



BOARD OF GOVERNORS
REFERENDUM PROCEDURES

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PROCEDURES RELATED TO UNIVERSITY REFERENDA

1. PURPOSE

The Board of Governors ("Board") has authority over student fees. The University has committed to ensuring genuine student involvement in establishing compulsory non-tuition related ancillary fees when such fees are initiated either by the administration or by the students. From time to time a referendum will be required in order to determine whether students agree to assume such non-tuition fees. These procedures indicate how referenda are to be conducted in these circumstances.

These procedures are intended to create a fair and transparent process for conducting referenda under the auspices of the Board of Governors. The Board has delegated the approval of these procedures to the Election Procedures Committee.

2. INTERPRETATION

Except as otherwise indicated, terms have the meaning given to them in the General By-Laws of Toronto Metropolitan University. Working Days are the days from Monday to Friday on which the University is open for business according to the University web site.

3. SCOPE OF THESE PROCEDURES

3.1 Procedures apply to referenda regarding Non-Tuition Compulsory Ancillary Fees (administration initiated). These procedures implement the January 1995 Board of Governors approved Protocol Specific to Non-tuition Related Compulsory Ancillary Fees (Appendix A) as required by a 1994 policy of the Ministry of Training, Colleges and Universities. These procedures relate to referenda on Non-Tuition Compulsory Ancillary Fees. Non-Tuition Related Compulsory Ancillary Fees are defined as fees which are levied in order to cover the costs of items which are not normally paid for out of operating or capital revenue.

3.2 Procedures apply to referenda regarding fees paid by the students to the Toronto Metropolitan Students Union (student initiated). These procedures implement the 1986 agreements between the Board of Governors

and the Students' Union of Ryerson Polytechnical Institute (the Toronto Metropolitan Students Union's predecessor) and the Toronto Metropolitan Association of Part-time Students (TMAPS) which provides that any increase in the fees students pay to the Toronto Metropolitan Students Union or TMAPS is to be subject to a referendum, the referendum question to be approved by the Board.

- 3.3 Fees to which these procedures do not apply.** These procedures do not apply to fees where the University is a broker and does not receive any net revenue and fees associated with work term placements. Examples include field trip fees, fees for learning materials and clothing retained by the student, and fees for materials used in the production of items which become the property of the student.
- 3.2 Participation in Referendum:** A referendum will be held of all students or a subset of students affected by the new fee or fee increase.

4. REFERENDUM RESPONSIBILITIES

4.1 **Election Procedures Committee**

(a) Purpose

The Election Procedures Committee has the overall responsibility and authority for conducting Board of Governors University Referenda, specific to fee increases, unless otherwise determined by the Toronto Metropolitan University Board of Governors. This includes developing and publishing necessary forms, information, and regulations as well as reviewing the Policies and Procedures Related to Board of Governors Referenda on an annual basis. The Election Procedures Committee determines the times and dates of the Referendum (campaigning and voting period)

(b) Membership

The Committee is chaired by the General Counsel and Secretary of the Board of Governors and has a membership from full and part-time students, teaching faculty, administrative staff and alumni as defined in By-Law No. 1 being the General By-Laws of Toronto Metropolitan University, in addition the Committee appoints a Returning Officer from among the employees of the University.

(c) Quorum

Quorum is 50% of the membership of the Election Procedures Committee.

(d) Avoidance of Conflict of Interest

Members of the Election Procedures Committee shall avoid taking a public

position on any referendum prior to the conduct of that referendum, and avoid any other action which can reasonably be construed to represent bias or possibility of bias. Failure to abide by this provision requires resignation from the Election Procedures Committee. Should a member choose not to resign, he or she may be dismissed by the Election Procedures Committee by a majority vote of those present and voting (and the vote excluding the member in question), the Election Procedures Committee having provided the member with notice of the vote.

4.2 Returning Officer

The Returning Officer is responsible for the conduct of referenda within the policies and procedures established by the Toronto Metropolitan University Election Procedures Committee. Any and all decisions specific to the conduct of referenda will be made by the Returning Officer. The Returning Officer conducts the tabulation of the on-line voting results and communicates the results to the Board Secretariat. The results are then posted on the Board of Governors Elections and Referenda website and sent as a report to the Board of Governors at the next regular meeting of the Board.

4.3 Appeals Panel

The Appeal Panel is composed of the Chair of the Election Procedures Committee, the Secretary, and one other member of the Election Procedures Committee chosen by its members. The Appeals Panel is responsible for adjudicating appeals of decisions of the Election Procedures Committee regarding prohibited behaviour.

4.4 Board Secretariat

The Board Secretariat is responsible for publishing the Referendum Proclamation identifying polling methods and other relevant voting information. The Board Secretariat shall publish the Proclamation by means of electronic communication and by posting on the Board of Governors Election and Referenda website. While the Returning Officer is responsible for the conduct of the referenda, the Board Secretariat is the point of contact for any and all questions relating to the Referenda.

4.5 The Registrar

The Registrar is responsible for providing the Board Secretariat with an official list of those students who are entitled to vote in the Referendum.

5. PLANNING FOR A REFERENDUM

5.1 Scheduling of Referenda

For a fee increase to be implemented for a new academic year, the referendum must be held the previous fall. E.g. a fee to be implemented for

fall 2011 would need to be approved in fall 2010. Typically approvals and planning for a referendum will take three to four months prior to the actual conduct of the referendum. Parties planning to seek approval of the Board to hold a referendum should build in sufficient time. The 1986 Fee Protocol signed by the Student Unions and the Board specifies that any Referendum must be held prior to November 15 to be applicable for the following academic year commencing in September.

5.2 Board Approval

The conduct of referenda and the referendum question is subject to Board approval. From time to time the Board may by resolution delegate the approval of the wording of a referendum question. In the case of referenda initiated by Students or Student Groups, typically the Board will consider the referendum and the question(s) in principle and will delegate the approval of the exact wording of referendum question(s) to a member of the Senior Administration.

Approval of the Board requires a report, prepared in the prescribed form (template available from the Board of Governors Secretariat), and a resolution. Students or Student Groups who wish to hold a referendum must liaise with the Vice Provost, Students who will assist them in the development of a report to the Board including adequate background research, supporting material and draft referendum question(s). The Vice Provost, Students will indicate by way of a report to the Board of Governors, to be included with the report, whether the referendum is supported by the Administration. The Assistant Secretary of the Board will prepare the resolution.

When the necessary background information and referendum question(s) is finalized it is sent to the Secretary of the Board of Governors for inclusion in the agenda of an upcoming Board meeting. The date and the timing of its inclusion will be determined by the Secretary. The Board may approve, amend or reject the question(s) if it so wishes.

5.3 Wording The Referendum Question(s)

A referendum question(s) shall:

- (a) Be clear and concise so as to avoid vagueness; and
- (b) be positively worded, so that a vote of "yes" signifies agreement with the initiative proposed, and a vote of "no" signifies disagreement with it.

5.4 Cost of Referendum

The cost of a referendum initiated by the University will be paid for by the

University. The cost of a referendum initiated by a student group shall be paid for by that student group (e.g. TMSU, TMAPS).

6. CONDUCT OF A REFERENDUM

6.1 Determining the Dates of the Referendum

The parties that initiate the Referendum, in conjunction with the Vice Provost, Students, are required to communicate the suggested referendum dates, plus the wording of the proclamation to the Returning Officer no less than six weeks in advance of the proposed Referendum to ensure that all deadlines are met and procedures are followed.

6.2 Proclamation

After the Board of Governors has approved the holding of a Referendum, and not less than three (3) weeks prior to the date of the referendum, the Returning Officer shall announce the referendum question(s) and the date of the referendum in the Referendum Proclamation.

6.3 Quorum

No minimum quorum (voter turnout) is required to validate a referendum.

6.4 Outcome of Vote

For referenda, a 50% + 1 vote threshold determines the outcome. Should the referendum fail to meet a 50% + 1 threshold, then the proposed fee or fee increase cannot be introduced again for at least one academic year.

6.5 Eligibility and Method of Referendum Voting

Only a "student" as defined by the Toronto Metropolitan University Act is entitled to vote in a referendum. In order to be a "student" under the Act an individual must be registered in a program or course of study at Toronto Metropolitan University leading to a degree, diploma or certificate of the University. This would be interpreted as students currently enrolled at the time of the referendum vote.

The Election Procedures Committee shall rely on the Registrar to certify the number of eligible voters on the first day of the Vote.

Voting shall be conducted on-line in a confidential manner.

7. GUIDELINES FOR REFERENDUM CAMPAIGNING

7.1 Authority to Campaign

All groups applying to campaign on specific referenda must register with the Returning Officer c/o the Board Secretariat. Only Toronto Metropolitan University students, faculty or staff may campaign or assist with campaigns. For greater certainty, members of organizations external to the University who are not members of the University community are not permitted to campaign or assist with campaigns.

7.2 During Voting Period

Campaigning is permitted throughout the Voting Period

7.3 Advertising and Electronic Campaigning/Canvassing

Subject to 7.1, all parties interested in a referendum are permitted to engage in discussion via advertising and the use of printed and electronic media, provided such material is otherwise compatible with the policies and procedures of the University including, but not limited to, the *Student Code of Non-Academic Conduct*, the *Civility Policy*, the *Users Guide to Academic Computing and the Internet*, and the *Discrimination and Harassment Prevention Policy*. University telephone and/or email system groups or institutional listservs may not be used.

A website sponsored by the Election Procedures Committee is available to all individuals and campaign groups to post positions and campaign related data only as it relates to the specific referendum. All materials are to be submitted to the Returning Officer c/o the Board Secretariat for posting as directed by the Election Procedures Committee. For greater certainty, interested parties are permitted to use other non-University or non-institutional websites for purposes of advertising and campaigning/canvassing (e.g. Facebook, MySpace, etc.) subject to section 8.3 below.

7.4 Campaigning In Classrooms

Campaigning in classrooms is permitted with the permission of the professor.

7.5 Postering

All registered parties shall send a copy of campaign materials to the Secretariat before being distributed or posted.

7.6 General Standard of Fairness

All parties shall conduct themselves and their activities in a manner which a reasonable person acting reasonably shall deem to be fair.

7.7 Complaints and Challenges

Only students, faculty or staff of the University may file a complaint concerning the campaigning associated with a referendum or challenge or dispute the conduct of the referendum and its results. Any complaints or challenges must be in writing and delivered to the Returning Officer c/o the Board Secretariat. Challenges to the referendum results must be received within one week of the official announcement of referendum results in accordance with Section 9.2.

8. PROHIBITED ACTIVITY

8.1 Inaccurate Material

Campaign individuals/groups must accurately represent themselves, their position and any other data intended to influence voters. If complaints are received of errors or falsehoods, and are substantiated, the Returning Officer may issue instructions for addressing the offence, and the offending campaign individuals/groups must abide by these instructions.

8.2 Destruction or Defacing of Signs/Posters

No individual, or campaign group is allowed or is to condone the destruction, defacing, moving, covering or removing of signs, banners, or any form of publicity installed by other campaign groups or supporters. The Returning Officer may issue instructions to remove materials which the Returning Officer may deem inappropriate or unauthorized.

8.3 Use of Institutional Email or Phone or On-Line Groups

The use of telephone or email system groups or institutional (University, union, student union, etc.) listservs or on-line groups to broadcast or send messages is not permitted. For greater certainty groups and individuals are strongly encouraged to seek the advice of the Returning Officer before use of listservs or broadcast groups to ensure that their use would not constitute prohibited activity under these procedures.

8.4 Failure to Comply

Any party engaged in prohibited activity will be asked to desist immediately by the Returning Officer. Failure to comply with a request by the Returning Officer will result in formal review by the Election Procedures Committee. All second and subsequent instances of prohibited activity will automatically be reviewed by the Election Procedures Committee.

8.5 Decisions Regarding Prohibited Activity

The Returning Officer decides on a case by case basis whether an activity is prohibited under this Code and the appropriate penalty. Consideration will be given to the seriousness of the prohibited activity and whether it is a first or subsequent violation.

8.6 Possible Penalties for Engaging in Prohibited Activity

In addition to the specific consequences indicated above, the Returning Officer may issue the following penalties:

- Direct the offending party to make public correction of false statements
- Direct the offending party to make public written retractions/apologies
- Revoke the eligibility of the party to participate in the referendum
- Overturn the Referendum result and hold another Referendum within a reasonable timeframe.

8.7 Further Penalties

All students engaging in prohibited activities may also be subject to consequences under the Student Code of Non-Academic Conduct (<http://www.torontomu.ca/senate/policies/pol61.pdf>) or other policies, procedures or guidelines of the University.

9. APPEALS AND CHALLENGES

9.1 Appeals

Any individual or group (the “appellant”) may appeal a decision rendered against them under these Procedures by submitting a written statement to the Returning Officer that outlines the grounds for the appeal (“Appeal Notice”). If the Referendum is still underway the appellant shall send the Appeal Notice to the Returning Officer within one (1) Working Day of the decision being appealed. If the Referendum has concluded the appellant shall send the Appeal Notice to the Returning Officer within ten (10) Working Days of the last voting day.

If the Referendum is currently underway, the Elections Procedures Committee shall convene a hearing of the Appeal Panel within one (1) Working Day of the Returning Officer receiving the Appeal Notice. If the Referendum has concluded the Appeal Panel hearing shall be scheduled within ten (10) Working Days of the Returning Officer receiving the Appeal Notice. The appellant will be permitted to make oral representations before the Appeal Panel if they wish. The Appeal Panel may also request the Returning Officer to make oral submissions.

All decisions made by the Appeal Panel are final and not subject to further appeal.

Decisions, including brief written reasons, will be sent both to the appellant and Members of the Election Procedures Committee. In the event a referendum is on-going the decisions will be issued with one (1) Working Day of the end of the Appeal Panel hearing. If the referendum is concluded, best efforts will be made to render the decision within ten (10) Working Days. The decision will also be posted on the Board of Governors Election and Referenda website.

9.2 Challenges to Referendum Results

Challenges to referendum results received as indicated under section 7.7 above, shall be investigated by the Returning Officer and a recommendation made to the Election Procedures Committee within One (1) Working Day of receipt of the challenge and any supporting documentation setting out the grounds for the challenge. The Election Procedures Committee will consider the report and issue a decision in writing within ten (10) Working Days.

The decision of the Election Procedures Committee is final and not subject to further appeal.