

## **Resolution 1**

### **A resolution to Amend the By-Laws of the Student Association of George Brown College in order to create types of membership**

WHEREAS, the Minister of Training Colleges and Universities have created a framework for incidental fees wherein some fees are optional for students;

AND WHEREAS, a membership fee is charged by the Student Association under the fees protocol as negotiated between the Corporation and the College;

AND WHEREAS, voting rights attached to these positions require a fundamental change to the membership in accordance with section 197(d) of the Canada Not for Profit Corporations Act (SC 2009, c. 23)

Be it enacted as a resolution of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

1. In accordance with Section 197(1(d)) of *the Canada Not for Profit Corporations Act, (SC 2009, c. 23)* the Members of the Student Association of George Brown College hereby consent to a fundamental change in the Articles of Incorporation as follows:

The By-laws of the Corporation may set forth Classes of Membership and attach voting rights to such classes: Voting and Non-Voting.

Membership in such classes shall be contingent on the payment of a membership fee set forth in the by-laws and subject to directives regarding ancillary fees made under section 4 of *the Ontario Colleges of Applied Arts and Technology Act (2002, S.O. 2002, c. 8, Sched. F)*.

The Members of the Student Association of George Brown College also direct the Directors of the Corporation to do all things necessary to give effect to the said change under provisions of the Act.

2. By-Law 1 is rescinded and replaced in accordance with Schedule 1.
3. By-law 3, section 1(a) is amended as follows:
  - Be a voting member in accordance with By-law 1.
4. By-law 9, section 1 is amended as follows:
  - a) The Board shall call a general meeting of the membership to be held at which the corporation's financial statements and reports of the directors and of the auditor shall be presented.
  - b) At that meeting Voting Members have full voice and vote and Non-Voting Members shall have full voice and no vote.
5. By-law 9, section 8 is amended as follows:

A motion intended for a meeting of the members from any individual member shall be placed on the agenda of a meeting of the Membership if fifteen (15) members of Voting Members sign a petition in support of it.

The full text of the motion must be included in the petition and the text of the motion and signed petitions must be submitted to the Director of Communications and Internal a minimum of 45 (forty-five) days before the meeting of the Membership. The petition referred in this section is the same as a Membership Proposal in accordance with section 163 of the Act.

6. By-law 12, section 3(a) is amended as follows:  
All Voting Members shall be eligible to run.

## **Schedule 1**

### ***By-Law 1: Organization of the Corporation***

Be it enacted as a by-law of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

#### *Composition of membership*

- 1.** The Corporation's membership shall consist of two classes: Voting and Non-Voting.
- 2.** Voting Member shall consist of all individuals *who*:
  - a) have paid the Student Association Membership Fee which shall from time to time be set by the Board of Directors;
  - b) *belong* to a category of students in respect of which the Corporation has accepted a grant in lieu of such membership fee;
  - c) *are* currently enrolled students of the College belonging to a category of students such as full-time students on a reduced course load due to College approved accessibility accommodations, in respect of which the Corporation has acknowledged membership and negotiation the terms and conditions of a membership fee; *or*
  - d) *are* members of the Executive of the Corporation as set forth in By-Law 7.
- 3.** Non-Voting Members shall consist of all other full-time students of the College.
- 4.** Voting Members shall have the rights as follows:
  - a) the right to speak and vote at *a* Membership Meeting;
  - b) the right to be nominated for office *on* the Board of Directors;
  - c) the right to vote in elections for the Board of Directors and in referenda sponsored under these by-laws;
  - d) all other rights which shall from time to time be determined by the Board of Directors.
- 5.** Non-Voting Members shall have the rights as follows:

- a) the right to vote in elections for the Board of Directors and in referenda sponsored under these by-laws;
- b) all other rights which shall from time to time be determined by the Board of Directors.

*Property and business –Board of Directors*

**6.** The property and business of the Corporation shall be managed by a Board of Directors.

*Committees*

**7.** The Board of Directors shall be advised by the Committees of the Corporation.

*General Manager*

**8.** The Board of Directors shall delegate the ongoing day-to-day operation of the corporation to the General Manager, who will be accountable to the Board and report to the Executive Committee on a minimum bi-weekly basis. The General Manager shall exercise general control and management of the affairs of the Corporation for the purpose of efficient and effective operations of the Corporation.

## **Resolution II**

### **A resolution to amend the appointment process for Board and Executive members after vacancies**

Whereas the Board has deemed it necessary to change the procedures for filling vacancies in the Board of Director;

Be it enacted as a resolution of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

7. By-law 5 is rescinded and replace in accordance with Schedule 1.
8. By-law 7 is amended by adding section 2:  
When a member is acting in an executive role, that member in accordance with by-law 6, section 6, that person is an officer for the time when they are acting.

## **Schedule 1**

### ***By-Law 5: Board of Directors Members***

Be it enacted as a by-law of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

*Deemed vacancy - Director*

1. The position of Director shall be deemed vacant if:
  - a) The Director dies, ceases to be qualified or resigns in writing to the Director Communications and Internal, or, in the case of the Director Communications and Internal, to the General Manager;
  - b) The Director becomes bankrupt or declared incapable of managing property under the *Mental Health Act, R.S.O. 1990, c. M.7*, or the *Substitute Decision Act, S.O. 1992, c. 30*;
  - c) The Director commences legal action against the corporation;
  - d) The Director fails to abide by the roles and responsibilities of the Directors as set forth in the governing documents for a period of one calendar month, as per their written agreement.

- e) At a meeting of members called for that purpose an ordinary resolution is passed to declare the office vacant; or
- f) If they are absent at two consecutive meetings of the Board, without having provided written regrets in advance to the Director Communications and Internal or the General Manager, the Board may pass a resolution declaring that the member has abandoned their office, then the Director shall be deemed to have resigned their office.
- g) If the director ceases to be a member of Voting Member in accordance with By-law 1.

#### Declaration of vacancy

**2.** If the office of a member of becomes vacant under section 1, the Director of Communications and Internal (or the General Manager in case of the Director of Communications and Internal) shall at its next meeting of the Board declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings.

#### *Filling Vacancies*

- 3.** When a vacancy has occurred, the Board shall fill the vacancy within 60 days of the declaration made under section 2 by either:
- a) fill the vacancy by appointing a member of class A, who has consented to accept the office, in accordance with section 4; or
  - b) require a by-election to be held to fill the vacancy in accordance with By-law 12. (By-Laws 2019, b.5, s.2, as amended AGM F2019).

#### *Method of filling vacancies*

- 4.** If the vacancy is filled through appointment, the appointment shall be made as follows.
- a) Candidates shall apply by submission of a cover letter, a resume, and profile addressed to the Chief Returning Officer who shall present the resume, cover letter, and profile to the Board at the Board Meeting.
  - b) The Board shall meet to fill the vacancy, at the appointed time, and each candidate shall address the board for up to three minutes, and then answer any questions from members of the board.
  - c) The Board shall then proceed to a vote by secret ballot. Balloting shall continue until one candidate receives a two-thirds majority of the total

votes casted. The candidate with the lowest number of votes shall be removed after each ballot which does not produce a winner until there are two candidates left on the ballot. If there are two candidates left, and no candidate receives the required two-thirds majority after three successive ballots, then a majority shall be used to determine the winner. (By-Laws 2019, b.5, s.2, as amended AGM F2019).

*Term*

**5.** A person appointed or elected to fill a vacancy under section 2 shall hold office for the remainder of the term of the person he or she replaced.

*Interim provisions*

**6.** a) The Board may appoint a member to perform the functions of an executive office which is vacant until the vacancy is filled under section 3.

b) When an appointment is made under subsection (a) by-law 3, section 7 does not apply.

*Special rule regarding pending elections*

**7.** Despite section 3, if a vacancy occurs within 60 days before voting day for the office, there is no requirement to fill the vacancy. For an executive office which becomes vacant which will not be filled, the Board shall appoint a member to perform those function in accordance with section 6.

*Power to suspend – Board of Directors*

**8.** The Board of Directors may suspend the capacity to exercise the power and duties of the office of a member of the Board of Directors, during the course of an investigation into the actions regarding the member's action, and pending final reporting and determination regarding what action is warranted in accordance with section 1 of this by-law. (By-laws 2019, b.5, s.8 as amended AGM F2019).

### **Resolution III**

#### **The External Chairperson codification resolution**

Whereas, it is prudent to amend the by-laws to codify the already existing powers of the external chairperson;

Be it enacted as a resolution of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

1. The By-laws are amended by adding by-law 7A as set forth in schedule I.

### **Schedule I**

#### ***By-Law 7A: The Chairperson of the Corporation***

Be it enacted as a by-law of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

1. The Board shall appoint a Chairperson who shall preside over board and membership meetings so that its business can be carried out efficiently and effectively. The Chairperson shall hold office for a one-year period during good behaviour. The Chairperson shall not be a member of the Corporation.
2. The Chairperson shall prepare the agenda of the board and members meetings and shall review and approve the minutes of the board and membership.
3. The Chairperson shall have the authority to be vigilant and active in causing the by-laws, the code of conduct, and the policies of the Corporation to be duly executed and obeyed.
4. In performing the duties under section 3, the Chairperson shall have the authority to:
  - a) investigate and report on breaches of the by-laws, the code of conducts, and policies of the corporation;
  - b) make recommendations to the Board regarding the duties found in subsection (a);
  - c) all other things incidental to either (a) or (b).
5. In performing the duties under sections 3 and 4, the Chairperson shall have the right to compel members of the Board to review the matter with them. Should the member refuse, the chairperson shall have the right to suspend the

capacity to exercise the power and duties of the office of a member of the Board of Directors for that time which the member so refuses.

6. An investigation under this section shall be conducted in accordance with the Board Mediation Process.



Resolution IV

**A resolution to amend sections of the by-laws to clarify the procedures of the Student Association of George Brown College**

Whereas, the Board has deemed it necessary to amend the by-laws to clarify procedures in light of recent regulatory changes to the ancillary fees protocols and other unclarity regarding interoperations of the By-laws;

Be it enacted as a resolution of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

1. 1. By-law 10, section 10 is repealed.
2. By-law 11, section 1 is amended as follows:
  - a) These By-laws may be amended or replaced by a majority vote of the members, provided that the full text of such amendment or replacement is included in the respective notices for such meetings.
  - b) This section does not apply to a By-law that requires a special resolution of the members according to subsection 197(1) (fundamental change) of the Act where the act shall be followed.

## **Resolution V**

### **The Elections Modernization Resolution**

#### **A resolution to Amend the Elections Framework**

Be it enacted as a resolution of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

1. By-law 12 is rescinded and replaced in accordance to schedule 1.

#### ***Schedule 1***

### ***By-Law 12: Elections***

Whereas the Student Association of George Brown College is committed to elected leadership, chosen from and by its student membership.

And whereas, the Student Association, by way of these By-laws, seeks to ensure that the election process is conducted in a fair, consistent and accessible manner.

And whereas, the students of George Brown College are entitled to full representation at all levels of the Student Association.

And whereas, the Student Association is strongly committed to the ideals of safety, equity, and accessibility and encourages students of diverse backgrounds and from traditionally underrepresented groups to run in elections.

Be it enacted as a by-law of the Student Association of George Brown College, which is incorporated under the Canada Not-for-Profit Corporations Act, as follows:

#### ***Administration of Elections***

1. a) The Student Association shall govern all the elections of the Student Association. Procedures for elections shall be found in the By-Laws of the Student Association. An Operations Manual for the Elections Committee (OMEC) will be maintained by the elections committee to ensure consistency in annual elections and codify practices that enhance the transparency and strength of the Elections Process. In circumstances where there is no contradiction between the By-Laws and the OMEC, the By-laws shall supersede the OMEC.
- b) The Student Association shall run the elections for the Board of Governors' Position, should the college invite the Student Association to do so. The costs of the election in regards to reimbursement of candidates' expenses shall be subject to reimbursement by the college. The rules for this position shall be determined by the Chief Returning Officer in consultation with the college.

*Elections Committee – Composition and Chair*

- 2** a) The Elections Committee will be as follows:
- i) General Manager (or designated manager),
  - ii) Two Members of the Board, as determined through a nomination and vote taken by the Board of Directors, requiring a two-thirds majority vote, and
  - iii) Chief Returning Officer (CRO) of the Elections.
- b) i) The General Manager shall be the Chair of the committee until a Chief Returning Officer is appointed.
- ii) Upon the appointment of a Chief Returning Officer, the Chief Returning Officer shall be the chair of the committee; and
- iii) The General Manager shall ensure that administrative practices and procedures of the Corporation is carried out by the Chief Returning Officer, and shall be the principal contact and supervisor of the Chief Returning Officer.

*Elections Committee - Duties*

- c) The Elections Committee will be empowered to:
- i) Hire the Chief Returning Officer (CRO).
  - ii) Recommend election dates to the Board.
  - iii) Publicise important election dates and information.
  - iv) Oversee logistics of the elections.
  - v) Solicit feedback from members regarding the Elections Process in each year.
  - vi) To study the recommendations of the CRO and ensure they are fully considered; review good practices from previous elections and be responsible for implementing any recommendations approved by the Board.
  - vii) Maintaining and updating the BPM;
  - viii) Secure office space for the CRO to work.

ix) Members of the Elections Committee are not permitted to seek office with the Federation and must remain neutral during the election process.

*Chief Returning Officer - Duties*

d) The CRO is responsible for the overall administration of the Student Association Elections. The CRO's responsibilities will include the following:

- i) The hiring and training of Deputy Returning Officers (DROs).
- ii) The hiring and training of polling clerks.
- iii) The acquisition of a voters list from the College.
- iv) The establishing and setting up of polling stations on campus.
- v) The preparation of the voter registration database.
- vi) The Procuring all materials for the elections.
- vii) The promoting of the elections.
- viii) The calling of the All Candidates Meeting(s).
- ix) The Approval of all campaigning material
- x) Adjudicate and provide rulings on complaints filed by candidates during the electoral process.
- xi) Overseeing the ballot counting process.
- xii) The publication of the voting results.
- xiii) Prepare the CRO's report to be presented to the Board of Directors for ratification.
- xiv) All other elections materials and communications.
- xv) Where in the opinion of the Chief Returning Officer, by reason of mistake, miscalculation, emergency, or unusual or unforeseen circumstances, a situation for which there is no provision made under this by-law, election policy or other regulation exists and the Chief Returning Officer is satisfied that if adaptations is not made a substantial number of voters would not be able to vote or for those who have voted would not have their votes counted. Then the Chief Returning Officer with the advice and consent of the Elections Committee chaired by the General Manager, shall give such

directions as he or she considers proper, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes. Such directions include but are not limited to changing the dates of voting, timeframes of the election, the method of voting, or the place where voting may take place. The Chief Returning Officer shall immediately give notice of any such direction to all candidates and post such directions on the doors of the student association. Such direction shall not be subject to appeals to the Elections Appeals Committee.

xvi) The Chief Returning Officer shall designate the exercise of his or her authority to the Deputy Returning Officer on such conditions and limitations as deemed appropriate by the Chief Returning Officer with the advice and consent of the elections committee. (By-laws 2019, b.12, s.2)

### *Eligibility of Candidates*

- 3.** a) All members of the Voting Members shall be eligible to run in elections.
- b) An individual member may hold a position on the executive for a maximum of two terms within a five-year period to commence upon the last day of their second term.
- c) No candidate shall run for more than one position during the same election.
- d) Voting Positions on the Board shall be filled as follows:
  - i) the Executive Members who shall be elected by the members at large.
  - iii) the Educational Centre Representatives shall be elected by the members registered in an academic program in their respective educational centres. (By-laws 2019, b.12, s.3)

### *Nomination of Directors*

- 4.** a) Candidates shall be nominated pursuant to a nomination form printed under the authority of the CRO, and submitted to the CRO. Candidates must be nominated by those who are eligible to vote for the office. To the extent possible, candidates will be notified if their nomination form is deficient or incomplete to permit re-submission before the nominations deadline. It is the responsibility of the candidates to submit a complete nominations form.
- b) Candidates are required to obtain the following valid signatures:
  - i) Executive Members – thirty (30) valid signatures; or

- ii) all other positions – ten (10) valid signatures (By-laws 2019, b.12, s.4)
- c) No nominee for any position shall be nominated as part of a slate, and no slate name shall be formed or appear on the ballot. Cross endorsement and cross campaigning shall be allowed, but each platform shall be unique and no expenses shall be shared.

#### *Withdrawals of Candidates*

**5.** A candidate may withdraw from the Student Association elections so long as their withdrawal is in writing via a completed withdrawal form, which can be obtained from any Student Association office front desk, and is submitted to and accepted by the Chief Returning Officer at any time before 2:00 p.m. local time on the business day following the All Candidates Meeting. Any campaign expenses incurred by the candidate will not be reimbursed upon withdrawal. (By-laws 2019, b.12, s.5)

#### *All-Candidates meeting*

- 6**
- a) All nominees, or an authorized representative of each nominee, must attend the All-Candidates Meeting in its entirety or arrange to meet with the CRO in person within twenty-four (24) hours of the meeting.
  - b) For an authorized representative to be valid, they must possess a signed statement from the nominee that the representative has the authority to act on their behalf for the duration of the meeting.
  - c) Any candidate who fails to attend or send an authorized representative to the All-Candidates meeting, or fails to meet with the CRO, shall be disqualified from the election.
  - d) A candidate's eligibility is not official until the CRO has verified the entire set of applicable nomination forms and posted an "Official Candidates List" on which the potential candidate's name appears. The Official Candidates List must, at a minimum, be posted on the doors of all Student Association offices.
  - e) The topics at the all-candidates meeting shall include, but not limited to:
    - i) The elections process;
    - ii) The Election schedule;
    - iii). The duties and functions of the Election officials.
  - f) Each candidate, or authorized representative, will sign a statement before leaving the meeting that indicates they understand the rules and regulations governing the Election.
  - g) It is the responsibility of each candidate to understand all information provided at the All-Candidates meeting. (By-laws 2019, b.12,s.6)

### *Nomination Period*

- 7**
- a) The nomination period will be at least five (5) business days and will be advertised on all Student Association in a manner consistent with the notification of a membership meeting.
  - b) There shall be no campaigning during the nomination period. Candidates may only tell individual students that they intend to run in the election for the purpose of being nominated.
  - c) If the number of nominated candidates certified for an office is less than the total number of persons to be elected to that office, the Chief Returning Officer may extend the nomination period for those offices only for a period of three to five days, or otherwise as approved by the Elections Committee. The additional nominations shall be received and treated as if they were part of the original nomination period and a second all candidates meeting, or in depth briefing shall be held at the close of the extended nominations period for those candidates who were nominated during the extension period. (By-laws 2019, b.12, s.7)

### *Campaigning – rules*

- 8.**
- a) All candidates and campaigners who work on behalf of a candidate must abide by the following rules relating to conduct and behavior of candidates during campaigning and assume responsibility for those campaigning on behalf of candidates.

### *Campaigning - types*

- b) Campaigning is any action designed to influence the elector, this includes verbal and non verbal ways designed to get the elector to vote in a certain way. The definition of campaigning includes:
  - i) Verbally soliciting a students' vote;
  - ii) Handing out materials soliciting a student's vote;
  - iii) Making announcements concerning an individual's candidacy in an election, including in hallways or classrooms.

### *Rules – CRO Authority to establish*

- c) The CRO shall have the authority to determine the rules of the election and in doing so the CRO shall consult with the Elections Committee.

### *Campaigning – prohibited before nominations period*

- d) No campaigning shall take place before the start of the campaigning period.

*Campaign Period*

- e) The campaign period shall last for a period of a minimum of ten (10) business days including a five (5) business day overlap with the voting period.

*Leave of absence*

- f) Any members of the Board, staff, or committee members shall take a leave of absence during the campaign period.
- g) The Student Association Board and executive shall not undertake any of the following after the day designated as the start of nominations until the end of the elections period:
  - i) the appointment or removal of any board member, officers or managers;
  - ii) any changes to the by-law or policies regarding the election or the elections process or the term of the new board;
  - iii) the creation of any new program or services; and
  - iv) directions to officers or managers of the corporation regarding new programs or services of the Student Association.
- h) For the greater certainty, subsection (d) does not prohibit the Board from:
  - i) acting in case of emergencies; or
  - ii) completing work already begun before the opening of the nominations period.
- i) The Board may delegate by resolution a committee which is capable of performing the functions under subsection d, as long as the committee is composed of at least three people, two of whom must be members of the executive and all of who must be board members not seeking re-election.
- J) Any board member may not undertake or organize an event on behalf of the Student Association or from the budget of the student association from the start of nominations until the close of voting.
- k) Any member of the Board, staff, volunteer or committee member who is running in the election may not discuss the election while on duty from the start of the nominations period.

*CRO approval authority re materials*

- l) All campaign material and/or advertisement need approval by the CRO in advance of posting or distribution. All submissions made to the CRO shall be returned with or without approval within two (2) business days.

*Restriction on campaigns –locations*

- i) Restrictions regulating campaigning, that are unique to the following, shall be followed. It is the responsibility of the candidates to familiarize



themselves with the different rules that govern each of the aforementioned entities such as:

- i) No campaigning of any form is permitted in the Student Association offices, or any area that can be perceived to be under the jurisdiction of the Student Association as determined by the Chief Returning Officer.
- ii) Campaigning within a classroom is forbidden without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class.
- iii) Campaigning is not allowed within Student Residence, computer labs, and Library except for any area agreed upon by the Chief Returning Officer and the College.

#### *Spending limit*

9. a) The spending limit for all positions shall be as follows:
- |                              |          |
|------------------------------|----------|
| Executive positions          | \$250.00 |
| Educational Centre positions | \$75.00  |
| All acclaimed positions      | \$50.00  |

The spending limits shall increase by the CPI index annual with a base calculation for CPI increases being January 1, 2017. The spending limits shall be rounded to the nearest increment of twenty-five dollars, as determined by the Chief Returning Officer.

#### *Receipts – provided to CRO upon request*

- b) All candidates shall submit to the CRO original receipts of all campaign expenditures within seventy-two (72) hours of the close of voting. The CRO may at any time request from any of the candidate's original receipts for expenditures prior to the close of voting.

#### *Campaign donations*

- c) All campaign donations must be brought to the attention of the CRO and included in the campaign expense report to be submitted by each candidate. Donated materials shall be assigned a dollar value based on fair market value by the CRO and shall be calculated as campaign expenses but will not be considered in the calculation of a refund against election campaign expenditures.

#### *Prohibition on use of corporation resources*

- d) Candidates are not entitled to use in their campaign, any service or monies, conferred onto them by virtue of holding any position in any campus organization unless such services would still be available to them otherwise. This includes, but is not limited to, office supplies, equipment, advertising space and staff.

*Appropriation of funds*

- e) Funds for the purpose of elections shall be provided for in the operating budget of the Student Association.

*Failure to file – Disqualification*

- f) Failure by a candidate to submit a campaign expense form and original receipts by the deadline may result in disqualification upon decision of the CRO. Any candidate who exceeds the campaign limit shall be disqualified by the CRO.

*Refund of expenses*

- g) Each candidate, except those who are declared ineligible for refund or disqualified by the CRO, shall receive a full refund from the Student Association against election campaign expenditures as prescribed herein.

*Budget forms - Samples*

- h) The Chief Returning Officer shall create appropriate budget forms for the candidates to use during the elections process.

*Required documents and misrepresentation – null and void*

- i) Any candidate who does not submit the required documents by the deadline imposed or misrepresent campaign expense is disqualified and the said election is null and void. (By-laws 2019, b.12, s.9)

*Authority to administer provisions of by-laws*

- 10.** a) CRO shall have the sole authority to administer the provisions of these By-laws and the elections regulations made under this by-law by the CRO, Board, or Elections Committee. The CRO may for violations of these by-laws:
  - i) assign demerit points, including assign multiple demerit points for where violations encompasses more than one offence;
  - ii) disqualify the candidate from running in the election; and
  - iii) declare the election of a candidate null and void.

When a candidate for any officer is assigned more than 20 demerit points the candidate shall be disqualified.

*Authority in unproven cases*

- b) The CRO reserves the right to make rulings on issues and events not otherwise covered in this code, or to add in such rulings to supplement existing sections.

*Time limit for submission of complaints*

- c) Allegations of violations of these By-laws shall be submitted to the CRO in writing. Such allegations must be made within 48 hours after the incident occurred.

*Lay charges for violation*

- d) The CRO may lay charges of violations of campaign rules at her/his own initiative.

*CRO's Ruling*

- e) The CRO shall render a decision in writing to the candidates in questions and the complainant, within a reasonable time, this is usually within 48 hours, but may be longer should there be additional information needed from candidate, witnesses, or legal counsel.

*Publication of findings*

- f) Where the CRO finds there has been a violation of these By-laws, the CRO must publish the details of the violation in a designated elections space in the Student Association office. Published notification of violations will only take place once all appeals have been exhausted.

*Disqualification of winner*

- g) When a candidate is disqualified, the candidate will be deemed to have never been nominated, and should voting have already occurred, any votes for that candidate should have been deemed to be rejected by the Chief Returning Officer at validation.

*Computation of time*

- h) The computation of time is subject to the rule as set forth in the *Interpretation Act, R.S.C. 1985, c.I-21*. Further, should because of causes beyond the control of the parties involved the time limits cannot be followed, the Chief Returning Officer shall have the authority to modify the time limits in this section, as long in the opinion of the Chief Returning Officer and having regard to all the facts of the matter doing so would not bring the electoral process into disrepute.

*Burden of Proof*

- i) All rulings regarding matters surrounding candidate discipline are to be made with the burden of proof being beyond a reasonable doubt. All other rulings of the Chief Returning Officer shall be made using the balance of probabilities. (By-laws 2019, b.12, s.10)

*Method of election*

- 11.** a) The Board shall determine the method of election.

#### *Polling Places*

- b) The Chief Returning Officer shall determine places for polling stations and limits on campaigning near those polling station.

#### *Poll Officials*

- c) The Chief Returning Officer shall appoint, train, and oversee poll officials.

#### *Candidate's Representative at the polls*

- d) Each candidate shall have the right to appoint a candidates representative at the polls to witness the operations of the polls and to ensure compliance with the standards as established by the Chief Returning Officer.

#### *Counting of Ballots*

- e) The counting of the ballots shall occur in such ways as the Chief Returning Officer shall direct, with the consent of the Elections Committee.

#### *Candidate's representative at count*

- f) Candidates may appoint a representative to witness the count.

#### *Official Validation*

- g) An official validation shall take place the next business day after counting. The Chief Returning Officer may delay the validation for sufficient cause.

#### *Unofficial results*

- h) The Chief Returning Officer shall publish unofficial results at the earliest opportunity but until the results have been validated the results are considered unofficial official.

#### *Validated results*

- i) When validation has taken place the Chief Returning Officer shall forthwith certify the results and forward the results to the board.

#### *Affidavit of Elections*

- j) Once the board has accepted the results, the Chief Returning Officer shall swear an affidavit of Election before a Commissioner of Affidavit, duly licensed in the province of Ontario. The Chair of the Elections Committee shall keep a copy of the Affidavit for the official records of the corporation.

*Ratification of candidate on the ballot*

- k) If at the close of nominations, the number of certified candidates for an office is the same as or less than the number to be elected, the Chief Returning Officer shall place on the ballot the following question regarding that candidate:

Should NAME OF CANDIDATE be elected for the POSITION OF CANDIDATE?

Yes

No

If when more than fifty percent of the valid votes cast are votes no, then the candidate shall not be deemed to be elected and the position shall remain vacant.

*Declaration of election*

- l) The Chief Returning Officer shall, as soon as possible after the counting of the ballots, declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected. (By-laws 2019, b.12, s.11)

*Equality of Votes*

**12.** In the event of a tie the Chief Returning Officer shall choose the successful candidate or candidates by lot. (By-laws 2019, b.12, s.12)

*Elections Appeals Committee*

**13.** The Elections Appeals Committee shall be composed of the Elections Committee without the General Manager and Chief Returning Officer and chaired by the Chair of the Board. (By-laws 2019, b.12, s.13)

*Jurisdiction of Election Appeals Committee*

- 14.** a) The Elections Appeals Committee has jurisdiction to review all discipline decision made by the Chief Returning Officer, and shall automatically review any discipline decision that resulted in the disqualification of a Candidate. The notice of such appeal shall be given to the Chair of the Committee within 48 hours of the decision being given by the Chief Returning Officer.

*Challenge of election validity*

- b) Any candidate may challenge the validity of his/her election result in a written submission containing his/her reasons to the Elections Appeals Committee no later than 72 hours after the close of the voting period.

*Investigation by Election Appeals Committee*

- c) The Elections Appeals Committee shall investigate any appeal and make a recommendation to the Board on the appropriate action.

*Powers of the Board – election appeals*

- d) The Board, at its discretion, may refuse to ratify any singular Director or Executive office election, upon the recommendation of the Elections Appeals Committee. The Board may not amend rulings of the CRO or Elections Appeals Committee. (By-laws 2019, b.12, s.15)

*Declaration of the CRO regarding the election*

**15.** Should the Chief Returning Officer have reason to believe that there were irregularities, fraud or corrupt or illegal practices that affected the result of the election, the Chief Returning Officer shall report those reason to the Board and the Board shall upon consideration of the report either: (a) declare the election to be null and void; or (b) other such action as the Board may deem necessary.

*Extreme cases*

**16.** Should the Chief Returning Officer believe that due to the course of events the results of the election be brought into disrepute then the Chief Returning Officer may declare the election null and void, and shall report the same to the Board of Directors.

*Recounting Ballots*

**17.** If the margin of victory is a difference of 5 percent or less of the total votes casted an automatic recount shall take place. The CRO at their discretion reserves the right to call a recount. (By-laws 2019, b.12, s.16)

*Ratification*

- 18.**
- a) Candidates shall not be deemed elected until they have:
    - i) Been ratified by the Student Association’s Board at the subsequent meeting following the election results with the condition that there are no outstanding appeals involving a candidate.
    - ii) Attained the age of majority of eighteen (18) years of age.
  - b) Upon ratification by the Board all ballots will be destroyed. (By-laws 2019, b.12, s.17)

## **Resolution VI**

### **The Conflict of Interest Resolution**

#### **A resolution to Amend the By-Laws of the Student Association of George Brown College**

1. By-Law 3 of the Student Association of George Brown College is amended by adding the following subsections at the end of section 1:

d) Not be currently employed by the Corporation in any role; and

e) In the case of the Director of Operations and the Director of Communications and Internal, not be currently employed by the Corporation or the College in any role.

2. By-Law 3 of the Student Association of George Brown College is amended by adding the following sections:

#### *Declaration of Conflicts of Interest*

8. a) Upon being elected, and prior to the start of their term, each Director shall be given a copy of the Directors' Code of Conduct, Conflict of Interest and Confidentiality Policy, and shall disclose all interests which might create an actual or perceived conflict of interest, including (but not limited to) any personal, financial or employment interests that could conflict with their duties as Directors.

b) Without limiting the generality of the above, each Director must declare whether they are currently employed by the Corporation or the College.

#### *No Employment with the Corporation*

9. Directors cannot be employed by the Corporation in any role at any time during their term of office. Prior to taking office, each Director must resign from any position of employment with the Corporation. No Director may apply for or accept a new position of employment with the Corporation during their term as a Director.

#### *Employment with the College*

10. a) The Director of Operations and the Director of Communications and Internal also cannot be employed by the College in any role at any time during their term of

office. Prior to taking office, the Director of Operations and the Director of Communications and Internal must resign from any position of employment with the College, and they cannot apply for or accept a new position of employment with the College during their term as a Director.

- b) Any other Directors who are employed by the College must declare their employment prior to the start of their terms, and must abide by the following measures:
  - i) Excuse themselves from and not participate in any Board discussions or decisions in any way related to labour relations with the Union (being OPSEU Local 557 or its successor), including but not limited to collective bargaining, grievances or other labour relations matters.
  - ii) Not sit on the Labour Relations Committee or participate in any meetings, discussions, decisions or work of the Labour Relations Committee.
  - iii) Not take an active role with the Union in any labour relations matter involving the College or the Corporation, whether as a Union Steward, a member of the Bargaining Committee or any similar negotiating or labour relations committee, or otherwise.
  - iv) Carefully review and abide by the requirements of the Directors' Code of Conduct, Conflict of Interest and Confidentiality Policy, and ensure that none of the Board's confidential information is improperly shared or disclosed in any manner to any third party outside of the Board.