

**FOR ENDORSEMENT &
FORWARDING**

PUBLIC

CLOSED SESSION

TO: Executive Committee

SPONSOR: Cheryl Regehr, Vice-President & Provost

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PRESENTER: See sponsor

CONTACT INFO:

DATE: May 26, 2016 for June 14, 2016

AGENDA ITEM: 4 (a.)

ITEM IDENTIFICATION:

Policy on Open, Accessible and Democratic Autonomous Student Organizations

JURISDICTIONAL INFORMATION:

Section 4 of the Terms of Reference for the University Affairs Board states:

The Board is responsible for consideration of policy of a non-academic nature and matters that directly concern the quality of student and campus life. The Board has the mandate for monitoring matters within its area of responsibility.

Section 5.3.1 of the Terms of Reference for the University Affairs Board includes the following within the Board's responsibility:

The Board is responsible for policy concerning University-wide student societies and campus organizations and representative student groups, St. George student societies and St. George campus organizations.

GOVERNANCE PATH:

1. University Affairs Board (May 25, 2016) [For Recommendation]
2. **Executive Committee (June 14, 2016) [For Endorsement and Forwarding]**
3. Governing Council (June 23, 2016) [For Approval]

PREVIOUS ACTION TAKEN:

The *Policy for Compulsory Non-Academic Incidental Fees* was approved by the Governing Council on April 21, 1977. The *Policy* was amended on November 25, 1997 by the University Affairs Board and on January 21, 2003 by Governing Council.

On June 17, 2013, the Executive Committee resolved as follows:

That the proposed Student Commons Agreement, as outlined in the Memorandum dated May 1, 2013 from the Vice-President and Provost, and the Project Planning Committee Report for the Student Commons at 230 College Street, dated April 16, 2013, be brought back to the Executive Committee for consideration for inclusion on a Governing Council meeting agenda within a reasonable time during which issues among the Students' Administrative Council (SAC/UTSU) and various divisional student societies, which may impinge on aspects of the Student Commons Agreement, may be further discussed and satisfactorily resolved or constructively dealt with by the societies and the Administration.

The resolution above followed from successful plebiscites held by three divisional student societies requesting the University reroute fees from the University of Toronto Students' Union. At a previous Governing Council meeting, Governors discussed adding the request for fee diversion to a subsequent University Affairs Board (UAB) agenda. However, neither the Terms of Reference for UAB nor the *Policy for Compulsory Non-Academic Incidental Fees* provide authority for fee diversion.

In August 2013, former Provost Cheryl Misak announced the establishment of the Undergraduate Student Societies Summit, facilitated by four faculty members who are experts in areas of democratic theory and practice, to assist in the resolution of these issues. UTSU and all the divisional/collegiate societies represented by UTSU were invited to send delegates to the Summit meetings. Other student clubs and organizations were invited to make written submissions.

The Summit concluded in March 2014. The Report of the Student Societies Summit was submitted to the Vice-President and Provost on April 14, 2014.

The Response to the Report of the Student Societies Summit recommended that two policies be developed, the first of which complements the current *Policy for Compulsory Non-Academic Incidental Fees*, as is put before this Board for consideration and recommendation.

HIGHLIGHTS:

Context

At the University of Toronto, students have a vast array of co-curricular and extracurricular opportunities. There are student groups whose organization is informal and in which membership is voluntary. These student groups are subject to the *Policy on the Recognition of Campus Groups*.

Another category is "Student Societies". Membership in these organizations is mandatory based on registration in a division or program. Residences may also have student societies, and some – societies such as *The Varsity* – are tri-campus. All student societies are subject to the *Policy for Compulsory Non-Academic Incidental Fees* and supported by fees which the University collects on behalf of the Student Societies.

Within this category of student societies, a few have been granted special status, as a “representative committee of students”, derived from the authority that exists in the *University of Toronto Act, 1947*, to act as the voice of the students in dealing with the University. These four broad-based representative student committees are the University of Toronto Students’ Union (SAC/UTSU), the Scarborough Campus Students’ Union (SCSU), the Graduate Students’ Union (GSU), and the Association of Part-Time Undergraduate Students (APUS). (See Figure 1).

History

In 2014, the Provost recommended the development of two policies in response to the Report of the Student Societies Summit. The first policy is with respect to open, accessible, democratic and autonomous student organizations. The second policy refers to the creation and realignment of student societies.

The issues discussed in the Summit – including complaints from members regarding the operation of societies, and disputes between or among societies – are evident beyond those societies involved in the Summit. Over the years, complaints have been received by the Vice-President & Provost on a variety of issues such as election procedures, Annual General Meeting concerns, and potential non-compliance with societies’ by-laws.

The University of Toronto collects fees on behalf of student societies on a compulsory basis from students. The *Policy for Compulsory Non-Academic Incidental Fees* authorizes such deduction and provides the terms on which such deductions may occur. Students had suggested that additional provisions were needed to supplement the existing policy with respect to the requirement that all student societies operate in an open, accessible and democratic manner.

This new proposed Policy provides greater clarity to the terms “open, accessible and democratic”, as used in the *Policy for Compulsory Non-Academic Incidental Fees* and creates a dispute resolution mechanism for members of a student society when a complaint has not been satisfactorily resolved by that student society.

Highlights

Currently, the Provost has the authority to review complaints once a society’s internal complaints mechanism has been exhausted under the *Policy for Compulsory Non-Academic Incidental Fees*. Under that Policy, the Vice-President and Provost may withhold fees if the society is not operating in an open, accessible and democratic manner.

The proposed *Policy on Open, Accessible and Democratic Autonomous Student Organizations*:

- confirms the principle of the autonomy of student societies;
- describes principles to guide the open, accessible and democratic functioning of student societies; and

- establishes a complaint and resolution process for disputes not resolved by a student society itself.

The proposed Policy is divided into two sections. Section A outlines the principles of open, accessible and democratic functioning for student societies and campus groups. The principles are not all-encompassing and are intended to provide guidance on the terms “open, accessible and democratic” as per the *Policy for Compulsory Non-Academic Incidental Fees*, and on the functioning of campus groups as per the *Policy on the Recognition of Campus Groups*.

Section B applies only to student societies on whose behalf the University collects compulsory fees as per the *Policy for Compulsory Non-Academic Incidental Fees*. This section outlines an appeals process for members should a matter not be resolved at the society level. The proposed *University Complaint and Resolution Council for Student Societies (CRCSS)* membership is predominantly students. The *CRCSS* includes representation from the “representative student committees” (UTSU, UTGSU, SCSU and APUS) and other student members appointed by the student societies.

The new proposed Policy does not provide any additional power to the Provost, but provides clarity on the terms “open, accessible and democratic” and establishes a council with student membership to review complaints, resolve complaints and/or provide recommendations to societies in such situations. The *CRCSS* may recommend the withholding of fees to the Vice-President and Provost under the *Policy for Compulsory Non-Academic Incidental Fees*. The authority to withhold fees remains with the Vice-President and Provost.

Consultation

The proposed Policy reflects feedback received from many students, in a wide variety of discussions, building on the foundation of the Student Societies Summit and the Administrative Response to the Summit.

Consultation with student societies about this specific policy began in early 2015 with a document outlining principles and factors to consider for a “Proposed Policy on Open, Democratic and Accessible Operation of Student Organizations”. This document was intended to identify principles that should be part of a proposed Policy, to provide guidance about what the terms “open, accessible and democratic” may mean in the context of student organizations, and to identify some factors that might enhance open, accessible and democratic operation that could be incorporated into a proposed Policy. The document also outlined some policies and procedures in place at other Universities.

This document was distributed broadly and formed the basis for initial discussions regarding the new Policy with Student Societies. Meetings were held with the representative student committees to discuss the document and solicit feedback. Additionally, the document was discussed at meetings of the Provost’s Advisory Undergraduate Student Group, the St. George divisional societies, and the Student Governors and Student University Affairs Board Members.

Some student representatives indicated they were in agreement with the principles and the creation of the CRCSS. Other student representatives indicated that the proposed Policy encroaches on the autonomy of their organizations and have signaled that they do not support such a policy.

Consultations on the proposed Policy and related procedures began in February 2016. In addition to discussion of the documents with the specific groups consulted earlier on the factors to consider, a student consultation website was created to solicit feedback more broadly. All student societies and recognized campus groups received information regarding the website in mid-February. A notice was posted on Blackboard and information regarding the website was presented in the “just-in-time” slides shown in a variety of areas across the University including in Convocation Hall before classes. *The Varsity* also published a story regarding the Policy and the request for feedback.

Presentations on the Policy were made at University Affairs Board, the UTM Campus Affairs Committee and the UTSC Campus Affairs Committee. Updates were provided to Governing Council and the University Affairs Board.

Based on this feedback, changes were made to the Policy. The majority of the changes relate to feedback about the membership of the *CRCSS* and are reflected in the attached proposed Policy.

Figure 1: Student Organizations at the University of Toronto and Related Policy Framework

Student Societies		Campus Groups
Representative Student Committees	Divisional and Faculty Student Societies	Recognized Campus Groups
SAC (UTSU) SCSU UTGSU APUS	Over 40 including, for example: Arts and Science Student Union (ASSU) Medical Society UTMSU The Varsity	Over 1,000 campus groups recognized by the University. Examples include: Ironsports Club UTM Drama Club UTSC Investment Society
<ul style="list-style-type: none"> • Membership is automatic with registration in an academic division • Compulsory fees collected • Organization continues to exist until registration group no longer exists or organization decides to cease operation 		<ul style="list-style-type: none"> • Voluntary membership • No compulsory fees • Yearly renewal of recognition necessary
Subject to the <i>Policy for Compulsory Non-Academic Incidental Fees</i>		Subject to the <i>Policy on the Recognition of Campus Groups</i>

NEW: Also subject to Sections A and B in the proposed *Policy on Open, Accessible and Democratic Autonomous Student Organizations*

NEW: Also subject to Section A in the proposed *Policy on Open, Accessible and Democratic Autonomous Student Organizations*

FINANCIAL AND/OR PLANNING IMPLICATIONS:

There are no financial implications for the University's operating budget.

RECOMMENDATION:

Be it Resolved

THAT the following recommendation be endorsed and forwarded to the Governing Council:

THAT the proposed *Policy on Open, Accessible and Democratic Autonomous Student Organizations*, be approved, effective immediately, subject to approval of the revisions of the Terms of Reference of the University Affairs Board.

DOCUMENTATION PROVIDED:

Policy on Open, Accessible and Democratic Autonomous Student Organizations

Policy on Open, Accessible and Democratic Autonomous Student Organizations

May 2016

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*.

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*.