Definitions**

For the purpose of this By-Law, in addition to definitions from USC's **By-Law #1**, these terms shall be defined as follows regardless of capitalization.

**1.1 Arm's-length Party** means any individual or group who is not a campaign volunteer.

~~o Building On Campus means any building owned and/or operated by the University of Western Ontario, except for a student residence.~~

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**1.2 Campaign Material** means any item, giveaway, design, sound, symbol or mark that is created or copied in any form in order to and/or likely to influence at least one voter to cast a ballot in favour or in opposition of a candidate.

**1.3 Campaign Period** means the designated days during which a candidate may campaign, as set by the CRO.

**1.4 Campaigning** means any attempt by an individual or organization to encourage a student to cast a ballot in favour or in opposition of a candidate. This may occur with or without campaign material.

**1.5 Campaign Volunteer** means an individual, group, or organization who a Candidate knew, or reasonably ought to have known, would assist that candidate with campaigning ~~and/or the logistics of campaigning. An organization will be deemed to be a volunteer of a Candidate if the candidate is a member of the organization. Knowingly and actively distributing more than one of the same type of campaign item to an individual shall result in that individual being deemed a volunteer.~~

**1.6 Candidate** means any individual or group of individuals that appears as a single political entity on the voting ballot.

**1.7 Candidate Forums** means organized events by the Committee, where candidates may present their platforms.

**1.8 Committee** means the Elections Governance Committee.

**1.9 Consultations** means a meeting held to gather information for the purposes of assembling a campaign team and/or platform.

**1.10 CRO** means Chief Returning Officer of the USC.

**1.11 Days** means school days unless specified otherwise.

**1.12 Designated Polling Station** means an electronic polling station installed and under the control of the CRO during balloting.



## University Students' Council of the University of Western Ontario

**1.13 Distribute** means the dissemination of campaign materials by a candidate, or a campaign volunteer, to any individual or group.

**1.14 Divisional Election** means an election for representatives of faculty or affiliate constituencies, other than for the USC President, or the Student Programs Officer, or the Speaker of Council, Elections.

**1.15 Election** shall include any by-election.

**1.16 Endorsement** means supporting a candidate either verbally, or through the provision of materials, advertisements, or non-financial donations.

**1.17 Fair Market Value** of a product or service means the typical price, without special concessions or discounts, which is available to all persons who approach a person or company that sells, or deals in, that product or service.

**1.18 Fall semester** means the session of the academic year starting in September and ending at the conclusion of the December exam period.

**1.19 Prospective Candidate** means an individual or group of individuals who have expressed an interest in running in a USC Election, regardless of having submitted a Declaration of Candidacy. One shall be considered a prospective candidate up until the moment one submits a valid nomination form.

**1.20 PVP Election** means an election as a slate for the USC President and Vice-President.

**1.21 Proxy** means an authorization by means of which a candidate has appointed another student to attend and act on the candidate's behalf.

**1.22 Public Domain** means any place to which the public has an automatic right of access.

**1.23 Regulations** means guidelines released by the Elections Governance Committee indicating how the by-law will be interpreted and applied.

**1.24 Secretary of the University** as defined by the University of Western Ontario.

**1.25 Slate** means a pair of individuals – a President and Vice-President – that constitute a single political entity and run a single campaign.

**1.26 Spoiled vote** means any ballot cast that is not a valid vote.

**1.27 Sponsorship** means a financial contribution made for the purpose of supporting a candidate's campaign.

**1.28 Student** includes any individual with undergraduate status registered at the University of Western Ontario, King's University College, Huron University College, or Brescia University College unless otherwise specified.

**1.29 Third-Party Fee** is a fee that funds a program or service run by an organization other than the USC, and which benefits ~~of~~ Western students.

**1.30 University** means the University of Western Ontario together with King's University College, Huron University College, and Brescia University College.



## University Students' Council of the University of Western Ontario

**1.31 USC** means University Students' Council of the University of Western Ontario.

**1.32 USC recognized organization** shall include but is not limited to, Members of Council, clubs, Faculty Councils, USC Services, Affiliate Councils and accredited groups.

**1.33 University recognized organizations** shall include, but is not limited to, Western Athletics, sports teams, Residence Councils and Faculty Associations.

**1.34 Valid Vote** means any ballot that is cast with x number of candidates selected when the voter can legally select y number of candidates, and where  $y + 1 > x > 0$ .

**1.35 Vice-Presidential Election** means an election for the Student Programs Officer.

**1.36 Votes Cast** means the total of valid votes and spoiled votes.

**1.37 Winter semester** means the session of the academic year starting in January and ending at the conclusion of the April exam period.

### 2. Jurisdiction

**2.1** Jurisdiction of this By-law shall extend to include all students registered at the University.

**2.2** The provisions of this By-law shall extend to the on and off-campus actions of any and all candidates and campaign volunteers, given that those actions are within the scope of a USC election, by-election, plebiscite and/or referendum conducted by the USC.

**2.3** The provisions of this By-law shall apply to those USC elections, by-elections, plebiscites and referenda conducted by the USC.

**2.4** Notwithstanding section 2.2, the Secretary of the University is the Chief Returning Officer of the Board of Governors' and Senate's election. The CRO shall assist the Secretary of the University in the facilitation and regulation of Board of Governors and Senate campaigning.

**2.5** For the purposes of expediency and fairness, in the event of a by-election for faculty, residence, or college representatives, the Committee may, at its discretion, surrender jurisdiction of the election to the respective faculty, residence, or college student council.

### 3. Administration of By-law #2

**3.1** It will be the duty of the CRO and the Committee to administer this By-law, and to uphold its Visions and Principles.

**3.2** The CRO and the Committee shall have the sole authority to enforce the provisions of this By-law.

**3.3** The Elections Governance Committee shall:

**3.3.1** Be composed of:

**3.3.1.1** the Chief Returning Officer (CRO), *ex-officio*, as chairperson, voting,



## University Students' Council of the University of Western Ontario

**3.3.1.2** the Deputy Returning Officer (DRO), *ex-officio*, as vice-chairperson voting,

**3.3.1.3** the Secretary-Treasurer, *ex-officio*, as a resource, non-voting,

**3.3.1.4** Up to nine (9) students of the University, voting, and,

**3.3.1.5** Coordinator of Council Services, non-voting,

(a) Shall act as an advisor, as required by the committee.

**3.3.1.6** Further details of the Elections Governance Committee composition are noted in the [Elections Governance Committee Terms of Reference](#).

**3.3.2** Oversee the Spring and the Fall Elections in accordance with the provisions of By-law #2.

**3.3.3** Develop and maintain a clear set of criteria and considerations to be used by the Committee when making decisions relating to elections.

**3.3.3.1** The Committee may release Regulations detailing how By-law #2 will be interpreted and applied during an election period. The Regulations shall be binding as though they were a part of the by-laws, provided that:

(a) The Regulations are consistent with the by-laws; and,

(b) The Regulations are openly available to candidates at the start of nominations.

(c) The Committee recommend to [Council](#) the Senior Operations Committee any By-law amendments related to Regulations issued as soon as possible following the conclusion of the Election period.

**3.3.4** Make recommendations to Council on all matters, including By-law amendments, which relate to the elections.

**3.3.5** Not seek office in an election, support any candidate, or endorse a position in a referendum administered by the Elections Committee during her term; and,

**3.3.5.1** Failure to comply with this requirement will result in the immediate removal from the Elections Committee.

## 4. Amendments to By-law #2

**4.1** Written notice of any amendments to provisions of this By-law regarding Board of Governors or Senate elections, as approved by the USC, shall be provided to the Secretary of the University by the Secretary-Treasurer as soon thereafter as practicable.

## 5. Annual Elections Timetable

**5.1** There shall be four sets of USC elections each year: Fall Elections, Spring Elections, Vice-Presidential Elections and the Speaker election. The Fall elections will consist of Divisional candidates, whereas, the Spring Elections will consist of both Divisional and PVP candidates.



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- 5.1.1** All campaign periods shall be no longer than twelve (12) days and no shorter than seven (7) days. As an exception, the Student Programs Officer election campaign period may be up to fifteen (15) days.
- 5.1.2** For the purposes of this By-law, a campaign period is that determined by the Committee, in accordance with this By-law.
- 5.1.3** Referenda and plebiscites are subject to PART B of this By-law, and they shall be held concurrently with either the Fall or Spring election period.
- 5.2** The Board of Directors Nominating Committee shall be struck each year and shall report to Council at the Annual General Meeting. The composition of this Committee shall be determined by By-law #1 of the corporation.
- 5.3** Subject to necessary changes by the Corporation, the Fall Election timetable shall be as follows:
- 5.3.1 Nominations:** Nominations for Divisional candidates shall open no later than September 28<sup>th</sup> and close no later than October 16<sup>th</sup> on the Friday preceding the commencement of the campaign period. In any event, nominations shall be open for at least five (5) days, and shall close not more than two (2) days prior to the commencement of the campaign period.
- 5.3.2 Campaigning:** The campaign period for Divisional candidates shall begin no later than October 19<sup>th</sup> each year, and shall continue up to and including the day of the close of balloting preceding the balloting. In any event, the campaign period shall be no shorter than nine (9) days.
- 5.3.3 Balloting:** Balloting shall take place on-line over a minimum of two (2) consecutive days (from 8:00a.m on the first day day 1 to 8:00p.m on the last day day 2), and shall conclude no later than October 31st commence no later than October 29<sup>th</sup>.
- 5.4** Subject to necessary changes by the Corporation, the Spring Election timetable shall be as follows:
- 5.4.1 Nominations:** Nominations shall open no earlier than January 1<sup>st</sup>, and no later than January 12<sup>th</sup>; and close the Friday preceding the commencement of the campaign period. In any event, nominations shall be open for at least five (5) days, and shall close not more than two (2) days prior to the commencement of the campaign period. In any event, not more than two (2) days prior to the commencement of the campaign period.
- 5.4.2 Campaigning:** The campaign period for both PVP and Divisional candidates shall begin not more than two (2) days after nominations close and shall continue up to and including the day preceding balloting. In any event, the campaign period shall begin no later than January 24<sup>th</sup> each year, and shall continue up to and including the day preceding balloting. In any event, the campaign period shall be no shorter than nine (9) days.
- 5.4.3 Balloting:** Balloting shall take place on-line over a minimum of two (2) consecutive days (from 8:00a.m on the first day day 1 to 8:00p.m on the last day day 2), and shall conclude no later than February 3rd, not commence earlier than February 1<sup>st</sup>.

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## 5.5 Student Programs Officer Elections

- 5.5.1 Nominations:** Nominations for Student Programs Officer candidates shall be open no later than January 31<sup>st</sup> and shall not close before the announcement of the PVP election results and close no later than

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## University Students' Council of the University of Western Ontario

fifteen (15) days prior to the second-half of the Annual General Meeting of the Corporation.

**5.5.2 Campaign Period:** The campaign period for the Student Programs Officer candidates shall continue up to and including the day preceding balloting at the second half of the Annual General Meeting of the Corporation.

### 5.6 Speaker of Council Elections

**5.6.1** Each candidate shall be permitted to participate in a Candidates Forum and election at the first Duly Constituted Meeting following the second-half of the Annual General Meeting of the Corporation.

**5.6.2** The Chief Returning Officer shall administer the Speaker of Council elections by way of preferential ballot as outlined in section 18 of this By-law.

## 6. The Constituency

**6.1** The constituencies and number of Councillors representing each shall be as indicated by By-law #1 of the Corporation.

## 7. Candidate Eligibility

**7.1** An individual shall be eligible to be a candidate if at the time of their candidacy they have been registered as a full or part-time undergraduate or professional student at the University for two (2) consecutive semesters (i.e., Fall semester, Winter semester) including the one in which the election is to take place as determined by the records of the University.

**7.1.1** For the purpose of the Fall Elections two (2) consecutive semesters shall be taken to mean the current Fall semester and the previous Winter semester.

**7.1.2** Individuals enrolled as a first year undergraduate student at the University shall not be required to meet the “two semesters” criterion for the Fall Elections.

**7.1.3** Undergraduate or professional students of the University that are ~~one~~ exchange at another academic institution at the time of voting for a given election shall be entitled to be a candidate and vote in said election.

**7.2** Candidates in Divisional Elections shall be planning to remain registered as a full or part-time undergraduate or professional student at the University for the duration of the term of office relating to the position for which they are running.

**7.3** An individual shall only be eligible to be a candidate in the constituency in which they are enrolled as determined by the records of the University.

**7.4** Any student who has any outstanding fines, as issued by the Elections Governance Committee or the Secretary of the University shall be deemed ineligible to be a candidate for election, until such time as those fines are paid.

**7.5** Any student who has outstanding loans from the USC PVP or Divisional elections, and who has not made arrangements for the repayment of said loan with the Managing Director of Financial and Corporate Resources of the Corporation, shall be deemed ineligible for election until such time as repayment arrangements are made.



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**7.6** Any student who is an Executive, Associate Vice-President, Intern, or Coordinator with the USC shall be deemed ineligible to be a candidate unless she takes an unpaid leave of absence from her duties starting as of the day nomination forms are filed until the end of the voting period.

**7.67.7** Any student who was a candidate during the Spring Elections shall be deemed ineligible to be a candidate in the next subsequent Vice-Presidential Elections.

**7.7** Any student who is an Executive, Associate Vice-President, Intern, or Coordinator cannot endorse a candidate, nor participate as a campaign volunteer, during the campaigning period of the election.

**31.1.1.7.8** If an Executive, Associate Vice-President, Intern or Coordinator wishes to endorse a candidate, or become a campaign volunteer, they must take an unpaid leave of absence for the duration of the campaign period.

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### Nomination Forms

**7.87.9** Candidates for all election positions must complete a nomination form, using the form released by the CRO on the date specified by the legislative calendar.

**7.8.17.9.1** A nomination form shall only be valid if the required nomination form has been submitted prior to the closing of nominations and has been filled out completely and accurately, including a valid Western email address.

**7.8.27.9.2** Appeals regarding the validity of the nomination shall be made in writing to the Committee no later than twenty-four (24) hours following the closing of nominations. The Committee will render a decision prior to the beginning of the campaign period.

**7.8.37.9.3** A person may not submit a nomination form to be either a Divisional candidate or PVP candidate, or Student Programs Officer candidate in the same election.

**7.8.47.9.4** Further details of nomination form requirements are outlined in the Nominations Procedure.

### All Candidates Meeting

**7.97.10** Candidates shall be declared ineligible if they fail to attend the All-Candidates Meeting or if the candidate fails to send a proxy to the All-Candidates Meeting. The candidate, whether present in person or not, is entirely responsible for all information provided at the All-Candidates Meeting.

## 8. Voter Eligibility

**8.1** In order to vote, each student must possess, and login online, using a unique University email username and password. Further requirements are detailed below.

### 8.2 USC Elections:

**8.2.1** For the purposes of this section, "USC Elections" refers to any USC-administered election for Faculty Councillor, Affiliate Councillor, Faculty President, Affiliate President, USC President and Vice-President, Speaker of Council, or Student Programs Officer.



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- 8.2.2** In order to be eligible to vote in a USC Election, an individual must be registered as a full or part-time undergraduate or professional student at the University and pay tuition to the University for the current academic year.
- 8.2.3** For elections specific to a particular faculty or affiliate, voters must be registered as a student in the corresponding faculty or affiliate.
- 8.2.4** The USC will rely on records by the University to determine which students are registered as full or part-time undergraduate or professional student and pay tuition to the University, and in which constituency each student is registered.

### 8.3 University Elections:

- 8.3.1** For the purposes of this section, “University Elections” refers to the USC-administered elections for Senate and Board of Governors.
- 8.3.2** The criteria for voter eligibility in University Elections shall be determined by the Secretary of the University.

## 9. Administration of Elections

### 9.1 The Committee:

- 9.1.1** Elections sponsored by the Corporation shall be conducted and supervised by the Committee.

**9.1.1.1** All committee members must abide by the USC's **Conflict of Interest Policy** and sign confidentiality agreements.

### 9.2 The Chief Returning Officer:

- 9.2.1** The following items will be publicized by the CRO, on behalf of the Corporation, for the purposes of each election period:

**9.2.1.1.9.2.1.1** Call for nominations for USC elections, released alongside a nomination package that includes information about positions up for election, election related policies and procedures, the election calendar, and any election related forms and paperwork;

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**9.2.1.19.2.1.2** Update daily the elections website with the number of candidates for each position in the USC election as their nominations are processed, omitting the names of the candidates;

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**9.2.1.29.2.1.3** Announcement of the time and date for online balloting; and,

**9.2.1.39.2.1.4** Announcement of the official results for USC elections.

## 10. The Ballot

### 10.1 The fall and spring ballots shall include the following segments:



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**10.1.1** Fall Elections: the list of constituencies being contested by Divisional candidates and the names of candidates in each constituency.

**10.1.2** Spring Elections: the names of President and Vice-Presidential candidates, as well as a list of constituencies being contested by Divisional candidates and the names of candidates in each constituency; and,

**10.1.3** Either Ballot: referendum/plebiscite question(s), if applicable.

**10.2** A hyperlink to the voter sign-in page shall be placed in a prominent location on the USC Homepage and the USC Elections page during the Fall and Spring Elections balloting periods.

**10.3** The following criteria must be met when developing the layout of the ballot.

**10.3.1** The names of the candidates for the constituency shall be listed in alphabetical order, by the last name. Where the candidates are elected as a slate, the candidates shall be listed in alphabetical order by the last name of the slate member running for the position of President or a reasonable variation thereof.

**10.3.2** Only the legal names of candidates, or reasonable variations~~derivations~~ thereof, shall appear on the ballot, as approved by the CRO.

**10.4** The layout of the ballot shall be inspected by the Chief Returning Officer prior to balloting, to ensure that it confirms with the criteria set out in this document.

**10.5** All candidates will have an opportunity to review the ballot not less than seventy-two (72) hours before balloting.

**10.6** Any candidate who, after inspecting the ballot, has concerns about the layout of the ballot, may address those concerns in writing to the CRO for consideration by the Committee.

**10.6.1** Any concerns regarding the ballot must be submitted to the CRO no less than twenty-four (24) hours before balloting opens.

**10.6.2** The Committee shall respond to any concerns within twenty-four (24) hours of the submission; and,

**10.6.3** Any appeals of a decision made by the Committee with respect to a submission made under paragraph 10.6 must be submitted in writing to the Secretary-Treasurer not less than twenty-four (24) hours before balloting begins.

## 11. Rules for Elections, Plebiscite, and Referenda

### 11.1 Fair Play

Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, libel, slander, general sabotage of the campaigns of other candidates, intentional misrepresentation of fact, and malicious or intentional breach of this By-law or applicable regulations.

### 11.2 Responsibility of Candidates

Candidates shall be responsible for the actions, and the violations stemming from such actions, of any campaign volunteer(s)~~volunteer(s)-party~~ unless the Candidate satisfies the Committee that he or she did not



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direct the action, and could not have reasonably foreseen that the action would occur.

- 11.2.1** Candidates may dissociate themselves from any person or organization who would otherwise be considered a campaign volunteer, provided that they give immediate notice to the CRO, in writing, and provided that the Committee is satisfied that the dissociation is genuine.
- 11.2.2** A candidate shall not be held responsible for the actions of any person or organization if the candidate has previously and adequately dissociated herself from that person or organization.
- 11.2.3** Candidates shall compile and maintain an up-to-date list of the names and email addresses of all campaign volunteers. The list shall be forwarded to the CRO within six (6) hours of the CRO's request.

### 11.3 Existing Policies

It is the responsibility of the Candidate to ensure that ~~call~~ campaign plans, materials, and/or advertisements, conform to all policies and regulations of the USC and University, and with all municipal, provincial and federal laws. Campaign displays and the distribution of literature on campus are also subject to the requirements of Facilities Management and/or Reservations Office.

- 11.3.1** Restrictions regulating campaigning that are unique to King's University College, Brescia University College, Huron University College, student residences and buildings on campus must be strictly adhered to. It is the responsibility of the candidates to familiarize themselves with the different rules which may govern each of the aforementioned entities.

### 11.4 Benefits Acquired by Virtue of Office

- 11.4.1** Candidates and campaign volunteers are not entitled to use in their campaign any service or tangible benefits conferred on them by virtue of holding any position in any organization ~~on campus~~. This includes, but is not limited to, mailing lists, office space, office supplies, equipment, advertising space, and secretarial services.

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- 11.4.2** Any student who is a USC ~~a~~ Executive, Associate Vice-President, Intern, or Coordinator cannot endorse a candidate or be a campaign volunteer during the campaigning period of the election, pursuant to the following conditions:

- 11.4.2.1** If a USC ~~a~~ Executive, Associate Vice-President, Intern, or Coordinator wishes to endorse a candidate, or become a campaign volunteer, they must take an unpaid leave of absence for the duration of the campaign period; however

- 11.4.2.2** Under no circumstances may a USC ~~a~~ Executive, Associate Vice-President, Intern, or Coordinator utilize USC resources, including their title and any established modes of communicating to students on behalf of the USC, to endorse Candidates.

31.2.

### 11.5 No Solicitation of the Executive and USC

Candidates shall not solicit the aid or endorsement of any USC Staff or Executive member for the purposes of campaigning. In addition, see section 7.7 of this By-law.

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- 11.5.1** Any unsolicited aid or endorsement received by a candidate from a Staff or Executive member is prohibited, and the candidate shall not be subject to penalty.



## 11.6 Approval of Campaign Materials and Activities

**11.6.1** All printed campaign materials and advertisements require approval by the CRO in advance of posting, printing, and/or distributing.

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**11.6.2** All candidates are required to submit an event proposal to the CRO for approval for any USC elections-related events, including, but not limited to, volunteer rallies, campaign rallies, campaign launch parties, and campaign social events. This shall be a requirement for events both on and off of the University's campus.

**11.6.2.1** The CRO shall provide an event proposal template to be used by candidates at the beginning of the campaign period.

**11.6.2.2** Proposals shall be submitted to the CRO for approval at least forty-eight (48) hours prior to the intended event.

## 11.7 Pre-Campaigning

Candidates and prospective candidates are not permitted to influence or attempt to influence voters prior to the campaign period, including, for example, through the posting of material designed and/or likely to influence voters. Candidates and prospective candidates may engage in activities related to planning a campaign or assembling a campaign team and may answer questions from the media with regard to election plans.

**11.7.1** The Committee reserves the right to find a candidate or prospective candidate in violation of this By-law if the actions taken by the candidate or prospective candidate in preparing for the campaign are adjudged to be designed/likely to influence voters.

## 11.8 Cross-Campaigning

Campaigning as a slate in any Divisional election is prohibited. Each candidate must maintain separate finances, produce unique campaign materials, and present campaign platforms distinct from other candidates.

## 11.9 On-Campus Campaigning

**11.9.1** Candidates shall not campaign in the USC Main Offices (including the workspace or office of any Staff, Executive or volunteer) or Council Chambers, or during any meeting of Council or the Standing Committees of Council regardless of location. This prohibition shall include but not be limited to the display of campaign materials, verbal campaigning and discussion of campaign logistics.

**31.2.1.** Physical campaign materials shall not be distributed to individuals without their consent.

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**11.9.2** Any and all campaign activities, including, but not limited to, physical distribution of campaign materials in student residences will be done in compliance with any and all regulations released by the Committee in conjunction with Western's University's Housing and Ancillary Services.

**11.9.3** Approved campaign posters may only be posted on poster boards that are reserved by the Committee and designated as an elections poster board.

**11.9.4** Physical campaign materials shall not be distributed to vacant surfaces throughout the University (i.e., candidates may not leave campaign materials on desks in libraries, or tables in eateries, etc.).



## 11.10 Off-Campus Campaigning

**11.10.1** Candidates and their volunteers may campaign in locations off of the University's campus. These occurrences may include, but are not limited to, the physical distribution of campaign materials, volunteer rallies, campaign rallies, campaign launch parties, and campaign social events.

**11.10.2** Any and all off-campus campaign events must receive approval from the CRO as per section 11.6 of this By-law.

**11.10.3** Physical campaign materials may not be distributed to any individual, residence, apartment complex, or place of business, without consent.

**11.10.3.1** Candidates and their volunteers are required to seek and receive express written permission from the building manager of any apartment complex prior to attending said building to campaign. This written permission must establish all relevant conditions, including but not limited to,

- (a) The time frame candidates and their volunteer(s) may visit;
- (b) The number of candidates and volunteers that may visit; and,
- (c) The manner in which candidates and their volunteer(s) may distribute physical campaign materials to residents (i.e., whether or not consent is required from each individual resident before posting campaign materials on doors).

**11.10.3.2** The permission must be submitted to the CRO prior to attending the residence.

## 11.11 Campaigning During the Voting Period

**11.11.1** While the polls are open candidates and their volunteer(s) are permitted to continue campaigning electronically (i.e., campaign websites and social media outlets).

**11.11.1** Candidates and their volunteer(s) shall not campaign at any location, on or off of the University's campus. This prohibition includes, but is not limited to, the distribution of physical campaign materials, campaign rallies, and approaching students to solicit votes.

**11.11.2** While the polls are open, candidates and their volunteer(s) are permitted to continue campaigning as normal, pursuant to the following restrictions:

**11.11.2.1** All campaigning shall be prohibited within the sightline of all Designated polling stations; and

**11.11.2.2** No candidate, campaign volunteer, or any other party shall: Cause a wilful disturbance, or interfere, or attempt to interfere, with an individual's right to vote; or coerce, or attempt to coerce, a vote through the use of intimidation.

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**11.11.2.3** Candidates and their campaign volunteer(s) shall not establish their own polling station to solicit votes.

Example 1



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Candidates would be prohibited from approaching students with an electronic device and encouraging them to log on to said device and vote.

### 12. Campaign Materials and Branding

**12.1** Candidates in all elections, PVP and Divisional, shall refrain from the use of ~~the colour purple~~, the USC or University logo, and any other USC or University copyrighted material or image when producing materials, printed, written, or otherwise produced, for the purposes of campaigning.

**12.112.2** Candidates shall not be able to declare their campaign colour as the colour purple.

**12.212.3** All campaign materials, including but not limited to posters to be printed commercially and promotional materials, shall be printed at Creative Services, unless the service required is unavailable, or reasonably comparable replacement is unavailable at Creative Services.

**12.2.112.3.1** Any work orders placed with Creative Services must be made via email.

**12.312.4** Candidates may campaign and distribute campaign materials at their own discretion, subject to the limitations of this By-law. The Committee reserves the right to find a candidate in violation of this By-law if their campaign materials do not conform to the following non-exhaustive limitations.

**12.3.112.4.1** Campaign material cannot contain copyrighted material or images without the consent of the copyright holder.

**12.3.212.4.2** Campaign materials may not depict images of alcohol or drug use.

**12.3.312.4.3** All campaign material must not be in violation of the [UWO Code of Student Conduct](#) or the [USC Community Standards Policy](#), and;

**12.3.412.4.4** Any campaign material posted in an area designated by the Committee for posters shall not exceed a size greater than 11"x17".

**12.412.5** Physical campaign materials may not be distributed to individuals without their consent.

**12.512.6** All candidates shall be responsible for the removal of all posters and other materials, within the control of the candidate, within forty-eight (48) hours following the close of balloting.

**12.5.112.6.1** Posters and other campaign materials shall not be within a direct line of sight of a Designated Polling Station during the balloting period and may be removed at the discretion of the CRO.

**12.5.212.6.2** A candidate will forfeit an amount no ~~greater~~~~rather~~ than her bond from her eligible reimbursement if all campaign materials and posters that are within the control of the candidate are not removed within forty-eight (48) hours following the close of balloting.

### 13. Campaign Finances

Campaign finances shall be governed in accordance with the [Elections Governance Committee Finance Procedure](#). The CRO shall be responsible to ensure all procedures are properly followed in accordance with that document.

### 14. Violations of Campaign Rules



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**14.1** If a winning candidate in any election is disqualified, the candidate who received the greatest amount of votes and who has not been disqualified shall be deemed the winner.

**31.3-14.1.1** If preferential balloting was used, the disqualified candidate shall be removed and their votes will be reallocated, the candidate who receives the greatest amount of votes and who has not been disqualified shall be deemed the winner.

**14.114.2** Violations shall be governed in accordance with the Elections Governance Committee Violations Procedure. The CRO shall be responsible to ensure all procedures are properly followed in accordance with that document.

### 15. Interference by Outside Parties

**15.1** No USC recognized organization or organization executive member shall act as an arms-length party or campaign volunteer in order to engage in conduct that violates this By-law or bring the elections into disrepute.

**15.2** Where a USC recognized organization or organization executive member has been alleged to violate By-law #2:

**15.2.1** The Committee shall send a summary of the alleged violations to the organization email address on file with the USC, including information about any subsequent action that may be taken under this By-law and any relevant times or dates.

**15.2.2** The organization shall have a reasonable period of time to send to the CRO, having regard to the timing and nature of alleged violation.

**15.2.3** The Committee shall hold a hearing to determine if the organization has violated By-law #2 and may impose sanctions or prohibitions on the club or individual at the Committee's discretion that shall last for the remainder of the campaign and balloting period.

**15.2.4** Upon the announcement of the electoral results, the sanctions shall be suspended and the matter shall be referred to the relevant governing body for further measures at their discretion.

**15.3** Notwithstanding provisions dealing with candidates, campaign volunteers, and clubs, no student of the University may engage in actions that are likely to bring the electoral process into disrepute. Where such an action takes place, the following procedure shall be followed:

**15.3.1** Any student alleged to be violating this By-law by the Committee shall be notified via their UWO email address, including information about any subsequent action that may be taken under this By-law and any relevant times or dates.

**15.3.2** The student shall be given the opportunity to respond with a written statement to the Committee within a reasonable period of time.

**15.3.3** Where the Committee finds a violation has occurred, the Committee may refer the matter to an outside person or body with recommendations, including, but not limited to, the Associate Vice-Provost, Student Experience regarding the Code of Student Conduct, and University Policy and Information and Technology Services.

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### 16. Election Results

16.1 For all elections, excluding divisional elections, the winner shall be determined in accordance with the Preferential Voting Rules as outlined in section 18.

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16.1.1 Where there are multiple available positions, they shall be filled by the candidates who received the next highest amount of votes.

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16.1.16.2 For divisional elections, in each constituency the candidate with the most number of votes shall be declared the winner.

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16.1.16.2.1 Where there are multiple available positions, they shall be filled by the candidates who received the next highest amount of votes.

16.2 In the event of a tie, the winner shall be decided by a coin toss initiated by the CRO.

16.3 Election results for a constituency will be valid only if at least half of the votes cast are valid votes.

16.4 At her discretion, the CRO may utilize a grace period of up to a maximum of forty-eight (48) hours following the close of balloting before releasing election results.

16.5 In the event of an invalid election, the Committee shall convene and recommend a course of action to Council.

### 17. Special Rules for Student Programs Officer Election

17.1 Candidates may make campaign materials available to current Council members through the USC Front Desk.

17.2 No campaigning shall be allowed during the first-half of the Annual General Meeting of the Corporation, except for the following:

17.2.1 Candidates shall be allotted five (5) minutes to address Council.

17.3 No campaigning shall be allowed during the second-half of the Annual General Meeting of the Corporation, except for the following:

17.3.1 Candidates may place campaign materials in an area designated by the CRO; and,

17.3.2 A group-formatted question period shall be available for all candidates competing for a Student Programs Officer position. The Speaker of Council shall set the length of time for the question period.

17.4 Special Balloting Rules:

17.4.1 Balloting for the Student Programs Officer election shall occur during the second-half of the Annual General Meeting of the Corporation.

17.4.2 Voting shall take place by secret ballot.



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**17.4.317.4.2** Voting shall take place according to the Preferential Balloting Rules outlined in section 18 of this By-law.

**17.4.417.4.3** Each Voting Member, including the incoming and outgoing Council Voting Members shall be entitled to one (1) vote per ballot for the Student Programs Officer position.

**31.3.1.17.4.3.1** Individuals who are both incoming and outgoing Council Voting Members shall be entitled to one (1) vote per Voting Member position held. Voting members who are both incoming and outgoing Council Voting Members shall be entitled to only one (1) vote and shall not assign a proxy to cast their additional vote.

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**17.4.517.4.4** No Voting Member shall cast more than one (1) ballot for the Student Programs Officer.

**17.4.617.4.5** Advanced Polling: The CRO shall designate a time and place for advancing polling subject to the following:

**17.4.6.117.4.5.1** Voting in the advanced poll shall take place the week prior to the second-half of the Annual General Meeting of the Corporation.

**17.4.6.217.4.5.2** The option to vote in the advanced poll shall not be available for more than three (3) days.

**17.4.6.317.4.5.3** The votes cast in the advanced poll shall be received by the CRO.

**17.4.6.417.4.5.4** All votes must be cast in person.

**17.4.6.517.4.5.5** A vote cast in the advanced poll shall be placed in a sealed envelope and shall be counted at the same time as the votes that are cast at the second-half of the Annual General Meeting of the Corporation.

**17.4.6.617.4.5.6** Notwithstanding By-law #1, a vote cast in an advanced poll is final. Once a Voting Member has cast her vote the vote shall not be altered or cancelled.

### 17.5 Vote of Confidence

If only one candidate stands to be elected for Student Programs Officer, the Speaker of Council shall initiate a vote of confidence in place of balloting during the second-half of the Annual General Meeting. The candidate shall be acclaimed if a simple majority of the eligible Council members votes in favour of the resolution to acclaim the candidate.

### 18. Preferential Voting Rules

**18.1** All elections, excluding divisional races, will be administered using a preferential ranked ballot with a single transferable vote system. Ballots: Preferential voting will proceed by a numbered ballot such that on the preferential ballot for each position, each voter must indicate in which she prefers the candidates by placing a number '1' beside her first preference, a number '2' beside her second preference, in numerical order up to and including the final candidate.

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**18.2** Counting Ballots: The counting of ballots shall take place according to the following:



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- 18.2.1** Each candidate may designate an agent to act as her scrutineer during the counting of the ballots.
- 18.2.2** In the first count, first preference votes for each candidate are counted.
- 18.2.3** If a candidate receives 50% + 1 of the eligible votes cast, that candidate shall be elected.
- 18.2.4** Where the top candidate fails to achieve 50% + 1, the second choice votes of the candidate finishing last in that round of ballot counting shall be reassigned accordingly. This process is repeated until one candidate receives the majority of the highest preferences remaining on the ballots.
- 18.2.5** If two (2) or more candidates are tied for the least popular position, those candidates shall be redistributed accordingly.
- 18.2.6** Failure to select a preference in any round of voting shall result in that ballot being spoiled for that and all subsequent rounds of balloting. A ballot shall not be deemed spoiled so long as the voter's intentions can be reasonably ascertained from the ballot.
- 18.2.7** **PvP Election Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible, the winner shall be decided by a coin toss initiated by the CRO.
- 18.2.8** **All Other Elections Tie result** – In the event of a tie, whenever possible, ties shall be resolved in favour of the candidate with the most first place votes. If this is not possible Where the election outcome cannot be resolved by the method outlined above, the election shall be resolved by re-vote between the tied candidates to take place at the Duly Constituted Meeting. The re-vote shall be subject to the following procedures:
- 18.2.8.1** The tied candidates shall be permitted to campaign following the end of the meeting in which the Election was held until the start of the next Duly Constituted Meeting.
- 18.2.8.2** All Voting Members who were eligible to vote at the meeting in which the initial vote was held shall be permitted to vote.
- 18.2.8.3** The CRO shall designate a time and place for advancing polling in accordance with the procedures set out in section 17.4.6.
- 18.2.8.4** The votes shall be counted in accordance with rules as set out above in section 18.2.
- 18.2.8.5** Should the re-vote result in a tie between two candidates, the election shall be resolved by way of a coin toss.

## 19. Special Rules for Speaker Elections

- 19.1** Campaigning for the position of Speaker of Council is strictly prohibited excepting activities that take place during the Candidates Forum provided for above in section 5.6.
- 19.2** With the exception of the timeframe, the voting process and method shall be held in accordance to the Preferential Ballotting Rules provided in section 18.



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### 20. Appeals of Committee Decisions or Elections Results

- 20.1** Any appeals of Committee decisions or elections results shall be heard by the USC Appeals Committee and governed by the procedures contained in By-law #6.
- 20.2** Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released.

### PART B: REFERENDA AND PLEBISCITES

#### 21. General

- 21.1** Without limiting any section of By-law #2, Part A, this Part covers any referendums or plebiscite conducted by the USC.
- 21.2** The administration of this Part, unless otherwise stated, is vested with the CRO.
- 21.3** The results of any referendum shall be binding on the USC unless the results affect the Letters Patent or the Articles of Incorporation of the USC or unless, by implementing the directive of the referendum, the Board of Directors would be breaching its fiduciary obligations to the corporation.
- 21.4** The results of a plebiscite shall not be binding.
- 21.5** Any referendum or plebiscite requiring a motion of Council must be posted as required by By-law #1. The CRO shall advertise the meetings of Council, in which motions and writs to hold referenda or plebiscites will be put forward, in *The Gazette* at least forty-eight (48) hours prior to such a Council meeting.
- 21.6** For the purposes of this part, the number of students in the student body shall be the number of full-time equivalent students registered at the University during the previous academic year.
- 21.7** The results of any referendum shall be binding only if a minimum of 20% of the student body vote in the referendum.
- 21.8** A referendum may be initiated either by Council or by students at large.
- 21.9** A plebiscite may be initiated by Council or students at large.

#### 22. Student-Initiated Referendum

- 22.1** For the purposes of this Section:
  - 22.1.1** A "policy issue" means any issue or proposal which is not likely to have any direct financial or legal implications on the USC.
  - 22.1.2** The Board of Directors, in consultation with any relevant individuals and/or committees, shall determine whether an issue is one which is likely to have direct financial or legal implications on the USC.
  - 22.1.3** An issue shall be deemed to have direct implication on the USC if it will result in the imposition of any fee on students.



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**22.2** Any student wishing to initiate a referendum shall contact the Secretary-Treasurer and Government Services Manager to review the process to have a referendum question put on the ballot prior to collecting signatures, including the collection of signatures, the campaigning process, and any other pertinent information.

**22.3** Any student may present a petition to the CRO requesting that a referendum be held on any matter, subject to the following:

**22.3.1** Student-initiated referenda may not establish any fee to fund the activities of a USC Ratified Clubs, or Clubs.

**22.3.1.1** This does not prohibit funding for activities that are simply supported by a USC Ratified Club.

**22.3.2** Any petition requesting a student-initiated referendum must be submitted to the CRO no later than nine (9) days before the last Council meeting prior to the commencement of the campaign period for the election.

**22.3.3** A petition is only valid if it contains the following:

**22.3.3.1** The names, student numbers, and signatures of at least 10% of the student body when a request is being made for a referendum on any issue.

**22.3.3.2** A clear indication of the issue on which the requested referendum is to be held.

**22.3.4** The CRO shall check the validity of each name on the petition. If greater than 10% of the names are invalid, the petition is invalid.

**22.3.5** Any petition which contains any material misstatements of fact or material misrepresentations is invalid.

**22.3.6** For a petition to contain a clear indication of the issue, it must include at least the following:

**22.3.6.1** The amount of any fee which will be levied upon students directly for the purpose of implementing the proposal.

**22.3.6.2** A statement summarizing the question which will be decided by the referendum.

**22.3.7** Any student-initiated referendum involving levying a student fee shall require:

**22.3.7.1** A University administrative advisor to the Board of Governors to be contacted by the USC to determine whether or not the Board would allow such a fee to be collected by the USC.

**22.3.7.2** The Secretary-Treasurer to work with the student to determine the exact fee that is to be levied by means of a budget prepared by the student.

**(a)** If no such budget exists, the Secretary-Treasurer shall assist the student in putting together a budget from which a student fee can be derived.

**22.3.8** The Committee shall ~~assess~~ the validity of all petitions and shall notify the student submitting the petition if it is found to be invalid.



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- 22.3.8.1** Prior to submitting a completed petition, any student may submit a draft petition question to the Secretary-Treasurer for review. Any petition which is reviewed and endorsed by the Secretary-Treasurer shall be deemed to contain a clear indication of the issue and not to contain any material misrepresentations.
- 22.4** If a petition is found to be valid, a “**writ of referendum**” shall be drafted by the CRO in consultation with the Committee, which shall include the following:
- 22.4.1** The particulars of the petition, including the name of the petitioners and the number of student signatures on the petition.
  - 22.4.2** The Board of Directors’ decision about the financial and legal implications of the proposal, with a brief summary of the reasons for that decision.
  - 22.4.3** The proposed referendum question,
- 22.4.3.1** The Committee shall be responsible for developing an objective referendum question.
- 22.4.4** A budget outlining the projected cost of holding the referendum.
- 22.5** A valid petition requesting that a referendum be held on a policy issue shall automatically result in the initiation of a referendum and shall not require the approval of Council.
- 22.5.1** The CRO shall present the writ of referendum to Council.
- 22.6** A valid petition requesting that a referendum be held on an issue or proposal which is likely to have direct legal or financial implications on the USC must be approved by Council before a referendum may be initiated. A Simple Majority vote of Council will be required to prevent the referendum as requested from being placed on the ballot.
- 22.6.1** The CRO shall present the writ of referendum as well as a motion to place the referendum question on the ballot.
- 22.7** In addition to the above, the following considerations apply to student-initiated referenda for Third Party Fees.
- 22.7.1** USC Clubs are not considered third parties for the purpose of this section.
  - 22.7.2** Any referendum question imposing a Third Party Fee must:
    - 22.7.2.1** Include reasonable and meaningful constraints on the way the will be used, and must be conditional on adherence to those restraints.
    - 22.7.2.2** Require Council renewal every four (4) years in order to continue.
  - 22.7.3** A petition to hold a student-initiated referendum for a Third Party Fee will only be valid if the petition states the referendum question.
- 22.7.3.1** If the petition signed by students contains a referendum question that the Elections Governance Committee finds to be misleading or inadequate, the Elections Governance Committee may



## University Students' Council of the University of Western Ontario

determine that the petition is invalid.

**22.7.3.2** The Elections Governance Committee will draft a satisfactory referendum question if approached to do so.

**22.7.3.3** The referendum question appearing on the petition does not need to be identical to the referendum question ultimately approved by the Elections Governance Committee, provided that the differences are not material.

**22.7.4** The referendum shall be classified as a Registered Interested Party referendum and the "Yes" Campaign shall be run by the individual initiating the referendum or a proxy thereof.

**22.7.5** The USC will enforce the result of a student-initiated referendum to establish a Third Party Fee, subject to the following:

**22.7.5.1** A referendum result may be invalidated by the Committee, if there is sufficient impropriety to cast doubt upon the result.

**22.7.5.2** The Board of Governors may refuse to allow the USC to collect the fee.

**22.7.5.3** If a fee is imposed, the Secretary-Treasurer must be supplied with financial information describing the use of the fee at least once per year. The Secretary-Treasurer shall be responsible for reviewing the way in which the student fee is being used, and evaluating compliance with the terms of the referendum.

(a) If the Secretary-Treasurer reports that any conditions of the referendum are not being satisfied, Council may resolve to terminate the fee from future budgets.

### 23. Council-Initiated Referendum

**23.1** Council may initiate a [referendum/plebiscite](#) on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

### 24. Student-Initiated Plebiscite

**24.1** The names, student numbers, and signatures of at least 5% of the student body are required when a request is being made for a plebiscite on any issue.

### 25. Council-Initiated Plebiscite

**25.1** Council may initiate a plebiscite on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

### 26. Registered Interest Party

**26.1** Registered interested parties are entitled to campaign on behalf of any side in any referendum or plebiscite. More than one registered party may represent each official side.



**26.2** Any group may request recognition as a registered interest party provided that the following conditions are met:

**26.2.1** They are a student group, or party approved by the Committee, autonomous from the USC, that has been existence for at least six (6) month prior to the writ, including, but not limited to, the following: clubs, Faculty Councils, Affiliated Colleges and Residences Council or,

**26.2.2** If a student group or party approved by the Committee, as described above, does not register, then a group of students may register.

**26.3** When applying to be a registered interest party, a group must prepare a written submission indicating how they will be directly affected by the result of the referendum or plebiscite.

**26.4** All applications for status as a registered interest party must be submitted to the CRO within seven (7) days of the passing of Council of the motion or writ of referendum or plebiscite.

**26.5** The Committee will decide on the merit of an application for status as a Registered Interested Party with such decision being subject to appeal to the Board of Directors and finally to Council.

**26.6** All registered interested parties must name an official spokesperson and this name must be handed into the CRO with the request.

**26.7** Where there is only one registered party, it will constitute the only official side.

**26.8** Subject to the following, all registered interest parties, including the USC, when applicable, are deemed to be candidates, are bound by the campaign rules in PART A, as well as by the rules and procedures governing referendums and plebiscites, when representing their side of the issue.

**26.8.1** All Campaign Materials produced by a registered party, including electronic materials, must clearly indicate that they are authored by a registered interest party.

**26.8.2** ~~Registered interest parties shall be allowed a maximum of thirty (30) demerit points.~~

**26.8.3** ~~A registered interest party that accrues more than thirty (30) demerit points shall be automatically disqualified.~~

**31.3.1.1\_26.8.2** ~~A registered interest party shall be fined \$8 for each demerit point received, up to a maximum of \$240.~~

#### **26.8.4\_26.8.3** Consequences of Disqualification

**26.8.4.1\_26.8.3.1** If the disqualified group is a USC-ratified club, they shall be prohibited from further campaigning. Failure to adhere to this prohibition will be reported to the Clubs Governance Committee, and could result in further sanctions.

**26.8.4.2\_26.8.3.2** Individual students cannot be prohibited from further campaigning. However, students that continue to campaign after their group has been disqualified will not be reimbursed for any new campaign expenses.

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**26.8.4.3****26.8.3.3** A disqualified group will not be reimbursed for the cost of any campaign materials that continue to be used after the group's disqualification.

**26.8.4.4****26.8.3.4** A disqualified group may not refer to themselves as an "official registered interest party."

**26.8.4.5****26.8.3.5** The disqualification of the "Yes" registered interest party does not automatically mean that a referendum fails. The Committee must make a separate determination as to whether the referendum result is valid. In doing so, the Committee must consider the potential impact on the infractions on the result.

**26.8.4.6****26.8.3.6** The disqualification of the "No" registered party never means that a referendum carries.

### 27. USC-Sponsored Side

**27.1** Subject to section 28.2.1, where the USC has an interest in the outcome of a referendum or plebiscite, or where it is felt that a side of an issue is not being adequately represented by a registered interest party, the Council has the option of campaigning or appointing someone to campaign on behalf of a particular side.

### 28. Information-Based Campaign

**28.1** Where the Council supports the provision of information to the electorate, the USC, by a simple majority vote of Council, may provide financing for information-based campaign in accordance with the financing rules prescribed in section 27.

**28.1.1** Information-based campaign funding can be allotted in addition to registered interest party campaign funding, or in place of registered interest party campaign funding.

**28.2** The Elections Governance Committee shall be responsible for administrating information-based campaigns by selecting an Ad-Hoc Committee for this express purpose.

**28.2.1** As a consequence, the Ad-Hoc Committee members shall be prohibited from sponsoring a side whenever an information-based campaign has been approved and shall refrain from participating in Committee discussions of referenda with regards to enforcement of campaign rules and violations proceedings demerit points.

**28.3** All information-based campaign materials must be reviewed and approved by the Committee before being posted or distributed.

### 29. Finances

**29.1** Registered interest parties may apply to the Committee for the funding available for their official side.

**29.2** Each official side shall be entitled to funding up to 100% of the PVP limit as established, unless there is only one official side in which case the spending shall be at 50% of the PVP limit.

**29.3** All Information-Based Campaigns shall be entitled to funding as follows,

**29.3.1** 100% of the PVP limit, if there are no registered interest parties;



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**29.3.2** 75% of the PVP limit, if interest parties are only registered for one official side; or,

**29.3.3** 50% of the PVP limit, if there is at least one registered interest party for both official sides.

**29.4** Registered interest parties shall be entitled to spend the equivalent of 20% of the official side's allowable limit non-campaign expenditures, which could include:

**29.4.1** Research material; and,

**29.4.2** Administrative costs.

**29.5** If any registered interest party overspends their allowable limit, the surplus shall be applied to the official side's spending in addition to an automatic fine of 100% of the surplus.

**29.6** All official sides and registered interest parties shall present of a full financial statement to the CRO by 12:00 noon on the last of campaigning.

**29.7** Each official side will give the USC a \$300.00 bond to be used for election fines.

**29.8** Interest parties are not eligible for any USC loans for either bonds or expenses.

## 30. Appeals of Plebiscite or Referendum Results

**30.1** Any appeals of the validity of any referendum or plebiscite shall results shall be heard by the USC Appeals Committee and governed by the procedures contained in **By-law #6**.

**30.2** Notice and grounds for appeal shall be submitted in writing to the Appeals Board no later than 4:30PM, two (2) days after the Committee's decision is released

## 31. Context and Enactment

**31.1** Documents Repealed – N/A

**31.2** Supporting/Related Documents – Elections Governance Committee Terms of Reference, Elections Governance Committee Campaign Finances Procedure, Elections Governance Committee Violations Procedure, By-law #1: Corporate By-law, By-law #6: Appeals By-law

**31.3** Date Passed – 17 January 2001

**31.4** All Previous Amendments – 25 November 2015, 11 November 2015, 25 February 2015, 29 October 2014, ...



**University Students' Council of the University of Western Ontario**

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**Motion 4**

**Amendments to the EGC Violations Procedure**

**Be it resolved that,** Council approve the following amendments to the EGC Violations Procedure (Appendix 5).

**OLSEN/Seconder**



## University Students' Council of the University of Western Ontario

### Recommendation Report 2

#### Governance and Finance Standing Committee Recommendation Report

<b>Item:</b>	Amendments to the EGC Violations Procedure
<b>Author:</b>	Governance and Finance Standing Committee
<b>Purpose of Report:</b>	For Information

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to the Elections Governance Committee Violations Procedure concerning minor violations be adopted by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. The difference between election violations that would result in additional votes and ones that wouldn't;
2. The endorsement of a demerit-less class of violations from other schools, who spoke highly of how such a change has opened up the elections process and allowed candidates to campaign without focusing on not breaking tiny, inconsequential rules that would have a marginal impact on voters; and
3. Whether or not this change should affect the cap on demerit points for each candidate class.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by the Elections and Nominations Subcommittee of the Governance and Finance Standing Committee, as part of their comprehensive review of USC elections. Katherine Carrasco, the CRO, drafted the changes using feedback from the Subcommittee, and the changes were presented along with the By-law #2 changes at the November 22nd meeting of the Governance and Finance Standing Committee. Of note, the mention of the demerit point limit and fines related to registered interest parties was removed from Bylaw #2 and incorporated into this document in order to ensure the governance hierarchy of policies flowed logically.



## Appendix 2

### Elections Governance Committee Violations Procedure

25 November 2015

USC Council

#### 1. Scope

1. This document outlines the proper procedures for receiving, processing, reviewing, and publicizing the results of violations of By-Law #2 and all applicable regulations.
2. This document outlines the sanctions and remedies available to the Committee when dealing with candidate misconduct.
3. This document specifies the standards that the Committee shall use to govern its interactions with candidates, campaign volunteers, and general members during the investigation processes.
4. Terms used in this document shall be defined in the same manner as in By-Law #2

#### 2. Manager of Investigations

1. The Manager of Investigations shall be a member of the Elections Committee designated by the CRO (or the CRO herself) to be responsible for the receipt and processing of alleged violations through the Committee.
2. The Manager of Investigations shall be responsible for ensuring that alleged violations are processed in the manner set out in this Procedure.

#### 3. Receipt of Allegations

1. All allegations of a violation being committed shall be submitted to the Committee in writing via the Committee's online submission form.
2. Any Committee member who receives an allegation outside of the online submission form format, shall instruct that individual to submit said allegation via the online submission form, as outlined in 3.01.
3. Any and all allegations must be submitted to the Committee no later than four (4) hours following the close of balloting.
4. Where a member of the Committee raises an allegation, the Committee member shall put the allegation into writing via the Committee's online submission form.
5. The Manager of Investigations shall notify the individual who submitted the allegation of the allegation's receipt and shall follow up with the individual to ascertain any information that has been left out of the allegation including, but not limited to, the following:
  - i. The names of all those involved in the alleged violation;
  - ii. The approximate date and time that the alleged violation occurred;
  - iii. The approximate location in which the alleged violation occurred, and;
  - iv. The names of any other individuals who may have knowledge of the alleged violation that the Committee may contact during the course of its investigation.
6. The CRO reserves the right to discard any alleged violations where the individual making the allegation refuses to be identified by the Committee or where there is reasonable suspicion that the allegation has been made for the purposes of delaying or distracting the Committee from processing legitimate allegations.



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7. The names of individuals making allegations to the Committee shall not be released to candidates, the media, or the public unless required to by law. Names shall only be required to allow the Committee to process the allegation.
8. The Committee shall not be obligated to inform candidates of alleged violations until such time that the Committee has verified the legitimacy of the allegation and reasonably believes there is enough evidence to conduct a hearing with the candidate in question.

### **4. Investigation**

1. The Committee shall not divulge the status of an ongoing investigation to any individual who is not a member of the Committee including the individual who raised the allegation or the candidate being investigated.
2. The Committee shall take as much time as is reasonably necessary to ascertain the facts of a case.
3. The Committee may not violate any municipal, provincial, or federal laws during the course of its investigation.
4. All findings of an investigation are to be noted in writing and shall be kept in the corresponding investigation file and filed with the Manager of Investigations.
5. Notes of findings shall be as detailed as possible and meet the following criteria:
  - i. Include only facts about the case and statements of witnesses. The notes should not contain speculation or rumours that cannot be corroborated by evidence or witness testimony.
  - ii. Include any items of evidence as present in the case (i.e. time-stamped screenshots of computer activity, email activity/correspondence, and written witness statements).
6. Before proceeding to a hearing with the candidate in question, the CRO shall review the findings of the investigator(s) and determine whether there is enough evidence to substantiate the allegation that was made.
  - i. Where it is determined that there is not sufficient evidence to substantiate the allegation the CRO shall provide a brief written report outlining the reasoning that the allegation will not be pursued further. This report shall be made available to the individual(s) who submitted the allegation but shall not be made public.

### **5. Hearing**

1. Where it is determined that there is sufficient evidence to substantiate the allegation the Committee shall call a hearing to review the facts of the case with the candidate in question.
2. The Committee shall inform the candidate in writing of the hearing no fewer than six (6) hours in advance and at this time shall provide the candidate with a written summary of the allegation prepared by the Manager of Investigations, and a copy of the findings of the investigation.
  - i. The Committee shall redact the names or other identifying information of individuals involved in the investigation.
  - ii. In the event the candidate is unable to attend the scheduled hearing, the candidate may send a proxy. The candidate must provide written notice to the Committee notifying of their intention to send a proxy and the identification of the proxy at least one (1) hour prior to the scheduled hearing.
3. An audio recording of the hearing shall be kept with the Manager of Investigations as part of the investigation file and shall not be released to any member of the public, with the exception of the USC's Appeals Board in the event of an appeal.



4. The order of proceedings at a hearing shall be as follows:
  - i. The investigator leading the hearing shall read the alleged violation to the candidate and outline the findings of the investigation.
  - ii. The Committee shall have the opportunity to ask any questions regarding the findings of the investigation in an effort ascertain all pertinent information.
  - iii. The candidate shall have the opportunity to refute any information introduced by the Committee, add any information that the Committee may have missed or overlooked, including any mitigating factors that the Committee should consider in their deliberations.
  - iv. The Committee shall have the opportunity to ask follow-up questions based on the information provided by the candidate.
  - v. The candidate shall have the opportunity to make a final statement to the Committee regarding the case.
5. Where a candidate is given notice of the hearing pursuant to s. 5.02 and fails to appear or send a proxy, the Committee shall assume that the candidate has no further evidence to add to the case and the Committee shall proceed directly to deliberations.
6. Upon completion of a hearing, the Committee may undertake to confirm any details or corroborate the legitimacy of evidence presented by the candidate. Following this verification process, the Committee shall:
  - i. Provide the candidate with a written summary of any additional information ascertained during the Committee's evidence verification process.
  - ii. Provide the candidate with an opportunity to submit a written statement to address the additional information presented by the Committee or request a supplementary hearing to address the additional information.
  - iii. The candidate shall have eight (8) hours from the time a written summary as outlined in s. 5.06 (1) is sent to submit a written statement or elect a hearing with the Committee.
    - a. In the event the candidate fails to respond to the Committee within the specified time allotted, the Committee shall assume that the candidate has no further evidence to add to the case and the Committee shall proceed directly to deliberations.

#### **6. Deliberations**

1. During deliberations the Committee should first decide whether the candidate is guilty of the alleged violation.
2. Where the candidate has been found guilty of a violation the Committee shall determine the appropriate sanction(s) as available in s. 7.00 below.
3. The Committee shall consider, but not be limited to, the following criteria to determine the appropriate penalty to be assigned to the candidate:
  - i. **Degree of scope:** The Committee should determine the reach of influence as measured by the possible range of students affected by the candidate's violation. The Committee should determine whether the nature of the candidate's actions were on a small or large scale.
  - ii. **Degree of influence:** The Committee should determine the strength of influence the violation had in creating an unfair advantage for the candidate's campaign and its potential of impacting elections results. This may include but is not limited to, increasing voter support for the candidate in question, creating a negative impression of another candidate, or negatively impacting another candidate's ability to campaign.



- iii. **Degree of intent:** The Committee should determine whether it believes the candidate intended to commit the violation and whether that intent was malicious. In the event the Committee believes there was no malicious intent, the Committee should assess whether the candidate lacked the intent to take reasonable precautions to prevent the violation from occurring.
  - iv. **Degree of repetition:** The Committee should determine whether the candidate in question committed a violation similar in nature to the one in question during the current campaign period.
  - v. **Degree of legality of action:** The Committee should determine whether the violation breaks any municipal, provincial, or federal laws or any regulations set by the University. Actions that break municipal, provincial, or federal law shall be automatically classified as Extraordinary violations.
  - vi. **Degree of obstruction:** The Committee should determine whether at any point in time during the investigation, the candidate in question attempted to impede the Committee's ability to investigate the violation. This may include, but is not limited to, providing material misstatements to investigators, failing to be forthcoming during the Committee's investigation, attempting to coerce witnesses from assisting the Committee, and lacking overall cooperation with the investigation.
- 4. Where the violation has been classified as an Extraordinary violation and the candidate has been found guilty of the violation the Committee shall determine whether the appropriate penalty is disqualification or demerit points. Where the Committee decides on a demerit point penalty they shall also determine the appropriate number of points to award.
  - 5. Where the violation meets the criteria set out in section 7.03 and the candidate has been found guilty of the violation the Committee shall automatically disqualify the candidate.

## 7. Sanctions

- 1. The Committee, where it finds there has been a violation:

- i. May impose a monetary fine against a candidate's eligible reimbursement without a demerit point penalty, consistent with a Minor violation fee schedule set by the CRO prior to the campaign period;
- ii. May assign a demerit point penalty and resulting fine against a candidate or a group representing a side, consistent with the guidelines in subsection 7.02 below;
- iii. May confiscate or destroy campaign materials that contravene any provision of By-Law #2;
- iv. Shall disqualify a candidate from the election automatically if required by section 7.03 below;
- v. May disqualify a candidate from the election discretionarily, if permitted by subsection 7.02 (4) below.
- vi. May declare that an election in a particular USC constituency or the election of a specific candidate be ruled void; and
- vii. Shall declare a referendum or plebiscite to be void, if the Committee determines that the violation(s) have compromised the integrity and/or reliability of the results.

- 2. The Committee shall award demerit points to candidates as follows:

- i. Where a candidate has been found guilty of a Minor violation that the Committee deems did not have a material impact on voting outcomes the Committee may award zero (0) demerit points.
- ii. Where a candidate has been found guilty of a Minor violation the Committee may award up to four (4) demerit points.
- iii. Where a candidate has been found guilty of a Major violation the Committee may award up to eight (8) demerit points.

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## University Students' Council of the University of Western Ontario

iii.iv. Where a candidate has been found guilty of an Extraordinary violation the Committee may award up to fifteen (15) demerit points and reserves the right to disqualify a candidate.

iv.v. Candidates will be levied a monetary fine against their eligible reimbursement on a per demerit point basis as follows:

PVP	\$10 per point
<u>Registered Interest Party</u>	<u>\$8 per point (up to \$240)</u>
USC Vice President	\$6 per point
All Other USC Candidates	\$6 per point
Board of Governors	\$6 per point
Senator At Large	\$6 per point
All Other Senators	\$6 per point;

3. Violations of the following nature will result in automatic disqualification of a candidate:

- i. Anyone improperly declared an eligible candidate;
- ii. Intentional misrepresentation of campaign expenditures;
- iii. A candidate accruing greater than 100% her allowable demerit point limit as follows:

PVP	30 points
<u>Registered Interest Party</u>	<u>30 points</u>
USC Vice President	20 points
All Other USC Candidates	20 points
Board of Governors	20 points
Senator At Large	20 points
All Other Senators	20 points;

- iv. Any attempted interference in the election process as regulated by By-Law #2;
  - v. Solicitation of the login information necessary for voting; and
  - vi. Action or conduct which represents a flagrant undermining of the purpose and effect of the electoral process set up under By-Law #2.
4. If a winning candidate in any election is disqualified, the candidate who received the greatest amount of votes and who has not been disqualified shall be deemed the winner.

### 8. Notice of Verdict

1. Where the Committee finds there has been a violation of By-Law #2, or any applicable regulation(s), the Committee shall make the details of the violation public and produce a written report within a forty-eight (48) hour period. Written reports may be subject to redactions to protect the privacy of various stakeholders involved in the investigation.

- (i) The Committee shall inform the following parties:

- (a) **The Candidate:** The Committee shall provide the candidate with the verdict in the form of a written decision.
    - (b) **Voteusc.ca Website:** The Committee shall upload a summary of the allegation made against the candidate and the verdict.
    - (c) **The Media:** The Committee shall provide the media with a summary of the allegation made against the candidate and the verdict. The CRO may comment on behalf of the Committee regarding the violation.
    - (d) **The USC Communications Officer:** The Committee shall provide the USC's Communications Officer with a summary of the allegation made against the candidate and the verdict.



## University Students' Council of the University of Western Ontario

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2. Where the Committee finds that the candidate is not guilty of a violation it shall inform the candidate of the verdict.
3. Where the Committee finds that the candidate is not guilty of a violation it shall inform the individual who made the allegation that the Committee will not be pursuing the allegation further.

### **9. Close of Investigation**

1. All records pertaining to closed investigations (i.e. where a verdict has been delivered or the allegation has been dismissed) shall be turned over to the USC along with the final report of the CRO.
2. Once an investigation has been closed it shall not be reopened unless new evidence has been presented that substantially alters the facts of the case.
  - i. No investigation shall be re-opened more than thirty (30) days following the close of balloting.

### **10. Context and Enactment**

1. Documents Repealed – N/A
2. Supporting/Related Documents – [By-law #2, Elections Governance Committee Terms of Reference, Elections Governance Committee Violations Procedure](#)
3. Date Passed – 25 November 2015
4. All Previous Amendments -



**University Students' Council of the University of Western Ontario**

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**Motion 5**

**Amendments to By-Law 6**

**Be it resolved that**, Council approve the following amendments to By-Law 6.

**OLSEN**/Seconder



## University Students' Council of the University of Western Ontario

### Recommendation Report 3

#### Governance and Finance Standing Committee Recommendation Report

<b>Item:</b>	<b>Amendments to By-Law #6</b>
<b>Author:</b>	<b>Governance and Finance Standing Committee</b>
<b>Purpose of Report:</b>	<b>For Information</b>

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to Bylaw #6 be adopted by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. That there should be more limitations on which individuals are able to appeal decisions made by the EGC and the parties should be limited to only those who are involved in the original decision

#### Context of the Issue(s) to be Addressed

Was addressed during the elections review done by the elections and nominating sub committee of the governance and finance standing committee of council, found that there was a significant number of appeals and concerns that they weren't properly regulated.



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**Appendix 3**

**By-Law 6 Amendments**

**BY-LAW #6**

**of**

**UNIVERSITY STUDENTS' COUNCIL  
OF THE  
UNIVERSITY OF WESTERN ONTARIO**

**APPEALS BOARD**

**Last Amended**

September 24, 2014

**Supersedes**  
n/a

\_\_\_\_\_  
**Chair of the Board** \_\_\_\_\_ **President**

\_\_\_\_\_  
**Date** \_\_\_\_\_ **Date**



## University Students' Council of the University of Western Ontario

### 1.00 DEFINITIONS

- 1.01 “**Affiliate**” includes King’s University College, Huron University College and Brescia University College;
- 1.02 “**Appeal**” includes any proceeding to set aside or vary any Judgment of the decision making body appealed from;
- 1.03 “**Appeals Board**” means the Appeals Board of the University Students’ Council as established by this By-Law;
- 1.04 “**Appeals Board Term**” means the annual term of the Appeals Board starting and ending on May 1<sup>st</sup> and April 30<sup>th</sup> respectively;
- 1.05 “**Appeals Board Chair**” is the member of the Appeals Board elected by the Board to serve in this role. The responsibilities of the Appeals Board Chair, in addition to her duties as a regular Appeals Board Member, include administrative duties, coordinating the other Appeals Board Members and making rulings on procedural issues. The Appeals Board Chair’s vote on a Judgment is of equal weight to the votes of all other Appeals Board Members;
- 1.06 “**Appeals Board Member**” or “**ABM**” means a voting member of the Appeals Board and includes the Appeals Board Chair;
- 1.07 “**Case**” means any Appeal or any other proceeding before the Appeals Board. A Case shall be referred to by its style of cause, which includes the names of the Petitioner, Respondent, year, case number and subject matter;
- (1) For example where the USC is the Petitioner, John Smith is the Respondent, the year is 2014, it is the third decision in that calendar year and it is regarding elections:
- i. *University Students’ Council v John Smith, 2014:3 Election;*
- 1.08 “**Confidential Information**” includes that which is referred to in By-Law #1;
- 1.09 “**Intervening Third-Party**” means a third party who is not a Petitioner or a Respondent. For an Intervening Third-Party to be considered to have standing to make submissions by a Panel they must demonstrate that they or their office would be materially affected by the outcome of the Case and therefore ought to be heard as part of the hearing;
- 1.10 “**Judgment**” when used in reference to the decision making body appealed from, includes any judgment, rule, order, decision, decree or sentence thereof, and when used with reference to the Appeals Board, includes any judgment or order from the Appeals Board;
- 1.11 “**Panel**” means the group of Appeals Board Members brought together for the purposes of adjudicating a Case. Panels shall consist of an odd number of ABMs;
- 1.12 “**Panel Chair**” means the Appeals Board Member in charge of a Panel. It is the Appeals Board Chair if she sits on the panel; otherwise each Panel shall elect from amongst themselves a Chair. The Chair ensures that rules and procedures are followed and deals with administrative issues that may arise during the Case;
- 1.13 “**Party**” means the Petitioner or Respondent;
- 1.14 “**Petitioner**” means the person or group who initiated the matter before the Appeals Board;
- 1.15 “**Respondent**” means the person or group whom the complaint was filed against in the matter before the Appeals Board;
- 1.16 “**Student**” means any individual undergraduate student of the University or an Affiliate, regardless of full, part time, or special status;
- 1.17 “**University**” means Western University;



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1.18 “**Witness**” means an individual brought forth by a Party in order to testify in front of the Appeals Board.

### **2.00 GENERAL**

2.01 The Appeals Board is the dispute resolution body of the USC empowered to hear Cases and try facts in accordance with its jurisdiction.

2.02 The Appeals Board follows the principles of natural justice, including fairness and good conscience.

2.03 Only Students, not paid for their services by the Party, shall act as advocates for Parties involved in actions before the Appeals Board. Parties are free to represent themselves.

2.04 All electronic submissions to the Appeals Board Chair referred to in this By-Law should be addressed to [appeals@westernusc.ca](mailto:appeals@westernusc.ca).

2.05 Any and all questions pertaining to the Appeals Board and its procedures are to be addressed directly to the Appeals Board Chair at the above-mentioned email address or delivered to the USC Offices located at:

340 UCC Building  
University of Western Ontario  
London, Ontario  
N6A 3K7

2.06 All forms mentioned in this By-Law are available on the USC's website.

### **3.00 COMPOSITION**

3.01 The Appeals Board shall be composed of nine (9) Students;

- (1) At least three (3) of the Students shall be enrolled in the Faculty of Law but no more than 6;
- (2) The remaining Students may be enrolled in any faculty.

3.02 Members of the Appeals Board shall not be voting members of Council, Directors, or members of any Committee from which, according to their By-Laws, policies, or procedures, Appeals are adjudicated by the Appeals Board. Members of the Appeals board shall not hold an executive position in a USC Ratified Club.

3.03 Hearings before the Appeals Board should typically occur before a Panel of three (3) Appeals Board Members. However the Appeals Board Chair, at her discretion, may decide to increase the amount of Appeals Board Members sitting on a Panel to a maximum of nine (9), so long as the number of Appeals Board Members sitting on each Panel is not even.

### **4.00 ELECTION OF APPEALS BOARD MEMBERS**

4.01 The Board &Appeals Nominating Committee, a committee of Council, shall oversee the process of recommending candidates to fill vacancies on the Appeals Board. It shall nominate a slate of Appeals Board Members to the University Students' Council on an annual basis and shall nominate candidates to fill any vacancies that occur during the Appeals Board Term.

4.02 The Board and Appeals Nominating Committee shall be composed of:

- (1) the Chair of the Board;
- (2) two (2) additional Directors elected by the Board, and;



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(3) three (3) Ordinary Members elected by the Council.

**4.03** The Board and Appeals Nominating Committee shall conduct its business as per its Terms of Reference.

### **5.00 APPEALS BOARD CHAIR**

**5.01** The Appeals Board Chair shall be elected by the members of the Appeals Board at the first meeting, which shall occur as soon as possible after the start of the Appeals Board Term.

**5.02** Should the Appeals Board Chair resign her position, the Appeals Board shall meet as soon as possible to elect a new Appeals Board Chair.

**5.03** The Appeals Board Chair shall appoint a Deputy Appeals Board Chair:

(1) The Deputy Appeals Board Chair shall take on the responsibilities of the Appeals Board Chair if there is a vacancy in the office of Appeals Board Chair or if the Appeals Board Chair is unavailable.

### **6.00 TERMS OF OFFICE**

**6.01** Members of the Appeals Board shall serve a term of either one (1) or two (2) years.

(1) No more than three (3) members of the Appeals Board shall be appointed for a two (2) year term in any given year.

**6.02** If a member seeks re-election to the Appeals Board following their initial term they may do so by the regular election process outlined in this By-Law.

### **7.00 REMOVAL**

**7.01** A member of the Appeals Board may be removed from office for impropriety, violation of the provisions of the USC's By-Laws, delinquency of duties or misappropriation of USC's funds, by way of a motion adopted at a meeting of Council, by a two-thirds (2/3) vote of the members of Council present.

**7.02** The Board of Directors may, upon resolution passed by two-thirds (2/3) of the Board of Directors, present a member of the Appeals Board for removal before Council in accordance with the previous provision. Immediately upon the Board of Directors' recommendation of the removal of the Appeals Board Member, said Appeals Board Member shall be suspended from hearing any cases or rendering any decisions until such time as Council is able to meet and decide on the proposed removal of said Appeals Board Member.

**7.03** The member of the Appeals Board against whom a request for removal from office is directed shall be notified of the place, the date, and the time of the meeting of Council called to remove her within the same time frame as that provided by By-Law #1 for the calling of such meeting. Such member of the Appeals Board shall have the right to attend and to speak at the meeting or, in a written statement and read by the Speaker, to put forth the reasons why such member of the Appeals Board opposes the proposed removal from office.

### **8.00 QUORUM**

**8.01** Quorum of the Appeals Board is met with three (3), five (5), seven (7) or nine (9):

(1) The Appeals Board shall decide which Appeals Board Members shall sit on the Panel once a Case application has been accepted for hearing by the Appeals Board;

i. At least one (1) of the Appeals Board Members on the Panel shall be enrolled in the Faculty of Law;

a. If no Appeals Board Member enrolled in the Faculty of Law is available to sit on a Panel either in person or as otherwise provided for in this By-Law, this requirement may be waived by the Appeals Board;



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- ii. Those Appeals Board Members who have conflicts of interest in regards to the Case shall not be selected for the Panel nor shall they decide on whether the application is to be accepted by the Appeals Board;
  - iii. The Appeals Board Chair may assign Appeals Board Members to sit on a Panel if the Appeals Board is unable to meet in time to decide or are unable to reach a consensus;
- (2) Appeals Board Members sitting on the Panel shall be present throughout the entire oral hearing;
- (3) The absence of any of the Appeals Board Members during a significant part of oral proceedings shall render the absent Appeals Board Member unable to vote on the Judgment;
- (4) In the event that an Appeals Board Member must depart the hearing after the commencement but before the end of an oral hearing, the remaining Appeals Board Members, in consultation with the Parties, may decide that:
- i. The hearing be recessed until all Parties and Appeals Board Members are able to re-convene; or
  - ii. If time is of the essence, the hearing continue and if the remaining Appeals Board Members are split on their decision, the decision of the decision making body from which the Case was appealed shall be upheld.
- 8.02 If Quorum is not reached on the date of an oral hearing, additional Appeals Board Members may be added by Panel, unless an objection is made by either petitioner or respondent, before the commencement of oral arguments by means of video or telephone conference in order to meet Quorum.
- 8.03 In extraordinary circumstances requiring expediency as decided by the Appeals Board Members who are present (or if no Appeals Board Members are present, by the Appeals Board Chair) and where a Quorum would otherwise be unattainable, additional Appeals Board Members may be added to the Panel prior to the commencement of oral arguments by way of video or telephone conference.

### **9.00 RECORDS**

- 9.01 The Panel shall make available written, reasoned Judgments within a reasonable amount of time after the hearing.
- 9.02 A record of all written Judgments by the Appeals Board shall be kept by the USC and be made available to the public.

### **10.00 CONFIDENTIALITY**

- 10.01 If a Party or Witness to a case wishes to remain anonymous, they may apply to the Panel Chair adjudicating their Case with reasons for such status before the commencement of the oral hearing.
- 10.02 The Panel Chair may grant anonymous status if she decides the Party or Witness applying for said status requires protection from slander, libel or personal attack, or to prevent the public disclosure of medical information or extenuating personal circumstances.
- 10.03 In Cases where anonymity to a Party or Witness has been granted, the oral hearing shall be closed to the public and press and the Party or Witness shall only be referred to by their initials in the written Judgment.
- (1) The written judgment shall still be published publicly but with the private information redacted.
- 10.04 In cases where Confidential Information of the USC is required, the hearing shall be held *in camera* and the Judgment shall not be made publicly available if the information cannot be redacted.
- (1) The Judgment shall remain available to current and future Appeals Board members for consultation.



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### 11.00 JURISDICTION

11.01 The Appeals Board has the authority to adjudicate all matters referred to the Board by Council or the By-Laws;

- (1) In deciding on sanctions or awards for either Party in a Case on Appeal, the Appeals Board shall be limited to any such sanctions or awards that were available to the initial decision making body regardless of whether the initial decision making body decided to enact such sanctions or awards.

11.02 Parties to an appeal are the student against whom the decision has been made (Petitioner) and the Election Governance Committee (Respondent).

~~11.02~~  
11.03 By filing a petition, the Petitioner agrees to submit the dispute to the sole jurisdiction of the Appeals Board and agrees to be bound by its Judgment.

~~11.03~~  
11.04 The Appeals Board shall decide, within forty-eight (48) hours after receiving the Petitioner's application whether it has jurisdiction to hear an action brought before it.

- (1) The Appeals Board shall not entertain petitions which are frivolous, vexatious, of inconsequential merit, or otherwise outside its jurisdiction.

~~11.04~~  
11.05 All Judgments of the Appeals Board are final, binding and conclusive and are not open to question or appeal in a court on any grounds.

- (1) Excepting in the case of Senate or Board of Governors elections, which may be appealed to the University Secretariat as per their policies.

### 12.00 PROCEDURE

12.01 *Commencing Proceedings*

- (1) Proceedings shall be initiated when the appropriate appeal form is filed to the Appeals Board Chair by the Petitioner;

- i. Petitions on behalf of the USC as a whole may be brought by the member of the USC Executive initiating a matter in conjunction with the President of the USC, or by a majority vote of council;

- (2) The Appeals Board shall decide within forty-eight (48) hours after receiving the Petitioner's application whether it has jurisdiction to hear an action brought before it;

- (3) The Appeals Board shall then either:

- i. Inform the Petitioner of the failure of the application; or
  - ii. Inform the Petitioner of the success of the application, inform the Respondent of the existence of a pending Case against them and the basis of the Case and consult both Parties on available dates for an oral hearing, keeping in mind the time it takes for written submissions to be drafted and submitted prior to the oral hearing.

12.02 *Submissions of Parties*

- (1) Both the Petitioner and Respondent shall be granted the opportunity to submit their written submissions prior to the oral hearing;

- (2) Written submissions shall be drafted according to a template which shall be made available to the Parties.

12.03 *Intervenors*



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- (1) The Appeals Board Chair shall inform the President of the USC and the Chairman of the Board of Directors of the impending Case upon deciding to grant a Petitioner's application, both of whom may apply to intervene by completing an application for Intervention within three (3) days of receiving such notice;
- (2) Following the acceptance of the Case by the Appeals Board, an invitation may be extended by the Appeals Board through the USC website to anyone wishing to intervene in the dispute by duly completing an application for intervention and submitting an electronic copy to the Appeals Board Chair no more than three (3) days following the final publication of the notice; The Appeals Board may, at their discretion, recognize intervening parties where those parties may be necessary for a fair and complete resolution of the Case. Intervenors shall be notified by the Appeals Board Chair if they have been accepted as Intervenors within a reasonable amount time;
- (3) Intervenors may elect to make oral submissions at the hearing, written submissions in advance, or both. In the case of written submissions, they must be submitted to the Appeals Board Chair no later than three (3) days before the hearing.

### 12.04 Preliminary Conference

- (1) The Parties to the dispute and members of the Panel may, time permitting, then meet in a preliminary conference and discuss a number of issues informally, including but not limited to:
  - i. agreement on non-contentious facts of the dispute;
  - ii. explanation of hearing procedures, and;
  - iii. setting a date for the hearing.

### 12.05 Independent Arbitrator

- (1) Where, at any point, the Appeals Board comes to the conclusion that the case at hand would be better be served by the appointment of an independent arbitrator, it may do so by a vote of the Appeals Board.
  - i. The Appeals Board Chair shall be responsible for finding persons capable of acting as an arbitrator, and should be prepared to do so on short notice.
  - ii. The Board of Directors, on the recommendation of the Appeals Board Chair, shall hire an independent arbitrator agreed upon by the parties to the appeal or, if the parties are unable to agree, as selected by the Appeals Board Chair.
  - iii. The arbitrator shall provide directions for the conduct and determination of the appeal according to his/her discretion, including the submission of written materials and the convening of an oral hearing, if deemed necessary, and shall establish the applicable time limits for such steps. The arbitrator's decision shall be released to the interested parties, the Committee and the Executive, where possible, within 15 days of the arbitrator's appointment.

## 13.00 HEARING RIGHTS AND PROCEDURES

- 13.01 Hearings shall be open to the public, limited only by space restrictions in the designated hearing room or the discretion of the Appeals Board;
- 13.02 At the discretion of the Panel, oral submissions may be dispensed with where they are not possible or are clearly unnecessary.
- 13.03 The Panel may remove anyone from a hearing if the Panel decides that they are being disruptive, threatening or offensive.
- 13.04 No audio-visual recordings shall be taken during the hearing, although Parties may take notes as necessary.



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13.05 Each Panel that does not include the Appeals Board Chair of the Appeals Board shall elect amongst themselves a Panel Chair to preside over the Case;

- (1) If the Appeals Board Chair is a member of the Panel she shall be considered the Panel Chair unless she chooses to have the Panel elect a Panel Chair.

13.06 The Panel may, at their discretion, modify the general oral hearing procedure as they see fit.

- (1) A copy of the procedures shall be provided to the participants no less than three (3) days prior to the hearing.
- (2) A sample procedure for the oral hearing shall be found in Appendix 1.

## 14.00 DISPOSITION

14.01 At the end of an oral hearing the Panel may recess the proceedings to determine if they shall render an oral decision immediately.

14.02 Judgments by the Appeals Board may be rendered orally at the end of a hearing or may be reserved.

14.03 All Judgments, even if rendered orally, shall be accompanied by written reasons which are to be made available to the Parties and public within a reasonable amount of time after the oral hearing.

14.04 If Judgment is reserved, the Panel shall make its decision available within a reasonable amount of time;

- (1) Written reasoned Judgments should be provided to the parties and the public within two (2) weeks of the oral hearing.

## 15.00 EMERGENCY PROCEEDINGS

15.01 At the discretion of the Appeals Board Members assigned to the Case, the timing and notice requirements in this By-Law may be waived in order to expedite the adjudicative process so long as doing so shall not materially disadvantage a Party.

15.02 If time is of the essence, Appeals Board Members shall communicate a Judgment to the Parties as soon as they reach a decision after the hearing and should deliberate in private until they have come to such decision.

## 16.00 ABSENCE

16.01 If at any time the Appeals Board lacks enough Appeals Board Members to meet the Quorum requirements, but the By-Laws or Council call upon the Appeals Board to adjudicate a Case, the Board of Directors (or at least three (3) Directors) shall sit as a Panel and adjudicate the dispute in a manner otherwise consistent with this By-Law.

## 17.00 ELECTIONS DISPUTES

17.01 During the Election Period, Appeals Board Members shall be on notice that Appeals of Elections Committee Judgments may require rapid adjudication;

- (1) Applications for a hearing of Elections disputes shall be approved or rejected as soon as possible by the Appeals Board so as to not prejudice any candidate;
  - i. Due to the short time period of Elections disputes, as soon as an application is received by the Appeals Board, notice shall be given to the Respondent named in the application that there is a pending application against her. Details of the application shall only be released to the Respondent if the application for a hearing is granted;
- (2) Notice of an approval or rejection of an Application shall be given forthwith to the Petitioner.



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17.02 The Appeals Board should be prepared to hear expedited hearings during the Election Period within fifteen (15) hours of the Application.

## APPENDIX 1

### Sample Procedures for Oral Hearings

- (1) The Panel Chair shall introduce the members of the Appeals Board sitting on that Panel and shall outline the rules and procedure of the hearing;
- (2) The Petitioner, followed by the Respondent, may make an opening statement to introduce the nature of the application and the facts of the Case for no more than five (5) minutes;
- (3) The Petitioner shall present and question her witnesses and shall tender evidence;
- (4) The Petitioner shall have an additional twenty (20) minutes of time for oral arguments following the examination of their witnesses;
- (5) The Respondent shall then present and question her witnesses and shall tender evidence;
- (6) The Respondent shall have an additional twenty (20) minutes of time for oral arguments following the examination of their witnesses;
- (7) If applicable, the Intervenor(s) shall also present and question their witnesses and shall tender evidence;
- (8) The Respondent/Petitioner may cross-examine the other parties' witnesses immediately following the examination in chief of the witness;
- (9) The Intervenor(s) shall not be allowed to cross-examine witnesses;
- (10) The members of the Panel may, at any time, ask questions of a Party;
- (11) The Petitioner, followed by the Respondent, may make a closing statement for no more than ten (10) minutes. No new evidence may be introduced during the closing statement.



**Motion 6**

**Motion Calling for a Referendum Concerning the CHRW Fee**

**Whereas**, the technological advances and resulting changes in contemporary media consumption, since the inception of the Radio Western administered fee, have resulted in a substantially different campus environment than when the fee was initially passed through referendum in 1978, warranting a reassessment of the service by the student body at-large;

**Whereas**, Undergraduate students presently only make up 47% of Radio Western's volunteer body; but undergraduate students provide 96% of all of Radio Western's revenue, totaling \$375,600 in the 2016-2017 fiscal year;

**Whereas**, potentially unnecessary student fees place a financial burden on students;

**Whereas**, an administered fee of \$10.50 per student annually is a viable option to keep Radio Western operating more or less the same as it has been, at around \$315,000 generated in student fees per year, while also saving students money;

**Whereas**, an administered fee of \$3.00 per student annually would either reduce Radio Western's reliance on full-time staff, and would compel the organization to offer more experiential learning positions in the form of leadership roles to undergraduate students; or the reduction would compel Radio Western to seek funding elsewhere in order to maintain current operations, at around \$90,000 generated in student fees per year;

**Whereas**, in the past, Radio Western has successfully supplemented specific projects using the Community Radio Fund of Canada, having received \$48,412 in federal funding in 2015;

**Whereas**, Radio Western received \$16,845 in Canada Summer Jobs grants last year, and expects this funding to continue at around \$15,000 per year;

**Whereas**, a three (3) year transitional period that would work incrementally towards what students decide through referendum would offer adequate time for Radio Western to adapt to any changes in funding well in advance;

**Whereas**, Council has the unilateral authority to defer judgement on this issue to the student body, allowing them to make the choice for themselves, and circumvent any implicit bias Council may hold;

**Be it resolved that**, the University Students' Council permit the following referendum question to be included on the ballot of the 2018 USC Spring Elections:



## University Students' Council of the University of Western Ontario

This referendum will be conducted using a preferential (ranked) ballot system. Please indicate the order in which you prefer each option by placing a number '1' beside your most preferred option, a number '2' beside your second most preferred option, and a number '3' beside your least preferred option.

Do you support the decision of the University Students' Council to maintain the status quo of funding CHRW (Radio Western) at \$12.47 per student annually, lower the funding for CHRW to \$10.50 per student annually, or lower the funding for CHRW to \$3.00 per student annually.

The results of this referendum will be applied over three (3) years, with the results of the referendum absolutely being reflected in the USC budget for the 2020/2021 academic year, with a linear decrease in funding each academic year.

\*the USC will adjust the CHRW administered fee by the rate of inflation each year (relative to changes in the CPI as determined by the Bank of Canada)

\$12.47  \$10.50  \$3.00

Be it further resolved that, the results of this referendum will be applied over three (3) years, with the results of the referendum absolutely being reflected in the USC budget for the 2020/2021 academic year, with a linear decrease in funding each academic year; and

Be it further resolved that, the preferential (ranked) ballot system used to conduct this referendum will be administered in line with Section 18 in Bylaw 2 pertaining to preferential voting rules.

OLSEN/Seconder



**Recommendation Report 4**

**Governance and Finance Standing Committee Recommendation Report**

<b>Item:</b>	<b>Motion Calling for a Referendum Concerning the CHRW Fee</b>
<b>Author:</b>	<b>Governance and Finance Standing Committee</b>
<b>Purpose of Report:</b>	<b>For Information</b>

**Recommendation**

The Governance and Finance Committee submits \$10.50 to satisfy the task they were given by the 2016/2017 council.

**Summary of Considerations**

Member Councillors considered the following:

1. The committee reviewed the report received by CHRW on the impact of the different cost reductions
2. The committee did not want to reach the lower limit of the range available to them, as it would materially change the operations of CHRW.
3. The committee, however, believed a significant reduction is necessary due to the financial burden on students.

**Context of the Issue(s) to be Addressed**

The issues addressed in this report result from a motion approved at the January 2017 meeting of council, which tasked the secretary treasurer to work with the governance and finance committee of council to come up with the specific dollar value within the range of \$10 and \$11.50 by November 2017 meeting.



## University Students' Council of the University of Western Ontario

### Recommendation Report 5

#### Governance and Finance Standing Committee Recommendation Report

<b>Item:</b>	<b>Motion Calling for a Referendum Concerning the CHRW Fee</b>
<b>Author:</b>	<b>Governance and Finance Standing Committee</b>
<b>Purpose of Report:</b>	<b>For Information</b>

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That Council permit the referendum question concerning the CHRW administered fee to be included on the ballot of the 2018 USC Spring Elections.

#### Summary of Considerations

Member Councillors considered the following:

1. The circumstances surrounding the calling of the original CHRW referendum in 1978;
2. The persistent calls for the CHRW administered fee to be re-assessed by students in recent years, it having been 40 years since they last had a chance to weigh in;
3. The rationale behind each chosen dollar value;
4. The impact of lowering CHRW funding on the FAM faculties;
5. The impact on full time employees presently employed by CHRW, and if the fee reduction structure could accommodate them if the \$3.00 option was selected by students;
6. Whether or not the faculties that primarily benefit from CHRW, FAM, should expect other undergraduate students to subsidize their experiential learning, with the point that engineering students pay hundreds of dollars in additional ancillary fees to fund engineering-specific services being raised;
7. Whether or not students would make an informed decision; and
8. Whether or not a ranked ballot would be a preferable method through which to hold a referendum, with the added level of choice offered to students being highlighted.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by Keaton Olsen, Governance and Finance Standing Committee Chair, who, along with other Council members, felt that decision-making power was not being adequately yielded to the student body at-large, with only one option of \$10.50 on the referendum that had passed through the Governance and Finance Standing Committee earlier in the month of November. The new motion for a referendum using a ranked-ballot was presented to the Governance and Finance Standing Committee on November 22nd.



## University Students' Council of the University of Western Ontario

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### **Motion 7**

#### **International Student Representative**

Whereas, the involvement and engagement of international students in student governance and student experience related programs are low;

Whereas, President Chakma's vision is to internationalize the university, thus Council should respond and make an example by creating more opportunities for international students;

Be it resolved that, an 'International Student Representative' position be created starting from September 2018. With *at least* the following terms and conditions;

- A resource member without voting rights;
- Elected by Council during September meeting of Council as per the Standing Resolutions;
- The candidates, and elected person must be considered an international student by the University;

Be it further resolved that, the International Student Representative will represent international and exchange students, and promote Council opportunities and events to their constituency.

**CHAO/Seconder**



## University Students' Council of the University of Western Ontario

### Recommendation Report 6

#### Governance and Finance Standing Committee Recommendation Report

Item:	International Student Representative
Author:	Governance and Finance Standing Committee
Purpose of Report:	For Information

#### Recommendation

The recommendation of the Governance and Finance Committee is:

That the proposed changes to the Council composition pertaining to the inclusion of an international student representative be rejected by Council.

#### Summary of Considerations

Member Councillors considered the following:

1. There was trouble finding members to fill up positions on the International Student Caucus back when the caucus's Terms of Reference first passed two years ago;
2. No international student club or body has approached the USC seeking a spot on the USC Council;
3. Creating the position of international student representative with no formal organization, mandate, or resources to support them would make the role near-impossible to be successful in, or select for; and
4. There are better ways to engage with Western international students at-large, through events such as branded townhalls.

#### Context of the Issue(s) to be Addressed

The issues addressed in this report result from concerns brought forward by Councillor Chao on the USC Council floor, which were then referred to the Governance and Finance Standing Committee for further discussion and recommendations.



## University Students' Council of the University of Western Ontario

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### **Motion 8**

#### **Textbook Rental Service Feasibility Investigation**

**Whereas**, according to the National Association of College Stores, the average full-time student spends \$650 to \$900 per school year for course materials and supplies;

**Whereas**, the cost of buying textbooks is a financial burden on students;

**Whereas**, other major Canadian universities provide textbook rental services including, but not limited to;

- University of Toronto
- York University
- University of British Columbia
- University of Waterloo
- McGill University
- University of Calgary
- Wilfrid Laurier University
- Concordia University
- Dalhousie University
- University of Regina

**Whereas**, neither the University of Western Ontario nor the USC currently offer a textbook rental service;

**Be it resolved that**, Council task the Executive to determine the feasibility of providing a textbook rental service for students either wholly operated by the USC, in partnership with the University of Western Ontario, or through any other means the Executive finds more feasible;

**Be it further resolved that**, the Executive(s) conducting the investigation must consult with at least one representative from each constituency on council;

**Be it further resolved that**, the Executive present their report and recommendations to whichever standing committee meeting the Executive deems appropriate, prior to the Annual General Meeting of Council (AGM).

**CARACCIOLI**/Kovalchuk



## Appendix 4

### Average Full-Time Student Spending on Course Material and Supplies

Source: <https://bookstore.uwo.ca/textbook-faqs>

## How much should I budget for buying textbooks?

The amount to budget for textbooks will depend on the number of courses you are taking, your professors' requirements, your major and other factors. Because students typically buy school supplies like paper, notebooks, study guides, pens, dictionaries and more at the same time, it's helpful to budget those expenses together.

According to the National Association of College Stores, the average full-time student spends \$750 to \$900 per school year for course materials and supplies. Your actual purchases may vary. Your textbook costs may be reduced if you choose to sell your textbooks at [Buyback](#).

## Appendix 5

### Canadian Universities Which Provide Textbook Rental Services

University	Source
University of Toronto	<a href="https://uoftbookstore.com/about_rentals.asp">https://uoftbookstore.com/about_rentals.asp</a>
York University	<a href="https://www.bookstore.yorku.ca/site_rent_instructions.asp">https://www.bookstore.yorku.ca/site_rent_instructions.asp</a>
University of British Columbia	<a href="https://bookstore.ubc.ca/faq-sections/rental-textbooks">https://bookstore.ubc.ca/faq-sections/rental-textbooks</a>
University of Waterloo	<a href="http://www.bookstore.uwaterloo.ca/RentFAQ.html">http://www.bookstore.uwaterloo.ca/RentFAQ.html</a>
McGill University	<a href="https://lejames.ca/textbook-rentals">https://lejames.ca/textbook-rentals</a>
University of Calgary	<a href="https://www.calgarybookstore.ca/rental.asp">https://www.calgarybookstore.ca/rental.asp</a>
Wilfrid Laurier University	<a href="https://www.wlubookstore.com/c-76-textbook-rentals.aspx">https://www.wlubookstore.com/c-76-textbook-rentals.aspx</a> <a href="https://www.wlubookstore.com/images/textbookrentals-faqs.pdf">https://www.wlubookstore.com/images/textbookrentals-faqs.pdf</a>
Concordia University	<a href="https://stores.concordia.ca/textbooks/textbooks-rentals.html">https://stores.concordia.ca/textbooks/textbooks-rentals.html</a>
Dalhousie University	<a href="https://bookstore.dal.ca/course-material/online-textbook-rental">https://bookstore.dal.ca/course-material/online-textbook-rental</a>
University of Regina	<a href="https://ebookstore.uregina.ca/textbook_rentals.asp?#cost">https://ebookstore.uregina.ca/textbook_rentals.asp?#cost</a>



## University Students' Council of the University of Western Ontario

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### **Motion 9**

#### **Motion to Elect Three (3) Ordinary Members to the USC Budget Taskforce**

**Whereas**, the Operating and Capital Budget Approval Policy and Procedure outlines the composition of the USC Budget Taskforce (four Ordinary Members, which shall include the LTPB Chair, voting);

**Be it resolved that**, Council elect 3 Ordinary Members to the USC Budget taskforce;

**Be it further resolved that**, the ballots be destroyed following the election.

**MOVER/Seconder**

### **Motion 10**

#### **Motion to Elect a USC Representative to the SSC Hiring Committee**

**Be it resolved that**, Council elect 1 Ordinary Member to the SSC Hiring Committee;

**Be it further resolved that**, the ballots be destroyed following the election.

**MOVER/Seconder**

### **Motion 11**

#### **Motion to Elect a USC Representative to the Parking Appeals Committee**

**Be it resolved that**, Council elect 1 Ordinary Member to the Parking Appeals Committee;

**Be it further resolved that**, the ballots be destroyed following the election.

**MOVER/Seconder**

### **Motion 12**

#### **Motion to Elect a USC Representative to the Board Nominating Committee**

**Be it resolved that**, Council elect 1 Ordinary Member to the Board Nominating Committee;

**Be it further resolved that**, the ballots be destroyed following the election.

**MOVER/Seconder**



## University Students' Council of the University of Western Ontario

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### **Motion 13**

#### **Motion to Advocate in Favour of a New Academic Consideration Policy**

**Whereas**, there continues to be a growing need to promote the importance of prioritizing one's mental and physical health;

**Whereas**, the current procedure for medical accommodations places undue stress on to the public health care system;

**Whereas**, this program is already in place at McMaster University (See Appendix 9);

**Whereas**, the Western Student Senators currently has a working group devoted to the implementation of this program;

**Whereas**, the USC/WSS Principles of Collaboration and Commitment passed in the September meeting of council allows the USC and Western Student Senators to establish joint projects to pursue common goals and initiatives;

**Be it resolved that**, council makes it their official stance to support the implementation of this program;

**Be it further resolved that**, council task the executive with advocating for the implementation of an Academic Consideration Policy which includes, but is not limited to allowing students to miss any assessment worth up to a certain percentage of their mark without the need to provide documentation;

**Be it further resolved that**, council task the executive with giving a report to council during the January and February meeting regarding the progress of this initiative.

YE/Forman



## University Students' Council of the University of Western Ontario

### Appendix 6

**McMaster University Faculty of Humanities**

[Home](#) [About](#) [Future Students](#) [Current Students](#) [Programs](#) [Departments](#) [Research](#)

[Search the Faculty of Humanities](#)

Have a Question? Contact the Humanities Office or an Academic Unit

**Relief for Missed Academic Work**

McMaster recognizes that students periodically require relief from academic work for medical and other personal situations. The academic regulations surrounding this aim to manage these requests by taking into account the needs and obligations of students, instructors and administrators.

[Academic Regulations re: Missed Academic Work](#)

**McMaster Student Absence Form (M.S.A.F.)**

M.S.A.F. is a self-reporting tool for undergraduate students to report absences due to minor medical or personal concerns that last up to 3 days. It provides the ability to request accommodations for any missed academic work worth equal to or less than 24%. This form should be filled out immediately when you are about to return to class after your absence. You may submit a maximum of one MSAF for missed academic work per term. It is the student's responsibility to follow up with their instructor immediately regarding the nature of the accommodation.

This tool cannot be used during any final examination period.

MSAF is located in your Mosaic Student Centre in the drop-down menu, 'other academic...'.

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