



**Brescia University College Students' Council
REFERENDUM POLICY**

EFFECTIVE: 01-April-2016

SUPERCEDES: N/A

AUTHORITY: Council

**RATIFIED BY: Council, as of March
2016**

RELATED DOCUMENTS: By-Law #2

PAGE | 1 of 8

PREAMBLE:

The purpose of this policy shall be to outline the general rules and procedures of referenda and plebiscites. The BUCSC strives to ensure to the best of its abilities fairness and equity between parties and the process are upheld. This comes with the understanding that situations may occur outside of the bylaws scope of jurisdiction and control. Referenda can be susceptible to outside influences and external actors.

1.0 DEFINITIONS

- 1.01 “By-Laws” means the By-Laws relating to the transactions and affairs of the BUCSC, including By-Law #1 and By-Law #2 and any other By-Law adopted by the BUCSC;
- 1.02 “Committee” is understood to be the Elections Committee unless otherwise stated.
- 1.03 “Letters Patent” means the letters patent of the Corporation, as amended and supplemented by supplementary letters patent
- 1.04 “Member” refers to an individual holding any membership class of the BUCSC
- 1.05 “Plebiscites” is when the student body directly votes to either accept or reject a policy, similar to the referendum policy
- 1.06 “Policies and Procedures”, “Policy” and “Procedure” includes any document approved by the Council or Board of Directors that regulates the transactions and affairs of the Corporation, excluding any By-Laws and Letters Patent;
- 1.07 “Referendum” or “Referenda” means a vote taken by the student body to decide an important legislative or policy issue directly, as opposed to having the issue decided by a representative assembly or other legislative agency.

- 1.08 “Simple Majority” means more than half of the votes cast, excluding blanks and abstentions;
- 1.09 “Student” means any individual undergraduate student of Western University or an Affiliate, regardless of full, part time, or special status;

2.0 GENERAL

- 2.01 Without limiting any section of By-Law#2, this covers any referenda or plebiscites conducted by the BUCSC.
- 2.02 The administration of this policy, unless otherwise stated, is vested with the Governance Officer
- 2.03 The results of any referendum shall be binding on the BUCSC unless the results affect the Letters Patent or the Articles of Incorporation of the BUCSC or unless, by implementing the directive of the referendum, the Executive Council would be breaching its fiduciary obligations to the corporation.
- 2.04 The results of a plebiscite shall not be binding.
- 2.05 Any referendum or plebiscite requiring a motion of Council must be posted as required by By-Law #1. The CCO shall advertise meetings of Council, in which motions and writs to hold referenda or plebiscites will be put forward, on the official BUCSC website and any relevant form of social media.
- 2.06 For the purposes of this policy, the number of students in the student body shall be the number of full-time equivalent students registered at Brescia University College.
- 2.07 The results of any referendum shall be binding only if a minimum of 20% of the student body vote in the referendum.
- 2.08 A referendum may be initiated either by Council or by students at large.
- 2.09 A plebiscite may be initiated either by Council or by students at large.

3.0 STUDENT-INITIATED REFERENDUM

- 3.01 For the purposes of this Section:
 - (1) A “policy issue” means any issue or proposal, which is not likely to have any direct financial or legal implications on the BUCSC;

(2) The Executive Board, in consultation with any relevant individuals and/or committees, shall determine whether an issue is one which is likely to have direct financial or legal implications on the BUCSC; and,

(3) An issue shall be deemed to have a direct financial implication on the BUCSC if it will result in the imposition of any fee on students.

3.02 Any student wishing to initiate a referendum shall contact the Governance Officer to review the process to have a referendum question put on the ballot prior to collecting signatures, including the collection of signatures, the campaigning process, and any other pertinent information.

3.03 Any student may present a petition to the Governance Officer requesting that a referendum be held on any matter, subject to the following.

(1) Any petition requesting a student-initiated referendum must be submitted to the Governance Officer no later than fourteen (14) days before the last Council meeting prior to the commencement of the campaign period for the election.

(2) A petition is only valid if it contains the following:

- i. The names, student numbers and signatures of at least 10% of the student body when a request is being made for a referendum on any issue; and,
- ii. A clear indication of the issue on which the requested referendum is to be held.

(3) The Governance Officer shall check the validity of each name on the petition. If greater than 10% of the names are invalid, the petition is invalid.

(4) Any petition which contains any material misstatements of fact or material misrepresentations is invalid.

(5) For a petition to contain a clear indication of the issue, it must include at least the following:

- i. The amount of any fee which will be levied upon students directly for the purpose of implementing the proposal; and,
- ii. A statement summarizing the question, which will be decided by the referendum.

(6) Any student-initiated referendum involving levying a student fee shall require:

- iii. A written statement from the CFO of Brescia's University College stating a willingness to allow such a fee to be collected by the BUCSC; and
- iv. The CFO to work with the student to determine the exact fee that is to be levied by means of a budget prepared by the student,

a. If no such budget exists, the CFO shall assist the student in putting together a budget from which a student fee can be derived.

(7) The Committee shall assess the validity of all petitions and shall notify the student submitting the petition if it is found to be invalid.

i. Prior to submitting a completed petition, any student may submit a draft petition question to the Governance Officer for review. Any petition question, which is reviewed and endorsed by the Governance Officer shall be deemed to contain a clear indication of the issue and not to contain any material misrepresentations.

(8) Student-initiated referenda may not alter the composition of the corporation's members, membership fees or other financial matters of the corporation.

3.04 If a petition is found to be valid, a "writ of referendum" shall be drafted by the CRO in consultation with the Committee, which shall include the following:

(1) The particulars of the petition, including the name of the petitioner and the number of student signatures on the petition.

(2) The Executive Board's decision about the financial and legal implications of the proposal, with a brief summary of the reasons for that decision.

(3) The proposed referendum question, subject to approval by the Governance Officer to ensure that the question is constructed in an objective and clear manner.

(4) A budget outlining the projected cost of holding the referendum.

3.05 A valid petition requesting that a referendum be held on a policy issue shall automatically result in the initiation of a referendum and shall not require the approval of Council.

(1) The Governance Officer shall present the writ of referendum to Council.

3.06 A valid petition requesting that a referendum be held on an issue or proposal, which is likely to have direct legal or financial implications on the BUCSC must be approved by Council before a referendum may be initiated. A Simple Majority vote of Council will be required to prevent the referendum as requested from being placed on the ballot.

(1) The Governance Officer shall present the writ of referendum as well as a motion to place the referendum question on the ballot.

4.00 COUNCIL-INITIATED REFERENDUM

4.01 Council may initiate a referendum on any issue through a motion of Council, duly passed by a simple majority vote of those present and voting.

5.00 STUDENT-INITIATED PLEBISCITE

5.01 A student-initiated plebiscite is subject to the same rules and procedures as a student initiated referendum, with the only exception being as follows:

- (1) The names, student numbers and signatures of at least 5% of the student body are required when a request is being made for a plebiscite on any issue.

6.00 COUNCIL-INITIATED PLEBISCITE

6.01 Council may initiate a plebiscite on any issue through a motion of Council, duly passed by a simple majority of those present and voting.

7.00 REGISTERED INTEREST PARTY

7.01 Registered interested parties are entitled to campaign on behalf of any side in any referendum or plebiscite. More than one registered interested party may represent each official side.

7.02 Any group may request recognition as a registered interested party provided that the following conditions are met:

- (1) They are a Brescia's University College student group, or party approved by the Committee, autonomous from the BUCSC, that has been in existence for at least six (6) months prior to the writ, including, but not limited to the following: ratified clubs and Residence Councils.
- (2) If a student group or party approved by the Committee, as described above, does not register, then a group of students may register.

7.03 When applying to be a registered interested party, a group must prepare a written submission indicating how they will be directly affected by the result of the referendum or plebiscite.

7.04 All applications for status as a registered interested party must be submitted to the CRO within seven (7) days of the passing by Council of the motion or writ of referendum or plebiscite.

7.05 The Committee will decide on the merit of an application for status as a Registered Interested Party with such decision being subject to appeal to the HBK Appeals Board and finally to Council.

7.06 All registered interested parties must name an official spokesperson and this name must be handed into the CRO with the request.

7.07 Where there is only one registered interested party, it will constitute the only official side.

7.08 Subject to the following, all registered interested parties, including the BUCSC, when applicable, are deemed to be candidates, and are bound by the campaign rules in the policy, as well as by the rules and procedures governing referenda and plebiscites, when representing their side of the issue.

(1) All Campaign Materials produced by a registered party, including electronic materials, must clearly indicate that they are authored by a registered interest party.

(2) Registered interest parties shall be allowed a maximum of twenty (20) demerit points.

i. A registered interest party that accrues more than twenty (20) demerit points shall be automatically disqualified.

(3) Consequences of Disqualification:

- i. If the disqualified group is a BUCSC-ratified club, they shall be prohibited from further campaigning. Failure to adhere to this prohibition will be reported to the Governance Officer, and could result in further sanctions.
- ii. Individual students cannot be prohibited from further campaigning. However, students that continue to campaign after their group has been disqualified will not be reimbursed for any new campaign expenses.
- iii. A disqualified group will not be reimbursed for the cost of any campaign materials that continue to be used after the group's disqualification.
- iv. A disqualified group may not refer to themselves as an "official registered interest party".
- v. The disqualification of the "Yes" registered interest party does not automatically mean that a referendum fails. The Committee must make a separate determination as to whether the referendum result is valid. In doing so, the Committee must consider the potential impact of the infractions on the results.
- vi. The disqualification of the "No" registered party never means that a referendum carries.

8.00 BUCSC-SPONSORED SIDE

8.01 Subject to subsection 25.02(1), where the BUCSC has an interest in the outcome of a referendum or plebiscite, or where it is felt that a side of an issue is not being adequately represented by a registered interested party, the Council has the option of campaigning or appointing someone to campaign on behalf of a particular side.

9.00 INFORMATION-BASED CAMPAIGN

9.01 Where Council supports the provision of information to the electorate, the BUCSC, by a simple majority vote of Council, may provide financing for an information-based campaign in accordance with the financing rules prescribed in section 10.00.

(1) Information-based campaign funding can be allotted in addition to registered interest party campaign funding, or in place of registered interest party campaign funding.

9.02 The Elections Committee shall be responsible for administering information-based campaigns by selecting an Ad-Hoc Committee for this express purpose.

(1) As a consequence, the Ad-Hoc Committee members shall be prohibited from sponsoring a side whenever an information-based campaign has been approved and shall refrain from participating in Committee discussions of referenda with regards to enforcement of campaign rules and demerit points.

9.03 All information-based campaign materials must be reviewed and approved by the Committee before being posted or distributed.

(1) The Committee shall review the materials to ensure that they are neutral, and unbiased.

10.00 FINANCES

10.01 Registered interested parties may apply to the Committee for the funding available for their official side.

10.02 Each official side shall be entitled to funding up to 100% of the Presidential campaign limit as established, unless there is only one official side in which case the spending shall be at 50% of the Presidential limit.

10.03 An Information-Based Campaign shall be entitled to funding as follows

(1) 100% of the Presidential limit, if there are no registered interest parties;

(2) 75% of the Presidential limit, if interest parties are only registered for one official side; or

(3) 50% of the Presidential limit, if there is at least one registered interest party for both official sides.

10.04 If any registered interested party overspends their allowable limit, the surplus shall be applied to the official side's spending in addition to an automatic fine of 100% of the surplus.

10.05 All official sides and registered interested parties shall present a full financial statement to the CRO by 12:00 noon on the last day of campaigning.

11.00 APPEALS OF PLEBISCITE OR REFERENDUM RESULTS

11.01 Any student may challenge the validity of any referendum or plebiscite results. All appeals must be done in a written submission that:

- (1) Is presented to the Committee no sooner than two (2) days and no later than five (5) days after the close of balloting; and,
- (2) Contains the appellant's name, student number, telephone number and address, as well as a detailed explanation of the reason(s) for challenging the results.

11.02 The Committee shall investigate the appeal within fourteen (14) days, and decide on the appropriate action.

11.03 All voting data collected shall be destroyed not less than thirty (30) days after the close of balloting.

12.0 PROCEDURAL AUTHORITY

12.0 Further Procedures necessary for the effective and efficient implementation of this policy shall be established and amended as necessary by Council

- (1) The scope of such Procedures is limited to the scope of this policy.
- (2) In the event of any conflict, this Policy supersedes any document created under it.
- (3) Council must ratify any new Procedures and amendments to any existing Procedures before said changes take effect.
- (4) Any Procedures ratified by Council, or any subsections therein, may be repealed by a resolution of Council.