

DIE Board Ruling 2011- 04

Hearing Details

Style of Cause: Reference Re By-Law 2000

Hearing Date: September 23rd 2011

Hearing Number: Ruling # 04 2011/2012

DIE Board Panel Members: Kathleen Elhatton-Lake, Associate Chief Tribune, Chair;

Joanna Waldie, Associate Chief Tribune;

Tim Mallett, Tribune

Issues:

[1] 1. If there are multiple seats open for a faculty position and there is at least one valid candidate running for one of those seats, should the C.R.O. extend the deadline for candidate nominations if there are not enough valid candidates to fill all the seats of the faculties position?

[2] 2. What is the meaning of “position” in By-Law 2000 Section 21?

Relevant Legislation:

[3] From Bylaw 2000

21. No Candidate Nomination, or Plebiscite/Referendum Registration Received

(1) Where no valid candidate or side for a given position, plebiscite, or referendum has been received by the deadline, the C.R.O. shall extend the deadline for that position or side by up to two (2) days.

Decision:

[4] The Boards interpretation of the word “position” as the title of the faculty role which the candidate is running. A “position” may be comprise numerous seats occupied by different candidates. When a candidate stands for election they are running for a seat within a position. They are a valid candidate for any of the seats within that position, simultaneously.

[5] Bylaw 2000 specifically states “Where no valid candidate [nomination]... has been received by the deadline the C.R.O. shall extend the deadline for that position or side by up to two (2) days.” The bylaw does not make reference to there being less candidates than the m number of available seats. So long as there is a valid candidate for the position in question the deadline will not be extended, regardless of whether or not all the seats constituting that position will be filled.