



Office of the President

1050 YORK RESEARCH TOWER
4700 KEELE ST
TORONTO ON
CANADA M3J 1P3
T 416 736-5200
F 416 736-5641
www.yorku.ca/president

March 19, 2010

Terms of reference for YFS Election Review

The university administration has received a significant number of complaints from York students regarding the conduct of the recent York Federation of Students (YFS) elections. These complaints centre on the fact that a significant number of the 21 candidates from the "New York" slate of candidates were disqualified for various infractions, including distributing copies of the Excalibur newspaper without prior approval of the Chief Returning Officer (CRO). Complaints were also raised regarding allegations of conflict of interest, the appointment and independence of the Chief Returning Officer, alleged breaches of security, deviations from defined election protocol, irregularities at polling stations, and the process for the assignment of demerit points by the CRO.

Presidential Regulation 4 (Regulation 4) delegates to student governments and organizations the primary responsibility for the organization and conduct of elections. However Regulation 4 notes that the President retains residual responsibility to ensure the democratic, orderly and responsible conduct of elections. The President and the administration also stand in a fiduciary relationship to York students by virtue of the significant fees that are collected by the University from all York students for the purposes of funding student government.

Transparency, fairness and integrity in the election process, as well as the possibility of orderly and democratic change, must be ensured for the benefit of all of our students. The election process must not only be fair, but must be seen to be fair. Otherwise the confidence of the community in the legitimacy of the process and the outcome may be undermined.

There is an internal appeal mechanism within YFS for the consideration of appeals which has apparently resulted in overturning the suspensions imposed by the CRO. Nevertheless the complaints that we have received raise broader issues regarding the manner in which elections are organized and managed. I believe that it is in the best interest of all students as well as the community generally that these matters be reviewed by an independent and impartial individual. I have therefore asked the University Ombuds, former Osgoode Dean John McCamus, to review the experience with the 2010 YFS elections and, in light of that experience, report on whether there are changes in the election procedures, processes or practices that should be implemented in future elections in order to ensure transparency, fairness, and the avoidance of conflicts.

Members of the community wishing to make written submissions to Professor McCamus regarding the matters identified above may do so via email at ombuds@yorku.ca.

I am asking Professor McCamus to submit his report, which will be made public, by no later than July 30, 2010.

Mamdouh Shoukri
President and Vice-Chancellor

