

UNIVERSITY  
OF  
TORONTO

STUDENTS'  
UNION

# University of Toronto Students' Union

# Charter for Referenda

As amended August 24, 2016

*As amended August 24, 2016*

# Table of Contents

<b>Section</b>	<b>Page</b>
1. Principle	3
2. Interpretation	3
3. The Question	6
4. Petitions	7
5. Notice	8
6. Campaigning	9
6.1. Advocating Committees	12
7. Quorum	15
8. Voting	15
8.1. Ballot Boxes / Polling Stations	15
8.2. Scrutineering	15
8.3. Master voting list	15
9. Appeals of Referenda Results	16
10. Plebiscites	16
11. Requirements of Referenda	17
SCHEDULE A	17
SCHEDULE B	17
SCHEDULE C	18
SCHEDULE D	18

# 1. Principle

- a. In addition to Annual and General Meetings, the Members of the Union may vote on resolutions concerning the business of the Union by means of a referendum.
- b. Referenda should be conducted with the intention to improve the distribution of services by the Union, Recognized Campus Groups and/or external organizations.
- c. Failure to adhere to this Charter and its provisions shall invalidate the results of a referendum.
- d. Where this Charter is in contradiction of any of the following Union governance documents or silent regarding process, in order of precedence, the Union bylaws, the Elections Procedure Code and the Policy Book Manual shall prevail.

# 2. Interpretation

The Chief Returning Officer and the Elections and Referenda Committee make all interpretations to this Charter. For the purpose of this Charter:

**Advocating Committee** refers to any party, having registered with the CRO, authorized to promote either the “yes” answer or “no” answer to a referendum question and the individual members of said party.

**Arm’s-Length Party** refers to any individual or group who is not a “non-arm’s-length party”.

**Board of Directors** refers to the Board of Directors of the Union.

**Building on Campus** refers to building owned and/or operated by the University of Toronto, or any of the federated colleges or universities.

**Campaign Material** refers to any item, design, sound, symbol or mark that is created or copied in any form in order to influence or likely to influence at least one voter to cast a ballot in favour or in opposition of a referendum question.

**Campaign Period** refers to the period of time during the referendum schedule set by the ERC during which Campaigning is authorized.

**Campaigning** refers to any attempt by an individual, committee or organization to encourage a Member to cast a ballot in favour or in opposition of a referendum question. This may occur with or without campaign material.

**Campus Newspaper** refers to a student publication with distribution across both the St. George and UTM campuses.

**Constituency** shall refer to the population of voters that are eligible to cast a vote for the referendum in question.

**CRO** refers to the Chief Returning Officer.

## **2. Interpretation**

**Endorsing/Endorsement** refers to supporting a referendum position, through either verbal or non-verbal communication, through the provision of materials, advertisements or non-financial donations.

**EPC** refers to the Elections Procedure Code of the Union.

**ERC** refers to the Elections and Referenda Committee.

**External Groups** refers to organizations that are not a Recognized Campus Group by the Union.

**Fall Election** has the meaning ascribed to it in the EPC.

**Harassment** means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome.

**Library** refers to the space beyond a theft detection device in a University of Toronto library.

**Member** shall refer to any individual who is a current member of the Union as defined in the Union Bylaws.

**Non-Arm's-Length Party** means an individual or group that can be shown to have:

- a. publically campaigned with an Advocating Committee
- b. campaigned using an Advocating Committee's approved Campaign Materials
- c. performed Campaign-related tasks that are not Campaigning on behalf of an Advocating Committee
- d. had their actions which are deemed in violation of the Charter publicly defended by an Advocating Committee or the chief agent of an Advocating Committee

This does not apply if the Advocating Committee has publically stated that they do not desire or condone the party performing such tasks or acting in such a manner.

**Polling Station** means any Union sanctioned ballot box or any electronic device that may be used to log into the online voting platform used during the Voting Period.

**Poster** shall refer to print media to be affixed to a surface, or displayed for viewing.

**Public Domain** means any place to which Members have a right of access.

**Spoiled Vote** means any ballot cast where only one or no poll clerks initialed the ballot; where too many responses were selected on the ballot; where no voter intent was indicated, or where voter intent is not clear.

**Sponsoring/Sponsorship** means a financial contribution made for the purpose of supporting an advocating committee's campaign.

**Spring Election** has the meaning ascribed to it in the EPC.

## **2. Interpretation**

**Student Society** shall refer to any student groups on campus that collect a compulsory student fee.

**Union** shall refer to the University of Toronto Students' Union.

**UTM** shall refer to the University of Toronto Mississauga campus

**Valid Identification** refers to a valid University of Toronto Student Identification card.

**Valid Vote** means any ballot cast that is not a Spoiled Vote.

**Votes Cast** shall refer to the total number of Valid Votes and the total number of Spoiled Votes.

**Voting Period** refers to the period of time during the referendum schedule set by the ERC where Members may cast their vote(s) in a referendum.

### **In this Charter, unless a contrary intention appears:**

- a) Words importing the singular will include the plural and vice versa.
- b) All capitalized terms found herein but not define have the meaning ascribed to them in the University of Toronto Students' Union Bylaws.
- c) Regulations and rulings applying to Advocating Committees are deemed to apply to their Non-Arms' Length Parties.

### **3. The Question**

- a. Each question must be positively worded, so that the vote of “yes” signifies agreement with the initiative proposed, and a vote of “no” signifies disagreement with it.
- b. After receiving a petition for a referendum pursuant to Section 3. Petitions, the ERC shall convene to review the petition and question conforms to the policy set forth in this Charter.
- c. Questions falling under Section 10. Requirements for Referenda: Schedule A shall first receive assent from the ERC before authorization from the Board of Directors.
- d. Within ten business days after convening the meeting referred to in subsection b. above, and prior to the next Board of Directors meeting, the ERC must file a report to the Board as to whether the petition complies with Section 3. Petitions and was compiled in a fair and reasonable manner.
- e. Upon receiving a report from the ERC, approving a petition received by the Union pursuant to Section 3. Petitions, the Board shall authorize the referendum to be conducted as provided herein.

## **4. Petitions**

- a. Petitions should be collected according to the guidelines set out in Section 10. Requirements of Referenda: Schedule B, C and D.
- b. Prior to collecting petitions, the format must be approved by the ERC and the party seeking petitions must have registered with the ERC.
- c. Completed petitions must be submitted with three (3) weeks' notice prior to the commencement of the campaign period.
- d. For a petition to be valid it must include the following:
  - i. Union Member name as it appears on ROSI
  - ii. Union Member student number
  - iii. Date of Birth
  - iv. Signature
  - v. Any other specifics that the ERC deems necessary
- e. Each page of petitions must include the following:
  - i. The purpose of the petition.
  - ii. The referendum question(s).
  - iii. Other specifics that the ERC deems necessary
- f. The completeness, accuracy and delivery of the petitions is the responsibility of the party seeking to pose the referendum question to the Members. Failure to satisfy the requirements stated above may result in failure for approval to conduct the referendum.

## **5. Notice**

- a. The Board of Directors of the Union shall give no less than fourteen (14) calendar days' notice of a referendum prior to the commencement of the Campaign Period. Sufficient notice shall be deemed to have been given by the posting of no less than one hundred and fifty (150) notices, each 27.9x43.2 centimetres (11x17 inches), across the St. George campus and fifty (50) notices, of the same size, across UTM. In addition, a series of advertisements, no less than 10.2 by 15.2 centimetres (4x6 inches), shall be published appearing in every issue of a Campus Newspaper with distribution across both the St. George and UTM campuses that is published for a period of fourteen (14) calendar days, each of which shall include the following:
  - i. The time, date, and location of the referendum.
  - ii. The proposed resolution(s) for the referendum.
  - iii. Any special resolution(s) to be considered in the referendum.
- b. Moreover a series of ads shall be posted in as many college and/or faculty newspaper as possible.
- c. For referenda under Schedules B, C and D to be considered, the question(s) must be submitted to the ERC in the Fall semester by 15 September and in the Winter semester by 15 January.



## **6. Campaigning**

- a. The ERC of the Union shall oversee the campaign and logistics of all referenda. The CRO of the Union shall oversee the referenda and Campaigning.
- b. All parties advocating or promoting a side of the referendum must register as an Advocating Committee and declare their position.
- c. No Campaigning shall take place before the Campaign Period. This includes, but is not limited to, posting or distributing Campaign Materials, online Campaigning, social media statements, classroom campaign talks and Campaigning at social events.
- d. Advocating Committees are responsible for actions and violations of any Non-Arm's Length Party. The CRO reserves the right to investigate and make rulings in exceptional cases.
- e. Fair Play

Advocating Committees shall Campaign in accordance with the rules of Fair Play. Breaking the rules of Fair Play include, but are not limited to:

- i. breaching generally accepted community standards;
  - ii. libel;
  - iii. slander;
  - iv. Harassment;
  - v. general sabotage of the campaigns of other Advocating Committees;
  - vi. malicious or intentional breach of elections policy;
  - vii. persistent attempts to undermine the ability of the CRO or the ERC to carry out their responsibilities; and
  - viii. any attempt to undermine the electoral process including: interference with the Polling Station materials; interference with poll clerks; and misrepresentation of facts
- f. It is the responsibility of the Advocating Committees to ensure that all Campaign tactics, materials and advertisements conform to all policies and regulations of the Union and University of Toronto, and with all municipal, provincial and federal laws. Campaign displays and distribution of literature on campus are also subject to the individual rules and regulations of residences, Libraries, Buildings on Campus and campuses.
  - g. All campaign tactics, material and advertisements need approval by the CRO in advance of posting or distribution.
  - h. All Campaign Materials, where feasible, are to contain the following phrase somewhere in plain sight on the material: "please pass this on to a friend and recycle after the referendum".

## **6. Campaigning**

### **i. Posters and Campaign Materials**

The following restrictions regulating Campaigning must be followed. It is the responsibility of the Advocating Committees to familiarize themselves with the different rules that govern each of the following entities:

- i. Poster size shall not exceed 11" x 17" (29.7cm x 42 cm).
- ii. No more than three banners are allowed. Banners must not exceed 9' x 3' (2.75m x 0.92m).
- iii. High-gloss Posters are not permitted.
- iv. Laminated Posters are not permitted.
- v. Any form of non-recyclable Poster material is not permitted.
- vi. All text in other languages on Campaign Materials must have an accurate English translation that appears in equal stature and size.
  1. Where Campaign Material contains text in another language, the Candidate is responsible for having the text translated and notarized in order to gain approval for dissemination.
- vii. No Poster may overlap another Advocating Committee's Poster.
- viii. No Advocating Committee may post one of their Posters within one foot (30.5 cm) of another one of their own Posters.
- ix. All print Campaign Materials must be removed within forty-eight (48) hours after the close of the Voting Period.
- x. All web and social media pages must be removed within forty-eight (48) hours after the close of the Voting Period. For any social media pages that take more than forty-eight (48) hours to remove, Advocating Committees must submit proof of request for removal.
- xi. Campaign Materials may not:
  1. Overlap or be attached to Campaign Materials already affixed to other objects or surfaces.
  2. Be affixed to surfaces in classrooms or seminar rooms.
  3. Be removed from any posted location without the authorization of the CRO. This does not apply to Candidates removing their own material.
- j. Advocating Committees may not Campaign by distributing goods.
- k. The use of animals for Campaigning is forbidden.
- l. An Advocating Committee using a website or online network as a campaign tool is responsible for the moderation of all materials so that they are in accordance with the rules of Fair Play. Violations of Campaigning rules on websites or online networks by Advocating Committees or Non-Arm's-Length Parties are also subject to the penalties detailed in this section.

## **6. Campaigning**

- m. Areas designated for Campaigning will be subject to the following restrictions:
  - i. There shall be no Campaigning on Union property or using Union resources, except on the part of the “yes” committee in a Schedule A referendum, where the said committee is seeking an increase in a fee retained by the UTSU.
  - ii. To campaign in a classroom, an Advocating Committee must obtain permission from the lecturer before the start of class. Advocating Committees are required to inform the CRO within a reasonable time about such activities.
  - iii. No Campaigning where alcohol is served.
- n. Additional restrictions regulating Campaigning that are unique to the following, must be followed. It is the responsibility of the Candidates to familiarize themselves with the different rules that govern each of the following:
  - i. St. George and UTM campuses;
  - ii. Buildings on Campus; and
  - iii. student residences.
- o. Restrictions Concerning Union Polling Stations include:
  - i. Members of an Advocating Committee are not allowed within six (6) metres of a designated Polling Station, except to vote.
  - ii. No Campaign Materials shall be placed within six (6) metres of a Polling Station during voting days.
  - iii. No Campaign Materials may be clearly visible from the Polling Station.
- p. During the specified Voting Period, and subject to Article VI.1(n), Campaigning is allowed with the following restrictions:
  - i. Campaigning is not allowed within six (6) metres of a student residence.
  - ii. Advocating Committees on Non-Arm’s-Length Parties are not permitted to personally campaign to a student while they are voting online.
  - iii. Campaigning and Campaign Materials are not allowed within six (6) metres of a Library.
  - iv. Campaigning and Campaign Materials are not allowed within six (6) metres of a computer lab.
- q. Advocating Committees are not permitted to provide a device to a Member for the purpose of online voting, or where it may be reasonably expected that the Member would use the device to vote online.
- r. Advocating Committees are prohibited from collecting any credential from Members that are used to verify a Member’s identity when they vote online.
- s. The ERC will set the distribution of demerit points for campaigning for the referendum in question prior to the commencement of the Campaign Period.

## **6. Campaigning**

- t. The ERC has the right to remove members from an Advocating Committee and to disqualify an Advocating Committee in its entirety.
- u. Campaign expense limits are set by the ERC, subject to the approval by the Board of Directors, and limits must be the same for both Advocating Committees. The Union shall reimburse both Advocating Committees for the expenses up to 50% of the spending limit provided the Advocating Committee requesting reimbursement meets the provisions below.
  - i. No type of reimbursement shall be provided to external organizations falling under Schedule C referenda; this includes monetary and resource allocations.
  - ii. All Advocating Committees must submit records of all campaign expenditures within twenty- four (24) hours of the closing of voting. Original receipts must be submitted whenever possible. Sources and amounts of campaign donations must be disclosed and will not be reimbursed. The Union reserves the right to withhold the results of any given referendum if receipts and expense records are not submitted.
  - iii. Where receipts are unavailable, a fair market value will be provided for the product and shall be the lowest price, without discount or special concession.
  - iv. In the case of a Schedule A referendum, the Advocating Committee for the proposition shall not be reimbursed. The Advocating Committee for the opposition shall be reimbursed for up to \$10,000.
- v. Only members of the Union may participate in Campaigning. This clause shall apply even to the “yes” committee in a Schedule A referendum.

### **6.1. Advocating Committees**

- a. The ERC may register no more than one Advocating Committee to promote the proposition (“yes”) and no more than one Advocating Committee to promote the opposition (“no”). At least three-quarters (3/4) of the members of each Advocating Committee must be members of the Union. In the case of a Schedule A referendum, the Advocating Committee for the proposition shall be composed of four (4) members of the Executive Committee and no more than three (3) other members of the Union.
- b. An Advocating Committee must register with the Chair of the ERC and the CRO and submit:
  - i. The full name of the Advocating Committee.

## **6. Campaigning**

- ii. The name, address and telephone number of the chief agent of the committee.
  - iii. The names, addresses, telephone number and title of each member of the committee.
- c. No Advocating Committee shall invest resources in any aspect of a particular referendum more than the limit allowed by the ERC.
- d. Membership of an Advocating Committee will be public information and posted on the Union's website.
- e. No party, individual or group, other than the registered Advocating Committee, shall advertise in any medium or post or distribute any material, for the purpose of supporting or opposing a referendum question. Materials and advertisements posted or distributed by parties, individuals or groups other than the registered Advocating Committee which support or oppose a referendum question may be removed, and/or requested to be by the ERC or CRO. The ERC, at its discretion, may assess the degree to which interference by outside parties affect the results of any given referenda.

## **6. Campaigning**

- f. No registered Advocating Committee shall advertise in any medium, or post or distribute any material, unless the advertisement or other material:
  - i. Identifies that Advocating Committee and indicates that the advertisement is authorized and approved by the Union.
  - ii. Indicated that it has been approved by the Chair of the Elections and Referenda Committee and the Chief Returning Officer.
- g. During the referendum period, the ERC shall, at its discretion, arrange public forums for the Advocating Committees to make oral presentation to the membership, whether in a form of debate or "Question and Answer" session. Such a session shall be mandatory if both Advocating Committees have registered and are considered active.
- h. Only one Advocating Committee may campaign for or against any question. In the event that more than one party provides notice of their intent to run a "yes" or "no" campaign either in favor or against the same question, the CRO shall request that these parties merge into a single campaign. If the parties are unable to reach agreement, the CRO shall determine which party shall run the campaign.
  - i. No one, whether a member of a registered Advocating Committee or otherwise, shall make any statement of fact either in support or opposition to a referendum question, without evidence substantiating that statement of fact to the satisfaction of the CRO, or discuss any aspect of the referendum or campaign in a manner that the CRO considers to constitute Harassment.

## **7. Quorum**

- a. Quorum required for referenda of the Union shall be no less than five percent (5%) of the Membership affected by the referendum question.

## **8. Voting**

- a. The ERC has the power to determine whether any given referendum shall be conducted using either a paper or electronic ballot.
- b. Referenda shall be held in conjunction with the Spring Election Period or the Fall Election period, where possible.

### **8.1. Ballot Boxes / Polling Stations**

- a. The ERC shall determine whether to hold referenda under faculty and/or college voting system.
- b. The double envelope system will be used whenever necessary.
- c. The Union is responsible for staffing the polling stations with volunteers or paid staff.
- d. The Elections and Referenda Committee shall declare the location and hours of each polling station, at least ten (10) business days in advance.

### **8.2. Scrutineering**

- a. Scrutineers for an Advocating Committee must register with the ERC. The scrutineers from the advocating committees can be appointed by their own committee. There is to be a maximum of two scrutineers from each of the "yes" and "no" Advocacy Committees during the Voting Period.
- b. For the counting of the paper ballot, each Advocacy Committee may register scrutineers prior to the commencement of counting. These scrutineers do not have to be the same as those for the Voting Period.

### **8.3. Master voting list**

- a. The Master Voting List must be obtained four weeks prior to the start of the voting period, if necessary to verify petitions. Otherwise, the Master Voting List must be obtained when necessary to prepare for the Voting Period.
- b. The Master Voting List shall provide the list of members eligible to vote.

## **9. Appeals of Referenda Results**

- a. Any chief agent of an Advocating Committee may challenge the validity of a referendum result in a written submission containing their reasons, submitted to the CRO no later than forty-eight (48) hours after the close of the Voting Period.
- b. The CRO, on behalf of the ERC, shall investigate any appeal and make a recommendation to the Board of Directors on the appropriate action.
- c. The Board of Directors may not amend the rulings of the CRO or ERC.

## **10. Plebiscites**

- a. Referenda questions that are put forth with the understanding that their results are to be considered non-binding upon the membership shall be termed "plebiscites". Plebiscites shall be campaigned for and voted on in the same way as referenda.
- b. The Policy on Referenda shall apply to plebiscite questions, only substituting the word "plebiscite" where "referenda" appears.
- c. Plebiscites shall be so indicated on the ballot with "Plebiscite" appearing before the specific question.



# **11. Requirements of Referenda**

## **Schedule A – Union Referenda**

Schedule A outlines the referenda guidelines for whenever the Board of Directors of the Union wishes to determine the opinion of the membership with respect to one or more issues relating to the Union, which may or may not include issues relating to fees.

To call a referendum under Schedule A, a question must be submitted to the Board of Directors from the Executive Committee. The question(s) must have received a majority vote of fifty percent plus one (50% plus 1).

- a. The question is submitted to the Board of Directors, where a majority vote (50% plus 1) must be obtained to approve the question.
- b. The Board of Directors' approval of the question automatically places the Union in support of the question.
- d. No signatures need to be collected for Schedule A referenda.
- e. The ERC oversees the referendum once the question is determined and approved by the Board of Directors.
- f. Referenda can be held any time between the first day of the Fall session and before Fall session exams, to the first day of the Winter session and before Winter session exams.

## **Schedule B – University of Toronto Recognized Groups**

Schedule B outlines the referenda policy for whenever a recognized campus group wishes to determine the opinion of the Membership with respect to one or more issues relating to the Union. The question may or may not relate to fees.

- a. To call a referendum under Schedule B, a question must be submitted to the ERC with the following supporting documentation:
  - i. Complete petitions from Divisions I, II and III, collecting five percent (5%) of the Members from each of the Divisions.
  - ii. The form of petition used must conform to the criteria outlined in this Charter.
  - iii. Completed 'Referenda Application' set out by the ERC.
  - iv. Materials for the campaign, ready for approval.
  - v. List of participants involved in the campaign.
- b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who must either adopt a "yes" or "no" stance.
- c. Referenda for Schedule B can only occur in conjunction with Fall and Spring Elections.

## **11. Requirements of Referenda**

### **Schedule C – External Organizations**

Schedule C outlines the referenda policy for whenever an external organization wishes to determine the opinion of the Membership with respect to one or more issues relating to the Union. The question may or may not relate to fees.

- a. To call a referendum under Schedule C, a question must be submitted to the ERC with the following supporting documentation:
  - i. Complete petitions from Divisions I, II and III, collecting twenty percent (20%) of the members from each of the Divisions.
  - ii. The form of petition used must conform to the criteria outlined in this charter.
  - iii. Completed 'Referenda Application' set out by the ERC.
  - iv. Materials for the campaign, ready for approval.
  - v. List of participants involved in the campaign.
- b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who must either adopt a "yes" or "no" stance.
- c. Referenda for Schedule C can only occur in conjunction with Fall and Spring Elections.
- d. Referenda dealing with external organizations must respect the bylaws and rules of both the Union and the external organization.

### **Schedule D – Divisional Referenda**

Schedule D outlines the referenda policy for whenever a recognized campus group or a student society wishes to determine the opinion of a Division or constituency of the membership with respect to one or more issues relating to the Union. The question may or may not relate to fees.

- a. To call a referendum under Schedule D, a question must be submitted to the ERC with the following supporting documentation:
  - i. Complete petitions from the Division or constituency in question, collecting five percent (5%) of the Members from said constituency or Division.
  - ii. The form of petition used must conform to the criteria outlined in this charter.
  - iii. Completed 'Referenda Application' set out by the ERC.
  - iv. Materials for the campaign, ready for approval.
  - v. List of participants involved in the campaign.
- b. The ERC shall decide whether to recommend the support or opposition of the question to the Board of Directors, who must either adopts a "yes" or "no" stance.
- c. Referenda for Schedule D can only occur in conjunction with fall and spring elections.