

UNIVERSITY OF BRIGHTON STUDENTS' UNION

**BYE LAW 2
(Referenda)**

May 2010

Referenda

1. **General**

A referendum is a vote of the ordinary members of the Union to either set policy, to amend the University of Brighton Students' Union Constitution or Bye-Laws or to overturn a previous decision of the Students' Union. It is considered to be the most accessible way to canvass the opinion of all the members of the Students' Union and takes precedence over policy set at Union Council or a General Meeting.

2. **Membership**

Only Ordinary Members of the University of Brighton Students' Union can vote in a referendum. For the avoidance of doubt Associate Members and Honorary Members cannot vote in a referendum.

3. **Authority**

A referendum has the power to set policy, amend the Constitution and bye-laws, pass a motion of no confidence in any Union Officer or Trustee and overturn decisions made by either a General Meeting or Union Council.

3.1 A vote of Referendum by a simple majority as long as 1000 members have voted may do the following:

- 3.1.1 pass policy;
- 3.1.2 overrule a decision of a General Meeting or Union Council; or
- 3.1.3 affiliate or disaffiliate the Union to or from any external organisation.

3.2 A vote of Referendum by a 75% majority as long as 1500 members have voted may do the following:

- 3.2.1 amend or revoke the Constitution and Bye-Laws; or
- 3.2.2 pass a motion of no confidence in any Union Officer or Trustee as long as the motion was triggered by a Secure Petition of no confidence signed by at least 500 members.

3.3 The Board of Trustees may override any decision and Policy made by the Members in a Referendum which the Trustees consider (in their absolute discretion):

- 3.3.1 has or may have financial implications for the Union;
- 3.3.2 is or may be in breach of, contrary to or otherwise inconsistent with charity or education law or any other legal requirements (including ultra vires);
- 3.3.3 is not or may not be in the best interests of the Union or any of its charitable objects; or
- 3.3.4 will or may otherwise affect the discharge of any or all of the responsibilities referred to in Clause 59 of the University of Brighton Students' Union Constitution.

4. **How to call a Referendum**

There shall be no set frequency of referenda. A referendum can be called at any point by one of several ways which are:

- (i) a resolution of the Trustees (4.1);
- (ii) a majority vote of the Union Council (4.2); or
- (iii) a secure petition signed by at least 500 Members. For the avoidance of doubt only ordinary members can sign the petition (4.3).

The persons or body proposing the referendum must propose the question for referendum. Any question put to Referendum must be a simple 'YES' or 'No' question. Any petition or decision for proposal for referendum shall not exceed 100 words unless its purpose is for a change to the Constitution or Bye-Laws. The Union Council may make alterations to a proposed referendum question for the purpose of making the question:

- (i) balanced and not tending towards one response; or
- (ii) comply with the requirements of the University of Brighton Students' Union Constitution.

4.1 A resolution of the Trustees.

The Board of Trustees can call a referendum at any point by a simple majority vote.

4.2 A majority vote of the Union Council.

The Union Council can call a referendum at any point by a simple majority vote.

4.3 A Secure Petition signed by at least 500 members.

Ordinary members of the University of Brighton Students' Union can call a referendum at any point by presenting a secure petition signed by 500 ordinary members to the Union President. This petition can be either an e-petition or a hard copy petition. In the case of a hard copy petition, it should have its purpose on the top of every page including the question to be put to a referendum. The referendum should collect the full name, student number and signature/e-signature of every member that signs the petition for that entry to be valid.

- 4.3.1 Any ordinary member who attempts to get policy passed through the Students' Union committee structure but fails will be granted a 50% reduction in the number of signatures required on a secure petition to call a referendum. For this action to take place the student first needs to have taken the proposed policy to a zone committee for it to be developed before it went to Union Council.

5. **Conduct of the Referendum**

The Union President will be charged with organising a referendum if called, unless s/he is the person leading the call for a referendum or it is a vote of no confidence in the Union President. In this case, the responsibility will fall to the Deputy President or Chair of Union Council Representatives.

The referendum shall be held no sooner than 12 clear days and no later than 26 clear days following the decision of the Board of Trustees, Union Council or receipt of the petition. Any referendum being held should allow members to vote for a continuous period of 24 hours.

The referendum shall be organised in the following timetable (of minimum clear days prior to the first day of voting):

10 days: The proposed question needs to be published along with the date for the referendum. All promotion shall clearly state that any related or alternative proposals and statements for and against the proposals need to be received within five days. All alternative or related proposals shall be accompanied with a petition signed by 300 ordinary members. They shall be worded so that they can stand alone from, or alongside, the original proposal.

5 days: The Union will stop accepting alternative and related proposals.

4 days: The Union will publish the proposal, with any alternative or related proposals, and the arrangements for any meetings to debate it. There shall be a minimum of one meeting to debate the proposed question(s).

All referenda shall be held online to maximise the number of students being able to vote, taking into consideration part time, post graduate, placement and distance learners. The online system should be determined as the most effective and secure at that point in time.

All students shall be emailed the link to the referendum at the start of the 24 hour voting period as well as it being advertised around the University through a variety of media.

Union Council shall determine the financial arrangements for publicising a referendum. Union Council shall ensure that all referenda taking place in an academic year receive the same promotion and funding.

Any ordinary member may campaign for or against a motion providing that it does not take place around a ballot station. For the avoidance of doubt any computer will be considered as a ballot

station. Whilst a motion is being drafted, debated or consulted on, Officers are free to criticise and disagree with any part of said motion via any medium they so wish.

6. **The result of a Referendum**

The result of all referenda shall be announced within 24 hours of the close of voting. It shall be announced using a variety of media over all campuses, including the Union website.