



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy on Open, Accessible and Democratic Autonomous Student Organizations

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Policy on Open, Accessible and Democratic Autonomous Student Organizations

Preamble

The University of Toronto has long held that Student Societies and recognized Campus Groups are autonomous organizations. Students' membership in Student Societies is automatically determined by registration and the University collects a compulsory non-academic fee from them on behalf of their societies. Student Societies are required under the *Policy for Compulsory Non-Academic Incidental Fees* to operate in an "open, accessible and democratic" manner. The *Policy on the Recognition of Campus Groups* sets out the principles for recognition of Campus Groups entitled to use the name "University of Toronto" as well as the responsibilities of those groups in attaining and maintaining that recognition, including principles that encompass openness, transparency and democracy. This *Policy on Open, Accessible and Democratic Autonomous Student Organizations* is intended to provide guidance on what constitutes "open, accessible and democratic" in relation to both Student Societies and Campus Groups, (for the purpose of this Policy, together referred to as "Student Organizations"); and to assist in the resolution of disputes within and among Student Societies.

Purpose

The *Policy on Open, Accessible and Democratic Autonomous Student Organizations* ("this Policy") is in response to student requests for greater clarity on the terms "open, accessible and democratic", as used in the *Policy for Compulsory Non-Academic Incidental Fees* and the creation of an effective dispute resolution mechanism for members of a Student Society when it is asserted that a complaint has not been satisfactorily resolved by the Student Society. Complaints can include a broad range of concerns from individual members regarding the operations of Student Societies, elections, as well as issues between Student Societies. The *Policy for Compulsory Non-Academic Incidental Fees* shall continue to apply, including its Procedures to Address Allegations of Irregularities. Societies themselves have the internal structures and skills to resolve complaints made by their members. However, a process is required to respond to certain complaints that cannot be resolved at the society level and which can inform the decisions of the Vice-President and Provost in carrying out responsibilities under the *Policy for Compulsory Non-Academic Incidental Fees* which may lead to a decision to withhold fees.

This Policy includes two sections. *Section A* describes principles which are indicative of open, accessible and democratic functioning of Student Organizations and applies to all such organizations at the University of Toronto. For the purposes of *this Policy*, "Student Organization" shall mean any group

approved under the auspices of the *Policy on the Recognition of Campus Groups*¹ and any group for which the University collects fees under the *Policy for Compulsory Non-Academic Incidental Fees*².

Section B outlines a complaint and resolution mechanism for complaints involving Student Societies. The definition of “Student Society” used in *this Policy* shall be the same definition used in the *Policy for Compulsory Non-Academic Incidental Fees*. The principles of open, accessible and democratic functioning, outlined in *Section A*, shall inform and guide the complaint and resolution process outlined in *Section B*.

This Policy is intended to work in concert with the *Policy on the Recognition of Campus Groups* and the *Policy for Compulsory Non-Academic Incidental Fees*.

Policy

The University of Toronto holds freedom of thought, inquiry and speech as among its highest ideals, and such freedoms apply to its student body. The University affirms the value of autonomous Student Organizations operating independently and without interference from the University in their day-to-day operations. However, autonomy must be exercised in a manner that is compliant with the law and University policy. Further, all Student Organizations must conduct themselves in an open, accessible and democratic manner.

A. Open, Accessible and Democratic

This section applies to Student Societies as defined by the *Policy for Compulsory Non-Academic Incidental Fees* and Campus Groups as defined by the *Policy for the Recognition of Campus Groups*.

Openness, accessibility and democracy are broadly accepted ideals applicable to many community- based organizations. There is no single definition of what constitutes an open organization, an accessible one, or a democratic one. The terms are inter-related, take on meaning depending on the context, and may vary by the size, scope and mandate of an organization. They may evolve as organizations and the expectations of their members change. For a Student Organization to be considered open, accessible and democratic, the following attributes tend to apply.

The criteria listed below are not absolute, since they are meant to describe general standards in accordance with which Student Organizations, ranging in size and budget from very small to the very

¹ Campus Groups are voluntary organizations formed by members of the University community. See: *Policy on the Recognition of Campus Groups*, Revised May 25, 1993

² “A Student Society is an organization on whose behalf the University collects a compulsory non-academic incidental fee, in which membership is automatic and determined by registration and status in a particular division or program, or in one of a number of divisions or programs of the University of Toronto. In the case of a residence student society, membership is determined by residency in a particular University residence.” *Policy for Compulsory Non-Academic Incidental Fees*, September 23, 2003

largest, should act. *This Policy* acknowledges that unique, autonomous organizations will choose various means to act in an open, accessible and democratic way, and that differences in the application of these principles are to be expected.

Open Student Organizations are characterized by many of the following:

- Widely-available information on the organization's operations, membership, and mandate
- Transparency about rules of operations
- Willingness to freely share information about the organization with members
- Clear and transparent membership criteria
- Commitment to ensuring that meetings, events and activities of the organization are communicated to the membership in such a way that members are able to participate fully in such meetings, events and activities
- Commitment to ensuring that members' voices and perspectives whether expressed individually or by a group, can be heard and, if appropriate, acted upon

Accessible Student Organizations are characterized by many of the following:

- Willingness and desire to integrate new members into the group
- In the case of voluntary groups, an environment that seeks out and welcomes new members, with clearly articulated and publicly available criteria regarding how to join
- Commitment to encourage and facilitate participation in the full scope of the organization's activities
- Transparency about what the activities are
- Openness to scrutiny
- Commitment to diversity and equity
- Commitment to clarity in communications
- Commitment to allowing a diversity of perspectives to be heard
- Fair processes for members to initiate change

Democratic Student Organizations are characterized by many of the following:

- Openness to the participation of members in all activities
- Effective and clearly identified channels of communication between members and the executive
- Transparency and accountability to the membership, especially in budgeting and expenditures
- Transparent management
- Commitment to consider and respect the range of members' views whether majority or minority in nature
- Ensuring that those affected by decisions have a voice in processes leading to decisions
- Ways for dissent, and for complaints, to be considered and resolved, and, where appropriate, processed at successively higher levels within the organization
- Ability of all members to stand for executive positions
- Impartial and fair elections processes that allow members to participate easily as both voters and candidates, including the provision of an arms-length Chief Returning Officer for elections

B. Complaint and Resolution Process

The complaint and resolution process shall only apply to Student Societies as defined by *the Policy for Compulsory Non-Academic Incidental Fees*.

A dispute resolution process, including a review or appeal of disputes can assist in maintaining the elements of openness, accessibility and democracy within an organization. Part of openness, accessibility and democracy is to have good internal processes that deal effectively and fairly with disputes and complaints, and to ensure that these are well understood and open in a fair and reasonable way to all who are affected. On occasion, a dispute may not be resolved internally and a process of review or appeal that goes beyond the specific Student Society may be required for resolution to be achieved.

Therefore, there is a requirement for a University-wide complaint and resolution process applicable to Student Societies.

The society's internal complaint and resolution process, referred to in the *Policy for Compulsory Non-Academic Incidental Fees*, must be exhausted before proceeding to the Complaint and Resolution Process outlined in *this Policy*. Further, the University acknowledges that the societies themselves have a role in the establishment of a complaint and resolution process when disputes are between societies. Therefore, where agreements between Student Societies include a complaints resolution mechanism for inter-Student Society disputes, such mechanism should first be exhausted before the matter is reviewed by the *University Complaint and Resolution Council for Student Societies*.

University Complaint and Resolution Council for Student Societies (CRCSS)

The *CRCSS* will be established with jurisdiction and authority to consider complaints that a Student Society is not operating in an open, accessible and democratic fashion and/or following the terms of its constitution.

B.I. CRCSS Procedures

1. The complainant shall outline the nature of the complaint and confirm that the society's complaint procedure has been exhausted, in writing to the Chair.
2. The Chair shall confirm that the society's own internal complaint mechanism has been exhausted before a complaint may be referred to the *CRCSS*.
3. Where an agreement between two or more Student Societies contains a mechanism for resolution of disputes among them, such complaint mechanism must be exhausted before such a complaint may be referred to the *CRCSS*.
4. The Chair shall inform the Student Society of the complaint and shall inform both the complainant and the Society against whom the complaint has been made ("the responding society") of the names of the *CRCSS* members chosen to review the complaint.
5. The complainant and the responding society will have an opportunity to write to the Chair to raise an objection of conflict of interest or bias regarding the *CRCSS* members chosen to review the complaint. The Chair will rule upon the matter of any objection and may, based

on the information provided by the society, select an alternative student member at the Chair's discretion.

6. The responding society will be provided with a copy of the complaint and will have an opportunity to submit a written response to the allegations in the complaint to the *CRCSS*.
7. The *CRCSS* Panel shall review the information provided, request additional information and/or conduct interviews.
8. The *CRCSS* Panel shall determine the outcome based on the information gathered. The deliberations of the *CRCSS* Panel will be conducted in private and will be confidential.
9. The complaint shall be considered by the *CRCSS* Panel in a timely manner.
10. The *CRCSS* Panel may consider, but is not bound by, previous decisions.
11. The *CRCSS* Panel will make its recommendations in writing with reasons which will be provided to the complainant, the responding society, and to the Vice-President and Provost.

B.II. *CRCSS* Chair

The *CRCSS* Chair will be a University of Toronto faculty, staff or alumni member appointed by the University Affairs Board on the recommendation of the University Affairs Board Striking Committee with experience in dispute resolution.

The Chair of the *CRCSS* shall be appointed for a term of two years and may be re-appointed. The term shall begin on July 1.

B.III. *CRCSS* Panel

1. The *CRCSS* Panel will be determined on a complaint-by-complaint basis. The Panel will be composed of five (5) voting members, including the *CRCSS* Chair and four (4) students. One (1) non-voting member will also be appointed by the Vice-President and Provost to provide secretariat support and advice on relevant University policies and procedures.
2. The *CRCSS* Panel student members will be drawn from a pool of students consisting of an appointee from each Student Society. The student appointees will act independently and possess skills to assess the merits of the appeals in an unbiased fashion. Student appointees must be registered in a program leading to a University of Toronto degree and may not be an Executive of a Student Society or a staff member of a Student Society.
3. The names and contact information for student appointees to the *CRCSS* pool of students shall be provided to the Office of the Vice-President and Provost by June 1st of each year. Student appointees shall be appointed for a one year term and may be re-appointed. Appointments shall begin on July 1.
4. Selection of Panel

The Chair will select the students for each Panel. No student will be selected for the Panel who was appointed to the pool by the society against which the complaint is directed. The Panel will include one (1) student appointee of a Representative Student Committee, and

three (3) additional student appointees. The Chair will consider the type of complaint; and the size, location, constituency and type of organization when selecting the members.

- a. The *CRCSS* Panel shall avoid any conflict of interest or reasonable apprehension of bias and ensure that none of its members considering a complaint has any significant direct prior or present involvement in the issue that is the subject matter of the complaint being considered.
- b. Members of the *CRCSS* Panel shall disclose any conflicts of interest in advance of considering any complaint.
- c. Should the Student Societies fail to provide appointees for the pool, and consequently there are not sufficient student appointees to fulfill the requirements for student members of a panel as set out above, the Chair may appoint current or former student members of the University Affairs Board and/or Campus Affairs Committees to the panel.

B.IV. *CRCSS* Panel Decisions

1. Wherever possible and appropriate, the *CRCSS* Panel, *by a majority and with the Chair's agreement*, will consider informal resolution including mediation.
2. Should the *CRCSS* Panel be unable to come to a decision by consensus, the decision shall be made by a simple majority.
3. The *CRCSS* Panel has the power, in its discretion, to determine that no further action is required; to pursue informal resolution among the parties; to issue a reprimand where it determines that a Student Society has not operated in an open, accessible and democratic fashion or followed its constitution; to recommend to a society that changes to its by-laws, constitution, or operational processes be made; to recommend that actions be taken by the Student Society to enhance openness, accessibility and democratic operation; and/or to recommend to the Vice-President and Provost that fees be withheld pursuant to the *Policy for Compulsory Non-Academic Incidental Fees*. The authority to withhold fees remains the Vice-President and Provost's.
4. Summaries of the *CRCSS* Panel's decisions will be posted on-line. Copies of the decisions and related materials will be maintained by the Office of the Vice-Provost, Students.

The Vice-President and Provost will consider the recommendations of the *CRCSS* Panel in the determination of whether or not to withhold fees. However, should there be a compelling reason to do so, the Vice-President and Provost may take immediate action under the *Policy for Compulsory Non-Academic Incidental Fees* without the recommendation of the *CRCSS*.

Approved by the Governing Council on June 23, 2016.

Effective July 1, 2016.

Glossary

Student Society: As defined in the *Policy for Compulsory Non-Academic Incidental Fees*, an organization for which membership is compulsory, and based on registration and status. The University collects compulsory fees from the members on the society's behalf.

Relevant Policy: *Policy for Compulsory Non-Academic Incidental Fees, September 23, 2003*

A Student Society is an organization on whose behalf the University collects a compulsory non-academic incidental fee, in which membership is automatic and determined by registration and status in a particular division or program, or in one of a number of divisions or programs of the University of Toronto. In the case of a residence Student Society, membership is determined by residency in a particular University residence.

Representative Student Committees: Student Societies with special status, derived from the authority that exists in the *University of Toronto Act* for the University to recognize a representative committee of the students, to act as the voice of the students in dealing with the University.

Currently there are four (4) representative student committees: Students' Administrative Council acting as the University of Toronto Students' Union (UTSU), Association of Part-time Students (APUS), Scarborough Students' Union (SCSU), and University of Toronto Graduate Students' Union (UTGSU).

Relevant Policy: 1947 University of Toronto Act, Section 34 (1):

The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Campus Groups: Voluntary organizations formed by members of the University community. Membership in campus groups is open to all members of the University community.

Relevant Policy: *Policy on the Recognition of Campus Groups, Revised May 25, 1993*

Student Organizations: For the purposes of *this Policy*, "Student Organization" refers to Student Societies and Campus Groups as defined above.

Relevant Policies: *Policy on the Recognition of Campus Groups* and the *Policy for Compulsory Non-Academic Incidental Fees*.