

Referenda Rules 2020

About the Union of Brunel Students

The Union exists to ensure that every Brunel student has the opportunity to enjoy, challenge, influence and benefit from all aspects of their studies and the wider student experience. Our values are to be; Membership driven, Ambitious, Empowering, Accessible and to demonstrate Integrity. You can gain greater understanding of these values AND what the Union does by looking at our [impact report](#) and our [strategic plan](#).

Union and University Rules

The rules that apply everyday still apply during a referendum period. These include:

1. Union Rules: Campaigns teams must abide by the Union of Brunel Students overall rules, and equal opportunities procedures. If broken, campaigns teams are subject to disciplinary action, which has the ability to revoke membership of the SU.
2. University Rules: The University has a number of rules that relate to the student community and use of facilities and property. For example: bullying and harassment policy, damage to University property and buildings, the use of IT and communications with students etc. If broken, campaigns teams may be subject to the University's disciplinary procedure, which may put their student status in jeopardy.
3. The Law: If candidates break the law, the Deputy Returning Officer reserves the right to refer the matter to the police.

Referendum Rules

In order to ensure a free and fair referendum there are a number of rules in place. Democracy Committee will evaluate the actions (and intentions) of the campaign teams on an equal footing and take action to ensure that campaigners do not unfairly influence the conduct or outcome of the referendum process. You will find the Bye-laws relating to conduct in the elections in appendix A.

Principal Rules

- Do not do anything that another campaign team cannot do
- Treat all other students and staff with respect
- The campaign leader will be held responsible for the conduct and management of the campaign and its team
- Do not try and enforce the rules yourself – focus on your own campaign and contact the Deputy Returning Officer.

Behavioural Rules

- No campaign team shall seek to gain advantage over another by spending more than the allowed limit because they have greater funds or resources at their personal disposal.
- No campaign team shall seek to gain advantage by breaching the set timetable for the referenda
- Every member has the right to vote freely; as such campaigners should not be influencing students who are in the process of voting.
- Campaigners will not be in the defined vicinity of the balloting area/s, with the exception of when they are casting their own vote.
- No student or campaigner may cast a ballot on behalf of another member.

Campaigning Rules

- **Due to the current COVID-19 Crisis only online campaigning is permitted.**
- Democracy Committee will rule on where teams can and cannot campaign. The committee reserves the right to change these locations to address any issues arising over the elections period.
- Each campaign team must submit a campaign plan including a register of campaigners to elections@brunel.ac.uk before **Midday Wednesday 8th May** outlining their campaign strategy. Campaigns teams will not be allowed to campaign until this plan has been submitted. Campaign plans will be kept confidential and campaigns teams will be able to add or amend them throughout the voting period.
- Publicity must be approved by Democracy Committee and can only be placed in agreed locations
- Campaign material is the responsibility of the campaign team, including social media posts, and should not make allegations against individuals or lie.
- Lists, databases or networks (including group chats) created for the purpose of informing a group about specific activities can't be used to publicise a referendum campaign as this violates Data Protection Law. This includes official club and society email lists; University of course lists and NUS mailing lists.
- A campaigns team's identity must be obvious when they campaign online (e.g. you must post with a personal Facebook account or one specifically set up for the campaign and not as another page to which they have access).
- The Unions resources must not be used to publicise a 'yes' or 'no' vote in the referendum outside the money allocated for campaign team expenditure. Current officers and elected representatives are not allowed to use Union resources for campaigns and the resources of clubs, societies, etc. should not be used other than to promote the referendum generally.
- Only full members of the Union of Brunel Students will be allowed to actively campaign in the referendum.

Breach of Rules

Any breach of the rules may be punished. Democracy Committee will rule on any sanctions they feel necessary to ensure the fairness of the elections. These sanctions include:

- i. Issue a warning;
- ii. Impose a fine on the permitted campaigns budget;
- iii. Restrict level of publicity available to the campaign;
- iv. Suspension of the campaign for a specified time;
- v. Disqualify the campaigner from the referenda;
- vi. Suggest other actions for approval by the Returning Officer.

A campaigner may appeal the decision of the Democracy Committee, in writing, to the Returning Officer. Such an appeal shall identify the issue and the nature of the appeal and must be submitted within 72 hours of the decision being communicated to the candidate.

A candidate may only appeal the decision of the Democracy Committee on the basis of a failure to follow procedures, or if new evidence pertinent to the case should arise. This process is outlined in Bye-Law B of the [Union Bye-Laws](#).

Appendix A

Bye-Law E: Referenda

Frequency

1. A Referendum shall be called by either of the following:
 - i. A simple majority vote of Student Assembly;
 - ii. A petition of at least 150 full union members, presented to the President stating the intention to hold a referendum on a single issue only.
 - iii. A resolution of the Trustees

Membership

2. Only full members of the Union at the time of the vote shall be entitled to vote in Union Referenda.

Powers

3. A vote of Referendum, by a simple majority, may do the following:
 - i. Pass Policy;
 - ii. Overrule a previous decision of Student Assembly;
 - iii. Affiliate or disaffiliate the Union to or from any external organisation (subject to Article 16 and the provisions of the Education Act 1994).
- 3.1 A vote of Referendum, by a two thirds majority, may do the following:
 - i. Pass a motion of no confidence in any Union Officer or Trustee;
 - ii. Amend or revoke the Constitution and Bye-Laws by a two thirds majority.
- 3.2 All policy set by Referenda shall apply to the Union, its actions, officers and all its members;

Processes

4. On receipt of a call for Referendum, the President, or appropriate Student Officer, shall refer the question posed to the Democracy Committee.
- 4.1 Any question put to Referenda must be a simple 'YES' or 'NO' question.
- 4.2 The Returning Officer shall be approved by Student Assembly.
- 4.2 The President or appropriate Student Officer shall, on clarification of the question, inform the Returning Officer within 24 hours of setting the question, that a Referendum is required.

- 4.3 The Referendum shall take place no sooner than 10 working days after the question is set by the Democracy Committee.

It is the duty of the President to ensure promotion and publicity of Referenda is displayed prominently within Union premises and communicated to the Membership.

- 4.4 In the case of a Motion of No Confidence against a Student Officer, it shall be the responsibility of the Chair of Student Assembly to ensure promotion and publicity of the Referendum is displayed prominently within the Union premises and communicated to the Membership.
- 4.5 Any individual may campaign for or against the motion, provided such campaigning does not take place in or around ballot stations.
- 4.6 Any individual who wishes to campaign for or against the motion shall do so within the regulations set out in the Constitution, its Bye-Laws and any supplementary regulations.
- 4.7 A vote of Referendum shall only be valid if the quoracy of 5% of full union membership is reached in accordance with data provided by the University.
- 4.9 The Returning Officer on receipt of a notice to hold a referendum shall set an equal maximum limit on expenses for both "Yes" and "No" campaigns.

General conduct for Referenda

5. The ballot shall be conducted over a minimum of 1 and a maximum of 20 consecutive University days
- 5.1 The Democracy Committee shall identify appropriate locations for ballot stations to be situated on campus.
- 5.2 Any attempt to defraud the referendum process by any member of the Union shall be referred immediately to a Union Disciplinary Panel as outlined in Bye Law M.
- 5.3 Campaigners shall abide by the Constitution, its Bye Laws, Union Policy and the Law of the Land throughout the elections process.
- 5.4 The Democracy Committee shall produce a set of referenda regulations which must be submitted to the Student Assembly for approval.
- 5.5 The Election regulations should cover campaigning, canvassing, publicity and the general conduct of campaigners.

- 5.6 Such regulations shall not contradict the spirit or text of any defined statement within this UBS Governing documents.

Complaints

6. All complaints regarding the conduct of any campaign must be submitted, in writing to the Chair of the Democracy Committee, prior to the commencement of the count. Complaints received after the commencement of the count will not be considered.
- 6.1 All complaints regarding the count, or the conduct of campaigners during the count, must be submitted to the Returning Officer prior to the initial declaration of results. Complaints received after the initial declaration will not be considered.
- 6.2 Any complaints being made during the campaigning or voting period shall be heard by the Democracy Committee within 48 hours of the noted receipt of the complaint. The complaint must be heard before the commencement of the count.
- 6.3 In the occasion of a complaint being submitted during, or immediately after the count, this complaint shall be heard within 24 hours of it being submitted.
- 6.4 The communication of the decision relating to any complaint is the responsibility of the Deputy Returning Officer who shall ensure it is posted within 24 hours. All declarations shall be made publicly; no individual correspondence shall be entered into.
- 6.5 Requests for the interpretation of these regulations or complaints about the conduct of campaigners shall, in the first instance, be made in writing to the Democracy Committee.
- 6.6 In the event that a campaigner is found to have broken one or more of these regulations or any of supplemental regulations, the Democracy Committee shall have the power to:
- i. Issue a warning;
 - ii. Impose a fine on the permitted campaigns budget;
 - iii. Restrict level of publicity available to the campaign;
 - iv. Suspension of the campaign for a specified time;
 - v. Disqualify the campaigner from the referenda;
 - vi. Suggest other actions for approval by the Returning Officer.

Appeals Process

7. A campaigner may appeal the decision of the Democracy Committee, in writing, to the Returning Officer. Such an appeal shall identify the issue and the nature of the appeal.
- 7.1 Appeals against a decision of the Democracy Committee must be made within 72 hours of the decision of the Committee being communicated to the campaigner.
- 7.2 A campaigner may only appeal the decision of the Democracy Committee on the basis of a failure to follow procedures or if new evidence pertinent to the case should arise.

Any appeal made shall adhere to the following processes:

- 7.3 The Returning Officer shall make investigations as may be necessary, and seek to provide a decision within 5 working days following the receipt of the appeal. The decision of the Returning Officer shall be final.
- 7.4 The Returning Officer shall have the following powers:
 - i. Confirm the decision made by the Democracy Committee.
 - ii. Reduce the sanction imposed by the Democracy Committee.
 - iii. Set aside the sanctions imposed by the Democracy Committee.
- 7.5 The Returning Officer shall not have the power to increase any level of sanction as imposed by the Democracy Committee.
- 7.6 Should an individual wish to progress further, they shall be referred to the University Memorandum of Understanding for details as to how they may challenge the activities of the Union.