

UPSU Governing Documents

Referendum Bye Law

October 2018

Approval Details

Approved by:	G&A Committee	Date	5 th October 2016
Approved by:	Board of Trustees	Date	21 st October 2016
Approved by:	UC	Date	1 st November 2016
Approved by:	UEG	Date	21 st November 2016
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Review date:	As required		
Manager responsible:	Chief Executive Officer		

Reviewing this document

This document may be amended with the permission of the Board of Trustees, following pre-approval by Governance and Appointments Committee.

Union Council will then review any significant changes to this Bye-law prior to any such change taking effect in order to permit the Council the opportunity to provide feedback and raise any concerns in respect of any such change directly with the Union Chief Executive who will refer such feedback and concerns to the Board of Trustees for further consideration.

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1. Referenda

1.1 A Referendum is a decision making process in the Union and is used to decide upon issues that all full members of the Union must have a say on. Although the use of Referenda is rare, they are important when it comes to the major decisions of the Union. Only one issue will be voted on at any one time.

2. Polling student opinions – calling a Referendum

2.1 The decision to hold a Referendum of students' opinions on an issue can be made by:

- the Union Council resolves by a majority to call a Referendum.
- the Union Council must also call Referendum if handed a petition containing the name, course, student number and signature of at least 400 full members of the Union, providing that there has not been a referendum on the same topic within a two year period. However, in exceptional cases and if circumstances significantly change within the two year period, the Trustees may decide to call another Referendum on the same issue.
- a resolution of the Trustees of the Union.

3. Referendum Process

- 3.1 The Union will publicise that a Referendum has been called for, and details of the reasons why, within three working days of receipt of notice.
- 3.2 The approved Union Returning Officer, or their Deputy, will be responsible for overseeing the good conduct and administration of the Referendum.
- 3.3 The Returning Officer or their Deputy will be responsible for determining the final wording of the question on the Referendum ballot paper, subject to an Open Meeting of full members of the Union and any invited guests within seven working days from receipt of notice.
- 3.4 There will be a publicity allowance made available from the Union as decided by the Representation Department.

4. Voting

- 4.1 Polling will begin within three working days after the Open Meeting.
- 4.2 The Referendum will be supervised by the Returning Officer, or their Deputy, with voting open for five working days.
- 4.3 The dates and times for voting will be publicised by the Union.

5. Quoracy

A minimum number of votes must be cast for the referendum to be binding; this will be 3% of the full membership. If this quorum is not met the issue in question may not be addressed again for two years as per Union policy. The Trustees however may also decide the following:

1. to accept the decision of the majority votes cast in the referendum

2. decide on the issue by the majority of the Trustees
3. agree to call a further referendum at a specified future date

6 Complaints

- 6.1 Complaints about the conduct of a member during the Referendum will be dealt with through the Members Disciplinary Bye-Law.
- 6.2 If there is a complaint about the conduct of a Union staff member, the relevant Union HR Policy will apply.
- 6.3 The Returning Officer will have the power to withdraw publicity allowances if they have evidence that publicity rules are being breached

7 Results

- 7.1 The Returning Officer or their Deputy will be responsible for declaring the result of the Referendum once they are satisfied that the Referendum has been conducted properly.
- 7.2 Subject to the provision of 7.4 below, the result of Referendum will take precedence over any existing Policy on the same issue. The same issue may not be reopened in any democratic Forum of the Union for a period of two years, unless an Elected Representative seeks and is given approval from the majority of the Union Council to go out to further student consultation. This will need to be demonstrated by canvassing 400 signatures of full members of the Union, who want the issue to be reopened, in order to resubmit the motion to the Union Council for approval or a decision on an all student vote.
- 7.3 The result will be binding on all members of the Union.
- 7.4 If the outcome of any referendum is deemed to be of detriment to the Union the UPSU Trustee Board, as the highest decision making body of the Union, has the power to overrule the outcome of the Referendum.

For further help and advice, please contact the Governance Team

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