

*The passing of this policy will repeal all sections of Policy 400 pertaining to Petitions and the Petition Process.

Name of the Policy

1. This policy shall be referred to as the "Referendum Petitions & Polls Policy".

Definition

2. This policy is to outline the specific process and procedures by which an undergraduate student may bring forward a petition or opinion poll question to the student body to be voted upon in a campus-wide or faculty wide referendum.
3. This policy will also provide the process by which the question and associated terms of reference pertaining to the referendum petition are approved by the Brock University Student's Administrative Council.
4. Supporting documentation is determined as being the Memorandum of Understanding associated with a referendum question as well as any additional terms of reference.

Process for Memoranda Creation

5. If undergraduate students have an initiative they wish to pursue they will bring forth that idea to the speaker or executive committee. The speaker or executive committee will then move the initiative to the Chief Returning Officer (or designate) and will call for the Referendum Petitions committee to meet.
6. The committee will have three (3) weeks (21 consecutive days) to work with the mover to formulate an appropriate question, MOU and other supporting documentation
7. The product of the committee will then be sent to BUSAC for review.
8. BUSAC may edit the product of the committee without changing the spirit of the initiative and approve it to receive petition status, allowing the collection of student signatures. BUSAC cannot motion to table a product of RPOC once it has been brought to council, owing to the time constraints placed on the committee it must approve the question and supporting documentation prior to adjournment.
9. The mover and volunteers will then have the opportunity to collect signatures. If the mover disagrees with the ruling of BUSAC, and is under the impression that the spirit of the initiative has changed, the mover may opt for arbitration.
10. The CRO will then give the final approval of the signatures as being valid and allow the petition to go to referendum.
11. In order for the initiative to become eligible for referendum, within a regularly scheduled referendum period, BUSAC must approve the product of the committee by the following dates:
 - a. BUSAC By-Election (October): Must be approved by the last BUSAC meeting of September
 - b. BUSU Executive Elections (February): Must be approved by the last BUSAC meeting in December
 - c. BUSAC Elections (March): Must be approved by the last BUSAC meeting in January
12. Any proposed question and supporting documentation must be approved by a simple majority of BUSAC in order to be valid to collect signatures. The exception being a constitutional referendum petition, which must be approved by a 2/3rds majority of council.
13. Should the mover wish to begin the process of developing a referendum question and associated documentation they can do so at any time, and are not limited to the three weeks prior to the deadlines stated above.
14. Any signatures gained for a petition on behalf of a third party must be collected by a registered undergraduate student.

15. A referendum of the undergraduate student body shall be called upon the petition being signed by at least seven (7) per cent of the Full Time Equivalent (F.T.E.). The petition shall include the exact referenda question to be asked on each page containing signatures, the rationale behind the question, any associated terms of reference, and the name, student number and major of each student who signs the petition.
16. Prior to being sent to referendum, the Chief Returning Officer shall approve and check all signatures on the petition to ensure the validity of the signatures.
17. There are no limitations to when the mover of an opinion poll question can begin the process, however if they bring forward the question after the mandatory three (3) weeks as outlined in Section 6, the referenda question and memorandum will go to the next referendum period.
18. The movers of the petition shall also sign a document indicating that they understand the rules and regulations governing the referendum process, and will comply with those rules and regulations.

Process for Opinion Poll Creation

19. If undergraduate students have an Opinion Poll they wish to pursue they will bring forth that idea to the speaker or the executive committee. The speaker or the executive committee will then move the initiative to the Chief Returning Officer (or designate) and will call for the Referendum Petitions committee to meet.
20. The committee will have three (3) weeks (21 consecutive days) to work with the mover to formulate an appropriate opinion poll.
21. The product of the committee will then be sent to BUSAC for review.
22. BUSAC may edit the product of the committee without changing the spirit of the initiative and approve it to be attached to a referenda ballot.
23. BUSAC cannot motion to table a product of RPPOC once it has been brought to council, owing to the time constraints placed on the committee it must approve the opinion poll prior to adjournment.
24. The CRO will then give the final approval of the opinion poll before it is attached to the referenda ballot.
25. The process for creation and approval of an opinion poll must adhere to the same guidelines outlined in Section 11 of this Policy.
26. Any proposed opinion poll question must be approved by a simple majority of BUSAC in order to be valid to collect signatures.
27. There are no limitations to when the mover of an opinion poll question can begin the process, however if they bring forward the question after the mandatory three (3) weeks as outlined in Section 20, the opinion poll will go to the next referendum period.
28. Should an opinion poll fail to reach quorum, the results will not be made public.

Authority

29. As stated in Article XI, Section 1 *"A Referendum shall be held on any matter when a petition stating the Referendum question has been signed by seven percent (7%) of the F.T.E. of the current membership of the Corporation, and presented to the Speaker. BUSAC must approve the question that will appear on the ballot, and supporting documentation"*. BUSAC shall therefore have the power to modify the question and supporting documentation, so long as it does not change the original spirit of the question being proposed.
30. Similarly, the committee shall act as an arm of BUSAC, and will have the authority to draft the question and supporting documentation with the mover of the question. The committee may not change the spirit of what is being brought forward by the mover

31. Similarly BUSAC has the authority to modify the question and associated terms of reference, including the memorandum of understanding. BUSAC may not change the spirit of what has been presented by the committee.
32. Once brought forward to BUSAC by the Referendum Petitions Oversight Committee, BUSAC must make a decision on the question and supporting documentation at that meeting, and cannot table the issue.

Arbitrator

33. Once developed by RPPOC, the mover shall work with the committee to gain final approval of the question and supporting documentation before being sent to BUSAC. If the mover believes the question and supporting documentation violates the spirit of what was initially proposed then both parties shall jointly select an arbitrator to decide the wording of the question. If both parties are unable to agree upon a single arbitrator, they shall each select an arbitrator and the two arbitrators selected shall jointly select a third arbitrator.
34. Once presented to BUSAC, council may modify the question and supporting documentation, so long as they do not violate the spirit of the MOU. If the mover believes that the spirit has been violated, both parties shall jointly select an arbitrator to decide the wording of both the question and supporting documentation. If both parties are unable to agree upon a single arbitrator, they shall each select an arbitrator and the two arbitrators selected shall jointly select a third arbitrator.

Supplementary:

35. All Questions, Memoranda of Understanding, supporting documentation and associated terms of reference must follow the referenda template associated to ensure that all relevant and required information is included.
36. Additionally, all Memoranda must follow the specific stipulations pertaining to them as mandated in the BUSU Bylaw.

Process for the Creation of a Recall Petition

37. If an undergraduate student wishes to obtain a Recall Petition pursuant to Article XII of the Bylaw of the Brock University Students' Union, Inc., they shall consult the Speaker or Chief Returning Officer, either of whom shall explain the process described herein.
38. Should the student wish to obtain a Recall Petition, they shall schedule a preliminary meeting with the Chief Returning Officer and submit written justification for moving a Recall Petition, in accordance with the provisions of section 39 of this by-law.
39. Justification for moving a Recall Petition shall be limited to the foregoing:
 - a. Demonstrable failure to make reasonable attempts to fulfill the duties and obligations of elected office, as outlined in the Legislation of the Corporation.
 - b. Carrying out the duties of an elected official in demonstrable contravention of relevant Legislation or Policies of the Corporation.
 - c. Engaging in conduct unbecoming of an elected representative of the Corporation or a demonstrable contravention of the BUSU Code of Conduct, as amended.
40. Upon indication that the student wishes to proceed, the Chief Returning Officer shall contact the Chair of the Ethics Review Committee to call a meeting of the Committee no sooner than five (5) days and not in excess of ten (10) days where regular classes are scheduled to discuss the intention of the student to obtain a Recall Petition.
41. (1) The Ethics Review Committee shall hold an *in camera* meeting with the student who wishes to obtain a Recall Petition to discuss the initiative. All materials and discussion associated with the

meeting shall be confidential and accessible only by members of the Committee and the Brock University Ombudsperson, or their designate.

(2) The student who wishes to obtain a Recall Petition shall make representation to the Committee for the purpose of demonstrating their intention to circulate a Recall Petition is made in good faith by indicating that the following criteria have been satisfied:

- i. Demonstrable justification for moving a Recall Petition, pursuant to section 39 of this by-law.
- ii. Consultation with the elected official sought to be recalled proven to be unsuccessful at mitigating grievances.
- iii. All appropriate alternative means to redressing their grievance have been exhausted.

(3) Subsequent to the representation of the student who wishes to obtain a Recall Petition, the Committee shall deliberate on whether the Recall Petition is sought in good faith by determining whether the criteria in sub-section 41 (2) have been satisfied.

- a) Should the Committee determine that the intention to obtain a Recall Petition is made in good faith, the Committee shall severally notify the student who wishes to obtain a Recall Petition the Chief Returning Officer of their decision immediately.
- b) Should the Committee determine that the intention to obtain a Recall Petition is not made in good faith or has not satisfied any of the criteria in sub-section 41 (2), the Committee shall make reasonable suggestions to the student who wishes to obtain a Recall Petition to ensure their efforts are done in good faith.
- c) The Chair of the Committee shall be responsible for the creation of a report for BUSAC detailing the decision of the Committee and keep such a report confidential until such a time that a validated Official Recall Petition is presented to BUSAC by the Chief Returning Officer.

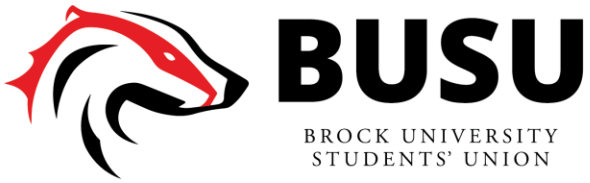
42. Once a notice of the Committee's decision has been received, the student who wishes to obtain a Recall Petition shall notify the Chief Returning Officer if they wish to proceed and obtain a Recall Petition.

- a. The student who wishes to obtain a Recall Petition shall sign an agreement indicating their intent to circulate a Recall Petition and become the Mover of said petition, and acknowledging their obligation to circulate such in accordance with the BUSU Code of Conduct and applicable by-laws, that the elected official will receive notice, and that they shall be the sole mover of the Recall Petition.
- b. The Chief Returning Officer shall provide the student with an Official Recall Petition containing the name of the elected official sought to be recalled, the office they hold, the number of valid signatures required, and the Referendum Question and Memorandum of Understanding hereto attached as *Schedule A*. The Chief Returning Officer shall sign or stamp the bottom right-hand corner of each page of the Official Recall Petition prior its release.
- c. The Chief Returning Officer shall, within forty-eight (48) hours of providing an Official Recall Petition, notify the elected official sought to be recalled that such petition has been provided, the name of the mover of the Official Recall Petition, and the written justification for moving a Recall Petition provided to the Chief Returning Officer in accordance with section 38 of this by-law.

43. The Mover of the Official Recall Petition, along with any volunteers, shall have the opportunity to collect signatures without fear of reprisal, subject to applicable legislation of the Corporation. Should the Mover require more pages of the Official Recall Petition to collect signatures, they shall make a request to the Chief Returning Officer.

44. The Mover of the Official Recall Petition may, at any reasonable time, submit a completed petition for validation to the Chief Returning Officer, who shall verify the validity of all signatures collected with the Office of the Registrar of Brock University.

- (1) To be considered valid, the Official Recall Petition must be returned intact, must not contain any duplicated pages, must not contain pages not signed or stamped by the Chief Returning Officer, and must have no more than ten-percent (10%) of the total signatures on the Official Recall Petition deemed invalid.
- (2) To be considered a valid, signatures on the Official Recall Petition must be contained within one provided line on the petition and record the first name, surname, valid Student Identification Number, and signature of a current undergraduate student. If a signature fails to adhere to the above conditions, it shall be considered invalid and not count towards the total number of signatures on the Official Recall Petition.
- (3) Both the Mover of the Official Recall Petition and the elected official sought to be recalled shall be permitted to appoint one (1) scrutineer to oversee the verification of the Official Recall Petition.
 - i. In the event of a discrepancy regarding the validity of a signature, the Chief Returning Officer shall consult the scrutineers present.
 - ii. Notwithstanding sub-section 44 (3) i., the decision of the Chief Returning Officer shall be final.
- (4) Should the Official Recall Petition fail to achieve the number of valid signatures required pursuant to *Article XII* of the Bylaw of the Brock University Students' Union, Inc., the Mover shall be permitted to continue circulating the petition.
45. Upon the verification of the validity of the Official Recall Petition, the elected official sought to be recalled shall have the opportunity to examine the Official Recall Petition in its entirety.
46. The Chief Returning Officer shall make public the validity of the Official Recall Petition and the total number of valid signatures contained in the petition and present the same at the next regularly scheduled meeting of BUSAC for ratification.
47. The Mover of the Official Recall Petition shall be permitted, at any time, to rescind their intent to circulate the Official Recall Petition by notifying the Chief Returning Officer in writing.
 - a. The Mover shall sign an agreement indicating that they wish to rescind the petition, that any and all signatures collected shall be considered invalid, and that the Official Recall Petition shall be returned to and destroyed by the Chief Returning Officer.
 - b. The Recall Petition process shall be considered to have ceased and terminated once the Mover has signed an agreement pursuant to sub-section 44 (a).
 - c. Upon receipt of an Official Recall Petition that has been rescinded, the Chief Returning Officer shall not review, record, or make public any information contained therein and shall destroy the Official Recall Petition forthwith by means of shredding, incineration, or any other method deemed appropriate.



Policy 402 (*Formerly Bylaw 402*)
Referendum Petitions & Polls
Effective: January 2020
Replaces: October 2018

Schedule A: Recall Petition Question and Memorandum of Understanding

4.