

S.87-79

SIMON FRASER UNIVERSITY

MEMORANDUM

**TO:** Senate

**FROM:** Senate Committee  
on Agenda & Rules

**SUBJECT:** Notice of Motion -  
Proposed Changes to  
Procedures and Rules of Senate  
NOT FOR DISCUSSION

**DATE:** Nov. 20, 1987

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The attached report from the Ad Hoc Committee to Review Elections sets out a number of possible amendments to the Rules of Senate, as they apply to elections to Senate and the Board of Governors, and it is proposed that these amendments will be considered at the January 11, 1988 meeting of Senate.

The six motions to amend the Rules of Senate are set out as RECOMMENDATIONS in this report. A two thirds majority vote is required for approval.

Attention is also drawn to RECOMMENDATION A in the Appendix to the Report. This Recommendation does not apply to the Rules of Senate, but addresses a procedural matter. It will require a simple majority of affirmative votes to be adopted.

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# Report of the Senate Ad Hoc Committee on Elections

The senate shall make 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.

*University Act, Section 42*

Alterations of these Rules of Senate ... shall require an affirmative vote by two-thirds of the voting members present to carry.

*Rules of Senate, Section VII*

## Background

In the Spring of 1987, the SFU Senate established an Ad Hoc Committee to review the Rules of Senate regarding elections to Senate and to the Board of Governors.

The Committee met on June 18 and decided to hold a public hearing inviting members of the University community to present briefs to the Committee. The public meeting, held September 30, 1987, was widely broadcast, both by letters sent from the Registrar's Office and by a paid advertisement in the *Peak*. Four persons read, and submitted, briefs to the Committee:

Rod Fowler – student and member of SFU Board of Governors  
Stephen Howard – Resource Coordinator, SFU Student Society  
Les Merson – student and member of a PEP student union  
Stuart Carr – co-op student and Senator

The Committee then held several meetings in the subsequent two months to review the submitted briefs, Senate documents, and the parts of the University Act pertaining to elections.

The Committee chose to focus its attention principally on six issues:

1. Students' eligibility for nominating, voting and standing for election to Senate and Board of Governors
2. Students' continuance on Senate
3. Conduct of Elections and an Electoral Standing Committee
4. Reporting the Results of Elections in the Minutes of Senate
5. Conduct of By-elections
6. Making the Rules of Senate consistent with AC20

The problems posed, the options available, and the final recommendation to Senate on each of these problem-areas are discussed below.

### **1 Students' eligibility to nominate, to vote, and to stand as candidates**

**PROBLEM 1** – The current regulations require that students who are not full-time students in the semester in which the elections are to be held who wish to nominate or vote in a Senate or Board election must “certify that they intend to register again at Simon Fraser University before missing two consecutive registrations.” For students wishing to run for office, the rules are more stringent still: a student who is not full-time in the semester of the election must “certify that he/she intends to register in the immediately forthcoming semester in not less than 9 semester hours.”

These regulations are hard to enforce and obviously invite abuse.

Insofar as the University Act stipulates criteria for continuance on Senate, but none for eligibility to nominate, to vote or to stand for election, the Ad Hoc Committee is able to recommend a significant reduction in the impediments to students' participation in the electoral process.

#### ———— RECOMMENDATION 1 ————

That Section IV(F) in the current Rules of Senate be replaced by:

**F. Students; Student Association**

‘Student’ means a person who is currently enrolled in Simon Fraser University in a credit course or who is designated by resolution of the Senate as a Student.

At Simon Fraser University the Student Society is the alma mater society (See University Act, Part 1, Section 1).

1. For the purposes of nominating, voting and standing for office in the election of students to the Senate and Board, the following categories shall be recognized:

*Undergraduate students*

- i. Those registered in at least one credit course in the semester in which nominations are due, or
- ii. Those in good academic standing who were registered in at least one credit course in either of the two previous semesters, or

- iii. Those registered in a co-op work term in the semester in which nominations are due.

#### *Graduate students*

Any duly registered graduate student who is not 'on leave' in the semester in which nominations are due.

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## **2 Students' continuance on Senate and the Board of Governors**

PROBLEM 2.1 – The University Act is explicit concerning one particular requirement for students serving on the Senate or the Board: the students must be "full time students" [Part 6, Section 19(e), and Part 7, Section 34(2)(h)]. Some of the students who submitted briefs to the Committee lamented this restriction, thinking it arbitrary, and argued that many part-time students are as fully committed to the welfare of Simon Fraser University as are full-time students. They also pointed out that the student body of Simon Fraser contains a very great number of part-time students. The Ad Hoc Committee unanimously agrees that part-time students should be allowed to serve as Senators and Board members. But until the University Act is revised, our hands are tied. The only manner in which we have a say is in our definition of 'full-time student'. The University Act does not define 'full-time student'. But we are not permitted unbridled license in defining 'full-time student': there are Canada-wide norms to which we much adhere in our definition.

PROBLEM 2.2 – The current Rules of Senate are somewhat baroque in the conditions laid down for students' continuance on Senate [see F(3)(i) and F(3)(iii)]. The spirit of these regulations can be preserved in a very considerable simplification.

### ———— RECOMMENDATION 2 ————

That Section IV(F) [as amended above] continue as follows:

2. Students' eligibility to hold office:

*Undergraduate Students* during their one-year term of office:

- i. Must maintain registered status for at least two semesters.
- ii. Must not withdraw, or be required to withdraw, from the University.
- iii. Must register in a minimum (total over the one-year term of office) of 18 credit hours. For the purposes of satisfying this regulation, students in the Co-operative Education Program may count one registered co-op work semester during the one-year term of office as equivalent to 9 credit hours.

### *Graduate students*

Must not be 'on leave' and must be registered as a graduate student throughout the one-year term of office.

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### **3 Conduct of Elections and an Electoral Standing Committee**

It was irregularities encountered in the Student elections of Senators and Board members in Spring of '87 which precipitated Senate's striking the Ad Hoc Committee.

The problems seem to fall into three major categories, having to do with finances, with the behavior of candidates during the campaign, and with a means of responding to complaints about the conduct of elections.

**PROBLEM 3.1** – In the last few years, the students' elections to the Senate and the Board have begun to reflect what had hitherto been off-campus politics. In particular, some candidates for Senate and the Board have run, not as individuals, but as members of a slate, and in some instances these slates have had political affiliations with political parties.

The emergence of such slates, and indeed of 'organizational politics' in Senate and Board elections has caused some members of the university community some concern. They have pointed out to the Ad Hoc Committee that the practice of the Student Society's providing candidates with certain funds for campaigning has allowed the members of slates to pool these funds and thus to have a formidable 'war chest' which overwhelmed candidates who ran as independents.

Although it has been the practice in recent years to hold the Student Society and the Senate and Board Elections concurrently, the Ad Hoc Committee had to be careful to address only those matters which clearly fall within the jurisdiction of Senate.

The Ad Hoc Committee deliberated for considerable time the wisdom of trying to impose spending limits on candidates for seats on the Senate and Board. In the end, the Committee decided that any such regulations would be a near impossibility to enforce and would require far too much policing. Instead, rather than looking to 'cap' candidates' spending, the Committee thought it more practical, and democratic, to ensure that all candidates should be assured a reasonable minimum amount of advertising through the office of the Registrar. Indeed, this has been the standing practice. What we now recommend is that this practice become policy and that all candidates in Senate and Board elections be informed of the services that the Registrar's Office will make available to them.

**PROBLEM 3.2** – In the last election of students to the Senate and Board there were complaints regarding the behavior of candidates and their colleagues. There have been rumors of physical assault.

**PROBLEM 3.3** – And finally, in the last student election, there were challenges, too, to the Registrar's rulings as to who was eligible to vote as well as to his authority to establish election and campaign procedures.

All of these sorts of problems could be responded to immediately, as they arise, if there were to be an Electoral Standing Committee.

———— RECOMMENDATION 3 ————

That in Section IV (Elections) in the Rules of Senate, the following subsection N be added.

- N. There is to be a standing committee of Senate to oversee the conduct of elections to the Senate and Board.
1. This committee shall be known as the Electoral Standing Committee.
  2. Its membership shall be
    - i. The Registrar, who will be chairperson
    - ii. Three senators, one of whom must be a student
  3. Term of office of each member will be to the end of that person's term on Senate. Members may be re-elected to this Committee. However, any member of this Committee who is running for a seat on Senate or the Board must resign his/her seat on the Committee.
  4. The purpose of this Committee will be to supervise the conduct of elections to the Senate and Board. The Committee will
    - i. Serve in an advisory capacity to the Registrar concerning the conduct of, and the regulations governing, elections.
    - ii. Set the limit of the services to be made available to candidates for election to the Senate and Board, and will ensure that all candidates be informed, in writing, of the nature and extent of such services available to them.
    - iii. Approve scrutineers for the Burnaby campus and off-campus programs.
    - iv. Receive all complaints concerning the conduct of, and the regulations governing, elections.
    - v. Hear all appeals on the Registrar's decisions concerning eligibility to vote and eligibility to stand for office. The Registrar will not vote in these appeals.
    - vi. Have available to it a variety of sanctions, including (but not limited to): imposing monetary fines, removing a candidate, declaring an election null and void, and recommending to the President such measures as censure, suspension, or the laying of criminal charges.
  5. Decisions of the Electoral Standing Committee are final.
  6. Once a year, the Electoral Standing Committee will make a report to Senate.

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#### 4 Reporting the Results of Elections in the Minutes of Senate

PROBLEM 4 – Some Senators have expressed discomfort at having the actual number of votes cast for each candidate in Senate and Board elections recorded in the Minutes of the Senate.

At present, the recording of the actual number of votes is mandated by Sections IV(K)(5) and IV(M)(4) [both revised June 7, 1976] of the Rules of Senate. Thus it is a matter of policy, not merely of practice.

The Committee, however, believes that no good purpose is served by the actual number of votes being recorded, and that this procedure may, on occasion, cause some candidates personal embarrassment, and more seriously, may serve to discourage unsuccessful candidates from again seeking office on the Senate or Board or on their committees.

————— RECOMMENDATION 4 —————

That the last sentences of Sections IV(K)(5) and IV(M)(4) of the Rules of Senate be deleted, and that the following be substituted:

The names of all candidates are to be recorded in the Minutes of Senate along with a list of those declared elected. The Registrar is to inform all candidates, by letter, of the number of votes cast for each candidate. These tallies are also to be publicly posted by the Registrar.

**5 Candidates running from more than one constituency**

PROBLEM 5 – The University Act in Section 34(2), defines several constituencies to be represented on the Senate, e.g. faculty members, students, members of convocation, etc. It is thus possible that a person should be eligible to run for a Senate seat from more than one constituency, e.g. both as a student and as a member of convocation, etc. Were such a person to be elected from two constituencies, he/she would have to resign all but one of his/her seats, and the Registrar would have to call a by-election. Moreover, such a person would effectively be in a position to decide from which constituency a new member of Senate was to be elected. Thus there would be a considerable expense to the University and an apparent violation of democratic procedures.

It seems to the Committee to violate no democratic principle to require that candidates for election to the Senate or the Board be restricted to running from only one constituency. Indeed, it seems more democratic to insist on this.

————— RECOMMENDATION 5 —————

That a further paragraph, (c), be added to Section IV(K)(1) of the Rules of Senate:

Candidates may not run for a seat on Senate from more than one constituency; similarly candidates may not run for a seat on the Board from more than one constituency. Candidates may, however, run for seats on both the Board and Senate.

**6 Making the Rules of Senate Consistent with AC20**

PROBLEM 6 – In certain places, the terminology in the Rules of Senate no longer corresponds to the situation within the University.

The following recommendation merely brings the wording of the Rules of Senate into conformity with that of Academic Policy 20. The effect of these four paragraphs is to bar both Faculty Associates and Program Co-ordinators in the Faculty of Education from running for Senate or Board seats as representatives of Faculty. Program Co-ordinators, but not Faculty Associates, may, however, run for Senate or Board seats as representatives of the full-time employees of the University who are not faculty members.

———— RECOMMENDATION 6 ————

That the following paragraphs replace the similarly numbered ones in the Rules of Senate in Section IV(G) [Faculty Members; Full-Time Employees who are Not Faculty Members]:

- IV(G)(2)(h)            It shall not include Faculty Associates in the Faculty of Education appointed under Academic Policy 20, Section A [May 27, 1986, rev. F].
- IV(G)(2)(i)            It shall not include Program Coordinators in the Faculty of Education appointed under Academic Policy 20, Section B [May 27, 1986, rev. F].
- IV(G)(3)(c)            It shall include Program Coordinators in the Faculty of Education appointed under Academic Policy 20, Section B [May 27, 1986, rev. F].
- IV(G)(3)(d)            It shall not include Faculty Associates in the Faculty of Education appointed under Academic Policy 20, Section A [May 27, 1986, rev. F].

## Appendix A

### By-election balloting on the floor of Senate

PROBLEM A – From time to time, as vacancies occur in Senate Committees, it is necessary to conduct by-elections on the floor of Senate. The trouble with such elections, however, is that often Senators are asked to vote for newly-seated members of Senate who are unknown to most other Senators. The electors thus have no informed grounds on which to choose among the candidates.

There is no especially good solution to this problem. There seems to be little desire among senators that candidates make campaign speeches; the need to fill vacancies is often urgent and cannot be put off for a month; and the lead time – between an office's being declared vacant and the by-election on the floor of Senate – is too short to allow candidates to prepare campaign materials.

The Committee proposes an experiment, to run for one year, and then to be reviewed by the Senate Nominating Committee.

#### ————— RECOMMENDATION A —————

*Note: This recommendation requires only a simple majority of affirmative votes to be adopted.*

That each member of Senate be invited to provide the Secretary of Senate with a one-page resumé, including a brief academic CV and a statement of that person's major interests on Senate. When a by-election is to be held on the floor of Senate, the Secretary is to provide to the members present at the meeting copies of the resumé of the candidates, and the Chairman is to declare a brief recess to allow members of Senate an opportunity to read these resumé.

Submitted by:

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