

Referenda Procedure

Category: Executive

Version 4

First ratified: June 2013

Last ratified: July 2022

Review date: June 2025

1. Purpose

- 1.1. The Otago University Students' Association (OUSA) is owned and run by students. The OUSA Constitution requires that the Student Body set external policy, make changes to the Constitution, and may set the Association budget in referenda.
- 1.2. The following policy sets out procedures as to how to run fair and democratic referenda and ensure maximum participation of the student body.

2. Interpretation

- 2.1. In this policy, unless the context otherwise requires:
 - 2.1.1. Association means The Otago University Students' Association (Incorporated).
 - 2.1.2. Executive means the Executive Committee of the Association.
 - 2.1.3. General ballot means secret ballot carried out in accordance with this policy.
 - 2.1.4. Member means a student enrolled at the University or a life member of OUSA.
 - 2.1.5. Notice means a notice placed on the Association's website and supplied to student media.
 - 2.1.6. Resolution means a motion requiring positive votes of at least half of the total number of members voting at any meeting of the Association.
 - 2.1.7. Special resolution means a motion requiring positive votes of at least two-thirds majority of the total number of members voting at any meeting of the Association.
 - 2.1.8. Student body means the members of the Association.
 - 2.1.9. Student forum means a meeting to discuss and debate the subject of a Referendum before voting opens. No voting on substantive motions takes place at a Student Forum.
 - 2.1.10. Student media means any such media outlets as the Association or its subsidiaries may own including the Association's website.
 - 2.1.11. Working days means weekdays and days when the University of Otago is holding formal classes, excluding public holidays.

3. Powers of the Student Body

- 3.1. The student body exercises power through referenda.
- 3.2. All members of the Association may vote in referenda.
- 3.3. The student body may exercise the following powers in referenda:
 - 3.3.1. To make resolutions on any matters, and to transmit recommendations to the Executive;
 - 3.3.2. To amend the Constitution;
 - 3.3.3. To set external policy;
 - 3.3.4. To put a question to a referendum, except on questions of finance or administration.
 - 3.3.5. To set the Association budget and any levies;
 - 3.3.6. To receive the Annual Report and audited accounts; and;
 - 3.3.7. To appoint the Association Secretary.

4. General Procedures

- 4.1. Any student at the University of Otago may submit a question to the Secretary to be put to the student body.
- 4.2. If a question is submitted too late to be put to a referendum, the Secretary must keep a record of the question and give the submitter the opportunity to put the question at the next referendum.
- 4.3. The Secretary must put any questions submitted to the Executive on the agenda of the Executive meeting where questions are referred to a referendum (which shall be at least ten (10) working days on which the University of Otago holds classes before the date that voting opens).
- 4.4. The Executive recommends to the Mediator which questions shall be put to the student body. The Executive may decide not to recommend a question for one of the following reasons:
 - 4.4.1. The question relates to finance or administration of the Association; or
 - 4.4.2. The question unfairly affects any individual, including students, OUSA employees, OUSA Executive members and University employees.
- 4.5. The Executive must alert the submitter of a question if their question has not been recommended to the Mediator.
- 4.6. If the Executive chooses not to recommend a question for any of the reasons provided for in 4.4, the student who puts the question may then seek a petition of 1% of the student body who support the question being asked, which will override the Executive's recommendation.
- 4.7. All questions are then sent to the Mediator to set proposed questions.
- 4.8. All proposed questions must be put to the Student Body for five (5) working days to allow time for submissions.
- 4.9. The Mediator will take into account any submissions and/or petitions before determine the final wording. The Mediator may also amend the wording of the questions for the reasons outlined in the Constitution.
- 4.10. All questions are then set by a Resolution of the Executive before being put to the Student Body.
- 4.11. Any question put to the Student Body must not deviate from the final wording set by the Mediator.
- 4.12. The final wording of the questions are then advertised to the student body for ten (10) working days.
- 4.13. A student forum must be held at least twenty-four (24) hours before voting opens, where those who have put a question, and any students who would like to discuss/debate motions can do so.
- 4.14. Voting opens (normally at 9am) and must remain open for at least three (3) working days and no more than five (5) working days.
- 4.15. OUSA should work to ensure times/dates chosen allow for reasonable opportunity for Critic to cover the referendum, including the lead up to it.
- 4.16. The Returning Officer shall notify students of the results of the referendum as soon as possible.

5. Student Forums

- 5.1. No voting takes place at a student forum.
- 5.2. The forum should be held primarily in person, with an option for an online forum for students enrolled at satellite campuses.
- 5.3. If there is a limitation on in-person gatherings, the forum shall be held via online forum.
- 5.4. The student forum will be filmed or recorded, with recordings put online to give anyone who misses the forum the opportunity to view the discussion/debate on each motion.
- 5.5. A student forum Chair is appointed by the returning officer at the beginning of the first student forum to moderate the debate, according to the following rules:

- 5.5.1. The Chairperson will give all students the opportunity to speak to a question and ask questions of the mover of a question.
- 5.5.2. The Chairperson will ensure everyone present at the student forum is aware that it is being filmed to be put on the OUSA website and/or social media.
- 5.5.3. The mover of a question shall have the opportunity to speak that question first and have the last right of reply.
- 5.6. The Chairperson will have full authority to:
 - 5.6.1. Impose time limits (of maximum 5 minutes) to speakers,
 - 5.6.2. To rule that a speaker is out of order (for example if they are being rude, abusive or otherwise contravening these rules).
- 5.7. Any student present at the Student forum may request that the Chairperson invoke his or her powers under this section.
- 5.8. Student forums may only be held on days when the Dunedin campus of the University is holding formal classes and at a time and place that is not inconvenient to students.
- 5.9. The Association must endeavour to ensure students at all campuses can participate in student forums and referenda.
- 5.10. The student forum shall allow for fair discussion and debate of questions that are put to referenda.

6. Voting

- 6.1. Voting will take place electronically on the OUSA website.
- 6.2. The Returning Officer must ensure that the voting system is able to:
 - 6.2.1. Meet the specifications and requirements laid down in the OUSA Constitution;
 - 6.2.2. Ensure that only OUSA members vote and that each member is only able to vote once, and provide for the due secrecy and peaceful nature of the ballot; and;
 - 6.2.3. Provide for special votes for candidates and others unable to vote during the election period.
- 6.3. The Returning Officer has discretion to disallow votes which are submitted incorrectly or are not sufficiently clear.
- 6.4. The Returning Officer has the sole discretion to allow the entry of a vote where a member believes that their name has wrongly been recorded as having already voted.
- 6.5. On any referenda ballot there must be an option for members to make additional comments.
- 6.6. Additional comments do not affect the referenda result.

7. Timelines

- 7.1. Five (5) working days must be provided for members to submit proposed referendum questions.
- 7.2. Five (5) working days must be provided for members to make submissions on proposed referendum questions.
- 7.3. At least ten (10) working days' notice must be given of the date that voting opens for a referendum.
- 7.4. At least five (5) working days' notice must be given of the date of a student forum.
- 7.5. At least ten (10) working days' notice must be given of the final wording of any constitutional changes.
- 7.6. At least five (5) working days must be given of the final wording of referendum questions.

8. Ties

- 8.1. In the case of a tie, the referendum question will be deemed to have failed.

9. Quorum

- 9.1. The quorum for a normal referendum question is 5% of the student body.
- 9.2. The quorum for receiving the Annual Report is 1% of the student body.
- 9.3. If a question does not reach quorum it will be deemed non-binding/indicative only.

10. The Returning Officer

- 10.1. Before the opening of voting, the Secretary will appoint a Returning Officer to oversee the promotion and running of the referendum.
- 10.2. Within twenty (20) working days of the close of voting, the Returning Officer must report to the OUSA Executive on the running of the referendum, improvements to the process and any other matters pertinent to the referendum as they see fit.
- 10.3. The Returning Officer will hold their position until the Executive has received their referendum report.
- 10.4. In the event that no Returning Officer is appointed, or that the Returning Officer vacates the position, is absent or incapacitated, the Secretary shall hold the position of Returning Officer until they appoint a new Returning Officer.
- 10.5. The Returning Officer must:
 - 10.5.1. Carry out such duties as are described in the OUSA Returning Officer's job description;
 - 10.5.2. Be available to candidates and members of OUSA to answer questions on the rules or organisation of the referendum.
- 10.6. The Returning Officer must do all things necessary, expedient or advisable in their opinion for the proper, fair and democratic conduct of the referendum.

11. The Executive

- 11.1. The Executive must assist the Returning Officer, as needed and where appropriate, to ensure the referendum is conducted in a proper, fair and democratic manner.
- 11.2. The Executive must exercise its authority under this policy and the OUSA Constitution in a manner that upholds the integrity and reputation of OUSA and is consistent with the principles on which this policy is based.
- 11.3. No executive member, staff member or any person acting in any official OUSA capacity, may imply OUSA as an organisation actively supports or opposes a particular question/outcome (by wearing or distributing campaign materials) or verbally (via statements, publications, public announcements) or any other means.
- 11.4. Executive members may publicly state their own opinions on questions and are encouraged to actively participate in debate, but must clearly articulate that their views are personal views, and if contrary to existing policy, an executive motion or an official Association standpoint must state that their view is a minority view.
- 11.5. The Executive must set the dates for a referendum by executive motion, taking into account:
 - 11.5.1. The need to encourage as many students as possible to participate in referenda; and
 - 11.5.2. The requirement that the OUSA hold a referendum in each second semester.
- 11.6. The timing of other significant events which may lower the profile of the referendum.
- 11.7. The Executive shall take active steps to promote the referendum and forum to ensure maximum participation. Including but not limited to:
 - 11.7.1. Notifying student media of:
 - 11.7.1.1. The day or days on which student forums and voting are to be held;
 - 11.7.1.2. The hours during which voting may take place;
 - 11.7.1.3. The internet address of any electronic voting system.
 - 11.7.2. Working with the Marketing and Communications team to create a campaign around voting in the referendum.
 - 11.7.3. Interacting with students on campus (if possible).

12. The Association Secretary

- 12.1. In the event that no Secretary has been appointed or that the Secretary vacates the position, is absent or incapacitated, the Executive will, as soon as possible, appoint an individual for the purposes of temporarily carrying out the Secretary's duties under this policy until such time as the Secretary resumes the role.
- 12.2. The Secretary must, in conjunction with the Returning Officer, ensure that members are able and are encouraged to submit referendum questions.
- 12.3. The Secretary must post a notice of the dates of student forums and referenda and disseminate the notice in such media as they see fit.
- 12.4. The Secretary must receive all questions to submit to the Executive and ensure that arrangements are made for their receipt if they are not present.
- 12.5. Upon receipt of the nomination form the Secretary will ensure that:
 - 12.5.1. The person who puts the question is a student; and;
 - 12.5.2. All other details of the form are properly filled out.
- 12.6. That a background statement to the question is supplied and if possible it includes the pros and cons of the proposed question.
- 12.7. If the requirements under clause 11.18 are not met, the Secretary must notify the mover of this fact.
- 12.8. The Secretary may not refuse to accept a question for any reason other than form or eligibility.
- 12.9. Where the Secretary refuses to accept a question they must within two working days make the mover aware of their right to appeal to the Executive.
- 12.10. Within 24 hours of the release of the referendum results, the Secretary shall post a notice stating:
 - 12.10.1. The wording of the successful questions;
 - 12.10.2. The number of valid votes cast for each question;
 - 12.10.3. The number of abstained voters for each questions; and
 - 12.10.4. The number of invalid votes cast for each position.

13. Promotion of the Referendum and Forum

- 13.1. The Returning Officer must ensure that the following minimum requirements of promotion are met:
 - 13.1.1. That the Student Media is notified of:
 - 13.1.1.1. The date of the forum;
 - 13.1.1.2. The date voting opens and closes;
 - 13.1.1.3. The wording of the questions; and
 - 13.1.1.4. Any background statements supplied.
- 13.2. That the forum is filmed, and uploaded to the OUSA website, on the same page as the link to the voting login.
- 13.3. That the Administrative Vice-President and Finance and Strategy Officer drafts a short explanatory statement for each question and non-biased summary of the pros and cons of each student or Executive submitted question, informed by the background statement and debate, to be put on the website.
- 13.4. The Returning Officer must ensure that the information supplied on the website and in Critic is available on the OUSA website during the voting period for voters to read.
 - 13.4.1. Referendum promotion must not contain material that constitutes harassment, intimidation or abuse.
 - 13.4.2. The Association Secretary will seek permission from the University to distribute email to OUSA members advertising the dates of the forum and voting before they occur, and that voting is open via a link to the OUSA website once voting has opened.

- 13.4.3. Any such email must be brief, must not include any attached files, and must be solely for the purpose of advertising the referendum. Any such email must specify the dates, times and locations for voting.
- 13.4.4. The returning officer must make sure the referendum/forum is well advertised on the OUSA website, social media, on poster boards and bollards and in paid advertising in student media.

14. Campaigning

- 14.1. Any students, including executive members where they are not purporting to represent the views of the Association, may campaign for or against questions put to referendum.
- 14.2. Students must comply with the instructions of the University and its officers.
- 14.3. Students must notify the Returning Officer if they intend to run a campaign about a question and provide a written list of any person(s) actively supporting the campaign to the Returning Officer.
- 14.4. Students must comply with the instructions of the Returning Officer and other referendum officials.
- 14.5. Students must not interfere in any way with private property without the express permission of the owner.
- 14.6. Students must not campaign in a manner that is disruptive to the University environment.
- 14.7. Students must not campaign in a manner that implies an endorsement by OUSA.
 - 14.7.1. A manner that implies an endorsement by OUSA includes but is not limited to:
 - 14.7.1.1. Using the OUSA logo
 - 14.7.1.2. Referencing OUSA resources other than the URL for voting.
 - 14.7.1.3. Using OUSA green
 - 14.7.1.4. Using Executive members or Association staff to promote the campaign.
- 14.8. Students must not campaign in or allow any of campaign materials to be present in University Computer labs.
- 14.9. Students must respect the integrity, impartiality and privacy of the voting process.
- 14.10. Students must not use any OUSA resources in the course of any campaign, including but not limited to OUSA related websites and social networking web pages, unless specifically authorised by the Returning Officer.
- 14.11. The Returning Officer will have full discretion to moderate any OUSA related online discussion forums and social networking web pages to ensure the referendum is in line with these rules.
- 14.12. Students must not send campaign or spam emails to University email lists.
- 14.13. Students must not interfere in any way with the campaign material of another student.
- 14.14. Students must not give away any individual item with a market value of more than \$1.
- 14.15. An individual students' total campaign expenditure shall not exceed \$400. The full market value of any individual or collaborated campaign material used to promote a student's campaign must be incorporated into the total costs of the campaign.
- 14.16. Students and clubs cannot use money from an OUSA grant for any referendum campaign.
- 14.17. Harassment, intimidation or abuse of any candidate or member of OUSA is completely unacceptable and must not be entered into.
- 14.18. Students must act in good faith towards fellow students, OUSA, and the wider community.

- 14.19. Any attempt to undermine the legitimacy or integrity of the referendum is strictly prohibited.
- 14.20. The Returning Officer must, when required, clarify or interpret these rules during the course of the election in a way that best reflects the integrity and impartiality of the voting process.

15. Complaint Process

- 15.1. Any member of OUSA may make a complaint to the Returning Officer alleging a breach of the rules by OUSA, the Returning Officer or any other student.
- 15.2. When examining an alleged breach of the rules, the Returning Officer must have regard to the principles of natural justice and will carry out a full, fair and impartial investigation.
- 15.3. Where notice of a complaint has been given to the Returning Officer they must announce all affected results as provisional until the complaint and any subsequent appeals have been dealt with.
- 15.4. Where the Returning Officer believes, on reasonable grounds, that the actions of an individual may be attributed to another student, they may consider the breach as if the other student had committed it.
- 15.5. Where the Returning Officer believes, on reasonable grounds, that the complaint is frivolous, they may make a decision to dismiss the complaint out of hand.
- 15.6. When examining an alleged breach of the rules, the Returning Officer may examine any conduct before and during the voting period relating to the referendum, regardless of whether that conduct occurred before or after the complaint.
- 15.7. The Returning Officer must take all reasonable steps to inform the student to whom the complaint relates, and where appropriate any other party to the breach of the complaint, and allow not less than 24 hours for the student to prepare their response.
- 15.8. Upon upholding a complaint, the Returning Officer may impose such restriction, limitation or penalty, including disqualification of votes, as they think appropriate, taking into account:
 - 15.8.1. The seriousness of the breach;
 - 15.8.2. The potential or actual effect the alleged breach may have or has had on the outcome of the referendum;
 - 15.8.3. The intention of the student in committing the breach; and;
 - 15.8.4. Repeated breaches of the rules by a student.
- 15.9. Without limiting the Returning Officer's discretion, a ruling that a question is inconclusive may be appropriate in cases of:
 - 15.9.1. Damage to property, without permission of the owner;
 - 15.9.2. Serious or repeated harassment, intimidation or abuse of any member or group of members of OUSA;
 - 15.9.3. Any attempt to undermine the integrity of the referendum;
 - 15.9.4. Serious or repeated deliberate or negligent breaches of the rules; or;
 - 15.9.5. Serious or repeated disregard for the instructions of either the Returning Officer or the University and its officers.
- 15.10. In all circumstances, the Returning Officer must notify the student and complainant of their right to appeal to the Executive.
- 15.11. The detail of the complaint and any student response must not be publicly notified by the Returning Officer, the complainant or the student until after the complaint process and appeal process (if undertaken) are both concluded and determinations have been made.
- 15.12. In the event that the Returning Officer rules a referendum question inconclusive the question shall fail.

16. Complaint Time Window

- 16.1. The Returning Officer must not investigate a breach of the rules reported after the close of the voting period, except where the allegation discloses facts that, if proved, they would render the referendum result unsafe.

17. Appeals against the Returning Officer

- 17.1. The Executive shall appoint an independent arbitrator, who must not be an ordinary member of OUSA, to resolve any appeal.
- 17.2. Decisions of the Returning Officer may be appealed to the Executive appointed independent arbitrator by any OUSA member.
- 17.3. No complaint of a breach of the rules will be heard by the independent arbitrator until the Returning Officer has ruled on the issue.
- 17.4. Any appeal against a decision of the Returning Officer must be lodged with the Secretary within five working days of the Returning Officer's decision.
- 17.5. All appeals must be in writing, disclose the grounds of the appeal, and the evidence supporting the appeal.
- 17.6. The Secretary must notify the appeal to the person who is the subject of the complaint and provide them with appeal documents within two working days of the appeal being lodged.
- 17.7. The Secretary must notify any parties to the appeal of the result of the appeal in writing as soon as reasonably possible after the independent arbitrator has considered the matter.
- 17.8. A decision of the independent arbitrator will be final and will bind the Executive.
- 17.9. The appeal, and any response to the appeal, must not be publicly notified by the Secretary, Returning Officer, Executive, independent arbitrator any party to the appeal, until the appeal has been finally determined.

18. Recount

- 18.1. A demand for a recount must be delivered to the Secretary, in writing, within five working days of the referendum result being released and must state fully the grounds upon which the demand is made.
- 18.2. The Executive will automatically grant a recount the first time that a student requests one.
- 18.3. An Executive member must abstain from voting for or against a recount if they have an interest in the outcome.
- 18.4. The manner and form of any recount will be decided upon by the Executive in a manner consistent with the OUSA Constitution, and shall be conducted by the Returning Officer:
 - 18.4.1. Any student may attend a recount.