

Birmingham City Students' Union

REFERENDA BYLAW

1 Status

- 1.1 A referendum shall be called on any issue affecting the company or members of the company in their capacity as Students of the University if requested.
- 1.2 A referendum shall be conducted by secret ballot that enables all full members of the Union to exercise their vote. This shall normally mean that all referendums are held across all campuses of Birmingham City University. The exception shall be when a referendum is called on matters relating solely to a group of students that can be identified by campus location. This shall be determined by the Returning Officer.

2 Powers

- 2.1 A decision reached by means of a referendum shall override any decision of the Directors, Council or any general meeting.
- 2.2 A decision reached by means of a referendum shall have effect for a minimum of 1 year after which time it may be overturned by a subsequent referendum or general meeting.
- 2.3 A referendum may not:
 - 2.3.1 Amend the Articles and Memorandum of Association, which can only be amended at the Annual General Meeting each year.
 - 2.3.2 Decide on any matters relating to the Union staff
 - 2.3.3 Mandate the Union Officers to break the law
 - 2.3.4 Debate any matter defined by the Student Council as commercially sensitive. A proposal to define a matter as commercially sensitive must be approved by a two-thirds majority of those Councillors present.

3 Calling a referendum

- 3.1 A referendum can be called by:
 - 3.1.1 A majority of the Directors at a validly constituted and quorum directors meeting; or
 - 3.1.2 The Council at a validly constituted and quorum Council meeting by a majority of members present; or
 - 3.1.3 A resolution at a validly constituted and quorum General meeting; or
 - 3.1.4 2% of the members by means of a petition requesting a referendum on a particular motion. The petition should detail the members' names, student numbers and signatures.
- 3.2 If a referendum is validly called then the Directors shall be responsible for calling a referendum within 21 working University days provided a referendum is held during the University term.

4 Setting the question

- 4.1 Upon receipt of the request for a referendum the Campus Engagement Officer shall call a meeting of the Elections committee who shall organise the voting.
- 4.2 The Returning Officer shall be responsible for devising a suitable question to be put to the vote, in consultation with the Campus Engagement Officer and the Student Council Chair. A suitable question is one that can be answered by a simple Yes or No. In general the question should be phrased as the motion or petition to call is phrased, whilst retaining the absolute discretion of the Returning Officer. There shall be no appeal to this decision, save making a formal complaint using the University complaints procedure.
- 4.3 The Directors shall be entitled to refuse to hold a referendum when the outcome would result in the company taking action which would be contrary to any provision in its Memorandum or Articles of Association or other legal requirement whether imposed by statute, contract or common law.

5 Referendum meeting

- 5.1 The Returning Officer shall cause at least one Referendum Meeting to happen to debate the issues arising from it. This meeting to be run in accordance with the rules applicable to Election Hustings.
- 5.2 The referendum Meeting should be held not less than three working days before voting commences.
- 5.3 At the referendum meeting the proposer and opposer shall each have five minutes to present their case, and then answer questions for as long as the Returning Officer shall deem appropriate.

6 Voting Timetable

- 6.1 Upon receipt of a legitimate request for a referendum the Directors shall have 21 working days to call the vote.
- 6.2 The vote shall be called by advertising the intended vote at every campus at least three weeks before the final day of voting.
- 6.3 The Returning Officer shall determine how long voting should continue for, using the principle of extending the opportunities to vote, and not normally for less than one full day at every relevant campus.

7 Quoracy & legitimacy

- 7.1 A decision reached by a referendum shall not have effect unless it is supported by at least 10% of the total number of members of the Company.

8 Mandating Officers

- 8.1 Upon the proper calling of a referendum, no officer can be mandated to hold any particular position or to take action in regard to the referendum (Except those actions required for the organisation of the referendum) from the calling of the referendum to the closing of the polls.
- 8.2 Student officers are free to campaign as individuals on a referendum, but may not do so whilst at work for the Union, and so should take leave. They may not use Union resources in pursuit of a particular outcome.

9 Campaigning

- 9.1 The proposer of the referendum shall produce a document not exceeding 2 sides of A4 paper outlining the case for the motion. This shall be submitted to the Returning Officer not less than two working days after the submission of the request for a referendum. For referendums proposed by the Executive or the Student Council the proposer at that meeting shall be responsible for submitting the case.
- 9.2 The Returning Officer (in consultation with the Campus Engagement Officer and the Chair of Council) shall delegate the responsibility for preparing a document not exceeding 2 sides of A4 paper setting out the case against the referendum question. This shall be submitted to the Returning Officer not less than two working days after the submission of the request for a referendum.

10 Voting

Voting in a referendum shall be conducted in accordance with election regulation relating to the conduct of the vote.