



SFU

BOARD OF GOVERNORS

MEMO

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ATTENTION Senate

FROM Valerie Rodden, Board Assistant *Valerie Rodden*

RE Board Election Rules (Revised May 28, 2012)

DATE June 20, 2012

The attached Board Election Rules, revised May 28, 2012, were approved by the Board of Governors on May 31, 2012 and are now forwarded to Senate for consideration on July 9, 2012:

That Senate approve the attached Board Election Rules, effective immediately.

/vr
attachment

c: J. Osborne, Vice-President, Legal Affairs and University Secretary
J. Hinchliffe, Assistant Registrar
S. Gair, Senate Assistant

Committee Recommended (May15/12) 6.B
Board to Approve

**SIMON FRASER UNIVERSITY
FOR APPROVAL BY THE BOARD OF GOVERNORS
BOARD ELECTION RULES**

May 16, 2012

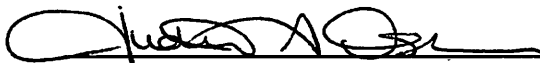
Motion:

“That the Board approves and recommends to Senate the Board Election Rules, attached.”

Background:

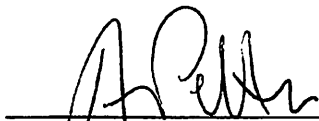
The rules for the election of faculty, student and staff members to the Board of Governors are presently merged with the Senate election rules. The latter are currently being updated, making this an opportune time to separate out the election rules for each body and also update the Board election rules to conform with recent changes to the *University Act* that impose certain limitations on those eligible to serve as elected members. Regarding student Board members, the Act stipulates that there shall be two student members who must be members of either the undergraduate student society or the graduate student society. These revised rules provide that one student member shall be an undergraduate and one student member shall be a graduate student.

Submitted by:



Judith Osborne
Vice-President, Legal Affairs & University Secretary

I concur and recommend to the Board:



Andrew Petter
President and Vice-Chancellor

Revision: Recommended to the Board by Governance Committee May 28, 2012
SIMON FRASER UNIVERSITY

Board of Governors

The Board of Governors is the senior governing body at Simon Fraser University constituted under the University Act. The overall responsibility for the business of the University (property, revenue and policies) is vested in the Board.

ELECTION RULES

A. Elections for the Board of Governors

1. That subject to approval of appropriate rules covering nominations, elections, and voting:
 - a) The nomination and election of members to the Board of Governors under the University Act be undertaken in the Spring academic term, and completed by April 15th.
 - b) The normal date of assumption of office in the regular elections to the Board of Governors shall be June 1st.
 - c) In order to be nominated, the individual must be eligible to hold the position being sought.
 - d) The term of office for student members is one year. The term of office for faculty members is three years. The term of office for employees of the university who are not faculty members is 3 years.

B. Nominations

1. All nominations of candidates for membership on the Board of Governors as faculty members shall be signed by not less than five members entitled to vote in the particular election.
2. All nominations of candidates for membership on the Board of Governors as an undergraduate student shall be signed by not less than five undergraduate students entitled to vote in the particular election.

All nominations of candidates for membership on the Board of Governors as a graduate student shall be signed by not less than five graduate students entitled to vote in the particular election.

3. All nominations of candidates for membership on the Board of Governors being elected by and from employees of the University who are not faculty members shall be signed by not less than five members entitled to vote in the particular election.
4. The nomination paper must be signed by the candidate who shall state that he/she is eligible to hold office and willing to permit his/her name to stand in the election, or on written enquiry from the Registrar, the candidate must indicate he/she is willing to stand.
5. Each candidate for election to the Board of Governors shall be requested to provide a short curriculum vitae and a statement of interest on the candidate's views on related matters falling under the jurisdiction of the Board as laid down by the University Act. The combined information is limited to one page of single spaced copy. Photos will not be included.

C. Students and Student Association

1. For the purposes of nominating, voting and standing for office in the election of students to the Board of Governors:
 - a)
 - i) the Simon Fraser Student Society is the undergraduate student society, and
 - ii) the Graduate Student Society at Simon Fraser University is the graduate student society
(See *University Act*, Part 7, Section 35h))
 - b) "undergraduate students" means those who are members of the Simon Fraser Student Society and who also:
 - i) are in good academic standing and are registered in at least one credit course in the academic term in which nominations are due, or
 - ii) are registered in a co-op work term in the academic term in which nominations are due, or
 - iii) are designated by the Registrar and reported to Senate as an undergraduate student; and
 - c) "graduate students" means those who are members of the Graduate Student Society at Simon Fraser University and who also:
 - i) are duly registered as graduate students in the academic term in which nominations are due, or
 - ii) are designated by the Registrar and reported to Senate as a graduate student.

2. Undergraduate students are eligible to be nominated and stand for election as one of the two student members of the Board of Governors.

Graduate students are eligible to be nominated and stand for election as one of the two student members of the Board of Governors.

3. During the one-year term of office as a student member of the Board of Governors undergraduate students and graduate students:
 - a) must maintain registered status at the University for at least two academic terms,
 - b) must not withdraw, or be required to withdraw, from the University.

D. Faculty Members

1. For the purposes of nominations and elections to the Board of Governors by and from **faculty members**, only faculty members (or designated electoral equivalent) employed in a manner deemed to be of a continuing engagement nature shall be entitled to nominate, stand as candidates and to vote in the pertinent faculty member elections to the Board. This means only those holding the following appointments: tenure-track instructor, assistant professor, associate professor, or professor; or continuing lecturer, senior lecturer, laboratory instructor, or professional librarian.

This does not include Faculty Associates, visiting or adjunct faculty members, teaching assistants, tutor markers, language instructors, sessional lecturers, sessional instructors and non-credit instructors. It also does not include post-doctoral fellows, research assistants, research associates or persons funded on external research grants.

2. **Continuing Part-time**
Continuing part-time tenure-track and tenured faculty (instructors, assistant professors, associate professors and professors and continuing lecturers, senior lecturers, laboratory instructors and professional librarians with appointments of 50% or greater shall be granted the same rights as full-time colleagues holding the same rank to nominate, stand for election and vote in the elections to the Board of Governors.
3. **Limited Term**
Limited term faculty members holding full-time appointments for more than one year or who have two or more consecutive one-year appointments may stand for election and vote in elections to the Board of Governors.

E. Continuing Employees who are not Faculty Members

1. For the purposes of nominations and elections to the Board of Governors by and from **employees of the University who are not faculty members**, all persons holding employment as professional, administrative and support staff or non-academic staff shall be entitled to nominate, stand as candidates and to vote in the pertinent elections only if the employment position held is likely to be of a continuing engagement nature. This includes CUPE, APSA, Poly-Party, and Excluded staff, as well as research associates (R50.01), and Program Coordinators in the Faculty of Education (A12.06.)

This does not include Faculty Associates, visiting faculty, teaching assistants, tutor markers, language instructors, sessional lecturers, sessional instructors and non-credit instructors. It also does not include post-doctoral fellows, research assistants, research associates or persons funded on external research grants.

2. A person, who has been an employee of the University other than a faculty member for more than three consecutive academic terms but who does not have any other entitlement to vote for a member for the Board of Governors, may request in writing from the Registrar that he/she be permitted to be a candidate and/or to vote in the election to the Board of Governors by and from members of staff who are not faculty members. Such request shall be authorized provided service is continuing and has remained continuous over not less than the three previous consecutive academic terms.
3. **Continuing Part-time**
Part-time continuing support staff (CUPE, APSA, Poly-Party, and Excluded) with appointments of 50% or greater, shall be granted the same rights as full-time colleagues holding the same type of appointment, to nominate, stand for election and vote in elections to the Board of Governors.

F.. General Regulations Covering Nominations and Voting

1. The due date for nominations shall be not earlier than ten days and not later than fifteen days following the date of the call for nominations in the case of elections by and from faculty members, by and from students, and by and from members of staff who are not faculty members.
2. The 'date of election' shall be interpreted to mean the last date on which valid ballots are due.
3. The period for casting online ballots shall be not less than two days nor longer than four days in the case of elections by and from faculty members and by and from members of staff who are not faculty members. The period for casting online ballots shall be not less than two days nor longer than five days in the case of elections by and from students.

4. In the regular elections to the Board of Governors, balloting is to be completed no later than April 15th in any year.

G. General Regulations

1.
 - a) When elections are being held for the Board of Governors and for Senate a qualified candidate may accept nomination to run for office in both those elections.
 - b) Candidates may not run for a seat on the Board of Governors from more than one constituency.
2. In the election of a faculty member to the Board of Governors, the faculty member with the highest numbers of votes shall be elected.
3. In the annual election of students to the Board of Governors, there shall be one undergraduate student elected by undergraduate students and one graduate student elected by graduate students.
4. If there is a tied vote between two candidates for one position, the winner shall be determined by a toss of the coin conducted by the Registrar at a time set by the Registrar and in the presence of the affected candidates or their representatives. Where there are more than two candidates tied for one position there shall be an additional ballot to choose between the persons concerned.
5. At the end of the balloting period, the Registrar shall, at the place, day and hour fixed in the notice of election, be responsible for opening printed ballots or for the download of online ballot results and, in the presence of the candidates or their representatives as officially attend, the counting/tabulation of votes for each candidate.
6. The Registrar shall state the name of the persons elected. Recount of printed ballots or complaints concerning electronic ballot tabulation may be requested/submitted within ten days of the announcement of the results to the candidates. The ballots/electronic data shall be destroyed after ten days following the recount period. All candidates declared elected are to be recorded in the Minutes of the Board and reported to Senate. The Registrar is to inform all candidates of the number of votes cast for each candidate.

H. Vacancies

1. Where a vacancy arises in the case of an elected faculty member, an elected student member, or an elected employee of the University who is not a faculty member to the Board of Governors, a by-election will be held under the same principles as pertain to the regular election provided there is at least four months remaining in the unexpired term at the time for call for nominations.

- I. The Senate Electoral Standing Committee oversees the conduct of elections to the Board of Governors.

The following are extracts from the University Act of British Columbia

Composition of Board

- 19 (1) The board of a university, other than the University of British Columbia, is composed of 15 members as follows:
- (a) the chancellor;
 - (b) the president;
 - (c) 2 faculty members elected by the faculty members;
 - (d) 8 persons appointed by the Lieutenant Governor in Council, 2 of whom are to be appointed from among persons nominated by the alumni association;
 - (e) 2 students elected from students who are members of an undergraduate student society or a graduate student society;
 - (f) one person elected by and from the employees of the university who are not faculty members.

Term of office

- 20 (1) Each member of the board elected under section 19 (1) (c) and (f) and (2) (c), (d), (h) and (i) holds office for 3 years and after that until a successor is elected.
- (1.1) Each member of the board appointed under section 19 (1) (d) and (2) (e) holds office for a term of up to 3 years and after that until a successor is appointed.
- (2) Each member of the board elected under section 19 (1) (e) or (2) (f) or (g) holds office for one year and after that until a successor is elected.
- (3) The chancellor and president are members of the board for so long as they hold their respective offices.

Reappointment or re-election

- 21 The appointed members of the board are eligible for reappointment and the elected members are eligible for re-election, but those members must not hold office for more than 6 consecutive years.

Removal from office

- 22 (1) The Lieutenant Governor in Council may, at any time, remove from office an appointed member of the board.

- (1.1) Despite section 19, the Lieutenant Governor in Council may, on a resolution passed by the vote of at least a 2/3 majority of the members of the board, remove from office a member of the board elected under section 19 (1) (c), (e) or (f) or (2) (c), (d), (f), (g), (h) or (i) if the board is satisfied that the person should be removed for cause.
- (2) Unless excused by resolution of the board, a member who does not attend at least half of the regular meetings of the board in any year is deemed to have vacated his or her seat.

Persons not eligible

23 (1) The following persons are not eligible to be or to remain members of the board:

- (a) members of the Parliament of Canada;
- (b) members of the Executive Council or of the Legislative Assembly;
- (c) [Repealed 2006-15-45.]
- (d) a member of the public service in the ministry;
- (e) a member of the public service designated by the minister.
- (f) [Repealed 2003-48-32.]
- (g) a person who is an employee of the university and who is a voting member of the executive body of, or an officer of, an academic or non-academic staff association of the university who has the responsibility, or joint responsibility with others, to
 - (i) negotiate with the board, on behalf of the academic or non-academic staff association of that university, the terms and conditions of service of members of that association, or
 - (ii) adjudicate disputes regarding members of the academic or non-academic staff association of that university.

(2) A member of the board who ceases to be eligible during his or her term of office immediately ceases to be a member of the board.

Vacancies on the board

24 (1) If a vacancy arises on the board because of the death of a member or for any other reason before the end of the term of office for which a member has been appointed or elected, the secretary of the board must enter a declaration of the vacancy in the minutes of the board.

(2) A declaration under subsection (1) is conclusive evidence of the vacancy.

Method of filling vacancies and effect of vacancy

25 (1) If a vacancy exists in respect of an appointed member, the Lieutenant Governor in Council must appoint a person to fill the vacancy.

(2) If a vacancy exists in respect of an elected member, the appropriate body must elect a replacement.

- (3) A person appointed under subsection (1) or elected under subsection (2) holds office for the remainder of the term for which the person's predecessor was appointed or elected.
- (4) A vacancy on the board does not impair the authority of the remaining members of the board to act.

Rules for elections

- 43 (1) The senate must make and publish all rules necessary and consistent with this Act in respect of nominations, elections and voting.
- (2) The registrar must conduct all elections that are required.