

BOARD OF GOVERNORS

REFERENDUM PROCEDURES

PROCEDURES RELATED TO UNIVERSITY REFERENDA

1. **PURPOSE**

The Board of Governors Referendum Procedures (the “Procedures”) establish a fair and transparent process for conducting a Board of Governors (“Board”) referendum in accordance with the *Toronto Metropolitan University Act* (the “Act”), the *General By-Laws of Toronto Metropolitan University* (the “By-Laws”), and any applicable Board policies.

2. **INTERPRETATION**

Unless otherwise defined in these Procedures, terms have the meanings assigned to them in the Act and the By-Laws.

3. **SCOPE OF THESE PROCEDURES**

3.1. **University-Initiated Referenda**

These Procedures apply to referenda respecting compulsory non-tuition ancillary fees initiated by the University.

3.2. **Student Organization Fee Referenda**

These Procedures also apply to referenda respecting student organization fees that require approval by referendum in accordance with the By-Laws or any applicable agreement approved by the Board.

3.3. **Excluded Fees**

These Procedures do not apply to fees for which the University acts solely as a collection agent or to other fees exempted by applicable legislation or Board policy.

3.4. **Eligible Voters**

A referendum shall be conducted among all students who would be required to pay the proposed fee. Where the proposed fee applies only to a specific group of students, only those students are eligible to vote.

4. REFERENDUM RESPONSIBILITIES

4.1. Election Procedures Committee

(a) Purpose

The Toronto Metropolitan University Election Procedures Committee (the "EPC") is responsible for overseeing the conduct of University referenda in accordance with these Procedures. The EPC shall review and approve the referendum timeline, determine appeals in accordance with these Procedures, and review and approve the final referendum results.

4.2. Returning Officer

The Returning Officer (the "RO") is responsible for administering University referenda in accordance with these Procedures. The RO is responsible for investigating complaints related to non-compliance with these Procedures and making decisions respecting the administration and conduct of University referenda. Decisions of the RO may be appealed to the EPC in accordance with the appeal procedures set out in these Procedures.

4.3. Appeals Panel

The Appeals Panel is a subcommittee of the EPC and is responsible for hearing appeals of decisions made by the RO with respect to the administration and conduct of University referenda. The Appeals Panel may uphold, vary, or overturn the RO's decision.

4.4. Board Secretariat

The Board Secretariat is responsible for providing administrative support to the EPC and the RO in the administration of University referenda, including publishing the Referendum Proclamation and referendum information in accordance with these Procedures.

4.5. The Registrar

The Registrar is responsible for verifying voter eligibility and providing the information required for the administration of University referenda official list of those students who are entitled to vote in the Referendum.

5. PLANNING FOR A REFERENDUM

5.1. Timing of Referenda

A University referendum shall be approved by the Board no later than the first regular meeting of the Board in the applicable governance year. Where a referendum relates to a proposed compulsory ancillary fee, the referendum shall be conducted no later than November 15 to permit the results to be incorporated into the University's budget planning process.

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 approval of the wording of a referendum question. For referenda initiated by students or student groups, the Board may approve the referendum and the referendum question in principle and delegate approval of the final wording of the referendum question to a member of the Senior Administration.

Requests to hold a referendum shall be submitted to the Board in the prescribed form and shall include supporting information and a draft referendum question. Students or student groups shall work with the appropriate University office in preparing the required Board materials. The University shall indicate whether it supports the proposed referendum in the report submitted to the Board. Once finalized, the report and referendum question shall be submitted to the Secretary of the Board for inclusion on the agenda of a Board meeting. The Board may approve, amend, or reject the proposed referendum and referendum question.

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 Board Secretariat by the end of August 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 weeks prior to the date of the referendum, the RO shall announce the referendum question(s) and the date of the referendum in a 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. Eligible Voters:

A referendum shall be conducted among all students who would be required to pay the proposed fee. Where the proposed fee applies only to a specific group of students, only those students are eligible to vote.

6.6. Eligibility and Method of Referendum Voting

Only students eligible to vote under the Act are entitled to vote in a University referendum. The Registrar shall certify voter eligibility for the referendum. Voting shall be conducted electronically.

7. GUIDELINES FOR REFERENDUM CAMPAIGNING

7.1. Authority to Campaign

All groups applying to campaign on specific referenda must register with the RO. Only 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

Individuals and groups campaigning in support of or opposition to a referendum may use printed and electronic media, provided their campaign materials and activities comply with these Procedures and all applicable University policies. University electronic resources, including institutional email distribution lists, listservs, University-managed social media accounts, and online groups, shall not be used to distribute campaign materials or messages. Individuals and groups are strongly encouraged to consult the RO before using any University electronic resources for campaign purposes.

The Referendum Proclamation and referendum information will be posted on the Board website.

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 Board Secretariat before being distributed or posted.

7.6. General Standard of Fairness

All parties shall conduct themselves and their campaign activities in a fair and respectful manner and in accordance with these Procedures and all applicable University policies.

7.7. Complaints and Challenges

Any member of the University community may submit a written complaint to the RO regarding non-compliance with these Procedures or the conduct of a University referendum. The RO shall investigate the complaint and make a decision in accordance with these Procedures. Decisions of the RO may be appealed to the Appeals Panel in accordance with the appeal procedures set out in these Procedures.

8. PROHIBITED ACTIVITY

8.1. Inaccurate Material

Individuals and groups campaigning in support of or opposition to a referendum shall accurately represent themselves, their position, and any information intended to influence voters. Where the RO determines that campaign materials contain inaccurate or misleading information, the RO may direct the individual or group to correct, remove, or otherwise address the material.

8.2. Destruction or Defacing of Signs/Posters

No individual or group shall destroy, deface, move, cover, remove, or otherwise interfere with campaign materials belonging to another individual or group.

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

University electronic resources, including institutional email distribution lists, listservs, University-managed social media accounts, and online groups, shall not be used to distribute campaign materials or messages.

8.4. Failure to Comply

The RO shall investigate complaints related to prohibited activity and make decisions in accordance with these Procedures. Decisions of the RO may be appealed in accordance with the appeal procedures set out in these Procedures.

8.5. Decisions Regarding Prohibited Activity

Where the RO determines that prohibited activity has occurred, the RO may impose one or more of the following penalties:

8.6. Possible Penalties for Engaging in Prohibited Activity

In addition to the specific consequences indicated above, the RO 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

Individuals engaging in prohibited activities may also be subject to applicable University policies and procedures.

9. APPEALS AND CHALLENGES

9.1. Appeals

Any individual or group (the "Appellant") may appeal a decision of the RO under these Procedures by submitting a written appeal to the Board Secretariat setting out the grounds for the appeal. The appellant will be permitted to make oral representations before the Appeal Panel if they wish. The Appeal Panel may also request the RO to make oral submissions.

The written appeal must be submitted within two (2) business days of the decision being appealed. All decisions made by the Appeal Panel are final and not subject to further appeal.