



TO: University Affairs Board

SPONSOR: David Farrar, Vice-Provost, Students

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DATE: May 27, 2003 for June 3, 2003

AGENDA ITEM: #9

ITEM IDENTIFICATION:

Canadian Federation of Students Referendum

JURISDICTIONAL INFORMATION:

The terms of reference of the University Affairs Board provide that the Board approves the establishment of and changes to compulsory non-academic incidental fees including those collected on behalf of student societies.

The administrative procedures are outlined in the *Policy on Compulsory Non-Academic Incidental Fees* and the *Handbook for Student Societies* (published by the Office of Student Affairs). The *Policy* requires that requests to change fees “shall be approved only when evidence has been presented that the request has been authorized by due constitutional process in the organization.” The *Policy* also provides that “requests to cancel or to change an existing fee, or to introduce a new levy, will be reviewed by the Office of the Vice-President and Provost which will, according to the guidelines, bring the requests with recommendations to the University Affairs Board.”

All requests for increases to fees must be supported by due constitutional and fair processes within student societies. The process by which the administration assesses such processes is outlined in the attached letter from Mr. Jim Delaney, Assistant Director, Student Affairs, to the Students’ Administrative Council (SAC), the Association of Part-time Undergraduate Students (APUS) and the Scarborough Campus Students’ Union (SCSU).

PREVIOUS ACTION TAKEN:

Requests for changes to existing fees and/or the establishment of new fees are brought forward to the Board on a number of occasions each year.

HIGHLIGHTS:

In November, 2002, the Students' Administrative Council (SAC), the Association of Part-time Undergraduate Students (APUS), and the Scarborough Campus Students Union (SCSU) held a referendum seeking consent from all undergraduate students of the University to join the Canadian Federation of Students (CFS) (and its provincial affiliate, CFS–Ontario). Graduate students are already members of the CFS through the Graduate Students' Union. The results of the referendum are reported in the attached letter from Jim Delaney to the 3 student societies.

A considerable number of complaints arose in relation to the referendum that suggested that there had been a failure to comply with applicable rules and procedures and a failure to provide a fair and democratic process. Student Affairs became aware of complaints from both the 'yes' and 'no' campaign teams.

It is important to note that the University's procedures to request fee increases place the onus on the student societies to demonstrate that they complied with applicable by-laws and procedures and that they provided a fair and democratic process. Complaints about specific incidents were assessed with respect to basic facts provided and whether or not questions remain about the probability that the incident occurred as described. In some cases, it was determined that further investigation into the incident by the societies ought to have been carried out. The most significant complaints received related not to specific incidents, but to the systemic issues of fairness.

As is the case for all requests for student society fee requests, when the results were ratified by the societies and Student Affairs received the formal requests for increases to the respective fees, Mr. Delaney, on behalf of this office, completed an assessment of the processes. With respect to this referendum, the assessment paid particular attention to fairness and democracy, as well as compliance with all applicable rules, procedures and policies. The assessment was not affected by the results. The complaints about the systemic fairness issues resulted in a thorough examination of the structure and oversight of the referenda processes in reference to international standards for fair electoral processes.

On February 25, 2003, Mr. Delaney completed his assessment and sent the attached letter to SAC, APUS and SCSU. Mr. Delaney's conclusions were as follows:

- (a) That the oversight and management of the referenda did not match the characteristics of a fair and democratic electoral process;
- (b) That there were a number of failures to comply with duly approved procedures; and
- (c) That, because of the issues arising from the previous two areas, there may have been a systemic advantage given to the 'YES' side in the referenda.

In summary, it is the opinion of Mr. Delaney that there was a failure to provide a fair and democratic process in this referendum.

On the basis of these conclusions, Mr. Delaney recommended that the societies either hold a new referendum under proper and fair procedures or seek approval of the fee increases by this Board without a recommendation from the administration.

I have reviewed with Mr. Delaney his findings and I agree with his conclusions and recommendations.

Therefore, based upon the administration's review of the referendum process, I will not bring forward recommendations to approve the increases to the SAC, APUS and SCSU fees to support the cost of membership in the CFS. It is my view that the student societies in question have not met the University's requirements in this matter.

FINANCIAL AND/OR PLANNING IMPLICATIONS:

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

RECOMMENDATION:

The report is presented for information only.