

GUIDELINES AND PROCEDURES FOR THE CONDUCT OF STUDENT REFERENDA AT YORK UNIVERSITY

I. INTRODUCTION

Student
Referenda
Covered By
These Guidelines

The guidelines and procedures set forth in this document pertain to referenda held among the student body of York University in accordance with Presidential Regulation 4 and applicable legislation of the University's Board of Governors. Such referenda include the recognition of student governments and proposals bearing on levies for student governments or student activities, and whether of a local or University-wide consequence.

Relevant
University
Legislation

The guidelines presented in this document are cast in accordance with Presidential Regulation 4, Board legislation on the recognition and funding of student governments, and the York University Act, by which legislation the Board of Governors of the University retains ultimate authority in the setting of all fees paid by students. In making its decision on such matters, the Board may solicit advice as it deems appropriate.

Matters Not
Covered by
These
Guidelines

With regard to issues properly within the purview of Presidential Regulation 4, these guidelines supercede such procedures and regulations as student governments may have currently in place. These guidelines and procedures do not embrace:

- 1) referenda or similar polling or elections held by individual student governments among their own constituencies for matters properly within the jurisdiction of those governments and not involving any changes to an existing levy or fee; and
- 2) certain questions covered by pre-existing agreement between a recognized student group or activity and the University.

II. GENERAL CRITERIA FOR REFERENDA

Criteria for Successful Referenda

To be deemed successful, a referendum held pursuant to this regulation must meet the following general criteria:

- 1) in all of its material regards the conduct of the referendum shall have been such to afford the constituency affected by the results the reasonable opportunity both to know those results and to express its will;
- 2) the observance of this regulation in the actual conduct of the referendum;
- 3) formal validation of the results by a Board of Referendum Commissioners as hereinafter set out;
- 4) acceptance by a simple majority of those voting, unless, in particular circumstances, the Board of Referendum Commissioners establishes , in advance of the referendum, a higher voting standard.

NOTE: Referenda will not necessarily be considered invalid for minor technical breaches of this regulation or where the alleged violation of these regulations or the rules governing the agreement could not reasonably be said to have affected the outcome.

III. BOARD OF REFERENDUM COMMISSIONERS (BORC)

BORC'S Mandate

The Board of Referendum Commissioners is an independent, University-wide body charged with the execution of all student referenda held in accordance with this regulation, with the oversight of such referenda, with the validation and reporting of the results, and with the adjudication of such disputes and challenges as may arise.

BORC'S Composition

The Board of Referendum Commissioners is composed as follows:

- A member appointed by the York Federation of Students;
- A member appointed by the Graduate Students Association;
- A member appointed by the Glendon College Student Union;
- A member appointed collectively by the recognized student governments of non-Faculty Colleges at a meeting of the YFS Constituency Committee;
- A member appointed collectively by the recognized student governments of the faculties, less the Graduate Students Association and the Glendon *College* Student Union at a meeting of the YFS Constituency Committee;
- A member appointed by the Provost;
- A member appointed at large by the Board of Referendum Commissioners, once established.

Any appointee of BORC, with the exception of the members appointed by the Provost, the YFS, and the GSA, will be a registered student of York University. BORC will elect a chairperson from among its membership. If one of the constituencies is holding a referendum, their appointed representative cannot serve as the Chair of the Board of Referendum Commissioners.

Term of Office	Members shall be appointed to serve on BORC for a one (1) year term of office from the time of appointment to April 30. The Provost's representative will sit at the pleasure of the Provost.
Replacement of BORC Members	The Chairperson of the Board of Referendum Commissioners shall notify the appropriate party of any vacancy in the membership of the Board, asking that party to fill the vacancy as soon a possible.
BORC'S Responsibilities	<p>The Board of Referendum Commissioners has the following responsibilities:</p> <ol style="list-style-type: none"> 1) the implementation and observance of this regulation; 2) the conduct of referenda held pursuant to this regulation; 3) the determination, prior to the actual referendum, of the percentage of participation and the percentage of the votes cast that shall apply to assessing whether or not the referendum has succeeded or failed; 4) the appointment and supervision of a Chief Returning Officer (Referenda); 5) the establishment and management of an annual operating budget for referenda; 6) the mediation, adjudication and resolution of disputes or challenges; 7) reporting the results of referenda to appropriate student constituencies and to appropriate University authorities.
Annual Operating Budget	Each year the Board of Referendum Commissioners shall determine and assemble an operating budget needed to conduct referenda in accordance with this regulation, to such end negotiating an annual agreement with the student governments and activities, parties seeking to conduct referenda, and the administration of the University.
Avoidance of Conflict of Interest	<p>Members of the Board of Referendum Commissioners shall avoid taking a public position on any issue that is the subject of a referendum prior to the conduct of that referendum, and avoid as well any other action which can reasonably be construed to represent bias or the possibility of bias.</p> <p>Failure to abide by this provision requires resignation from the Board. Should a member choose not to resign, he or she may be dismissed by the Board by a majority vote of those present and voting (and the vote excluding the member in question), the Board having provided the member with an opportunity for a hearing.</p>

IV. CHIEF RETURNING OFFICER (REFERENDA)

CRO'S
Mandate

The Chief Returning Officer (Referenda) is appointed by the Board of Referendum Commissioners to conduct all referenda held in accordance with this regulation and is responsible to and directed by the Board of Referendum Commissioners.

Selection of
CRO

Each year as required, BORC will appoint a Chief Returning Officer (Referenda) from applicants solicited by advertising and announcements posted in campus media at both campuses of the University. To coincide with the referenda timeline, a CRO will be appointed by the third week of November.

Terms of
Appointment
And
Remuneration

The Chief Returning Officer (Referenda) is appointed by formal contract for a one-year term and on such terms as determined by the Board of Referendum Commissioners. The Chief Returning Officer (referenda) serves at the pleasure of the Board of Referendum Commissioners.

Respon-
sibilities

Subject to direction from the Board of Referendum Commissioners, the Chief Returning Officer (Referenda) has the following responsibilities:

- 1) familiarity with this regulation
- 2) the actual conduct of referenda in accordance with this regulation, and in particular:
 - the appointment and supervision of Deputy Returning Officers;
 - the establishment of polling times and places;
 - the appointment of polling staff;
 - supervision of polling;
 - the appointment of scrutineers;
 - supervision of the vote count;
 - security of the ballots;
 - reporting the results to the Board of Referendum Commissioners;
 - the establishment and monitoring of fair referenda practices in accordance with this regulation, and to include monitoring of advertising, open forums, and polling.
- 3) consultation with the parties to a referendum question as required in the circumstances, such consultation to include advice on the determination of polling times and locations;
- 4) timely reporting of the results to the Chairperson of the Board of Referendum Commissioners;
- 5) promptly ruling on any apparent violation of this regulation and reporting said violation to the Chairperson of BORC;
- 6) receiving and investigating and ruling upon complaints or challenges and reporting said ruling to the Chairperson of BORC;
- 7) providing to the Chairperson of the Board of Referendum Commissioners a written narrative report, within two weeks after a referendum, on the conduct of that referendum.

V. OPERATING PROCEDURES AND GUIDELINES

Who May Propose a Referendum

All requests to hold a referendum must meet either one of the following requirements (a) or (b) in order to be considered by BORC:

a) have the endorsement of a recognized student government, who has passed the proposed referendum question by their Council and be accompanied by a petition signed by 10% or 1,000 registered students of the constituency effected by the question.

Or

b) be submitted by a registered student(s) of York University and be accompanied by a petition signed by 10% or 1,000 registered students of the constituency effected by the question.

Submitting a Request for a Referendum

A request to hold a referendum is made in writing to the Board of Referendum Commissioners. The written request must be delivered to the Board of Referendum Commissioners no later than the fourth week of October. The request must be accompanied by the text of the proposed referendum question in English (and in English and French for referenda to be held at Glendon College).

Administrative Review

There will be an Administrative Review of the practical implications of a proposed question before it is reviewed by the Board of Referendum Commissioners. Normally this would involve the Office of the Registrar, Office of Student Financial Services, Student Affairs, etc. In principle, the Administrative Review will observe the following criteria when considering for approval a proposal for a levy:

a) Questions that may be inflammatory. The University may refuse questions if the purpose or intent of the proposal would be contrary to the guiding principles and or regulations of the University, e.g. The White Paper.

b) Administrability. The University will review proposals for their administrability, for example, that they are not in violation of existing contracts/agreements, and that the fees collection does not pose onerous difficulties for collection.

c) Impact on Total Fees. The University is concerned that the fees are not unduly onerous on the students upon whom it is imposed. The University shall consider if the fee represented by a levy is in the best interests of the University and is not unduly onerous on the students upon whom it is imposed.

The Provost will put forward a letter to the Board of Referendum Commissioners upon completion of the Administrative Review listing which proposed referenda questions have been approved by the Administrative Review, and any required amendments to the questions.

Verification,
Authorization
and
Determination
of Polling
Requirements

Within three weeks of receipt of the letter from the Provost, the Board of Referendum Commissioners will meet to verify the bona fides of the proposal and, the bona fides having been established, to authorize the referendum to proceed.

The Board of Referendum Commissioners shall, at the same time, define the constituency to be addressed, the percentage response required in the circumstances to represent a fair test of constituency opinion*, the percentage of the vote required for passage, the date of the referendum, and the general method of polling and other general instructions for the Chief returning Officer (Referenda).

The Board of Referendum Commissioners will ensure that these matters are addressed with a view to and with appropriate consultation with representatives of special constituencies (e.g., in-service students of the Faculty of Education, Atkinson students, etc.) whenever those special constituencies are included in the scope of the referendum.

Minimum
Quorum

Minimum quorum for voter turnout shall be 10% of the affected constituency based on the head count of the constituency.

Procedures for
Terminating or
Reducing a
Levy

The procedure to terminate or reduce a levy shall be the same as the procedure to introduce a levy. Individual constituencies or student sub-groups may not propose termination or reduction for their members of a central fee that was approved by or is collected from a wider constituency group.

Notification and
Explanation

Not later than three weeks prior to the date of the referendum, the Chief Returning Officer (Referenda) shall notify the constituency concerned of the date of the referendum, the text of the question, (in both English and French at Glendon), the circumstances of the polling (including dates, times, and locations of polling stations), doing so through both announcements in campus media and bulletin board notices.

The nature, number, location and frequency of such notices shall be determined by the Chief Returning Officer (Referenda) with a view to the nature of the referenda in question, and in consultation with the Board of Referenda (whose decision on such questions is final). For all referenda in which students of Glendon College form all or part of the constituency, notice must be presented totally in both English and French and published in the student newspaper of Glendon College.

Scheduling of Referenda

Referenda held in accordance with this regulation will be held once each year in the Spring, to run in conjunction with the annual elections of the central student governments (the YFS and the GSA), provided that such scheduling does not conflict with examination periods, reading weeks or religious holy days.

Normally it takes a period of 7 months from the time that a referendum proposal is submitted to BORC, to the time it is implemented,

Example:

1999

October (4th week) – Deadline to submit proposed question to BORC

November (3rd week) – University Review of questions completed

December (2nd week) – BORC review of questions completed

2000

January to February (4th week) – Education & Campaigning

March (to coincide with YFS elections) – Referendum voting

April - Board of Governors approves fees

September – new Referenda fees implemented

Polling

Polling shall normally be in person and conducted in a manner established by the Chief Returning Officer (Referenda). In certain cases, and particularly where the constituency in great part involves students who take courses off-campus, the Board of Referendum Commissioners may authorize the conduct of a referendum by mail. With a view to the relevant constituency, and in consultation with the party proposing the referendum and the Board of Referendum Commissioners, the Chief Returning Officer (Referenda) shall determine the number of polling locations, their location and their hours of operation.

The Chief Returning Officer shall ensure that polling locations are accessible to individuals with disabilities. For polling stations located at Glendon College, the Chief Returning Officer (Referenda) shall ensure the presence of bilingual capabilities in polling staff. The Chief Returning Officer (Referenda) shall ensure that copies of this regulation are available at polling locations for examination on request by interested parties. The Chief Returning Officer (Referenda) shall ensure that polling takes place in the absence of active campaigning or discussion of the issues in the immediate area of the polling location.

Counting and Reporting

Forthwith on the closing of the polls, the Chief Returning Officer shall cause the counting of the votes. Within twelve hours of the closing of the polls, the Chief Returning Officer shall deliver to the Chairperson of the Board of Referendum Commissioners a written report of the results. The Chief Returning Officer (Referenda) will maintain the ballots in a secure location until authorized by the Chairperson of the Board of Referendum Commissioners to cause their destruction.

VI. GENERAL GUIDELINES FOR THE CONDUCT OF REFERENDA

Advertising	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 regulations of the University. At the time of actual polling, such advertising shall not be visible to or capable of being heard by voters while casting their votes.
Public Discussion	All parties interested in a referendum will be encouraged by the Board of Referendum Commissioners to schedule public discussions at which the issue is discussed. In certain cases, the Board of Referendum Commissioners may require the party proposing a referendum to schedule such discussions.
General Standard of Fairness	All parties to a referendum question shall conduct themselves and their activities in a manner which a reasonable person acting reasonably can deem to be fair.
Cap on Campaign Expenses	There shall be a one thousand (\$1,000) dollar spending cap on all partisan promotional expenses for referenda, excluding salaries. This cap excludes the cost of poll clerks, CRO, and the necessary promotion of the actual question which will be charged to the funded student governments. These costs will be pro-rated according to each groups' share of the total student government grant.

VII. DISPUTES AND CHALLENGES

Registered students and those on the University payroll (i.e., staff employees, faculty, administrators) may file a complaint concerning the campaigning associated with a referendum or challenge or dispute the conduct of the referendum itself and its results. Complaints will be made in writing and addressed to the Chief Returning Officer (Referenda), who shall investigate the matter and submit a report with the action taken, to the Chairperson of the Board of Referendum Commissioners within twenty-four hours of the receipt of the written complaint. The CRO will notify the complainant in writing of her/his ruling. All complaints must be filed within one calendar week after the results have been officially announced.

Individuals may appeal the action taken by the CRO in writing to the Chairperson of BORC within 24 hours of receipt her/his ruling. BORC will, within one week, consider the dispute or challenge and formulate its decision in writing. In all cases of complaints, disputes, and challenges, the decision of the Board of referendum Commissioners shall be final.

VIII. FORMAL REPORTING OF RESULTS

The Board of Referendum Commissioners shall, within one week of the date of the referendum, convey a formal report of the results in writing both to the party proposing the referendum and to such officers of the University as may be appropriate for implementation and information.

In its report, BORC will outline, but shall not be limited to, the referendum process. The process will include referenda campaign promotions, the results, any incidents or irregularities, how they were addressed and handled, and recommendations for future referenda.

Approved, President, April 18, 1989

Approved, Student Relations Committee, April 18, 1989

Amended, Board of Referendum Commissioners, April 25, 1991

Approved, Student Relations Committee, December 2, 1991

Amended, Board of Referendum Commissioners, April 2, 1997

Approved, Student Relations Committee, October 26, 1998

Amended, Board of Referendum Commissioners, January 17, 2007

Approved, Board Executive Committee, February 12, 2007