

RULES AND PROCEDURES FOR CONDUCTING ELECTIONS

BOARD OF GOVERNORS AND EDUCATION COUNCIL

1. Authority

In accordance with sections 12(2) and 17(2) of the College and Institute Act, the Registrar is required to establish rules for the purpose of conducting elections for positions on the Board of Governors and Education Council. In the event of conflict between these rules and procedures and the Act, the Act shall prevail.

2. Definitions

Act	Means the College and Institute Act.
Board	Means the Board of Governors.
Candidate	Means the individual nominated to stand for election.
Council	Means Education Council.
Chief Elections Officer	Means the Registrar or an individual appointed by the Registrar to conduct an election.
Elections Page	Means the webpage maintained on the Okanagan College website that is accessible to all eligible Candidates and voters and includes relevant election information.
Election Schedule	Means the specific dates and deadlines established and published by the Chief Elections Officer for an election.
Faculty/Instructor	Means any faculty member or vocational instructor employed by Okanagan College who is a member of the Okanagan College Faculty Association or BC General Employees' Union (Vocational Instructors).
Program Area	Means any program administered by Arts, Business, Foundational, Health, Office Administration, Science, Social Development, Technologies and Trades.
Preference List	Means the list based on Appendix B and established and posted prior to each election by the Registrar in consultation with the Education Council Chair to identify the programs or regions candidates are being sought from.
Rules	Means the rules and procedures outlined in this document.
Support Staff	Means any individual employed by Okanagan College who is a member of the BC Government and Service Employees' Union (Support Staff) or covered by the Terms and Conditions for Exempt and Excluded Employees and is not in a position excluded under Appendix A.

Student Means any person enrolled as a student at Okanagan College in a program approved by Education Council.

Whenever the singular is used in these definitions it will be considered as if the plural has been used where the context so requires.

3. Elected Positions and Terms of Office – Board of Governors

The following outlines seats allocated under the Act for elected representatives on the Board.

Representative Group	Seat(s)	Term Length	Date of Appointment
Students	Two	One year	August 1 – July 31
Faculty/Instructor	One	Three years	August 1 – July 31
Support Staff	One	Three years	August 1 – July 31

Member Representation

The Act requires that the Registrar establish rules that reflect the distribution of the institution's program areas for students elected to the Board.¹ To provide for representation of Program areas within the College, the Registrar has determined that:

- If Student Candidates participate in the Board election from multiple Program areas, the two Student Candidates with the highest number of votes will be elected provided they are from different program areas.
- If two or more Student Candidates participate in the Board election and two or more Student Candidates are from the same Program Area, the Student Candidate with the most number of votes will be elected and the Student Candidate from a different Program Area with the next highest number of votes will be elected.
- If three or more Student Candidates participate in the Board election and are from the same Program Area and no Student Candidates are participating from a different program area, then the two Student Candidates with the most votes will be elected.
- If two Student Candidates participate in the Board election are from the same Program Area and no other Student Candidates are participating, then both will be elected by acclamation.

4. Elected Positions and Terms of Office – Education Council

The following outlines seats allocated under the Act for elected representatives on Council.

Representative Group	Seats	Term Length	Date of Appointment
Students	Four	One year	November 1 - October 31
Faculty/Instructor	Ten	Two years	August 1 – July 31
Support Staff	Two	Two years	August 1 - July 31

¹ Article 12(3) College and Institute Act

5. Eligibility to Vote and Hold Office

The following is intended to capture an individual's primary relationship with Okanagan College and is used to determine who is eligible to nominate, be nominated, and vote for a vacancy on the Board or the Council. In circumstances where a Candidate or voter appears to fall into more than one category, the Registrar shall make the final determination about eligibility.

A voters list of eligible employees will be provided by the Associate Vice President of People Services to the Chief Elections Officer within a deadline set in the Election Schedule.

All Candidates

To be nominated and hold office, all Candidates must meet the following conditions:

- Not stand for election for more than one position covered by these rules at a time.
- Not hold elected seats on the Board of Governors and Education Council at the same time.

Should any elected representative not continue to be eligible to hold office during their term, they are immediately considered to have resigned their seat.

Faculty/Instructor Positions

Eligibility to stand for election and to hold office	Be in good standing with their representative group and have an employment contract or a reasonable expectation of a contract that covers the period of the term of office.
Eligibility to nominate or vote for this representative	Be in good standing with their representative group and employed on the day the election is held.

Support Staff Positions

Eligibility to stand for election and to hold office	Be in good standing with their representative group and have an employment contract or a reasonable expectation of a contract that covers the period of the term of office.
Eligibility to nominate or vote for this representative	Be in good standing with their representative group and employed on the day the election is held.

Student Positions

Eligibility to stand for election and to hold office	<p>Be deemed to be in good standing by the Registrar.</p> <p>Any Student is eligible be nominated to be a Student elected member with the following exception: that a Student candidate may not be employed by the College as a Support Staff, Faculty/Instructor or Educational Administrator except when the employment falls under one of the following: Letter of Understanding #1 - Student Employees, Letter of Understanding #2 – Co-operative Education Students and Letter of Understanding #3 – Research Projects as part of the Collective Agreement between Okanagan College (Support Staff) and the B.C. Government and Service Employees' Union (2019-2022 and as renegotiated).</p>
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Eligibility to nominate or vote for this representative

Be considered a Student on the day the election is held.

6. Conduct of Candidates

To ensure fairness, integrity, and professionalism, candidates and their agents must conduct themselves in accordance with all relevant College bylaws and policies and shall abide by any election regulations and guidelines as established by the Chief Elections Officer. Failure to do so may result in disqualification.

7. Election Procedures

Elections will be conducted electronically.

- a) The Election Page will be updated in January, or as needed throughout the year, and will include:
 - a. The Election Rules and Procedures.
 - b. The anticipated annual election cycle including relevant dates and deadlines.
 - c. The Election Schedule once confirmed by the Chief Elections Officer.
 - d. All official nomination forms.
 - e. Information of upcoming elections, names of nominated Candidates and biographies as appropriate.
 - f. The name and contact information for the Chief Elections Officer.
 - g. The names of the Election Appeal Committee.

Nominations

- a) The nomination period will last at least ten business days.
- b) Nomination forms must include the signatures of the Candidate and three nominators. The nominators must be eligible to vote for the Candidate being nominated.
- c) Candidates must sign a declaration attesting to their eligibility and their willingness and ability to serve throughout their term.
- d) Candidates may submit a headshot-type photograph and a 200-word biography with their nomination form.
- e) Nomination forms should be submitted electronically prior to the close of business on the last day of the nomination period² and must be received by the deadline date stipulated.

Notice of Candidates

- a) Following the close of the nomination period, the Chief Elections Office will confirm eligibility of Candidates.
- b) Within three business days the Chief Elections Office will publish the names of the eligible Candidates on the Elections Page.

² Candidates unable to submit nomination forms electronically must make submission arrangements with the Chief Elections Officers prior to the close of the nomination period.

- c) If only one nomination is received for a particular elected position, that Candidate will be declared elected by acclamation and their name will be published on the Elections Page.
- d) If no nomination is received for a particular elected position, the call for nominations may be extended by the Chief Elections Officer.

Campaigning

- a) Eligible Candidates will be limited to campaigning to only during the time between the publishing of the Candidates list and the day before voting begins.
- b) Materials produced and distributed by the Candidates during campaigning shall adhere to all College policies.

Voting

- a) There shall be no less than ten business days between the publishing of Candidate names and the start of the voting period.
- b) Voting will be conducted electronically³ and will last at least five business days in accordance with the Election Schedule.
- c) Employee voters may cast one ballot for the Candidates for which they are eligible to vote.
- d) Student voters may cast one ballot for the Candidates for which they are eligible to vote on the ballot.
- e) The Chief Elections Officer is responsible for counting votes, ensuring the eligibility of voters, and maintaining voter anonymity.
- f) Votes will be counted within two business days of the end of the voting period.
- g) Should a Candidate withdraw their nomination following the start of the voting period, any votes cast for the Candidate will be considered void.

Results

- a) In case of a tie vote, the Chief Elections Officer, in conjunction with the Candidates, will decide the outcome by a toss of a coin.
- b) Immediately following the counting of votes, the Chief Elections Officer will contact all Candidates via email to inform them of the election results and will publish the results on the Elections Page.
- c) Voting totals will not be published but will be available to Candidates upon request only.
- d) Elected candidates will assume office on the first day of August following the election. In the case of a by-election, elected candidates will assume office on the first day of the next month following their election.

8. Appeal Procedures

Should an appeal be lodged, those who have been declared elected are confirmed in their seats until the appeal process has been completed.

Grounds for Appeal

³ Voters unable to vote electronically must request a mail-in ballot at least seven (7) calendar days before the start of the voting period.

- a) Only Candidates have a right to appeal and may do so only under the following grounds:
 - a. That these Rules were not followed by the College or the Chief Elections Officer; or
 - b. That another Candidate did not comply with these Rules; and
 - c. That the non-compliance in either subparagraph a) or b) was such that the election process was unfair to the Candidate making the appeal.

Submission Process and Response

- a) Appeals must be filed by email to the Registrar within two business days of the announcement of the election results. The appeal must set out the reasons for the appeal and include any documents the Candidate wishes to have considered.
- b) If the appeal alleges that the College or the Chief Elections Officer did not comply with these Rules, the Chief Elections Officer will provide a written response to the appeal to the Registrar within seven business days of receiving the appeal.
- c) If the appeal alleges that another Candidate did not comply with these Rules, the Registrar will provide that other Candidate with the appeal materials and that other Candidate will provide a written response to the appeal to the Registrar within seven business days of receiving the appeal materials.
- d) If the Registrar has acted as the Chief Elections Officer for the election, the Associate Vice President, Educational Services will act in the place of the Registrar for purposes of the appeal.

Election Appeals Committee

- a) If the Registrar/Associate Vice President has received an appeal and response as outlined above, an Election Appeals Committee will be comprised of the following members:
 - a. The Registrar/Associate Vice President who will chair the Committee and be non-voting;
 - b. A student (President of the Okanagan College Student Union or designate in odd years, the President of the Vernon Students' Association Okanagan College or designate in even years);
 - c. A representative from the Faculty/Instructor representative groups (Chair of the BCGEU (Vocational Instructors) or designate in odd years and the Chair of the Okanagan College Faculty Association or designate in even years); and
 - d. A representative from Support Staff/Administrator representative groups (Chair of BCGEU Support Staff union or designate in odd years and the Chair of the Administrators Association or designate in even years).
- b) The Election Appeals Committee shall decide its own process, including whether they require any further information or if they wish to hear oral submissions prior to making their decision.
- c) Decisions by the Election Appeals Committee are final and will be communicated to the parties to the appeal in writing.

9. By-Elections

Should a seat become vacant, and the residual term of the vacancy exceed four months, a by-election will be held and the successful Candidate will fill the remainder of the term. The by-election shall be held at a time deemed reasonable by the Registrar in consultation with the President and the Board or Council Chair.

The Registrar may delay or refuse to conduct a by-election if, in their judgement after consultation with the representative groups, it is deemed to be unreasonable or because the timing would exclude a significant portion of an affected representative group.

Appendix A - Excluded Positions

Under the College and Institute Act, the elected employee members of the Board of Governors and Education Council consist of "faculty" and "support staff" members. The following definitions are found in the Act for these representative groups:

"support staff" means the employees of the institution who are not the president, educational administrators or faculty members;

"faculty member" includes an instructor, librarian, tutor, counsellor, research associate, program coordinator or other employee of the institution that a collective agreement between the bargaining agents, as defined in section 1 of the Labour Relations Code, for the institution and faculty members specifies to be a faculty member;

Further the Act defines "educational administrators" as follows:

"educational administrator" means a dean, vice president or similar employee of the institution whose primary responsibility is to provide administrative services in support of education or training offered by the institution, and does not include the president;

As a result of these definitions, or due to the potential for a conflict of interest, or as they already hold a seat on the Board or Education Council under the Act, individuals in the following positions are excluded from standing for or voting in the elections outlined in this document:

- President
- Vice-Presidents
- Associate Vice-Presidents
- Deans and Associate Deans
- Directors and Associate Directors
- Registrar
- Associate Registrars
- Senior Administrative Officer, Coordination & Operations Governance and Privacy Coordinator
Education Council Assistant
- Chief Elections Officer

The Registrar shall on an annual basis review and update as necessary this list of excluded positions.

(Updated March 2024)

Appendix B – Regions and Program Areas

The College and Institute Act requires that the Registrar establish rules that reflect the distribution of the institution's program areas for students elected to the Education Council and reflects the geographic distribution of the institution's programs and support areas for all individuals elected to Education Council.⁴

Regions

The following list of regions will be updated as necessary and will be used in discussion with the Chair of Education Council to establish the Preference List each election:

- Shuswap/Revelstoke
- North Okanagan
- Central Okanagan
- South Okanagan - Similkameen

Program Areas

The following list of program areas will be updated as necessary and will be used in discussion with the Chair of Education Council to establish the Preference List each election:

- Arts
- Business
- Foundational
- Technology
- Health
- Science
- Social Development
- Trades and Apprenticeship

(As of March 2024)