

SIMON FRASER UNIVERSITY

S81-45

MEMORANDUM

To..... SENATE

From..... H. M. EVANS

SECRETARY OF SENATE

Subject..... ANNUAL ELECTION, TWO STUDENTS TO THE
BOARD OF GOVERNORS, 1981-82, RESULTS
- CHALLENGE

Date..... FEBRUARY 9, 1981

I. GENERAL BACKGROUND INFORMATION

1. The University Act includes the following:

Rules for Elections

Section 42

The Senate shall make and publish all rules necessary and not inconsistent with this Act in respect of nominations, elections and voting, and the registrar shall conduct all elections as are required.

Report of election

Section 16 (1)

The registrar shall report the results of the election to the senate at its first meeting following the election.

There are a number of other sections pertaining to various elections.

2. Rules of Senate

Senate has approved a number of rules pertaining to ELECTIONS. These appear in the document "Rules of Senate," available from the Registrar's Office. Some of the Rules follow:

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General Regulations Covering Nominations and Voting in the Elections to Senate and the Board and of the Chancellor

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

4. In the regular elections to the Senate and to the Board balloting is to be completed not later than April 15 in any year.

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4. In the election of students to the Board, the two students with the highest numbers of votes shall be elected.
5. The Secretary shall state the names of the persons elected. Recount may be requested within ten days of the announcement of the results to the candidates. The ballots may be destroyed after ten days following the recount period. The minutes will contain the votes recorded.

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1. Where a vacancy arises in the case of an elected faculty member to Senate or to the Board, or an elected student member to Senate or to the Board a by-election shall be held under the same principles as pertain to the regular election provided there is at least four months remaining in the unexpired term at the time for call for nominations.

II. CALL FOR NOMINATION AND ELECTION, TWO STUDENTS TO THE BOARD OF GOVERNORS, 1981-82

1. In discussion with the Student Society in Fall 1980 this office indicated there would not be call for by-election to Senate before the close of 1980, but that the by-election and regular election calls could be combined in Spring 1981. This was done also in Spring 1980 for by-elections and regular elections for both Senate and the Board. Efforts would be made to fill by-election vacancies as early as possible, as is normally done. Vacancies could be filled for the March meeting of Senate. The combined call also results in dollar savings even if only postage is considered.
2. The call for nominations was issued the morning of January 15. Copies of the election call were made available, with blank nomination forms, at the Registrar's front counter. Copies for posting and for distribution to individuals were made available at the Student Society offices. Nominations were to close January 27. On that morning Notice Board posting copies were mounted by a representative of the office on seventeen major notice boards on campus.

The usual advertisements for The Peak newspaper were arranged. The two ads covering Student Elections to Senate and Student Elections to the Board covered almost one full page, and appeared January 21.

These methods of notification are those which have been consistently used for many years. There has not been request or suggestions previously for change.

3. From time to time the Student Society office was informed concerning the slow rate of receipt of nominations for the various vacancies.

4. No candidate had filed papers in the election of two students to the Board of Governors before the final date, January 27. This is not unusual. Two individuals filed on that day, one morning, one early afternoon. The nominations were in order. No others were received.

When thorough check had been made internally to ensure that there were not any additional nominations received by the deadline, the two candidates were declared elected by acclamation, and formal letters of notification to that effect were sent to them on January 29.

5. Under the University Act and Senate Rules I am to report the results of the election to Senate on February 9 - assuming the election is completed.

The complaint from R. Powell has been investigated in depth by me, and dealt with as a "challenge" to the election result. It is my decision that the challenge be rejected, based on the fact that there are no violations I can perceive of Senate Rules, nor of Senate general intent as perceived by me. It is expected that reasonable notice be given and indeed the length of time of such notice is set forth in the regulations. There are no regulations and no instructions that indicate specific procedures to be followed in issuing notice. The same general procedures that have been followed over many years have been followed with no prior indication that they are insufficient.

In the past three years the nomination call has been issued on February 12, January 14, January 15 - this year one day later than a year ago.

I am not persuaded that there are ground which would warrant the cancellation of the election by acclamation of two individuals who did fulfil conditions in the call. It is my finding that the call was duly given, in keeping with previous precedent and practice.

III. On these findings the results of the election of two students to the Board of Governors for terms of office from June 1, 1981 to May 31, 1982 follow:

I. J. McASKILL - by acclamation
G. T. McNABB - by acclamation

IV. It is understood that the complainant desires consideration of appeal by the Chairman of Senate, or by Senate if the electoral officer's decision does not continue opportunity for further nominations and election to the Board.

If this matter is to be addressed it should be disposed of quickly to determine whether the election results stand or whether further election is to be called immediately.

Elections to Senate and to the Board of Governors

1975	Call for Nominations Nominations due Balloting (3 candidates for BOG)	February 10, 1975 February 21, 1975 April 11, 1975
1976	Call for Nominations Nominations due Balloting (10 candidates for BOG)	February 10, 1976 February 20, 1976 March 23, 1976
1977	Call for Nominations Nominations due Balloting (3 candidates for BOG)	February 21, 1977 March 4, 1977 April 7, 1977
1978	Call for Nominations Nominations due Balloting (4 candidates for BOG) (Irregularities in election processes caused balloting to be deferred until June 20, 1978)	March 20, 1978 March 30, 1978 April 28, 1978
1979	Call for Nominations Nominations due Balloting (Election by acclamation declared February 28, 1979)	February 12, 1979 February 26, 1979 April 10, 1979
1980	Call for Nominations Nominations due Balloting (3 candidates for BOG)	January 14, 1980 January 25, 1980 February 21, 1980
1981	Call for Nominations Nominations due Balloting (Election by acclamation declared January 29, 1981)	January 15, 1981 January 27, 1981 February 25, 1981

Student BoG Office
c/o Simon Fraser Student Society
Simon Fraser University

9 February 1981

Office of the Registrar
Simon Fraser University
Burnaby, B.C.

Dear Mr. Evans;

This letter is to confirm the verbal complaint submitted to your office February 5, concerning notice for student nominations to the university Board of Governors. As a student active in university affairs at SFU for several years, and a current member of the university Board, I was not made aware of the opening of nominations until after they had been closed.

A couple of observations on this situation are, I think, in order at this time. It has been my intention, communicated verbally to several of my colleagues, to run for re-election to the Board since the fall semester 1980. It was my expectation that nominations would be called for during the end of the spring semester, as has usually been the case in past years, and I therefore made no special efforts to be aware of the opening of nominations at the beginning of the current semester.

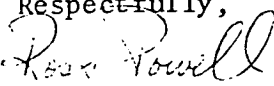
I fully appreciate the savings to the university which accrue by holding normal elections in concert with the by-election to Senate required this year. However, in view of the fact that this results in a call for nominations at an irregular time during the semester, I wonder why the procedures for calling for nominations were not expanded in an effort to ensure that interested students would not miss a reasonable opportunity to submit nominations? Furthermore, as an incumbent, it seems unusual to me that I was not informed of both the opening of nominations and of the change in period for the submission of nominations from their usual schedule?

The only reason I became aware that nominations had been opened, was that several members of the student society informed me that one member of Forum had told them he had already been elected to the Board by acclamation. When I asked them if they knew whether nominations had actually been opened, they replied that they did not know. I also conducted an informal poll of students on the campus and found that at least 80% of those asked did not know

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that nominations had been opened.

It is therefore my own opinion that adequate notice for the opening of nominations for student member to the university Board of Governors has not been given, and that opportunity should be extended to students to consider submitting nominations for the Board for the up-coming term of office.

Respectfully,

Ross Powell,
student member,
SFU Board of Governors

c/ Dr. Pedersen, Senate Chairman