

Referenda Policy

Category: Executive

Version 5

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Attachments: Referenda process - https://ousa-my.sharepoint.com/:p/g/personal/adminvp_ousa_org_nz/EYIACZMb8yxHr3_sig0Zd6EBKLnosf5ProSRrNpn1lm5ow?e=YJGylw

1. Purpose

- 1.1. 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.
 - 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.
 - 2.1.12. Finance or Administration questions relate to the raising or spending of funds, or to changes in the organisation, governance, or operational rules of an institution.

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 Overview

- 4.1. The Executive must set the dates for a referendum by executive motion, taking into account:
 - 4.1.1. The need to encourage as many students as possible to participate in referenda;
 - 4.1.2. The requirement that the OUSA hold at least one referendum in the first semester of every year;
 - 4.1.3. The timing of other significant events which may lower the profile of the referendum;
 - 4.1.4. OUSA should work to ensure times/dates chosen allow for reasonable opportunity for Critic Te Ārohi and Radio 1 to cover the referendum, including the lead up to it.
- 4.2. The referendum will be composed of the following background processes:
 - 4.2.1. Request for and submission of questions by students
 - 4.2.2. Executive recommendation of questions to the mediator
 - 4.2.3. Submissions on questions
 - 4.2.4. Voting
 - 4.2.5. Follow-up post referendum
- 4.3. Before the opening of voting, the Association Secretary must appoint a Returning Officer to oversee the promotion and running of the referendum.
 - 4.3.1. 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.
- 4.4. The Returning Officer must:
 - 4.4.1. Carry out such duties as are described in the OUSA Returning Officer's job description;
 - 4.4.2. Be available to members of OUSA to answer questions on the rules or organisation of the referendum.
 - 4.4.3. The Returning Officer must do all things necessary, expedient or advisable in their opinion for the proper, fair and democratic conduct of the referendum.
- 4.5. Promotion of the Referendum and forum
- 4.6. The Association Secretary will seek permission from the University to distribute emails 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.
 - 4.6.1. The Returning Officer in conjunction with the Executive oversees the promotion of the referendum by the Marketing Department on all channels (ie: social media, websites, bollards, Critic Te Ārohi)

5. Timeline of events

- 5.1. Advertising pre-question submissions
- 5.2. 5 working days for question submissions from the student body
- 5.3. Executive approval/recommendations of questions (requires an executive meeting)
- 5.4. Mediator re-wording (timing is variable, ensure close contact with mediator)
- 5.5. 5 working days for student body submissions on final wording of questions
- 5.6. Voting (minimum of 3 working days, maximum of 5)
- 5.7. Notice of questions and results released by marketing as soon as possible
Returning officer report (within 20 days of results release) and received of report during the next executive meeting

6. Submission of questions

- 6.1. Any student at the University of Otago may submit a question to the Secretary via the Administrative Vice President to be put to the student body. The submission

must be to the AVPs OUSA email address and can contain the pros and cons to accompany the question.

- 6.2. 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
- 6.3. The Secretary may not refuse to accept a question for any reason other than form or eligibility.
- 6.4. 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.
- 6.5. There should be a maximum of 25 questions submitted to the students for voting.

7. Executive Role in Recommending Questions and the Mediator

7.1. The Executive Role pre-mediator

- 7.1.1. The Secretary must put any questions submitted to the Executive on the agenda of the Executive meeting where questions are referred to a referendum
- 7.1.2. 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:
 - 7.1.2.1. The question relates to finance or administration of the Association; or
 - 7.1.2.2. The question unfairly affects any individual, including students, OUSA employees, OUSA Executive members and University employees.
- 7.1.3. The Executive must alert the submitter of a question if their question has not been recommended to the Mediator. They must be notified of their right to appeal through the student body (see 6.4)
- 7.1.4. 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.

7.2. Mediator

- 7.2.1. All questions are then sent to the Mediator to set the wording of the proposed questions.

7.3. 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.

- 7.3.1. The Executive can accept or decline the changes made to questions by the mediator.
- 7.3.2. All questions are set by a Resolution of the Executive before being put to the Student Body.
- 7.3.3. All proposed questions must be put to the Student Body for five (5) working days to allow time for submissions.
 - 7.3.3.1. Any question put to the Student Body must not deviate from the final wording recommended by the Mediator.
- 7.3.4. The Administrative Vice-President and Finance and Strategy Officer must draft a non-biased summary of the pros and cons (and if required, a short explanatory statement) for each submitted question, informed by the background statement and debate, to be put aside the question in the referendum.

7.4. 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.

8. Submission, and Campaigning

- 8.1. All proposed questions must be put to the Student Body via the website for five (5) working days to allow time for submissions.
- 8.2. Campaigning
 - 8.2.1. Any students, including executive members where who are not purporting to represent the views of the Association, may campaign for or against questions put to referendum.

- 8.2.2. No executive member, staff member, or person acting in any official OUSA capacity may imply OUSA as an organisation supports or opposes a question
- 8.2.3. Students must comply with the instructions of the Returning Officer and other referendum officials.
- 8.2.4. Student campaigns must comply with the procedure outlined in the elections policy including Section 13. Campaign Finance.
- 8.2.5. The Returning Officer must, when required, clarify or interpret these rules during the course of the referenda in a way that best reflects the impartiality of the voting process.

9. Voting

- 9.1. Voting opens (normally at 9am) and must remain open for at least three (3) working days and no more than five (5) working days.
- 9.2. At least ten (10) working days' notice must be given of the date that voting opens for a referendum.
- 9.3. Voting will take place electronically on the OUSA website.
- 9.4. The Association Secretary must ensure that the voting system is able to:
 - 9.4.1. Meet the specifications and requirements laid down in the OUSA Constitution;
 - 9.4.2. 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;
 - 9.4.3. Provide for special votes for candidates and others unable to vote during the election period.
- 9.5. The Returning Officer has discretion to disallow votes which are submitted incorrectly or are not sufficiently clear.
- 9.6. 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.
- 9.7. On any referenda ballot there must be an option for members to make additional comments.
 - 9.7.1. Additional comments do not affect the referenda result.
- 9.8. Quorum
 - 9.8.1. The quorum for a normal referendum question is 5% of the student body.
 - 9.8.2. The quorum for receiving the Annual Report is 1% of the student body.
 - 9.8.3. If a question does not reach quorum, it will be deemed non-binding/indicative only.

10. Follow-up post referendum

- 10.1. Within 24 hours of the release of the referendum results, the Secretary shall direct marketing and communications to post a notice stating:
 - 10.1.1. The wording of the successful questions;
 - 10.1.2. The number of valid votes cast for each question;
 - 10.1.3. The number of abstained voters for each questions; and
 - 10.1.4. The number of invalid votes cast for each position.
- 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.
 - 10.2.1. The Returning Officer will hold their position until the Executive has received their referendum report.
- 10.3. Complaint Process and Time Window
 - 10.3.1. 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.
 - 10.3.2. The complaint process will follow the same process as outlined in the Elections Policy. 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.
- 10.4. Appeals against the Returning Officer

- 10.4.1. The Executive shall appoint an independent arbitrator, who must not be an ordinary member of OUSA, to resolve any appeal.
- 10.4.2. Decisions of the Returning Officer may be appealed to the Executive appointed independent arbitrator by any OUSA member.
- 10.4.3. No complaint of a breach of the rules will be heard by the independent arbitrator until the Returning Officer has ruled on the issue.
- 10.4.4. 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.
- 10.4.5. All appeals must be in writing, disclose the grounds of the appeal, and the evidence supporting the appeal.
- 10.4.6. 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.
- 10.4.7. 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.
- 10.4.8. A decision of the independent arbitrator will be final and will bind the Executive.
- 10.4.9. 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.
- 10.5. Recount
 - 10.5.1. 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.
 - 10.5.2. The Executive will automatically grant a recount the first time that a student requests one.
 - 10.5.3. An Executive member must abstain from voting for or against a recount if they have an interest in the outcome.
 - 10.5.4. 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:
 - 10.5.5. Any student may attend a recount.