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MEMO

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ATTENTION	Senate
FROM	Li-Jeen Broshko General Counsel & University Secretary
RE	Report of the Electoral Standing Committee
DATE	May 17, 2021

The following report covers the period January 2020 to April 2021.

Spring 2020 Undergraduate Elections to Senate and Board of Governors

During the Spring 2020 undergraduate student elections for Senate and Board of Governors, the Electoral Standing Committee (the “**Committee**”) received and considered 20 complaints alleging that 2 election rules were violated during the campaigning and/or voting period. The cases involved 6 complainants and 14 respondents.

Election Rule #1

The Committee heard 12 cases in which complaints alleged that the respondents had violated the election rule that:

“Campaigning is prohibited during the voting period of February 11 to 13, 2020”
(the “**Voting Period Prohibition**”).

The election rules also provide a definition of “Campaigning”, namely that it “means working in an organized and active way with the goal of being elected”.

In 7 cases, the Committee found that the respondents had violated the Voting Period Prohibition by using their personal social media accounts for the purposes of “Campaigning”, as defined by the election rules, during the voting period. The Committee disqualified 7 undergraduate student candidates for Senate and Board of Governors in the Spring 2020 election to ensure the fair administration of the election, as their breach of the Voting Period Prohibition could have affected the outcome of the election.

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In 5 cases, the Committee decided that there was insufficient evidence to find that the respondents had breached the Voting Period Prohibition. The respondents in these 5 cases were permitted to stand in the tabulation of the election votes.

Election Rule #2

The Committee heard 2 cases in which complaints alleged that the respondents had violated the election rule that:

“Candidates and their agents are expected to conduct campaigns using principles of fair play and good taste...candidates and their agents must not engage in practices such as unauthorized removal of, obscuring or damaging the campaign material of other candidates” (the “**Fair Play Requirement**”).

The election rules also provide a definition of “Agent”, namely that it “means a person or group designated by and acting independently on behalf of the candidate”.

In one of the cases, the Committee decided that there was insufficient evidence to find, on a balance of probabilities, that the respondent had breached the Fair Play Requirement. As such, the Committee allowed the respondent in this case to stand in the tabulation of the election votes.

In the other case, the Committee decided that there was insufficient evidence to find, on a balance of probabilities, that the respondent was an “Agent” as defined by the election rules or that the respondent had breached the Fair Play Requirement.

Following the Spring 2020 undergraduate elections, the Office of General Counsel and University Secretary worked with the Electoral Officer to clarify certain definitions used in the election rules that had caused confusion to candidates (including the definitions of “Agent” and “Campaigning”).

Fall 2020 Beedie School of Business Decanal Search Committee Election

The Committee received one complaint following the internal Beedie School of Business (the “**Faculty**”) election of faculty members to its decanal search committee (the “**Search Committee**”). The complaint alleged that the process employed to elect faculty members to the Search Committee was inconsistent with the intent of SFU policy A13.05 (Search Committees for Deans) (the “**Policy**”), which provides that “[n]o more than one faculty member from any department may be elected”, because the process resulted in uneven representation on the Search Committee among the different disciplines within the Faculty.

The Committee found that the limitation set out in the Policy did not apply to non-departmentalized faculties and accordingly that there was no unfairness in the election process employed to elect faculty members to the Search Committee.

Spring 2021 Undergraduate Student Elections to Senate

During the Spring 2021 undergraduate student elections for Senate, the Committee received and considered one complaint alleging the violation of the election rule stating:

“The campaign period begins after the posting of candidates on March 12, 2021 and ends on March 21, 2021” (the “**Campaign Period Rule**”).

In response to a reminder about the Campaign Period Rule from the Senate Assistant and Electoral Officer, the respondent admitted that she had campaigned in advance of the campaign period, in violation of the Campaign Period Rule. To rectify any unfair advantage gained by the respondent by starting her campaign early and to

provide all of the candidates with the same amount of time to campaign, the Committee advised the Senate and Electoral Officer to inform the respondent that she would be required to cease campaigning prior to the end of the campaign period, for the same amount of time that she campaigned in advance of the campaign period. The Committee then allowed the respondent to stand in the tabulation of the election votes.