



UWSA

THE UNIVERSITY OF WINNIPEG
STUDENTS' ASSOCIATION

UWSA Election Reform — Draft 2

Presented for approval at the Feb
24, 2021 meeting of the UWSA Board
of Directors

By-law and Policy Committee

ELECTION REFORM 2021

Throughout the 2020-2021 academic year, the UWSA received significant feedback from current and former executive, directors, and membership that the UWSA elections processes are harmful. Through these election reforms, the UWSA is recommitting to building a democratic process in which student leaders can learn collaborative governance techniques, build their independent leadership styles, and reach their full potential while centering the organizational values of accessibility, anti-oppressive leadership, authentic representation, outreach and engagement, organizational integrity, empathy, and continual reflection.

EDITS SINCE FEBRUARY 10

At the February 10 meeting of the Board of Directors, the By-law and Policy Committee collected feedback which informed the following edits:

- The proposal of two-year terms has been significantly scaled back to address concerns from the board about feasibility and sustainability. Two-year terms will now only be held by the two VPs and four Emerging Leader Directors. The election of these directors will be staggered so that there is always carry-over from year-to-year.
- Four Emerging Leader Directors have been created, their duties include general membership engagement; promotion of UWSA events, board meetings, and general meetings; and assisting the VPs in board mentorship and transition year-to-year.
- The duty to ensure accessibility of the elections processes is explicitly named in the duties of the CEC and ECF.
- An Election Evaluation and Feedback Policy has been created to ensure these reforms are being monitored for impact. This policy is simple for now, to ensure feedback and evaluation processes are engaged right away, with the expectation that ECFs will help us shape this policy for future elections.

Additional edits include:

- Language changes proposed by the UWSA legal team.
- Changes to the emergency measures by-laws that accommodate the changes made to REBLITE/EAB.
- Shifting of the duty to assess and dismiss CEC/ECF to the EAB with ratification from the board.
- The addition of definitions to the general by-law definitions, as well as the creation of the election by-laws definitions.

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BY-LAW AMENDMENT MOTION PROPOSAL

BE IT RESOLVED THAT THE FOLLOWING DEFINITIONS ARE ADDED TO BY-LAW 2 - DEFINITIONS:

The University of Winnipeg Act

Means the statute under which the University of Winnipeg is incorporated.

University of Winnipeg Board of Regents

The governing body that determines overall policy for the University of Winnipeg, including setting of strategic direction and a broad framework of goals and objectives.

University of Winnipeg Senate

The governing body responsible for academic policy and procedure for the University of Winnipeg, including curriculum development, academic standards, student appeals, and the conferring of degrees.

General Manager

Means the General Manager employed by the UWSA.

UWSA General Office

The registered offices of the University of Winnipeg Students' Association Incorporated.

Acknowledgement of Responsibility

The waiver signed by all executive and directors of the UWSA Board of Directors and election campaign participants, confirming their fiduciary duty to the UWSA.

Quorum

The minimum number of members of a governing body needed in attendance in order for a meeting to be valid.

BE IT FURTHER RESOLVED THAT THE WORDS IN PURPLE BELOW ARE ADDED AS BY-LAW 4.1.W:



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- i. The number of Directors and the specific directorships shall remain as such until changed in accordance with these By-Laws. The following shall be members of the Board of Directors of the UWSA:
 - w. Four (4) Emerging Leader Directors

BE IT FURTHER RESOLVED THAT BY-LAW 4.2.I AND 4.2.II ARE DELETED IN THEIR ENTIRETY AS SHOWN BELOW AND REPLACED WITH THE FOLLOWING TEXT IN PURPLE:

- ~~i. The term of office of all directors shall be from May 1st through to April 30th with the exception of the Indigenous Students' Directors. Retiring Directors shall be eligible for re-election as per these By-Laws.~~
 - ~~ii. The Term of Office for the Indigenous Students' Directors shall be determined by the constitution of the Indigenous Students' Association and in accordance with the Corporations Act.~~
- i. The term of office of all directors shall be a one-year term, from May 1st through to April 30th with the following exceptions:
 - a. The two Vice Presidents shall hold staggered two-year terms. The term of office for the Vice President External Affairs and Vice President Student Affairs shall commence May 1st of the year they are elected through to April 30th of the second calendar year from the commencement date. The Vice Presidents shall be elected on opposite years so that one Vice Presidential seat is open in each General Election.
 - b. The term of office for the Indigenous Students Directors shall be determined by the constitution of the Indigenous Students' Association and in accordance with the Corporations Act (Manitoba).
 - c. The term of office for the Menno Simons College Director shall be determined by the constitution of the Menno Simons College Student Association and in accordance with the Corporations Act (Manitoba).
 - d. The term of office for the Urban and Inner-City Campus Director shall be determined by the constitution of the Urban and Inner-City Students Association and in accordance with the Corporations Act (Manitoba).
 - e. The Emerging Leader Directors shall hold staggered two-year terms. The term of office for the Emerging Leader Directors shall commence May 1st of the year they are elected through to April 30th of the second calendar year from the commencement date.
 - ii. Retiring directors shall be eligible for re-election as per these by-laws.

BE IT FURTHER RESOLVED THAT BY-LAW 4.3.VI IS AMENDED TO REMOVE THE WORDS IN RED AND ADD THE WORDS IN PURPLE BELOW TO READ:

If, after the UWSA General Election, there are vacancies within the required number of student representatives outlined by the University of Winnipeg Act for the University of Winnipeg Board of Regents and/or the University of Winnipeg Senate, the UWSA Board of Directors shall be permitted to ~~appoint students to~~ fill those vacancies by way of appointment. The duration of such an appointment shall be the balance of the unexpired term of the vacancy.

BE IT FURTHER RESOLVED THAT THE FOLLOWING SENTENCE IS ADDED AS BY-LAW 4.6.V:

An Executive Director who is not enrolled in at least one half (1/2) course, three (3) credit hours in the final semester of their term does not qualify for re-election.

BE IT FURTHER RESOLVED THAT BY-LAW 5 – ELECTIONS AND REFERENDA IN THE LATEST BY-LAW PACKAGE (JANUARY 2021) IS HEREBY ELIMINATED IN ITS ENTIRETY AND THE FOLLOWING BY-LAWS ARE ADOPTED AS THE NEW BY-LAW 5 – ELECTIONS AND REFERENDA:

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5.1 DEFINITIONS

BY-ELECTION

Means an election held in the fall-term of the University of Winnipeg's academic year. In a by-election, seats unfilled in the previous General Election are open to nominees.

CAMPUS

Shall include the following buildings: Buhler, Education building at 480 Portage, Menno Simons College, Richardson College, Axworthy RecPlex, Duckworth, Asper Centre for Theatre and Film, Helen Betty Osborne Campus, Lockhart, Centennial, Manitoba, Bulman Student Centre, Ashdown, Wesley, Bryce, Sparling, Graham, McFeetors Hall, Balmoral Houses, Lions Manor, 527 Selkirk Avenue and Merchants Corner, and extend to include the Main Campus front lawn, the Spence Street Promenade, and the quad area.

CAMPAIGN

Means any act by, or on behalf of, an election campaign participant that can reasonably be interpreted as calculated to gain support for the vote including, but not limited to:

- a. Talking to individuals or groups of students;
- b. Presenting in front of a classroom;
- c. Handing out campaign materials;
- d. Making posts on social media;
- e. Any other communication about a candidate, platform, the UWSA, or the election campaign.

CAMPAIGN MATERIALS

Means posters, handbills, pamphlets, ribbons, buttons, banners, and any other physical or digital material produced to support or oppose a candidate or referendum.

CAMPAIGN OPPORTUNITIES

Means any promotional engagement for candidates targeted at classrooms, student groups, or any group of ten (10) or more students, table bookings or campaign displays (not including posters or banners), debates, forums, and any other publicly promoted engagements.

CANDIDATE

Means any member of the UWSA whose nomination for election is accepted under procedures established by these by-laws.

CHIEF ELECTIONS COMMISSIONER - CEC

The CEC acts on behalf of the UWSA Membership to carry out the electoral logistics of all UWSA elections and referenda.

ELECTION ACCOUNTABILITY BOARD - EAB

The EAB acts on behalf of the UWSA membership to support the CEC and ECFs in the management of a fair and transparent election and referenda process.

ELECTION CYCLE

Means the period in which an election and/or referendum takes place, starting at the opening of nominations and closing of the polls.

ELECTION CAMPAIGN FACILITATOR - ECF

The ECFs act on behalf of the UWSA Membership to support electoral candidates and volunteers through the elections process, to facilitate the collaborative creation of the UWSA Election Campaign, and to mediate conflicts that arise throughout the electoral process.

ELECTION CAMPAIGN PARTICIPANT

Means all accepted candidates and referendum volunteers participating in a given election cycle.

FINAL ELECTION REPORT

The report issued at the close of each election cycle which includes reports from the CEC, ECFs, and EAB.

GENERAL ELECTION

Means an election held in the winter-term of the University of Winnipeg's academic year.

NOMINEE

Means any member of the UWSA who is submitting themselves for nomination for election or referendum volunteer under the procedures established by these by-laws.

REFERENDUM

A question put to a balloted vote of the membership during the course of an election cycle.

REFERENDUM VOLUNTEER

Means any member of the UWSA whose nomination for referendum volunteer is accepted under procedures established by these by-laws.

SCRUTINEER

Means any member of the UWSA approved to oversee the ballot count on behalf of an election campaign participant.

SLATE

Means two (2) or more candidates who are members of a single campaign, each running for a different position. Slates are prohibited under the UWSA by-laws.

SPOILED BALLOT

Means a ballot where no clear intention can be discerned. Only the CEC may rule a ballot spoiled.

SUPPLEMENTARY RULES

Means additional rules to those in the Elections By-Laws and Polices that are created by the CEC and/or ECF and approved by the EAB to guide election campaign participants through a particular election.

UWSA ELECTION CAMPAIGN

Means the campaign under which all election campaign participants run for election or as a referendum volunteer.

5.2 CHIEF ELECTIONS COMMISSIONER (CEC)

- i. The CEC's term shall commence upon appointment of the Board of Directors and shall expire on April 30th of the same academic year. The term shall be renewed annually unless the CEC is otherwise notified by the Chief Operating Officer.
- ii. The CEC works alongside the Election Campaign Facilitators (ECFs) and is accountable to the Election Accountability Board (EAB). Questions, concerns, and complaints arising from any CEC interpretation of the By-Laws may be directed to the chair of the EAB.
- iii. The CEC liaises with UWSA staff to prepare and implement election logistics; however, the CEC reports directly to the EAB and the Board of Directors and does not take instruction or direction from staff.
- iv. The CEC shall receive training and orientation from the Chief Operating Officer, the General Manager, and the Events and Communications Department, before the beginning of the election cycle for which they have been hired.
- v. Upon receiving notice from the EAB that it has voted to remove a CEC for conduct which they deem warranted for such dismissal, a CEC may be dismissed from their position with a two-thirds ($\frac{2}{3}$) vote of the Board of Directors.

5.3 CHIEF ELECTIONS COMMISSIONER POWERS AND DUTIES

- i. The CEC shall run elections safely, fairly, and in accordance with UWSA by-laws and policies.
- ii. The CEC shall oversee election logistics, including, but not limited to:
 - a. Managing the candidate and referendum volunteer nomination processes, including:
 1. Working with the ECFs and the UWSA Communications Department to create nomination forms and approving all forms before circulation;
 2. Ensuring that nomination forms are available by the deadlines ascribed in these by-laws;



3. Ensuring that the nomination forms are clear, accessible, and collect all information required to assess candidate eligibility as stipulated in these by-laws and The Corporations Act (Manitoba) if applicable;
 4. Arranging and promoting drop-off details for candidates to submit nominations;
 5. Being reasonably available to answer eligibility questions of potential nominees;
 6. Ensuring the availability of nomination forms in accessible formats and assisting students with filling out nomination forms if requested;
 7. Verifying the eligibility credentials of all nominees and announcing all verified election candidates and referendum volunteers to the ECFs and the membership in accordance with these by-laws.
- b. Arranging all poll and voting logistics, including:
1. Working with the UWSA Communications Department to develop the ballot for paper and/or digital polling and approving all ballots before circulation.
 2. Organizing any physical polls, including:
 - i. Being present at the opening and closing of the polls each day of the voting period;
 - ii. Situating polls on campus in accordance with these by-laws;
 - iii. Ensuring polls have the equipment needed to run a fair and confidential vote;
 - iv. Ensuring polls are properly staffed in accordance with these by-laws;
 - v. Ensuring that clear voting instructions are posted at all polls;
 - vi. Ensuring poll officers are trained on providing accessibility accommodations to voters, and
 - vii. Responding to student issues or concerns with the physical polls.
 3. Organizing any digital polls, including:
 - i. Working with the UWSA Administration and Communications Departments to administer the voting software backend,
 - ii. Ensuring that the student list is securely and accurately uploaded,
 - iii. Ensuring that clear voting instructions are included on the digital ballot,
 - iv. Ensuring that online polls open and close at the correct times, in accordance with these by-laws, and
 - v. Responding to student issues or concerns with the voting software.
 4. Appointing, training, and supervising all polling officers.
 5. Ensuring the security of all ballots and ballot boxes.
- c. Overseeing all ballot count logistics, and ensuring that a fair, accurate, and cost-effective ballot count occurs.
- iii. The CEC shall work with the UWSA Communications Department and the Election Campaign Facilitators to arrange promotion of election information, including information on qualifications for election, nominations, referenda registration, deadlines, poll hours and locations, digital polling access, and voting instructions.



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- iv. The CEC shall work with the ECFs under the guidance of the EAB to ensure that members of the UWSA Board of Directors and UWSA staff do not use their positions or UWSA resources to campaign to an unfair advantage either “for” or “against” a candidate or referendum.
 - v. The CEC shall post and implement supplementary nominations and polling rules, subject to the approval of the EAB.
 - vi. The CEC shall work with the UWSA Communications Department to notify the membership of the official results of the election and/or referenda and ensure that notifications are made public within the timelines ascribed by these by-laws.
 - vii. The CEC shall submit to the UWSA Board of Directors, at the first board meeting or general meeting where the election results are ratified, a final report of activities and recommendations in accordance with the Final Election Report By-laws.

5.4 ELECTION CAMPAIGN FACILITATORS (ECFS)

- i. The ECFs term shall commence upon appointment of the Board of Directors and shall expire upon the delivery of the Final Election Report for the given election cycle.
- ii. The ECFs work alongside the CEC and are accountable to the Election Accountability Board (EAB). Questions, concerns, and complaints arising from any ECF interpretation of the By-Laws may be directed to the Chair of the EAB.
- iii. The ECFs liaise with UWSA staff to prepare and implement UWSA Election Campaign logistics, however, the ECFs report directly to the EAB and the Board of Directors and do not take instruction or direction from staff.
- iv. The ECFs shall receive training and orientation from the Chief Operating Officer, the General Manager, and the Events and Communications Department, before the beginning of the election cycle for which they have been hired.
- v. Upon receiving notice from the EAB that it has voted to remove an ECF for conduct which they deem warranted for such dismissal, an ECF may be dismissed from their position with a two-thirds ($\frac{2}{3}$) vote of the Board of Directors.

5.5 ELECTION CAMPAIGN FACILITATORS POWERS AND DUTIES

- i. The Election Campaign Facilitators shall organize and facilitate the All Candidate’s Training and Campaign Preparation Week, safely, fairly, and in accordance with these by-laws, including:
 - a. Arranging sessions including, but not limited to:
 - 1. Collaborative governance;
 - 2. UWSA mission and vision, internal structure and operations, UWSA Ambassadorship Policies, and election rules;
 - 3. Non-profit board regulations, duties and privileges;
 - 4. How to campaign; and
 - 5. Conflict mediation and resolution.
 - b. Scheduling UWSA staff and external partners to facilitate sessions relevant to their expertise.
 - c. Facilitating the creation of the UWSA Election Campaign through the collaboration of all electoral candidates and referendum volunteers.



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- d. Working in coordination with the Communications Department, the Chief Election Commissioner, and all election candidates and referendum volunteers to arrange promotion of the UWSA Election Campaign.
 - ii. The ECFs shall work with election participants to ensure that the elections process is equally accessible to all participants.
 - iii. The ECFs shall organize all campaign opportunities for candidates and volunteers including debates, forums, classroom presentations, meetings with student groups, and any other campaign opportunity targeting ten (10) or more voting members.
 - iv. The ECFs shall post and implement Supplementary Campaign Rules, subject to the approval of the EAB.
 - v. The ECFs shall keep regular office hours and give notification to candidates and volunteers of these hours no later than the Monday of Week 4 at 8 a.m.
 - vi. The ECFs shall ensure fair and equal access to all campaign resources provided by the UWSA Election Campaign.
 - vii. The ECFs shall hear concerns and complaints from candidates, volunteers, and the student membership and shall work to resolve issues through mediation before escalating them to the EAB in accordance with relevant UWSA Policy.
 - viii. The ECFs shall bring any complaint which cannot be resolved through mediation to the EAB for consideration and ruling in accordance with relevant UWSA Policy.
 - ix. The ECFs shall work with the CEC under the guidance of the EAB to ensure that members of the UWSA Board of Directors and UWSA staff do not use their positions or UWSA resources to campaign to an unfair advantage either “for” or “against” a candidate or referendum.
 - x. The ECFs shall submit to the UWSA Board of Directors, at the first board meeting or general meeting where the election results are ratified, a final report of activities and recommendations in accordance with the Final Election Report By-laws.

5.6 CHIEF ELECTION COMMISSIONER AND ELECTION CAMPAIGN FACILITATORS SELECTIONS AND HIRING

- i. Selection
 - a. The CEC and ECFs shall be hired in accordance with UWSA hiring policies and ratified by the Board of Directors.
 - b. In addition to regular public postings for the ECF positions, the Chief Operating Officer shall actively recruit consulting professionals to apply.
- ii. Applications from the following people shall not be considered for either the CEC or ECF:
 - a. Current Directors and Executive Directors of the UWSA;
 - b. Former Executive Directors of the UWSA whose term ended within the last five (5) years;
 - c. Current Part-Time or Full-Time Employees of the UWSA;
 - d. Current UWSA Service Centre Coordinators;
 - e. Employees of any UWSA partner organization.



5.7 CHIEF ELECTION COMMISSIONER AND ELECTION CAMPAIGN FACILITATORS TRAINING, ORIENTATION, AND SUPPORT

- i. The Chief Operating Officer shall be the UWSA Election Staff Liaison and shall be responsible for coordinating with the EAB and relevant UWSA departments to provide training and orientation for the incoming CEC and ECFs.
- ii. CEC and ECF training shall include, but is not limited to:
 - a. By-law and policy review;
 - b. Access to the Election Report archive and review of past practices;
 - c. Communication strategies and practices;
 - d. Orientation with the EAB.
- iii. The CEC and ECFs shall be supported by UWSA staff in the implementation of election processes as determined by these by-laws.
- iv. The CEC and ECFs may request additional support from UWSA staff subject to the review and approval of the EAB.

5.8 ANNUAL GENERAL ELECTION AND BY-ELECTION

- i. In the winter term of each University of Winnipeg academic year there will be a General Election for available UWSA Executive and Director positions, University of Winnipeg Senate seats, and University of Winnipeg Board of Regents seats.
- ii. One (1) seat on the University of Winnipeg Board of Regents will be open for election annually.
- iii. The number of University of Winnipeg Senate seats open for election annually shall be determined in consultation with the University Secretary and in accordance with the University of Winnipeg Act.
 - a. One UWSA Senate seat shall be reserved for each of the following:
 1. The UWSA President;
 2. The Vice President External Affairs;
 3. The Vice President Student Affairs;
 4. The PACE Director;
 5. A Graduate Student.
- iv. The Vice President External Affairs and Vice President Student Affairs shall be elected on a two-year schedule such that the Vice President External Affairs is elected in Cycle A and the Vice President Student Affairs is elected in Cycle B.
- v. The Emerging Leader Directors shall be elected on a two-year schedule where two (2) of the four (4) positions are open for election in each cycle.
- vi. The two-year schedule shall be as follows:
 - a. Cycle A (which shall be the first year in each two-year General Election schedule) the following directors shall be elected for two-year terms:
 1. Vice President External Affairs
 2. Two (2) Emerging Leader Directors
 - b. Cycle B (which shall be the second year in each two-year General Election schedule) the following directors shall be elected for two-year terms:
 1. Vice President Student Affairs
 2. Two (2) Emerging Leader Directors



- c. In both Cycle A and Cycle B, all other executive and directors excepting those identified in By-law 4.2.i shall be elected to one-year terms.
 - d. In the pilot year of the two-year General Election schedule, Cycle A candidates shall be elected for one-year terms and Cycle B candidates shall be elected for two-year terms.
 - e. Where a position is unfilled in a General Election or By-Election, or is vacated before the expiration of its term, it shall be open for election in the subsequent General Election or By-Election. The duration of the term of the person elected to fill such a vacancy shall be the balance of the unexpired term such that the filled position's term shall terminate in the standard timeline if the position had not been vacated.
- vii. By-Elections shall be held in the event of vacancies in the Fall Term.
- viii. Participation in elections and referenda as committee members, candidates, volunteers, and scrutineers is limited to members of the UWSA as determined by these by-laws. Members must be 18 years of age or older to participate in UWSA elections.

5.9 ELECTION CYCLE

- i. Unless otherwise determined by the board of directors, the election cycle shall run on a five (5) Week cycle, with Week 3 coinciding with the reading week occurring in the winter term.
- ii. The election cycle shall commence at 9:00 a.m. on Monday of Week 1 and end at 6:00 p.m. on Wednesday of Week 5.
 - a. Week 1 and Week 2 shall be Nominations and Referendum Volunteer Registration Weeks.
 - b. Week 3 shall be the All Candidates' Training and Campaign Preparation Week.
 - c. Week 4 shall be the Campaign Week.
 - d. Week 5 shall be Campaign and Voting Week.
- iii. No day of an election cycle shall fall between April 1 and September 1 of any given year.

5.10 REFERENDA

- i. Referenda can occur during either the General Election or By-Election. All clauses in these by-laws referring to the 5 Week election cycle shall apply to the referenda.
- ii. Referenda must be triggered prior to the commencement of the election cycle. Referenda may be triggered by either a vote by the Board of Directors or a petition of the membership.
- iii. A referendum question must be a positively worded motion to which voters answer YES or NO.
- iv. Motion for referendum from the UWSA Board of Directors must:
 - a. Clearly state the exact wording of the referendum question;
 - b. Be passed by a two-thirds ($\frac{2}{3}$) majority.
- v. Petition for referendum must:
 - a. Clearly state the exact wording of the referendum question;
 - b. Include the signatory name, signature, and student number of 5% of the UWSA membership;



- c. Be submitted to the Chair of the Board of Directors by or before 11:59 p.m. the last Friday prior to the commencement of the given election cycle.

5.11 NOMINATIONS (WEEK 1 AND 2)

- i. Nomination and referendum volunteer forms shall be available in the UWSA Office, the CEC Office, and online at the UWSA website.
- ii. A separate nomination form shall be available for each:
 - a. Executive Director Nominations;
 - b. Director Nominations;
 - c. Referendum Volunteer Nominations.
- iii. Election candidate nominations may only be submitted on the official nomination form and must include:
 - a. The nominee's name, UWinnipeg student ID number, date of birth, and contact information as requested;
 - b. The nominee's signed confirmation that they do not currently hold the status of bankruptcy;
 - c. The nominee's signed confirmation of their citizenship, residency, or immigration status;
 - d. A copy of the nominee's academic transcript demonstrating that they meet the eligibility requirements of the position for which they are nominated, as per these By-Laws;
 - e. The nominee's availability for Weeks 3, 4, and 5 of the Election Cycle.
- iv. Referendum volunteer nominations may only be submitted on the official nomination form and must include:
 - a. The side of the referendum question for which they are registering (YES or NO).
 - b. The nominee's name, UWinnipeg student ID number, date of birth, and contact information as requested;
 - c. A copy of the nominee's academic transcript demonstrating that they are a member of the UWSA.
 - d. The nominee's availability for Weeks 3, 4, and 5 of the Election Cycle.
- v. Nomination forms which are incorrect, incomplete, or inaccurate will be ruled invalid. Nominees shall have a 48-hour window to correct their nomination information upon receiving notification from the CEC that their nomination has been ruled invalid.
- vi. Nomination forms must be submitted to the CEC directly, via email to the CEC's UWSA email address, or in a drop-off location designated by the CEC (notice of which must be posted on the door of the CEC office). Nomination forms shall not be accepted at the UWSA General Office or by any UWSA staff person.
- vii. All nomination forms must be received by the CEC by 6:00 p.m. on the Thursday of Week 2.

5.12 ALL CANDIDATE'S MEETING, TRAINING, AND CAMPAIGN PREPARATION WEEK (WEEK 3)

- i. At 12:30 p.m. on Friday of Week 2, there shall be an All Candidates' Meeting where the CEC will serve notification to the membership of the names of all accepted candidates, whether those candidates are running for Executive or Director positions, the names of all



accepted referendum volunteers, and the side which all those volunteers are supporting. The candidates and volunteers announced at the All Candidate's Meeting shall make up the election campaign participants.

- ii. At the All Candidates' Meeting, the Election Campaign Facilitators shall be introduced to all election campaign participants and shall announce the All Candidate's Training and Campaign Preparation Week (Week 3) schedule.
- iii. All election campaign participants shall be required to attend the Week 3 sessions scheduled by the ECFs.
- iv. Training and preparation sessions shall be planned by the ECFs in accordance with these by-laws and shall include, but are not limited to, sessions on:
 - a. Collaborative governance;
 - b. UWSA mission and vision, internal structure and operations, UWSA Ambassadorship Policies, and election rules;
 - c. Non-profit board regulations, duties and privileges;
 - d. How to campaign; and
 - e. Conflict mediation and resolution.
- v. During Week 3, the ECFs shall facilitate the collaboration of all election campaign participants in the creation of the UWSA Election Campaign.
- vi. At the commencement of UWSA Election Campaign planning, candidates shall announce the position for which they are running.
- vii. Candidates may amend the position for which they are running, subject to confirmation of their eligibility, join in a co-directorship bid with another election campaign participant, or withdraw from candidacy, until 9:00 a.m. on the Friday of Week 3.

5.13 CAMPAIGN GUIDELINES

- i. All statements, promotions, materials and any other communication by or on behalf of the UWSA, the UWSA Election Campaign, and election campaign participants must abide by the following guidelines:
 - a. They must be factually correct;
 - b. They must be honest and made in good faith;
 - c. They may not contain libel or slander (based on consultation with legal counsel if necessary);
 - d. They must abide by the UWSA Code of Conduct, the Positive Space Policy, and all other UWSA by-laws and policies;
 - e. They must abide by all federal, provincial, and municipal laws;
 - f. They must abide by all University of Winnipeg policy and procedure, including the *Respectful Work and Learning Environment Policy*.
- ii. Election campaign participants who fail to follow the campaign guidelines are subject to consequences as determined by the Election Accountability Board and in accordance with the Election Complaints Policy and Election Anti-Harassment Policy.

5.14 CAMPAIGNING (WEEK 4 AND 5)

- i. Campaigning is any act by, or on behalf of, an election campaign participant that can reasonably be interpreted as calculated to gain support for the vote including, but not limited to:



-
- a. Talking to individuals or groups of students;
 - b. Presenting in front of a classroom;
 - c. Handing out campaign materials;
 - d. Making posts on social media;
 - e. Any other communication about a candidate, platform, the UWSA, or the election campaign.
- ii. Campaigning shall begin at 8:00 a.m. on Monday of Week 4.
 - iii. Campaigning prior to 8:00 a.m. on Monday of Week 4 shall be considered a violation of these by-laws subject to consequences in accordance with the Election Complaints Policy.
 - iv. Election campaign participants must at all times abide by the campaign guidelines.
 - v. Campaigning (including the posting of signs and other materials) may not occur within 10 meters of a polling station. The CEC will create a visible marker of these boundaries. The perimeter may not be appealed to the EAB.
 - a. When a poll station is in operation outside the Riddell Hall Cafeteria, no campaigning will be permitted on the Lobby level of the Riddell Atrium, except for that done within the cafeteria.
 - vi. Campaigning may occur on social media, on campus (see definitions) up to the public sidewalk and on the Selkirk Avenue Campus and Merchants Corner.
 - a. Campaigning may not occur at bus stops, in businesses (not including Diversity Foods), and between campuses on the downtown campus.
 - b. Campaigning may not occur in any classroom without the explicit consent of the instructor.
 - c. Campaigning may not occur in the UWSA General Office or the office of any UWSA staff person; index; Infobooth; the Muslim Prayer Space; the Chapel; the Bulman MPR during Foodbank operations; any UWSA Service Centre, including the Bike Lab, the BIPoC Lounge, the Rainbow Lounge, the Women-Trans Spectrum Centre, or the Access Lounge.
 - vii. No election campaign participant may campaign through a medium that could not be reasonably accessed equally by any other candidate including text messages, private phone calls, emails to individual members, or personal/professional websites.
 - a. Participants may respond to voter questions directed to them through private communications in cases where the voter initiated the contact.
 - viii. Collusion between candidates for election will not be tolerated, including:
 - a. Promoting one or more candidates as part of an election slate;
 - b. Making statements that a reasonable person could interpret as linking two candidates as members of a joint slate for election;
 - c. Campaigning on behalf of another candidate.
 - ix. Harassing (as defined in the University of Winnipeg's *Respectful Working and Learning Environment Policy*) students or creating physical barriers in attempts to garner support will not be tolerated and will be grounds for immediate disciplinary action in accordance with the Election Anti-Harassment Policy.



5.15 CAMPAIGN OPPORTUNITIES

- i. Campaign opportunities shall be any promotional engagement for candidates targeted at classrooms, student groups, or any group of ten (10) or more students, table bookings or campaign displays (not including posters or banners), debates, forums, and any other publicly promoted engagements.
- ii. All campaign opportunities shall be approved or arranged by the ECFs.
- iii. Planning for campaign opportunities shall be done collaboratively during the All Candidate's Campaign Preparation Week.
- iv. All candidates contesting for the same position shall have equal access to the same campaign opportunities.
- v. Candidates found to have arranged for private campaign opportunities shall be in violation of these by-laws and subject to consequences in accordance with the Election Complaints Policy.
- vi. Classroom presentations may only be made with instructor permission and must follow any restrictions imposed by the instructor within their classroom, subject to compliance with these by-laws.
- vii. The ECFs, in coordination with the UWSA Communications Department, shall arrange for the purchase of ad space in the Uniter to feature UWSA Election Campaign promotions and/or candidate bios.

5.16 CAMPAIGN MATERIALS

- i. All campaign materials shall be developed collaboratively through the UWSA Election Campaign.
- ii. UWSA Election Campaign materials shall feature all candidates equally.
- iii. Candidates are prohibited from creating or distributing any campaign material not approved as UWSA Election Campaign materials.
- iv. The ECFs shall not approve any materials that may damage University of Winnipeg infrastructure or create a physical obstruction.
- v. The ECFs shall not approve campaign materials that violate the campaign guidelines established in these by-laws.
- vi. UWSA Election Campaign materials must include voting information including the dates and times of the polls, poll locations, and a digital voting summary approved by the CEC.
- vii. The ECFs shall be responsible for coordinating with the UWSA Events and Communications Department for the hanging of all posters and banners.
- viii. All election campaign participants shall have equal access to distributable campaign materials. Distributable campaign materials shall be stored in a UWSA Election Campaign Office to which all election campaign participants have access for Weeks 3-5 of the given election cycle.
- ix. **Posters**
 - a. UWSA Election Campaign posters must adhere to the UWSA and University of Winnipeg poster policies.
 - b. Posters may be no larger than 11x17 inches each.
- x. **Banners**



- a. UWSA Election Campaign Banners shall be general voting promotions and shall not include specific candidate information.
 - b. Banner sizes, locations, placement, and removal shall be negotiated with the University of Winnipeg Communications Offices and University of Winnipeg Physical Plant by the ECFs and the UWSA Events and Communications Department.
- xi. Distributable Campaign Materials**
- a. The UWSA Election Campaign should be cognizant of the environmental impact of printing large quantities of handbills and must adhere to the same sustainable printing regulations outlined in the UWSA Poster Policy.
 - b. No handbill may exceed 4.25x5.5 inches.
 - c. Handbills may not be affixed to any bulletin board, wall, or other surface.
 - d. Font size may be no smaller than 12pt as recommended by the Canadian National Institute for the Blind.

5.17 SOCIAL MEDIA

- i. Election campaign participants may campaign on their personal social media by sharing the UWSA Election Campaign materials and promoting their candidacy.
- ii. Election campaign participants may not create independent campaign pages or accounts on social media platforms.
- iii. Social media posts must abide by the campaign guidelines.
- iv. Election campaign participants may not solicit votes via private messages on social media platforms but may respond to voter questions directed to them through private messages in cases where the voter initiated the contact.
- v. Candidates and volunteers are responsible for all posts on their social media and are encouraged to change the settings on their social media so that only they can post directly to their personal pages and accounts.
 - a. Content not attributed to an election campaign participant but posted on their social media pages or accounts which violates the campaign guidelines must be removed immediately upon its discovery, immediately upon notification from the ECFs, or within 24 hours of the posting of the content—whichever comes first. It is the responsibility of election campaign participants to thoroughly monitor their own social media pages and accounts.
- vi. Any campaigning on official UWSA or University of Winnipeg social media shall be coordinated by the ECFs in consultation with the UWSA Communications Department.
- vii. Any campaigning on the social media of a UWSA student group shall be coordinated by the ECFs, with the explicit consent of that group.

5.18 VOTING AND THE BALLOT (WEEK 5)

- i. Campaigning must cease at 6:00 p.m. on Wednesday of Week 5.
- ii. UWSA Members are entitled to one ballot per election.
- iii. Physical polling stations may use online and/or paper ballots at the discretion of the CEC.
- iv. Paper ballot polling stations shall register voters through the online polling software to ensure that each member receives only one ballot.



- v. Ballots shall display the legal or preferred name of the candidate and the position for which they are running.
- vi. Where a position is uncontested, a YES/NO ballot shall be used. Referenda shall use the same YES/NO format.
- vii. The UWSA Senate seat ballot shall be a cumulative vote in which voters may select multiple Senator candidates up-to the number of available seats as determined in accordance with these by-laws. Should there be more candidates than available seats, the candidates with the most votes shall win the election.
- viii. The Emerging Leader Director ballot shall be a cumulative vote in which voters may select multiple candidates up-to the number of available seats as determined in accordance with these by-laws. Should there be more candidates than available seats, the candidates with the most votes shall win the election.
- ix. A referendum is approved when 50% + 1 of voters support the question.
- x. A paper ballot's vote will count when there is a clear indication of candidate preference. This may include, but is not limited to, a marked "X," "check mark," or written statement within the ballot's boundary for a single candidate.
- xi. Where a paper ballot's vote is ruled invalid for a particular candidate or candidates, that shall not necessarily rule its other votes invalid. All votes on a paper ballot where the candidate preference is clear shall be ruled valid.
- xii. Only the CEC may rule a ballot spoiled.

5.19 TIE-BREAKER PROCEDURE

By Monday of Week 5, the CEC shall score otherwise blank paper ballots such that contested races have one affirmative ballot per candidate, and uncontested races and referenda have one affirmative and one negative ballot. These ballots shall be stored individually in envelopes separated by position/question. In the event of a tie, one envelope per tied race shall be selected at random and the vote inside shall be considered the deciding vote.

5.20 BALLOT COUNT

- i. The paper ballot count shall commence immediately following the close of the polls on the Wednesday of Week 5.
- ii. The CEC shall arrange for polling officers to count the ballots and shall be present for the entire duration of the ballot count.
- iii. Online polling results shall be tabulated automatically and shall not be subject to recount.
- iv. Results of the paper ballot count shall be added to the online polling results to determine the pending election results.
- v. The pending election results shall be announced to the membership no later than 9:00 a.m. on Thursday of Week 5, regardless of any active complaints proceedings. If a complaint which may result in a change to the pending election results is still in process, then notice shall be given to the membership that the pending results are subject to a trial of the Election Accountability Board.
- vi. Election results are not official until ratified by motion at the subsequent UWSA General Meeting or meeting of the UWSA Board of Directors.



5.21 BALLOT RECOUNT

- i. A recount of the paper ballots may only be called where the difference in paper ballot votes between the two top candidates for that position is equal to or less than five percent (5%) of the total ballots cast for that position.
 - a. At their discretion, the CEC may allow for a recount where the difference in votes between the top two candidates is greater than five percent (5%) of the total ballots cast for that position, to accommodate cases where voter turnout or paper ballot usage is low.
 - b. At their discretion, the CEC may allow for a second recount only in the case that the candidate who won the initial ballot count loses the recount. There shall be no more than two recounts per position per election.
 - c. In the case of a recount where the tie-breaker procedure was utilized, the tie-breaker ballot shall be set aside and shall only be added to the recount tabulation if the recount again yields an equivalence of votes.
- ii. A recount of the ballots must be called by 12 p.m. on the Thursday of Week 4. A second recount must be called immediately following the first recount.
- iii. Paper ballots will be confidentially destroyed by the CEC immediately following the closing of the recount period and the completion of any outstanding recounts.

5.22 SCRUTINEERS

- i. Candidates for election and referendum volunteers are permitted two scrutineers each.
- ii. Scrutineers must submit their name, the candidate or volunteer they are representing, their contact information, and transcripts demonstrating their eligibility to the CEC by 6:00 p.m. Monday of Week 5.
- iii. Approved scrutineers shall be allowed to be present during the tabulation of paper ballots and shall be allowed to see ballots as they are tabulated.
- iv. Scrutineers may contest the approval of votes where they feel the indication of candidate preference is unclear; however, validation of votes is at the discretion of the CEC.
- v. Scrutineers may not handle the ballots, ballot tabulation sheets, or ballot boxes.
- vi. Scrutineers may be removed from the ballot counting room at the discretion of the CEC.

5.23 POLLING OFFICERS

- i. Selection:
 - a. Polling officers shall be hired and trained by the CEC in accordance with UWSA Policy and with support from the UWSA Administration Department and Chief Operating Officer.
 - b. Polling officer terms shall commence upon appointment by the CEC and shall expire at the close of the given election cycle.
 - c. Polling officers shall be paid an honourarium that compensates hours served at a living wage, as determined by UWSA policy.
- ii. Applications from the following people shall not be considered:
 - a. Current Directors and Executive Directors of the UWSA;
 - b. Former Executive Directors of the UWSA whose term ended within the last five (5) years;



- c. Current Part-time or Full-time employees of the UWSA;
- d. Current UWSA Service Centre Coordinators;
- e. Employees of any UWSA partner organization.

5.24 POLLING

- i. The CEC shall work in coordination with the Events Department to set up all physical polls. Physical polls shall be managed by the CEC and staffed by approved polling officers.
- ii. In all UWSA elections, a polling station shall be assigned to Riddell Hall, Merchants Corner, and Richardson College on all three days of voting.
- iii. There shall be a polling station at Buhler Centre and Wii Chiiwaakanak Station at least one voting day per election.
- iv. Physical polls shall be open between 9:00 a.m. and 6:00 p.m. on the Monday, Tuesday, and Wednesday of Week 5.
- v. The CEC shall work in coordination with the Administration Department to set up all online polls. Online polls shall be managed by the CEC.
- vi. Online polls shall be open from 9:00 a.m. Monday to 6:00 p.m. Wednesday of Week 5 inclusive.

5.25 SUPPLEMENTAL RULES

- i. Supplemental rules may not contradict the by-laws and policies of the UWSA.
- ii. Supplemental rules may be created by the CEC and/or the ECFs to address issues that arise during the course of an election. All supplemental rules are subject to review and approval by the EAB.
- iii. Election campaign participants shall not be penalized for violating supplemental rules if the violation occurred before the rule was approved and circulated to participants; however, all election campaign participants are bound by supplemental rules once approved and may be required to change behaviours and campaign strategies upon the circulation of supplemental rules.
- iv. Supplemental rules will last the duration of the election cycle in which they are approved and expire with the ratification of election results.

5.26 ELECTION VIOLATIONS AND COMPLAINTS

- i. Election campaign participants are required to act reasonably, respectfully, and in good faith. This includes ensuring that they:
 - a. Are aware of, understand, and comply with all Election Rules;
 - b. Abide by the UWSA Code of Conduct, Acknowledgement of Responsibility, and all UWSA By-laws and Policies;
 - c. Abide by the Campaign Guidelines outlined in these by-laws;
 - d. Comply with University of Winnipeg Policies and Procedures;
 - e. Comply with local, provincial, and federal laws.
- ii. Directors or Executives running for election or re-election shall not violate their Acknowledgement of Responsibility waivers, campaign based on Closed Session



information, nor use their position with the UWSA or UWSA resources to campaign to an unfair advantage.

- iii. The CEC and ECFs are empowered to investigate and rule upon any breach of the Election Rules, whether submitted by complaint or by self-initiated investigation in accordance with the Election Complaints Policy.
- iv. Complaints of discriminatory or harassing conduct shall be managed by the ECFs and/or the EAB in accordance with the Elections Anti-Harassment Policy.

5.27 VIOLATION CONSEQUENCES AND DISQUALIFICATION

- i. Consequences may only be applied against election campaign participants by the Election Accountability Board in accordance with the Election Complaints Policy and Election Anti-Harassment Policy.
- ii. Candidates for election may be disqualified prior to the commencement of the voting period by removal from the ballot, or after the voting period has commenced or expired by retroactive disqualification.
- iii. If a candidate who is retroactively disqualified received the most votes in a contested race, the candidate with the next highest number of votes shall be declared the winner of that race. If a candidate is retroactively disqualified in an uncontested race, the seat shall remain vacant.
- iv. Disqualified candidates shall be barred from participating in the remainder of the given election cycle, where applicable, and shall not qualify for election or appointment to the Board of Directors or its subcommittees until one (1) additional election cycle has elapsed.

5.28 ELECTION ACCOUNTABILITY BOARD (EAB)

- i. The Election Accountability Board works alongside the Chief Election Commissioner and the Election Campaign Facilitators to ensure the validity, integrity, and fairness of UWSA Elections and Referenda.
- ii. The Election Accountability Board shall be composed of all executive and directors of the Board of Directors and all students-at-large appointed to committees of the board that are not election campaign participants during the election cycle in question. The Chair of the Board of Directors shall be the Chair of the EAB.
- iii. All those who qualify for the EAB shall be interviewed by the Chair prior to attending a hearing of the EAB to ensure they do not have a conflict of interest (as per the Conflict of Interest Policy) with a party involved in the complaint in question.
- iv. Quorum for a meeting of the Election Accountability Board shall be 50% + 1 of the membership of the EAB minus any members in a conflict of interest or three (3) voting members, whichever is more. At least three (3) UWSA Directors must be present at a meeting of the EAB in order for it to meet quorum.
- v. A secretary of the EAB shall be chosen by and from its membership at the commencement of each meeting.
- vi. At their discretion, the EAB may invite non-voting advisories to attend their sessions, including, but not limited to, the CEC, the ECFs, the Chief Operating Officer, Campus or Community Elders, and/or University of Winnipeg Human Rights Officers.



- vii. Sessions of the EAB shall be held in closed session, however, a public report of each session shall be made available in accordance with the policies of the UWSA.
- viii. Minutes of the EAB shall be submitted to the Board of Directors for information in closed session at its first meeting following the close of the given election cycle.
- ix. The proceedings of the EAB shall be held in accordance with UWSA policies, including the UWSA Rules of Order and the Election Complaints Policy and Election Anti-Harassment Policy.
- x. The EAB shall make every reasonable effort to hold a hearing and deliver a ruling within 48-hours of receiving a complaint.
- xi. In order to ensure the timeliness of its proceedings, the EAB may hold meetings by virtual or teleconference platform, or otherwise arrange for an electronic vote.
- xii. The EAB shall submit to the UWSA Board of Directors, at the first board meeting or general meeting where the election results are ratified, a final report of activities and recommendations in accordance with the Final Election Report By-laws.

5.29 FINAL ELECTION REPORT

- i. At the first meeting of the UWSA Board of Directors or General Meeting following the close of an election cycle, the CEC, ECFs and Chair of the EAB shall release a joint Final Election Report that includes:
 - a. The report of the CEC including: the number of valid votes, the number of spoiled ballots, and the outcome of each race and referenda; any voter demographic information collected at the polls; all procedural complaints and rulings in accordance with the Election Complaints Policy; and any recommendations for procedural changes or rule amendments.
 - b. The report of the ECFs including: a summary of the All Candidate's Training and Campaign Preparation Week; a summary of the UWSA Election Campaign and campaign opportunities; a summary of participant feedback in accordance with the Election Evaluation and Feedback Policy; all conduct complaints and rulings in accordance with the Election Complaints Policy and Election Anti-Harassment Policy; and any recommendations for procedural changes or rule amendments.
 - c. The report of the EAB including: all supplemental rules approved during the course of the election; all Formal Resolution rulings in accordance with the Election Complaints Policy and Election Anti-Harassment Policy, a list of all EAB members and guests present at each hearing, and recommendations for procedural changes or rule amendments.

BE IT FURTHER RESOLVED THAT THE WORDS IN PURPLE BELOW ARE ADDED AS "DUTIES OF THE EMERGING LEADER DIRECTORS" UNDER BY-LAW 6 AS FOLLOWS:

6. Duties of the Emerging Leader Directors

- i. The Emerging Leader Directors shall hold two-year terms to help preserve the Board of Directors' institutional knowledge and to support the mentorship of incoming directors.
- ii. The Emerging Leader Directors shall assist the UWSA Executive with outreach and engagement of the general membership.
 - i. The Emerging Leader Directors shall promote membership attendance at UWSA Events, Board of Directors meetings, and General Meetings.
 - ii. The Emerging Leader Directors shall provide training and mentorship to incoming Emerging Leader Directors.
- iii. Following an election, the Emerging Leader Directors shall liaise with Executive in supporting the transition of the incoming Directors and Executive.
- iv. The Emerging Leader Directors shall perform other duties that the Board of Directors determines from time to time by motion or By-Law.

BE IT FURTHER RESOLVED THAT THE FOLLOWING SENTENCES IN RED ARE REMOVED FROM BY-LAWS 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, AND 6.23:

~~6.9.vi~~

~~The Education Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.10.v~~

~~The Science Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.11.v~~

~~The Arts Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.12.iv~~

~~The Part Time/Mature Students' Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.13.vi~~

~~The International Students' Director Shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.14.vi~~

~~The Community Liaison Director Shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.15.viii~~

~~The Recreation and Athletics Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.16.viii~~

~~The Indigenous Students' Directors shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.17.vii~~

~~The Women, Trans, and Non Binary Students' Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3~~

~~6.18.viii~~

~~The Environmental Ethics Director Shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.19.vii~~

~~The Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, and * Students' Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.20.vi~~

~~The Accessibility Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.21.vii~~

~~The Director of Student Living shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.22.v~~

~~The Business and Economics Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

~~6.23.v~~

~~The Graduate Student Director shall be the primary UWSA representative for constituency groups listed in UWSA Policy 13.3.~~

BE IT FURTHER RESOLVED THAT BY-LAW 10.7.II "ELECTION AND REFERENDA HELD DURING A STATE OF EMERGENCY" IS AMENDED TO REMOVE THE WORDS IN RED AND ADD THE WORDS IN PURPLE BELOW TO READ:

The timing of an election cycle mandated elsewhere in these by-laws may be reasonably rescheduled and extended to accommodate the drafting of State of Emergency election rules, as determined by the ~~Chief Elections Commissioner~~ CEC and/or ECFs and approved by the

REBLITE Board of Directors. Notwithstanding the foregoing, an election cycle must take place within the academic term during which it was initially scheduled.

BE IT FURTHER RESOLVED THAT BY-LAW 10.8 “STATE OF EMERGENCY ELECTION RULES” IS AMENDED TO REMOVE THE WORDS IN RED AND ADD THE WORDS IN PURPLE BELOW TO READ:

- i. The ~~Chief Elections Officer~~, CEC and/or ECFs, in coordination with the General Manager and the Chair of the Board, shall draft a set of interim State of Emergency election rules to be approved ~~by the REBLITE Board~~ in accordance with these by-laws.
- ii. The State of Emergency election rules shall work in tandem with the election rules found elsewhere in these by-laws. Where there is contradiction between the State of Emergency election rules and the general election rules found elsewhere in these by-laws, the State of Emergency election rules shall be paramount and considered the applicable rules for an election cycle held during a State of Emergency.
- iii. State of Emergency election rules shall be established on the following timeline:
 - a. A set of rules guiding nominations and referenda question submission shall be prepared prior to the commencement of the nomination period of the given election cycle and ratified by the Board of Directors.
 - b. A set of rules guiding campaigning, campaign ~~materials and expenses~~, ~~election forums opportunities~~, voting, balloting, ballot count, campaign violations, complaints, and ~~appeals consequences~~ shall be prepared prior to the All Candidate’s Meeting and ratified by the EAB.

BE IT FURTHER RESOLVED THAT ALL REFERENCE TO THE “REFERENDA AND ELECTION BY-LAW INTERPRETATION AND TRANSPARENT ENFORCEMENT (REBLITE) BOARD” ARE REMOVED AND REPLACED BY “ELECTION ACCOUNTABILITY BOARD (EAB)”.

BE IT FURTHER RESOLVED THAT THE FOLLOWING POLICIES ARE ADOPTED AS ARTICLE __: “UWSA ELECTION AND REFERENDA”

Section __ Election Complaint Policy

Preamble

The UWSA is committed to building a democratic process in which student leaders can learn collaborative governance techniques, build their independent leadership styles, and reach their full potential. The UWSA acknowledges that elections are often sites of healthy disagreement and conflict which, if navigated safely, can provide learning opportunities for all parties while either resolving the conflict before harm is caused or repairing harm collaboratively. While some

conflicts can be managed at the interpersonal level, others require additional resources and supports. This policy includes procedures to prevent or resolve instances of conflict during the course of the UWSA Election Cycle. This policy does not include procedures to address discrimination or harassment, which are covered by the Election Anti-Harassment Policy.

Violations of the Positive Space Policy by or against an election participant in the course of an election cycle shall be managed in accordance with the procedures established in this policy and the Election Anti-Harassment Policy.

For the purposes of this policy, “election participant” means any person engaged in the election as staff, elections commissioner, elections facilitator, candidate, referendum volunteer, or campaign volunteer, and any person who comes in contact with the beforementioned election participants during the course of the election cycle.

Policy Statement

Every election participant has the right to a fair and transparent election process in accordance with the by-laws and policies of the UWSA. When a violation of an election rule occurs, any member of the UWSA, including any election participant, may engage the complaints procedures. It is also a violation of this policy for an election participant to knowingly make a false complaint or to provide false information about a complaint.

Definitions

Complaint: A complaint is triggered when any violation of the election rules is reported to the Chief Election Commissioner, Election Campaign Facilitator, or Election Accountability Board for resolution. Any member of the UWSA may file a complaint. Independent investigations conducted by the Chief Elections Commissioner (“CEC”), Election Campaign Facilitator (“ECF”), or the Election Accountability Board (“EAB”) shall also be considered a complaint for the purposes of this policy.

Procedure

Procedural complaints regarding nominations and polling may be reported to the CEC. Conduct complaints, including disputes between election campaign participants, may be reported to the ECFs. Complaints regarding the conduct of the CEC or the ECFs may be reported directly to the chair of the EAB.

Procedural Complaints

Procedural complaints are any complaint regarding the basic electoral functions such as nominations or polling. Procedural complaints may be submitted verbally or in writing to the CEC, however, the CEC is responsible for documenting:

- The date/time the complaint was delivered;
- The election rule allegedly violated; and
- The resolution of the complaint.

Most procedural complaints can be managed internally between the complainant and the CEC. If the CEC and complainant disagree on a resolution, the CEC shall report the complaint, including all documentation submitted by the complainant, to the EAB for deliberation and ruling.

Conduct Complaints

Conduct complaints are allegations that an election participant has violated election rules. Conduct complaints have a complainant (the person who submits the complaint) and a defendant (the person alleged to be in violation of the rules)

Independent Resolution:

Independent Resolution encourages creative leadership and conflict resolution and should be engaged in instances in which the complainant feels safe to approach the defendant about their conduct and in instances in which Independent Resolution is likely to resolve the conduct before it has an impact on the fairness of the election. In such situations, election participants are encouraged to request that the conduct stops directly with the person perpetuating it. The complainant should submit a record of the encounter(s), including the date(s)/time(s) of the incident, the parties involved, and the resolution, to an ECF. Complainants who are unsatisfied with the results of Independent Resolution, and/or defendants who want support, should approach the ECF for Supported Mediation.

Supported Mediation:

Supported Mediation encourages collaborative conflict resolution and should be engaged in instances in which Supported Mediation is likely to resolve the conduct and repair any harm caused to the fairness of the election. In such situations, election participants are encouraged to report their complaint directly to an ECF. The ECF will contact the defendant to interview them on their perspective, determine whether a supported mediation session between the complainant and defendant is possible, and/or will escalate the complaint to Formal Resolution where resolution through Supported Mediation is deemed unsafe or unsatisfactory. The ECF shall act as a mediator in all supported mediation sessions. Under Supported Mediation, the ECF shall document the complaint including:

- The date/time the complaint was submitted;
- The date/time of the incident in question;
- A statement from the complainant including the election rule(s) allegedly violated; and any supplemental documentation.
- A statement from the defendant including their perspective on the allegation and any supplemental documentation.
- Any resolution attempted through Supported Mediation.

Formal Resolution:

Formal Resolution manages instances in which Informal Resolution and Supported Mediation are unlikely to resolve the conduct or repair harm done to the fairness of the election. Formal Resolution may result in consequences including, but not limited to, campaign restrictions, removal from the ballot, and/or disqualification from election.

Under normal circumstances, conduct complaints should be reported to the ECF and then escalated to the EAB, at the discretion of the ECF, for Formal Resolution. The ECF shall submit the complaint in writing, including:

- The date/time the complaint was submitted;
- A record of events and statements approved by the complainant;
- The outcome the complainant feels would resolve the conduct;
- A record of events and statements approved by the defendant;

- The outcome the defendant feels is fair;
- Attempted steps to resolve the complaint; and
- Any relevant supplemental documents or materials.

The EAB shall call a hearing in accordance with the by-laws. At their discretion, the EAB may choose to interview the parties involved in the complaint and/or ask the ECF to be present at the hearing. The EAB shall deliberate on all gathered information and determine an appropriate resolution that will best maintain the integrity, safety, and fairness of the UWSA Elections.

Resolutions may include, but are not limited to:

- No direct action;
- Verbal or written warnings;
- Consequences including campaign restrictions, removal from the ballot, and/or disqualification from election;
- Recommendations to the Board of Directors for amendments to the UWSA Election By-laws and Policies.

Rulings of the EAB are final and cannot be appealed.

In circumstances in which a conduct complaint involves the behavior or ruling an ECF, or in which the ECF chooses not to escalate a complaint past Supported Mediation to the dissatisfaction of an election participant, a complaint may be delivered directly to the chair of the EAB for Formal Resolution. In such instances the complainant must submit a record of events and statements from their perspective including the outcome they feel will resolve the conduct and any supplemental documentation. The EAB shall contact the defendant for a record of events and statements from their perspective including the outcome they feel is fair and any supplemental documentation; and, if applicable, shall contact the ECF for information on attempted steps to resolve the complaint. The EAB will then follow the same procedures described above.

At their discretion, the EAB may choose not to hear a conduct complaint. In such situations, the complaint will be ruled invalid and the EAB must provide reasoning for refusing to hear the complaint.

The rulings of conduct complaints resolved through Formal Resolution or ruled invalid by the EAB under this policy shall be posted to the UWSA website and on the door of the CEC office. The postings shall include:

- The date/time the complaint was submitted and the date/time the complaint was resolved;
- A timeline of events including the perspectives submitted by both the complainant and the defendant;
- Attempted steps by the ECFs to resolve the complaint;
- The ruling of the EAB; and
- The reasoning for the ruling as determined by the EAB.

The chair of the EAB shall create a report of all rulings in a given election cycle which shall be included in the Final Election Report.

Section __ Election Anti-Harassment Policy

Preamble

The UWSA is committed to building a democratic process in which student leaders can reach their full potential by facilitating an environment free from discrimination and harassment. The UWSA acknowledges that elections are often sites of conflict that escalates beyond healthy disagreement and that the harm resulting from this escalation disproportionately targets participants with one or multiple protected characteristics under *The Manitoba Human Rights Code*. This policy includes procedures to prevent or resolve instances of discriminatory or harassing behaviour during the course of the UWSA Election Cycle. The UWSA does not condone and will not tolerate behaviour that threatens the safety of election participants, students, staff, and members of the campus community, and is committed to shifting the political culture to focus on leadership building and collaborative governance.

Violations of the Positive Space Policy by or against an election participant in the course of an election cycle shall be managed in accordance with the procedures established in this policy and the Election Complaints Policy.

For the purposes of this policy, “election participant” means any person engaged in the election as staff, elections commissioner, elections facilitator, candidate, referendum volunteer, or campaign volunteer, and any person who comes in contact with the beforementioned election participants during the course of the election cycle.

Policy Statement

Every UWSA election participant has a right to freedom from:

- Harassment or discrimination by another election participant, student, or other member of the campus community;
- Harassment or discrimination by a person who has a personal relationship with another election participant;
- Targeted behaviour, in violation of the campaign guideline by-laws, meant to undermine an election participant’s success in the vote;
- Sexual solicitations or advances made by a person in a position to grant or deny a service or benefit to the election participant, under threat of reprisal, or where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- It is also a violation of this policy for an election participant to knowingly make a false complaint of harassment or to provide false information about a complaint.

Definitions

Discrimination: Discrimination is differential treatment on the basis of any of the following protected characteristics under *The Manitoba Human Rights Code*: ancestry, including colour and perceived race; nationality or national origin; ethnic background or origin; religion, creed, or religious belief; religious association or religious activity; age; sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; gender identity; sexual orientation; marital or family status; source of income; political belief; political association or political activity; physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; social disadvantage.



Harassment: A course of vexatious comments or conduct that is known or should reasonably be known to be unwelcome. Harassment includes, but is not limited to the following:

- Unwelcome or threatening remarks, jokes, gestures, innuendos, slurs or taunts;
- Following, doxing, or stalking;
- Unwelcome sexual remarks, invitations or requests, whether indirect or explicit;
- Display of posters or literature which are discriminatory or otherwise unfairly target an election participant;
- Condescending, paternalistic or patronizing behaviour that undermines self-respect or dignity;
- Vandalism;
- Abuse of authority which undermines performance, threatens electoral performance, or causes intimidation;
- Assault.

Complaint: A complaint is triggered when discrimination and/or harassment is reported to the Chief Election Commissioner, Election Campaign Facilitator, or Election Accountability Board for resolution. Any member of the UWSA may file a complaint. Independent investigations conducted by the Chief Elections Commissioner (“CEC”), Election Campaign Facilitator (“ECF”), or the Election Accountability Board (“EAB”) shall also be considered a complaint for the purposes of this policy.

Procedure

Independent Resolution:

Independent Resolution encourages creative leadership and conflict resolution and should be engaged in instances in which the targeted party feels safe enough to do so, and in which Independent Resolution is likely to resolve the conduct and prevent further harm. In such situations, election participants experiencing discrimination and/or harassment are encouraged to request that the conduct stops directly with the person perpetuating it. The targeted party should submit a record of the encounter(s), including the date(s)/time(s) of the incident, the parties involved, and the resolution, to an ECF. Targeted parties who are unsatisfied with the results of Independent Resolution, and/or offending parties who want support, should approach the ECF for Supported Mediation.

Supported Mediation:

Supported Mediation encourages collaborative conflict resolution and should be engaged in instances in which Supported Mediation is like to resolve the conduct and prevent further harm. In such situations, election participants experiencing discrimination and/or harassment are encouraged to report the complaint directly to an ECF. The ECF, in consultation with the targeted party, will contact the offending party to interview them on their perspective, request that the conduct stops, determine whether a supported mediation session between the targeted and offending parties is possible, and/or will escalate the complaint to Formal Resolution where resolution through Supported Mediation is deemed unsafe or unsatisfactory. The ECF shall act as a mediator in all supported mediation sessions. Under Supported Mediation, the ECF shall document the complaint including:

- The date/time the complaint was submitted;
- The date/time of the incident in question;



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- A record of the events, statements, and supplemental documentation from the targeted party;
 - A record of events, statements, and supplemental documentation from the offending party;
 - Any resolution attempted through Supported Mediation.

Formal Resolution:

Formal Resolution manages instances in which Informal Resolution and Supported Mediation are unlikely to resolve the conduct and prevent further harm. Formal Resolution may result in consequences for offending parties including, but not limited to, campaign restrictions, disqualification from election, and further reporting to appropriate authorities.

Under normal circumstances, complaints should be reported to the ECF and then escalated to the EAB, at the discretion of the ECF, for Formal Resolution. The ECF shall submit the complaint in writing, including:

- A record of events, statements, and supplemental documentation approved by the targeted party;
- The outcome the targeted party feels would resolve the conduct;
- A record of events, statements, and supplemental documentation approved by the offending party;
- The outcome the offending party feels is fair;
- Any attempted steps to resolve the complaint; and
- A review of the complaint and statement from the ECF.

The EAB shall call a hearing in accordance with the by-laws. At their discretion, the EAB may choose to interview the parties involved in the complaint and/or ask the ECF to be present at the hearing. The EAB shall deliberate on all gathered information and determine an appropriate resolution that will best maintain the integrity, safety, and fairness of the UWSA Elections.

Resolutions may include, but are not limited to:

- No direct action;
- Verbal or written warnings;
- Consequences including campaign restrictions, removal from the ballot, and/or disqualification from election;
- Recommendations to the Board of Directors for amendments to the UWSA Election By-laws and Policies.

Rulings of the EAB are final and cannot be appealed.

In all cases in which the EAB reasonably believes discrimination and/or harassment has occurred, the EAB is required direct the Chief Operating Officer to report it to appropriate authorities, which may include:

- A relevant UWSA employee union, the Executive Committee and/or the UWSA Board of Directors;
- University of Winnipeg's Human Rights and Diversity Office;
- The Manitoba Human Rights Commission;
- Emergency services.

In circumstances in which a complaint involves the behaviour of an ECF, or in which the ECF chooses not to escalate the complaint past Supported Mediation to the dissatisfaction of an election participant, a complaint may be delivered directly to the chair of the EAB for Formal Resolution. In such instances the targeted party must submit a record of events and statements from their perspective including the outcome they feel will resolve the conduct and any supplemental documentation. The EAB shall contact the offending party for a record of events and statements from their perspective including the outcome they feel is fair and supplemental documentation; and, if applicable, shall contact the ECF for information on attempted steps to resolve the complaint. The EAB will then follow the same procedures described above.

The rulings of complaints resolved through Formal Resolution or ruled invalid by the EAB under this policy shall be posted to the UWSA website and on the door of the CEC office. The postings shall include:

- The date/time the complaint was submitted and the date/time the complaint was resolved;
- A timeline of events including the perspectives submitted by both the complainant and the defendant;
- Attempted steps by the ECFs to resolve the complaint;
- The ruling of the EAB; and
- The reasoning for the ruling as determined by the EAB.

The chair of the EAB shall create a report of all rulings in a given election cycle which shall be included in the Final Election Report.

Section __ Election Evaluation and Feedback Policy

Preamble

The UWSA is committed to building a democratic process in which students feel encouraged and supported to reach their full potential. Feedback from election participants helps to identify the strengths and weaknesses of the electoral process. The UWSA is also committed to regular evaluation of the electoral process to ensure it is in line with the values of accessibility, anti-oppressive leadership, authentic representation, outreach and engagement, organizational integrity, empathy, and continual reflection. This policy governs the evaluation and feedback framework for UWSA elections.

Definitions:

Election campaign participant (“participant”): Means all accepted candidates and referendum volunteers participating in a given election cycle.

Policy Statement

The Election Campaign Facilitators (“ECFs”) shall guide the evaluation and feedback framework for UWSA elections, with support as requested from the Election Accountability Board (“EAB”) and the Board of Directors.

Procedure

Election Campaign Participant Assessments

Introductory Assessment:

Following the All Candidate's Meeting of a given election cycle, the ECFs shall meet with each election campaign participant to perform a needs and goals assessment. Information gathered in the introductory assessment shall help the ECFs to ensure the elections process is accessible to that candidate.

Exit Assessment:

Following the close of the election cycle, the ECFs shall meet again with each participant to perform an experiential evaluation. Participants shall revisit the needs they identified and goals they set in the introductory assessment and evaluate the strengths and weaknesses of the elections process overall.

Both Election Campaign Participant Assessments shall be confidential to the UWSA, however, a summary report of the assessments shall be prepared as part of the Final Election Report. The Election Campaign Participant Assessments shall be retained by the UWSA in accordance with the UWSA Privacy Policy.

The ECFs shall include feedback about this policy as part of the Final Election Report.