

Elections Procedures Code

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Powers of the Elections Procedures Code

Preamble

Elections are one of the highest decision-making bodies of the Toronto Metropolitan Students' Union (TMSU). Members of the TMSU are annually tasked with electing a Board of Directors and Executive Committee to set and maintain the direction of the students' union and to ensure the smooth and effective operations of the students' union campaigns, services, events and financial wellbeing.

For this reason, elections must be treated with the utmost care to ensure that Members are well-represented and able to participate in the process. There needs to be clear expectations on the administration of elections and well-defined duties of election staff and decision-makers. Further, this information needs to be transparent to ensure everyone who participates in the election process is aware of the procedures in place.

The Elections Procedures Code exists as a set of procedures that expands on the TMSU By-law Eight: Elections.

Recognition

The TMSU established the following Code based on the Election Procedures Codes at various institutions. We would be remiss to not identify and appreciate the language established by the following students' unions:

- University of Toronto Students' Union
- University of Toronto Mississauga Students' Union
- Scarborough Campus Students' Union
- Waterloo Undergraduate Student Association
- University of Ottawa Students' Union / Syndicat étudiant de l'Université d'Ottawa

Section One (1): Interpretation

1.1. Definitions

The Chief Returning Officer and the Elections & Referenda Committee are responsible for interpreting this Code. For the purposes of this Code:

“Arm's Length Party” refers to any individual or group who is not a “Non-Arm's Length Party.”

“Board of Directors” refers to the governing body of the TMSU, as described in the By-Laws.

“Board of Directors Member” refers to the individual members of the TMSU Board of Directors, as defined in the By-Laws.

“Building on Campus” refers to the buildings owned or operated by the University.

“By-Laws” refers to the governing documents, as approved by the TMSU General Meetings. To find the most updated version, visit yourtmsu.ca/governance.

“Campaign Material” refers to any item, sound, symbol or mark that is created or copied in any form in order to influence at least one voter to cast a ballot or not cast a ballot, in favour or in opposition to a Candidate. “Electronic Campaign Material” refers to any Campaign Material that is displayed or otherwise presented electronically.

“Physical Campaign Material” refers to any Campaign Material that is displayed or otherwise presented non-electronically.

“Campaigning” refers to any attempt to solicit votes for or against a Candidate or Slate. Campaigning can occur even in the absence of Campaign Material.

“Campaign Period” refers to the period of time during the election schedule set by the Board of Directors during which Campaigning is authorized.

“Campus Group” shall refer to current student groups, course unions and affiliated groups recognized by the TMSU and Student Societies.

"Campus Media" shall be defined as the EyeOpener, On the Record and CJRU Radio.

"Candidates" refers to any individual who has met the requirements of the TMSU By-Laws and the Code. "Executive Candidates" refers to Candidates for the position of President, Vice-President Education, Vice-President Equity, Vice-President Operations and Vice-President Student Life. "Director Candidates" refers to any Candidate that is not an Executive Candidate.

"Classroom" refers to the physical and digital spaces where academic lectures, laboratories and tutorials are conducted.

"Computer Lab" refers to academic and non-academic computer lounges facilitated by the University.

"Constituency" refers to the population of voters that are eligible to cast a vote for a particular position.

"Code" refers to the Elections Procedures Code. To find the most updated version, visit yourtmsu.ca/elections.

"Copyrite" refers to the TMSU-run print shop, which shall be the primary printer for campaign materials.

"CRO" refers to the Chief Returning Officer.

"Cross Campaigning" refers to the sharing of Campaign Materials, slogans, methods, tactics, identifying marks or names, other material or joint Campaigning with the intent of associating two or more Candidates in the mind of a voter.

"Defamation" refers to a communication to another person which harms the reputation of another Candidate or Non-Arm's Length Party, which is not truthful, protected by absolute or qualified privilege, or fair comment.

"DRO" refers to the Deputy Returning Officer(s).

"Elections Officials" refers to any individuals employed under the purview of the ERC.

“Endorse / Endorsing / Endorsement” refers to supporting a Candidate, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

“ERC” refers to the Elections & Referenda Committee as outlined in the TMSU By-Laws.

“Executive” refers to any individual who is a current Executive Committee voting member, as defined in the By-Laws.

“Executive Director” refers to the only full-time Management staff member of the TMSU who is to assist with setting up the General Elections.

“Flyer” refers to print media to be distributed en masse.

“Goods” refers to an item of economic value, including but not limited to food, t-shirts, giveaways and other items that may be distributed.

“Grounds of Discrimination” refers to definitions in the Ontario Human Rights Code, including age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status gender identity, gender expression, receipt of public assistance, sex and sexual orientation.

“Harassment” refers to engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.

“Library” refers to the space beyond a theft detection device in the University libraries.

“Member” refers to any individual who is a current member of the TMSU as defined in the By-Laws.

“Misrepresentation of Facts” refers to a campaign-related content or communications that are not in accord with the facts that a Candidate or Non-Arm’s Length Party reasonably should have known based on information readily available to all members, and that a voter can rely on in deciding to cast a vote or not cast a vote for a Candidate.

“Nomination Period” refers to the period of time during the election schedule set by the Board of Directors where Members may seek nomination from the membership and/or applicable Constituencies.

“Nominee” refers to any individual who registers themselves with the CR and obtains a nomination form intending to seek nomination from the membership and/or Constituency for a position on the TMSU Board of Directors.

“Non-Arm’s Length Party” means an individual or group that can be shown to have engaged in one or more of the following:

- a. Publicly campaigned with a Candidate.
- b. Campaigned using a Candidate's approved physical materials.
- c. Performed Campaign-related tasks that are not Campaigning on behalf of the Candidate.
- d. Had their actions which are deemed in violation of the Code publicly defended by the Candidate.
- e. In the context of an election, had their online content shared or substantively endorsed by a Candidate or by another Non-Arm’s Length Party.

“Notice Period” refers to the period of time prior to an election where Members are made aware of the election schedule set by the Board of Directors.

“Policy” refers to the Operational, Financial and Issues-Based policies of the TMSU. To find the most updated version, visit yourtmsu.ca/governance.

“Poll Clerk” refers to contract staff hired by the CRO to facilitate logistical tasks of the election.

“Poster” refers to print media to be affixed to a surface or displayed for viewing.

“Professional Services” refers to any service that depends on the professional training and/or artistic expertise of the provider.

“Public Domain” refers to any place to which Members have a right of access.

“Social Media” refers to websites and applications that enable users to create and share content or to participate in social networking.

“Slate” refers to a group of eligible Candidates who have been approved to Cross-Campaign.

“Sponsoring/Sponsorship” refers to a non-repayable financial contribution made for the purpose of supporting a Candidate's campaign.

“Student Residence” refers to any housing provided for the use of students that is owned or operated, wholly or partially, by the University.

“Student Society” refers to any student groups on campus that collect compulsory student fees.

“TMSU” refers to the Toronto Metropolitan Students' Union.

“TMSU Staff” refers to full and part-time staff members employed by the TMSU at the time of the elections.

“Valid Identification” refers to a valid Toronto Metropolitan University student identification card or student number.

“Verification Period” refers to the period of time during the election schedule set by the Board of Directors during which Nominees are deemed eligible as Candidates.

“Voting Period” refers to the period of time during the election schedule set by the Board of Directors where Members may cast their vote(s).

“University” refers to the Toronto Metropolitan University as governed by the Toronto Metropolitan Board of Governors.

1.2. Interpretation

Unless clearly specified otherwise in this Code:

1.2.1. Words importing the singular will include the plural and vice-versa.

1.2.2. All capitalized terms found herein but not defined have meanings assigned to them in the TMSU By-laws.

1.2.3. Regulations applied to Candidates are deemed to apply to their Non-Arm's Length Parties, Candidate volunteers and Slates.

1.3. Restricted Portions of the Code

Certain parts of the Code shall be subject to additional considerations, and shall be marked as such:

1.3.1. The dagger symbol (†) shall mean that an amendment to the TMSU By-laws is required to make any amendment to add, change, or delete this section or paragraph of the Code.

Section Two (2): Powers of the Elections Procedures Code

2.1. Role of the Elections Procedure Code - the “Code” †

In accordance with *By-law Eight (8): Elections*, the Code shall:

- 2.1.1. Govern the elections of the Board of Directors, which must be approved by the Board of Directors, based on recommendation by the ERC. The Code may not have sections externalized and the Board may only send the document back to the Committee for review and revisions.
- 2.1.2. Set recommended demerit point systems which may be modified, within reason, by the CRO or ERC given the severity of the issue.

2.2. Jurisdiction

- 2.2.1. The provisions of this Code shall apply to those elections conducted by the TMSU in accordance with *By-law Eight (8): Elections*.
- 2.2.2. The provisions of this Code shall not apply to any election for Course Union Director or Student Groups Director, general elections for course unions or student groups, or any other student-based election affiliated with the TMSU.
- 2.2.3. Where this Code is in contradiction with the By-laws, the By-laws will prevail.

2.3. Administration

- 2.3.1. It will be the duty of the CRO, the DRO(s) and the ERC to administer this Code and to uphold its spirit and principles.
- 2.3.2. Elections shall be conducted in accordance with the TMSU Operating Policies to the best of the ERC's capacity.

2.4. Amendment

2.4.1. The ERC has the sole authority to recommend amendments to the Code to the Board of Directors.

2.4.2. The ERC requires a simple majority to recommend any changes to the Code.

2.4.3. The Code may not have sections externalized and the Board may only send the document back to the Committee for review and revisions. †

Section Three (3): Administration of Elections

3.1. Elections Schedule †

Elections shall include at least:

- 3.1.1. Five (5) business days for the Nomination Period.
- 3.1.2. Five (5) business days of non-voting Campaign Period.
- 3.1.3. Three (3) business days for the Voting Period.
- 3.1.4. The cumulative Nomination, Campaign and Voting Period may not exceed five (5) weeks.

3.2. Elections & Referenda Committee

In accordance with *By-law Five (5): Committees*, the Elections & Referenda Committee shall: †

- 3.2.1. Select a chair from amongst its membership.
- 3.2.2. Be impartial to the outcomes and Candidates of the current election. Members found in conflict shall be removed and replaced by the Board of Directors as soon as possible.

In accordance with *By-law Eight (8): Elections*, the Elections & Referenda Committee shall: †

- 3.2.3. Recommend dates for elections to the Board of Directors.
- 3.2.4. Hire all election staff members including the CRO, DRO(s) and Poll Clerks.
- 3.2.5. Amend and implement the Code.
- 3.2.6. Determine and verify the eligibility of all nominated Candidates.
- 3.2.7. Issue demerit points, disqualify Candidates or rule any election invalid for violations of By-laws and policies.

3.2.8. Submit a report on the conduct and results of all elections to the Board of Directors for ratification.

The Elections & Referenda Committee shall also:

3.2.9. Reserve the right to overrule decisions made by the CRO through the process provided in *Section Ten (10): Complaints & Allegations*.

3.3. Elections & Referenda Committee Chair

The Elections & Referenda Committee Chair shall:

3.3.1. In consultation with the CRO, call meetings and set agendas for the ERC.

3.3.2. Issue official elections and referenda communication to Candidates, the Members, Campus Media, as appropriate and stipulated in the Code.

3.3.3. Represent the ERC in appeals to further Grievance Procedures as laid out in the Code and By-laws.

3.4. Chief Returning Officer

The Chief Returning Officer shall:

3.4.1. Report solely to the ERC and the ERC Chair.

3.4.2. Report to the ERC on all matters falling within this section and additionally, on any other matters of concern that are directed to them by resolution of the ERC.

3.4.3. To the best of their ability, ensure that the Code is enforced.

3.4.4. Authorize all election notices, publicity and Campaign Materials regulated by the Code.

3.4.5. Organize and conduct the Elections Information Session, All-Candidates Meeting and Board Training.

3.4.6. Review all ballots and test the online voting system with the University administration.

- 3.4.7. Organize and establish guidelines for the Executive Candidates' Forum and other Elections Forums as directed by the ERC.
- 3.4.8. Provide a final report to the Board of Directors under the direction of the Chair of the ERC.
- 3.4.9. Ensure impartiality in the conduct of the election.

3.5. Deputy Returning Officer

The Deputy Returning Officer shall:

- 3.5.1. Report to the CRO.
- 3.5.2. Assist the CRO with promoting the election.
- 3.5.3. Act impartially in the election.
- 3.5.4. Assume the responsibility of the CRO in their absence.
- 3.5.5. Assume other duties delegated by the ERC Chair, the CRO and the ERC

3.6. Executive Director

The Executive Director shall:

- 3.6.1. Work directly with the University to gain access to membership lists, voting platforms and the appropriate alignment of TMSU elections with University elections.
- 3.6.2. Create and advertise job postings for the CRO and DRO(s) positions and compile all applications for the ERC to review.
- 3.6.3. Introduce the CRO to the University administration working on online voting and registration
- 3.6.4. Approve any Statements of Work and costs associated with hosting online elections.

3.7. Elections & Referenda Staff Hiring

Required Election Officials

3.7.1. The election must have a CRO and at least one (1) DRO.

Hiring Process

3.7.2. The hiring of the CRO and DRO(s) process begins prior to the Notice Period.

3.7.3. The following is the required timeframe for Election Hiring of the CRO:

3.7.3.1. For Election Hiring related to By-Elections, the CRO job posting shall be posted at least three weeks prior to the Notice Period. The CRO hiring process shall be concluded prior to the beginning of the Notice Period.

3.7.3.2. For Election Hiring related to By-Elections, the CRO job posting shall be posted in December. The CRO hiring process shall be concluded prior to the beginning of the Notice Period.

3.7.4. The selected Candidate for CRO shall be ratified by a simple majority at the Board of Directors.

3.7.5. The ERC shall select the DRO(s) through a run-off hiring process from CRO applications or through a circulated job posting. The selection must be ratified at an ERC meeting. The DRO(s) should be hired prior to the start of the Nomination Period.

3.7.6. With the exception of the CRO, the ERC shall present election hires through meeting minutes.

3.7.7. The ERC conducts the hiring of the election support staff, such as poll clerks, outreach staff, translators and professional services, through a run-off hiring process from CRO or DRO applications or through a circulated job posting.

Hiring Committees

3.7.8. The ERC may choose to delegate all or part of support staff hiring to the CRO and ERC members.

Election Official Responsibilities

3.7.9. The Chair of the ERC and the ERC determine all responsibilities of Election Officials. Responsibilities governing the election process are also outlined in this Code.

Section Four (4): Notice Period

4.1. Requirements in By-Laws †

4.1.1. Notice of the date of the election, nomination period, required training and meetings, duties and responsibilities and the Elections Procedures Code at least fourteen (14) days prior to the start of nomination period.

4.1.2. Notice shall be provided via university-wide email and posted on the TMSU's website.

4.2. Additional Forms of Notice

4.2.1. Notice shall be provided on the TMSU's central social media platforms and, where possible, shared amongst department platforms.

4.2.2. The ERC shall host at least two (2) information sessions prior to or during the notice period.

Section Five (5): Candidate Eligibility and Nomination Period

5.1. Election Positions †

5.1.1. There shall be one (1) Executive position available for each Executive Committee role the General Elections:

- 5.1.1.1. President
- 5.1.1.2. Vice-President Education
- 5.1.1.3. Vice-President Equity
- 5.1.1.4. Vice-President Operations
- 5.1.1.5. Vice-President Student Life

5.1.2. There shall be two (2) Board of Director positions available for each Faculty in the General Elections:

- 5.1.2.1. The Creative School
- 5.1.2.2. The Faculty of Arts
- 5.1.2.3. The Faculty of Community Services
- 5.1.2.4. The Faculty of Engineering and Architectural Science
- 5.1.2.5. The Faculty of Ted Rogers School of Management
- 5.1.2.6. The Faculty of Science
- 5.1.2.7. The Lincoln Alexander School of Law

5.1.3. There shall be one (1) International Student Director position available in the General Elections.

5.2. Candidate Eligibility †

5.2.1. To be eligible to stand as a Candidate in an election, a Faculty Director Candidate shall:

- 5.2.1.1. Be a Member of the TMSU as set forth in *By-law Two (2); Membership*; and

- 5.2.1.2. Be eligible for the Board of Directors as set forth in *By-law Four (4): Board of Directors*; and
 - 5.2.1.3. Be a Member of the faculty which they are running for; and
 - 5.2.1.4. Be nominated by no less than twenty-five (25) Members of their faculty; and
 - 5.2.1.5. Complete the requirements of Board Training and attend the All Candidates Meeting; and
 - 5.2.1.6. Submit nomination materials to the ERC prior to the end of Nomination Period.
- 5.2.2. To be eligible to stand as a Candidate in an election, an International Student Director Candidate shall:
- 5.2.2.1. Be a Member of the TMSU as set forth in *By-law Two (2): Membership*; and
 - 5.2.2.2. Be eligible for the Board of Directors as set forth in *By-law Four (4): Board of Directors*; and
 - 5.2.2.3. Be an international student; and
 - 5.2.2.4. Be nominated by no less than twenty-five (25) Members of their faculty; and
 - 5.2.2.5. Complete the requirements of Board Training and attend the All Candidates Meeting; and
 - 5.2.2.6. Submit nomination materials to the ERC prior to the end of Nomination Period.
- 5.2.3. To be eligible to stand as a Candidate in an election, an Executive Candidate shall:

- 5.2.3.1. Be a Member of the TMSU as set forth in *By-law Two (2); Membership*; and
- 5.2.3.2. Be eligible for the Board of Directors as set forth in *By-law Four (4): Board of Directors*; and
- 5.2.3.3. Be nominated by no less than fifty (50) Members; and
- 5.2.3.4. Complete the requirements of Board Training and attend the All Candidates Meeting; and
- 5.2.3.5. Submit nomination materials to the ERC prior to the end of Nomination Period.

5.3. Nominations

5.3.1. To be valid a nomination form must:

5.3.1.1. Accurately list the name, student number and Constituency of the Nominee and position sought on each page.

5.3.1.1.1. A Candidate may use their preferred name rather than their legal name for nominations and campaigning so long as they have confirmed this with the CRO prior to collecting signatures.

5.3.1.2. Be submitted prior to the close of the Nomination Period.

5.3.1.3. Be signed by the required number of nominators and accurately list the name and student number of each nominator.

5.3.2. The accuracy and delivery of the nomination form is the responsibility of the Member seeking nomination.

5.3.3. Forms must be completed in its entirety

5.3.4. Any person who fails to submit a valid nomination form before the close of the Nomination Period is treated as if they submitted no nomination form.

5.4. Limitations

- 5.4.1. A Member is limited to seek nomination for one (1) position on the Board of Directors per election cycle. Should a Member be found to be seeking nominations for multiple positions, that Member will not be considered for candidacy in any position.
- 5.4.2. A Nominee who chooses to switch the position for which they are seeking nomination must first contact the CRO to approve the change. The Nominee shall be required to forfeit all current nominations to seek nomination for a different position. If the Nominee is successful in becoming a Candidate, the CRO will update the TMSU website at the beginning of the Campaign Period with a notice that the Candidate had originally sought a different position.

Section Six (6): Interim Period

6.1. Verification of Eligibility

- 6.1.1. The CRO and DRO(s) shall review all Nomination forms submitted by Nominees to verify if they meet the eligibility criteria as outlined in *Section Five (5): Nominations* of the Code.
- 6.1.2. Nominees that have met all eligibility criteria shall be classified as Candidates and notified of their Candidate status by the CRO.
- 6.1.3. Nominees that have not met all the eligibility criteria shall be notified by the CRO that their candidacy was unsuccessful and be provided as to the reasons why it was unsuccessful.
- 6.1.4. A Nominee may request a 'Request to Review' by the ERC should they be notified that their candidacy was unsuccessful. The request must be submitted within twenty-four (24) hours of being notified of their candidacy status.

6.2. Declaration of Slates

- 6.2.1. The CRO shall provide a form for Candidates to declare Slate affiliations no sooner than the start of the Interim Period and with a deadline prior to the end of the Interim Period to ensure that ballots are accurate.
- 6.2.2. Candidates are responsible to submit their declarations with a signed consent from each Candidate.
- 6.2.3. Candidates are responsible to understand the responsibilities of Slate membership.

6.3. Approval of Campaign Material

- 6.3.1. Campaign Materials are covered thoroughly in *Section Eight: Campaigning*.
- 6.3.2. Candidates are able to submit Campaign Materials during the Interim Period for the CRO's approval ahead of Campaign Period. This will allow all Candidates to

have sufficient time between being verified as a Candidate and the start of Campaign Period.

6.3.3. Candidates are encouraged to submit Campaign Materials for approval early to ensure a reasonable timeline for Materials to be approved by the CRO.

6.4. Coordination of Copyrite Facilities

6.4.1. The CRO, in consultation with the Executive Director and relevant TMSU Staff, shall coordinate access to TMSU resources during the Interim Period and into the Campaign Period and Voting Period to ensure fair and reasonable timelines for Copyrite printing.

6.4.2. Candidates are responsible for abiding by timelines provided to ensure pick-up periods are reasonable.

6.4.3. The CRO shall be required to approve the procurement of any Physical Campaign Materials outside of Copyrite facilities.

6.4.4. The CRO, in consultation with the Executive Director and relevant TMSU Staff, shall maintain a log of all campaign expenses made at Copyrite.

6.5. Candidate Statements

6.5.1. Statements must be no more than 300 words or 2500 characters in length, whichever is shorter.

6.5.2. The CRO shall determine a deadline for the submission of Candidate Statements via email.

6.5.3. The Candidates holds sole responsibility for any errors in spelling or of fact in their statement, and the CRO shall post statements exactly as received.

6.5.4. Statements shall be posted without formatting, graphics, or additional adornment besides functional internet hyperlinks where applicable, and should not be submitted as such.

- 6.5.5. Candidate Statements will also be accompanied by the name on the ballot, the Candidate's position, status of Slate or non-slate and other information as determined by the CRO or ERC.
- 6.5.6. Candidates may submit photos for the TMSU website. Photos must be square and no smaller than 500px x 500px.
- 6.5.7. Candidate Statements may be edited up to one time during the election schedule.

Section Seven (7): All-Candidates Meeting, Board Training and Forums

7.1. All-Candidates Meeting

- 7.1.1. All Nominees must attend an All-Candidates Meeting in its entirety. If this is not possible, the Nominee must contact the CRO within twenty-four (24) hours of the All-Candidates Meeting to arrange a meeting. A Nominee will not be considered a Candidate unless they have attended an All-Candidates' Meeting or met with the CRO.
- 7.1.2. A prospective Candidate whose nomination form is pending a "request to review," per Article Six shall be permitted to attend an All-Candidates Meeting.
- 7.1.3. Any Nominee who fails to attend an All-Candidates Meeting, or fails to meet with the CRO in satisfaction of the 7.1.1. requirement, shall be deemed ineligible to run in the election.
- 7.1.4. The topics at the All-Candidates Meeting shall include, but are not limited to:
- 7.1.4.1. The Code †
 - 7.1.4.2. Financial resources available to Candidates within the Code
 - 7.1.4.3. Toronto Metropolitan University policy
 - 7.1.4.4. The election schedule
 - 7.1.4.5. The structure and function of the TMSU
 - 7.1.4.6. The duties and functions of the election officials
- 7.1.5. Each Nominee must sign a statement before leaving the meeting that indicates that they understand the rules and regulations governing the election, including the Code, and consent to its implementation by the CRO.
- 7.1.6. It is the responsibility of each Nominee to understand the information provided at the All-Candidates Meeting.

7.1.7. The date(s) and time(s) of the All-Candidates Meeting will be advertised at the start of the Nomination Period.

7.2. Board Training and Evaluation

7.2.1. All Candidates who are interested in seeking candidacy must first complete a mandatory Board Training in accordance with the Board Training Policy on the duties and responsibilities of Board and Executive Officers. Board Training may be offered prior to and during the nomination period and shall not be unreasonably scheduled. †

7.2.2. The date(s) and time(s) of the Board Training will be advertised no later than the first day of the Notice Period, with at least twenty-four (24) hours notice.

7.2.3. Any Nominee who fails to attend the full duration of one (1) Board Training shall be deemed ineligible to run in the election.

7.2.4. The topics at the Board Training shall include, but are not limited to:

- 7.2.4.1. The roles and responsibilities of the Board of Directors and the Executive
- 7.2.4.2. The structure and function of the TMSU
- 7.2.4.3. The By-Laws and Policies of the TMSU
- 7.2.4.4. The fiduciary duty and ethical scenarios within the TMSU

7.2.5. The ERC will implement an evaluation for Nominees regarding the topics of the Board Training. Such evaluation shall be used as a tool in determining suitability for candidacy.

7.2.6. Each Nominee must sign a statement before leaving the meeting that indicates that they understand the content of the Board Training.

7.2.7. It is the responsibility of each prospective Nominee to understand the information provided at the Board Training.

7.3. Executive Candidates Forum

- 7.3.1. The ERC shall host at least one (1) Candidates Forum with participation open to all Executive Candidates. †
- 7.3.2. The date(s) and time(s) of any Executive Candidates Forum will be advertised no later than the first day of the Campaign Period, with at least twenty-four (24) hours notice.
- 7.3.3. The Executive Candidates Forum shall be moderated by the CRO, or in their absence the Chair of the ERC.
- 7.3.4. To ensure that questions follow fair play, questions to the Candidates must be poised to all Candidates for that position.
- 7.3.5. The ERC may host or approve additional Candidate Forums.

Section Eight (8): Rules for Election

8.1. Campaigning

Pre-Campaigning

8.1.1. No Campaigning shall take place before the Campaign Period. This refers to public Campaigning, which includes, but is not limited to posting or distributing Campaign Materials, online Campaigning, Social Media statements, Classroom campaign talks and Campaigning at social events.

Conflict of Interest

8.1.2. Any current member of the Executive, Board of Directors, volunteer, committee member or part-time staff of the Union wishing to engage in Campaigning and/or act as a Non-Arm's Length Party must not act in their capacity during the Campaign Period and Voting Period.

8.1.2.1. An exception shall be made in the instances where Signing Authorities are required.

Responsibility of Candidates

8.1.3. Candidates are responsible for actions and violations of any Non-Arm's Length Party.

Approval of Campaign Methods

8.1.4. Candidates must submit all Physical and Digital Campaign Materials for CRO approval before they are posted publicly.

8.1.5. The CRO shall approve materials within forty-eight (48) hours of submission.

Adherence of Existing Policy

8.1.6. It is the responsibility of the Candidates to ensure that all Campaign methods, Campaign Materials and advertisements conform to all policies and regulations

of the TMSU and the University, and with all municipal, provincial and federal laws. Campaign displays and distribution of literature on campus are also subject to the individual rules and regulations of Buildings on Campus.

Use of Languages other than English

8.1.7. All text in other languages on Campaign Materials must have an accurate English translation that appears directly on the Campaign Material in equal size, and that is verified by the CRO to be faithful and accurate. Where Campaign Material contains text in another language, the Candidate is responsible for obtaining the required verified translation in one of the following ways before dissemination:

- 8.1.7.1. If the TMSU has a translator available for the desired language, the Candidate may submit the Campaign Material to the CRO to receive a translation or submit their own translation to the CRO for review. The TMSU's translator may require edits to the Candidate's translation to ensure faithfulness and accuracy.
- 8.1.7.2. If the TMSU does not have a translator available for the desired language, the Candidate shall submit a notarized translation for the verification of the CRO.
- 8.1.7.3. In all cases, the CRO shall provide verification to the Candidate as soon as possible and within forty-eight (48) hours of submission

8.1.8. This rule does not apply to private communications between two (2) persons, but does apply in the case of private communications that follow a common template.

Fair Play

8.1.9. Actions contrary to generally accepted community standards, defined as Campaign-related content, actions, or communications, include, but are not limited to the following:

- 8.1.9.1. Actions that create a genuine risk of physical injury or property damage, credibility threatens people or public safety, or organizes or encourages harm. This does not include participation in legal protests.
 - 8.1.9.2. Promoting self-harm, eating disorders or hard drug abuse.
 - 8.1.9.3. Attacks, bullies or harass non-public people.
 - 8.1.9.4. Includes hate speech.
 - 8.1.9.5. Is gratuitously violent or gory.
 - 8.1.9.6. Infringes anyone's intellectual property, privacy or other rights.
 - 8.1.9.7. Is someone else's personal information or requesting a minor's personal information.
 - 8.1.9.8. Represents a private person offering to trade or sell drugs, alcohol, tobacco, firearms or other hazardous materials.
- 8.1.10. Defamation, including libel and slander, defined as a communication to another person which harms the reputation of another Candidate or Non-Arm's Length Party, and which is not truthful, protected by absolute or qualified privilege, or fair comment.
- 8.1.11. Harassment, defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- 8.1.12. Misrepresentation of Facts, defined as campaign-related content or communications that are not in accord with facts that a Candidate or Non-Arm's Length Party reasonably should have known based on information readily available to all Members, and that a voter could potentially rely on indexing to cast a vote or not for a Candidate.
- 8.1.13. General sabotage of the Campaign of other Candidates.
- 8.1.14. Malicious or intentional breach of Code.

8.1.15. Persistent attempts to undermine the ability of the CRO or the ERC to carry out their responsibilities.

8.1.16. Any attempt to undermine the electoral process including, but not limited to, interference with or compromising the TMSU's Online Voting Systems.

Environmental Protection and Recycling

8.1.17. Physical Campaign Materials must be recyclable and shall contain a phrase or graphic in plain sight encouraging reuse and recycling if intended to be given to members, such as "please pass this on to a friend and recycle after the election."

Poster Quantity Limits

8.1.18. Candidates are not permitted to post more than the number of posters indicated below:

Position	Poster Limit
Executive Candidates	250
Faculty Director & International Director Candidates	150

8.1.19. Posters which feature multiple Candidates shall be considered to count as one (1) poster for each Candidate featured.

Physical Campaign Materials and Methods

8.1.20. Posters size shall not exceed 29.7cm x 42cm i.e. 'Tabloid' size (11"x17").

8.1.21. No more than three (3) banners per Candidate are allowed. Banners which feature multiple Candidates shall be considered to count as one (1) banner for each Candidate featured. Banners must not exceed 2.75m x 0.92m (9ft.x3ft).

8.1.22. No Candidate's Posters may overlap with another Candidate's Poster. Each Candidate shall be held solely responsible for the placement of their posters.

8.1.23. No Candidate may post one of their posters within one (1) foot (30.5cm) of another one of their Posters.

8.1.24. All Physical Campaign Materials must be removed within seventy-two (72) hours after the close of the Voting Period.

8.1.25. Physical Campaign Materials may not:

8.1.25.1. Overlap or be attached to Campaign Materials already affixed to other objects or surfaces.

8.1.25.2. Appear in Classrooms.

8.1.25.3. Be removed from any posted location without the authorization of the CRO during the Campaigning Period. This does not apply to Candidates removing their own Campaign Material.

No Distribution of Goods

8.1.26. Candidates may not campaign by distributing Goods. This includes, but is not limited to, giving out goodie bags, food, swag or other items that are not expressly Campaign Materials.

Prohibition of Campaign Methods

8.1.27. Any Campaign Materials demonstrated to have been approved in past TMSU elections are prohibited unless approved in the current election.

8.1.28. The use of animals for Campaigning is forbidden.

8.1.29. The solicitation or receiving of endorsements by University administrators, businesses or TMSU vendors is forbidden.

Restricted Areas

8.1.30. No Campaigning is permitted in:

- 8.1.30.1. TMSU offices, departments or facilitated spaces.
- 8.1.30.2. Student Residences.
- 8.1.30.3. Libraries or Computer Labs.
- 8.1.30.4. In spaces where alcohol is served, including but not limited to the Met Campus Pub.
- 8.1.30.5. In spaces that are not a Public Domain to Members.
- 8.1.30.6. Other spaces as determined by the CRO or ERC.

Campus Group and Student Society Endorsements

- 8.1.31. Endorsement(s) of Candidates from Campus Groups is prohibited.
- 8.1.32. Endorsement(s) of Candidates from Student Societies is prohibited.
- 8.1.33. Campus Groups and Student Societies are encouraged to promote the elections.

Campaigning in Classrooms

- 8.1.34. Campaigning in in-person Classrooms is allowed prior to the Voting Period provided the Candidate obtains permission from the instructors before the start of the class and that all Candidate's present are given the opportunity to Campaign. However, Campaigning in Classrooms is prohibited during the Voting Period.
 - 8.1.34.1. The CRO shall prepare a Classroom Talk Consent Form for lecturers to indicate permission.
 - 8.1.34.2. The CRO shall work with the University to attempt to share the procedures for Classroom Talks with instructors.
 - 8.1.34.3. Candidates intending to Campaign in Classrooms shall provide the CRO with a Classroom Talk script for Campaign Material approval.
- 8.1.35. Campaigning in digital Classrooms is prohibited, including posting in D2L courseshells.

Digital Campaign Materials

- 8.1.36. Digital Campaign Materials and methods will be held to the same standard as Physical Campaign Materials in this Code. The following procedures apply to Digital Campaign Materials and methods:
- 8.1.36.1. Social Media pages, groups and otherwise created accounts must have their names and handles approved by the CRO.
 - 8.1.36.2. All online platforms, services, applications and tools used by Candidates for the purposes of Campaigning must be approved by the CRO. All such platforms, services, applications and tools shall be publicly available.
 - 8.1.36.3. Online Campaigning accounts, pages, groups, etc. are limited to one per Candidate, and one per Slate, per platform.
 - 8.1.36.4. Wherever possible, all postings to all online platforms will tag the TMSU CRO account in the post, and will use the hashtag #TMSUvotes. The CRO will inform Candidates of the CRO account information across all relevant platforms before the Campaigning period begins.
 - 8.1.36.5. Any Campaign Materials, including all images and information, posted to online platforms created by individual Candidates, personal accounts or otherwise, must be approved by the CRO.
 - 8.1.36.6. Campaigning Materials or statements that do not use new images, and that simply restate a Candidate's publicly stated platform and do not convey any new information, do not need to be re-approved by the CRO.
 - 8.1.36.7. Candidates and teams will be held accountable through the means provided by this Code for failing to address instances where online postings of any type and on any platform are used as a means of spreading Defamation, Harassment, Misrepresentation of Facts or

Grounds for Discrimination that support their campaign or attack opponents. If the disinformation is not removed, Candidates must provide the CRO with evidence that they have taken appropriate measures to contact the parties responsible. Penalties for infractions of this type will be awarded at the discretion of the CRO.

- 8.1.36.8. Postings that are critical of publicly stated positions, political platforms, voting records, or other information of this type, are allowed. As a general rule, it is advisable to criticize the position rather than the Candidate to avoid a descent into behaviour that might reasonably be considered to be against the rules of Fair Play.
- 8.1.36.9. Social Media platforms, websites, large group chats, and other groups and pages may be used to distribute Digital Campaign Material.
- 8.1.36.10. All Social Media accounts, pages, groups, etc. used for Campaigning purposes shall be public.
- 8.1.36.11. Candidates are prohibited from campaigning via email.
- 8.1.36.12. Campaign Material may be distributed over Social Media forums without approval by the CRO so long as that material does not convey any new images or information not covered by the Candidate's platform and as long as the method to use the Social Media platform has had prior CRO approval.
- 8.1.36.13. Candidates must not Campaign, or be seen to be Campaigning, through any official TMSU online platform for the duration of the Campaigning and Voting Period.
- 8.1.36.14. Any purchase of Digital Campaign advertisements or campaign aids including paid viewership boosts for posts must immediately be reported to the CRO for approval and accounted for in the

campaign expense report. Purchases of online advertisements or campaign aids must be made by the Candidate's themselves through their approved campaigning account only (i.e not their personal accounts), and not by a third-party, and their purchase and use are subject to the same rules as all other campaign material covered by the Code.

- 8.1.36.15. Any Member may volunteer to aid a Candidate in the creation of a Campaign website free of charge, without reducing the remaining amount of available campaign expenses.
 - 8.1.36.16. No paid automated mass-messaging services, applications or tools of any of any kind may be used to Campaign. This includes paid services, applications, tools in a Candidate's possession prior to the election period. Services, applications or tools freely accessible to the public may be used to Campaign.
 - 8.1.36.17. The CRO has the right to administrative access to all online campaign (though not personal) platforms, social media accounts, pages, groups, etc. at any time during the Campaign Period for the purpose of verifying information and thorough adjudication of the election.
- 8.1.37. All Digital Campaign Materials and social media pages must be removed within forty-eight (48) hours after the close of the Voting Period. For any social media pages that take more than forty-eight (48) to remove, Candidates must submit proof of request for removal. Content posted to an online platform via a Candidate's personal account does not have to be removed.

Cross-Campaigning

- 8.1.38. Cross-Campaigning is not allowed between multiple Slates or non-slate Candidates.
- 8.1.39. Examples of Cross-Campaigning shall be provided in the All-Candidates Meeting.

Prohibitions on Collecting Online Voting Credentials

8.1.40. Candidates are prohibited from collecting any credential from the Members that is used to verify a student's identity when they vote online.

Unauthorized Campaigners

8.1.41. Only Members of the TMSU, with the exception of the ERC, may engage in Campaigning. Any individual who has, at any point, engaged in Campaigning must be able to provide proof of membership with the CRO and/or ERC upon request.

8.1.42. No Candidate may receive Professional Services in support of their Campaign from a non-Member.

8.1.43. No two (2) or more Candidates may have their campaign benefit from the same Non-Arm's Length Party, unless the Candidate's are registered to the same Slate.

8.2. Campaign Expenses

Proof of Campaign Expenses

8.2.1. All Candidates must submit original receipts of all campaign expenditures to the CRO within two (2) business days of the close of the Voting Period, along with a list itemizing each receipt and explaining each, where applicable. The CRO may at any time request from any of the Candidates original receipts for expenditures prior to the close of voting.

8.2.2. Candidates declared on a Slate may pool resources together and submit campaign expenses collectively.

8.2.3. The CRO may require a template for reporting expenses.

Designation of Campaign Materials

8.2.4. A Candidate's total expenditure includes all Campaign Materials and other materials that endorse or support them. This may include situations where a

Non-Arm's Length Party supports a Candidate or group of Candidates and produces materials without the consent of the Candidate.

Campaign Sponsorship

8.2.5. Sources and amounts of any campaign Sponsorship must be disclosed to the CRO, with accompanying backup indicating the following:

- 8.2.5.1. Who the donation is from.
- 8.2.5.2. The amount of the donation.
- 8.2.5.3. Who the donation is payable to.

8.2.6. Candidates will not be reimbursed for any Sponsorship.

8.2.7. Sponsorship must be calculated into the final campaign expenses.

8.2.8. The CRO may audit the Candidate at any time to review how the donations were used.

Expense and Reimbursement Limits

8.2.9. Expense and reimbursement limits for all Candidates shall be as follows:

Position	Expense Limit
Executive Candidates	\$500.00
Board of Director Candidates	\$250.00

Reimbursement of Campaign Expenditure

8.2.10. The TMSU shall reimburse all Candidates for campaign expenses if they submit proof of expenses. Reimbursements for all items with receipts shall be based on the actual purchase costs listed on the receipt.

8.2.11. To ensure that election funds are used ethically, Executive Candidates shall be eligible for the following reimbursements based on the final vote count:

% of vote (minus spoiled ballots)	Maximum Reimbursement:
30% to 100%	\$500.00
10% to 30%	\$350.00
0% to 10%	\$150.00

8.2.12. To ensure that election funds are used ethically, Director Candidates shall be eligible for the following reimbursements based on the final vote count:

% of vote (minus spoiled ballots)	Maximum Reimbursement:
15% to 100%	\$250.00
5% to 15%	\$150.00
0% to 5%	\$50.00

Calculation for Campaign Expenses (no receipt)

8.2.13. The calculation of Candidates' expenses where there is no receipt shall be made according to Fair Market Value, the ability for the Candidate to produce credit card/bank statements and physically present the item to the ERC if applicable.

8.2.13.1. Fair Market Value of a product or service shall be the lowest price, without special concessions or discounts that are available in Toronto, Ontario for that product or service, to all persons who approach a person or company that sells, or deals in, that product or service

8.2.13.2. If the production of a bank or credit statement is not possible, or if the ERC deems that the amount charged is not appropriate then the ERC shall research the prices of three (3) major suppliers in the Toronto area and shall adopt the lowest price as the Fair Market

Value. The Candidate may rebut such value if they can demonstrate another major supplier that has a lower price than those found by the ERC.

Funds Available During the Campaign Period

8.2.14. If a Candidate can demonstrate financial need, the CRO must make funds available during the Campaign Period to be put towards campaign expenses in order to ensure equal access to those seeking election, either in the form of an invoice subsequently paid by the TMSU or an early reimbursement. These funds shall count towards a Candidates' spending limit.

8.3. Violation of Campaign and Code Rules

Elections & Referenda Committee Authority

8.3.1. The CRO has the sole authority to enforce the provisions of the Code. The ERC may enforce this Code where no ruling is given by the CRO.

8.3.2. The ERC reserves the right to modify any ruling of the CRO with the process available in *Section Ten: Complaints & Appeals*.

8.3.3. The CRO and the ERC both have the power to make decisions about issues and events not otherwise covered by this Code.

Complaints & Appeals

8.3.4. Alleged violations and submitted appeals of CRO or ERC are set out in *Section Ten (10): Complaints & Appeals* of this Code.

Penalties for Violations

8.3.5. Where the CRO or the ERC finds there has been a violation of the Code by a Candidate or Non-Arm's Length Party of the Candidate, the CRO or ERC may:

- 8.3.5.1. Assign a demerit point penalty resulting in a fine against the Candidate or the Slate.

- 8.3.5.2. Declare that an election in a particular Constituency be ruled void, should the violation be sufficiently severe.
- 8.3.5.3. Assign no demerit points, but attach a financial penalty of no greater than forty-five dollars (\$45.00) per offense, should the harm done by the violation be primarily financial, such as property damage, cleaning, etc.

Severity of Penalties

8.3.6. In determining the appropriate penalty to be given for a violation the CRO and ERC shall consider the following:

- 8.3.6.1. A violation may result in multiple penalties where the violation encompasses more than one offense.
- 8.3.6.2. Penalties shall be proportionate to the severity of the violation. A penalty shall be considered more severe if the evidence establishes any of the following:
 - 8.3.6.2.1. A Candidate did not take reasonable available steps to correct the violation within a reasonable time period.
 - 8.3.6.2.2. A Candidate continued violating the Code after being deemed informed by the CRO or Election Official, via ruling or otherwise, that their actions violated the rule.
 - 8.3.6.2.3. A Candidate bears personal responsibility for the violations having occurred.
 - 8.3.6.2.4. The rules of Fair Play, Defamation, Grounds of Discrimination, Harassment and Misrepresentation of Fact are violated.
 - 8.3.6.2.5. There was a significant unfair benefit to the Candidate because of the violation.

8.3.6.2.6. Where multiple Candidates are Cross-Campaigning together.

8.3.6.3. Penalties may be assigned across Candidates across a part or an entire Slate.

Demerit Points

8.3.7. The values listed below are the maximum that may be issued for a given violation.

8.3.7.1. Violation - Campaign Material

Violation - Campaign Material	Maximum Demerit Points
Misrepresentation of Facts	5
Multiple violations in the same location / building	5
Multiple violations for the same Campaign Material	5
Unapproved material	15
Displayed in an unauthorized area	5
Pre-Campaigning Materials	15
Post-Campaigning Materials	5
Multiple violations within ten (10) metres	8
Intentional Misrepresentation of Facts	10

8.3.7.2. Violation - Campaigning

Violation - Campaigning	Maximum Demerit Points
Misrepresentation of Facts	5
Failure to submit campaign receipts and/or signed statement of having no expenses	5
Unsolicited Campaigning (including email, phone calls and social media)	10
Improper distribution of Campaign Materials	8
Multiple violations within ten (10) metres	8
Multiple violations with the same Campaign methods	10
Intentional Misrepresentation of Facts	10
Campaigning in an unauthorized area	10
Pre-Campaigning	20
Post Campaigning	5
Breaking University, municipal, provincial, and/or federal law or regulations while Campaigning	35
Campaigning to students while they are voting	15
Unauthorized Campaigners	15
Cross-Campaigning with Student Societies	8
Unauthorized Cross-Campaigning within TMSU Elections	25
Benefiting from a shared Non-Arm's Length Party (reference number)	20
Accessing Member's voting portals on their behalf	25

8.3.7.3. Violation - Fair Play

Violation - Fair Play	Maximum Demerit Points
Candidates enforcing the Code	5
Unsanctioned use of TMSU resources	15
Intentional Misrepresentation of Facts	20
Malicious or intentional violation of the Code	25
Use of benefits acquired by virtue of office	15
Failure to comply with the spirit and purpose of the Code	20
Repeated frivolous complaints or appeals	5
Failure to follow grievance procedures laid out in the Code or By-laws	5
Spending over the prescribed limit by five percent (5%)	1 point per 0.25%

Disqualification

8.3.8. Violations of the following nature will result in an automatic disqualification of a Candidate:

- 8.3.8.1. Being ineligible as per Candidate Eligibility.
- 8.3.8.2. Spending more than five percent (5%) over the maximum spending limit.
- 8.3.8.3. Intentional misrepresentation of campaign expenses.
- 8.3.8.4. Accruing greater than one hundred percent (100%) of their allowable demerit point limit, as follows:

Candidate	Points
Executive Candidate	35
Board Candidate	20

Section Nine (9): Voting Process

9.1. The Voting Process

- 9.1.1. Voting shall be conducted online through each Members' access to the University student portal. Each voter should be able to vote using their personal electronic devices. Online voting hours will be determined by the CRO in consultation with the University.
- 9.1.2. Candidates are not permitted to provide a device to a Member for the purpose of online voting, or where it may be reasonably expected that the student would use the device to vote online.
- 9.1.3. Candidates are not permitted to access or assist Members in accessing their devices to vote online.

9.2. Election of Candidate †

- 9.2.1. The Candidate who receives the plurality of votes shall be the victorious Candidate.
- 9.2.2. Executive Candidates who are uncontested shall face a Yes or No vote. If fifty per cent (50%+1) or greater number of the votes are cast as "No", such Executive Candidate shall not be elected and the seat shall be vacant pending appointment or By-Election in accordance with these By-laws.
- 9.2.3. Faculty Directors and the International Student Director Candidates who are uncontested shall be acclaimed in their position.

9.3. Ballots

- 9.3.1. The TMSU uses a Relative Majority voting system, such that a valid and invalid ballot shall be defined as outlined below. Where possible, the order of the Candidates on the ballot shall be randomized to prevent arbitrary ranking.

9.3.2. Ballots shall indicate the name of the Candidate and an affiliated Slate or non-slate status.

9.3.3. Valid Ballots

- 9.3.3.1. Shall clearly state the Candidates name and Slate (if applicable)
- 9.3.3.2. Shall allow members to cast one (1) vote for Executive Candidates
- 9.3.3.3. Shall allow members to cast two (2) votes for their Faculty Directors
- 9.3.3.4. Shall allow International students to cast one (1) vote for an International Director.

9.3.4. Invalid Ballots

- 9.3.4.1. Ballots with multiple markings than what is required.
- 9.3.4.2. Ballots with no markings.
- 9.3.4.3. Ballots which have markings, but do not clearly indicate a vote for a Candidate.
- 9.3.4.4. Any ballots that have errors or are improperly distributed.

9.4. Contingency Plan

9.4.1. The ERC shall maintain an in-person election contingency should electronic voting become compromised or untenable.

9.4.2. Such contingency shall be laid out in Appendix A of the Code. In lieu of Appendix A, the ERC shall use the TMSU Election By-laws from the last solely in person election (2015).

Section Ten (10): Complaints and Appeals

10.1. Alleged Violations

- 10.1.1. Any alleged violations of this Code shall be submitted to the CRO. Such allegations must be made within forty-eight (48) hours of the violation and within forty-eight (48) hours of the closing of the Voting Period.
- 10.1.2. The CRO, ERC and Appellate Committee reserves the right to dismiss any alleged violation that is frivolous or vexatious, or for the purposes that violate, in letter or spirit, any portion of this Code.
- 10.1.3. Where the CRO, DRO or member of the ERC finds evidence of a violation, the ERC or CRO may charge a Candidate with a violation of campaign rules.

10.2. Chief Returning Officer Ruling

- 10.2.1. The CRO shall make a ruling on any violation within forty-eight (48) hours of receiving the complaint in writing. Upon making a ruling, the CRO must immediately contact any Candidates to which the ruling applies with notice of the ruling, a description of evidence considered, and any penalties.

10.3. Evidence for Rulings

- 10.3.1. For a Candidate to be found in violation of the Code, there must be evidence which substantiates that the violation has occurred.
- 10.3.2. If this evidence is personal testimony, then it must be submitted to the CRO in writing, and the CRO must know the identity of the person giving the testimony. The CRO may withhold the identity of the person giving testimony from any other party, including the ERC and must withhold that person's identity if requested.
- 10.3.3. Any Candidate found in violation of the Code may request a copy of the evidence used in making the findings of a violation. If such a request is made, evidence must be provided within twenty-four (24) hours of the request.

10.4. Appeal of CRO Ruling

- 10.4.1. All CRO rulings may be appealed to the ERC. Appeals must be made in writing and submitted to the ERC and the CRO.
- 10.4.2. Any appeal of a CRO ruling must be submitted in writing within forty-eight (48) hours of the Candidate being informed of the CRO ruling.
- 10.4.3. Candidates may attend the ERC meeting at which their appeal will be considered. At the ERC appeal meeting, the CRO shall explain the reasons for their original ruling. The Candidate(s) may then make oral statements and/or deliver a written statement to present their case. Both the CRO and the appellant shall then have the opportunity to address each other's arguments, and answer questions from ERC members. The voting ERC members shall then deliberate and come to a decision on whether to uphold, overturn, or amend the CRO's original ruling. No deliberation shall be conducted in-camera or otherwise omitted from the minutes.
- 10.4.4. Upon the ERC making a ruling, the ERC chair must immediately inform any Candidates to which the ruling applies with notice of the ruling, a summary description of the committee's reasons, and any penalties or changes to penalties given by the CRO.

10.5. Publication of Rulings

- 10.5.1. Within twenty-four (24) hours of the CRO or ERC making a ruling on a violation of the Code, the CRO or ERC Chair must publish the ruling on the TMSU website and in a designated elections space in the TMSU office. The ruling shall include a description of their reasons, evidence considered, and any penalties.
- 10.5.2. It is the responsibility of each Candidate to be aware of every decision made by the CRO, and ERC, especially decisions regarding violations committed by that Candidate.
- 10.5.3. Candidates are deemed to be informed of an ERC or CRO decision six (6) hours after the decision is posted on the designated elections space in the TMSU

office(s) and the TMSU website, or six (6) hours after being sent notice of the decision to their preferred email address, whichever is later. All decisions shall indicate the time posted.

10.6. Appellate Committee

- 10.6.1. The ruling decision made by the ERC may be further appealed to the Appellate Committee of the TMSU. In lieu of a formed Appellate Committee, the TMSU may request a Fairness Review by the University Ombudsperson who will submit a recommendation to the Board of Directors.
- 10.6.2. The Appellate Committee or Ombudsperson will have access to all election documents to make their decision.
- 10.6.3. The Appellate Committee may not hear appeals of the CRO rulings that have not yet been heard by the ERC.
- 10.6.4. Any appeal of an ERC ruling decision must be submitted in writing to the chair of the Appellate Committee within forty-eight (48) hours of the Candidate being informed of the ERC ruling. In lieu of a chair of the Appellate Committee, appeals shall be sent to the Chair of the ERC.
- 10.6.5. Upon the Appellate Committee making a ruling, the Chair of the Appellate Committee must immediately inform any Candidates to which the ruling applies with notice of the ruling, a summary description of the committee's reasons, and any penalties or changes to penalties given by the CRO.
- 10.6.6. The ruling of the Appellate Committee is final. Candidates and all involved parties shall be deemed to be informed of a decision six (6) hours after the ruling is posted on the designated TMSU locations in 10.5.

Section Eleven (11): Election Results

11.1. Equality of Votes

11.1.1. In the event of a tie, the winner(s) are decided in the process set out in 11.5.

11.2. Recount & Verification

11.2.1. Candidates may request to view the election report produced by the University in-person.

11.3. Unofficial Results

11.3.1. Unofficial results shall be announced as soon as possible and within forty-eight (48) hours of the end of the vote count.

11.3.2. The ERC may delay the unofficial results with reasonable cause and a simple majority vote of the committee.

11.4. Election Report & Ratification

11.4.1. The CRO, with the direction of the ERC Chair and Committee, shall produce an Election Report within two (2) weeks of the conclusion of the election to the Board of Directors for ratification.

11.4.2. The Election Report shall include the following:

11.4.2.1. The election results.

11.4.2.2. A summary of the election timeline activity including but not limited to:

11.4.2.2.1. Notice Period: Forms in which the election notice was distributed and hiring committee timelines.

11.4.2.2.2. Nomination Period: The number of successful and unsuccessful nominations.

- 11.4.2.2.3. Verification Period: The number of Candidates who were ratified, participation at Board Trainings and All-Candidates Meetings and requests on TMSU resources.
 - 11.4.2.2.4. Campaign Period: Summary on major campaign issues, complaints and appeals.
 - 11.4.2.2.5. Voting Period: Voting statistics and irregularities.
 - 11.4.2.2.6. Close of Voting: Final demerit points, campaign expenses and a summary of appeals.
 - 11.4.2.3. A record of all ERC meetings and public decisions.
 - 11.4.2.4. A summary of observations and recommendations for the Board of Directors, including recommendations for changes to the Code.
- 11.4.3. Candidates will not be deemed officially elected until they have:
- 11.4.3.1. Paid all outstanding election fines and submitted all campaign receipts.
 - 11.4.3.2. Been ratified by the Board of Directors at the subsequent meeting following the election results with the condition that there is no outstanding appeal involving the Candidate.
 - 11.4.3.3. Attained the age of majority of eighteen (18) years of age.

11.5. Disqualification of Winning Candidate

- 11.5.1. In the event of a winning Executive Candidate being disqualified in any election, the Board of Directors shall facilitate another election within two (2) weeks of the disqualification. The ERC shall determine if the disqualified Executive Candidate is eligible for the second election.
- 11.5.2. In the event of a winning Board Candidate being disqualified in any election, the Board of Directors may choose to allow the next Board of Directors to fill the vacancy in accordance with the By-laws.

11.5.3. Appeals of Election Results

- 11.5.3.1. Any Candidate may challenge the validity of their election result in a written submission containing their reason to the CRO within forty-eight (48) hours of the close of Voting Period.
- 11.5.3.2. Based on the nature of the complaint the CRO and/or ERC Chair, on behalf of the ERC, shall investigate any appeal and make a recommendation to the Board of Directors on the appropriate action.
- 11.5.3.3. Upon the recommendation of the ERC, the Board of Directors may refuse to ratify any single Director election. The Board of Directors may not amend rulings of the CRO or the ERC.