A By-law relating generally to Membership engagement and referenda for

McMaster Association of Part-time Students

Be it enacted, as By-law 4 of McMaster Association of Part-time Students, as follows:

1. Membership Engagement: At least every two years, the Board shall engage the Membership to help determine the goals, objectives and priorities of the Association for approximately the next two years.
   a. The Board of Directors shall set a policy regarding how to engage the Membership in an equitable manner, reflective of each constituency’s needs, and how the results of that engagement will be employed to develop key priorities as well as strategic and operating plans.

2. Referenda Types: To reach the largest number of members who may wish to participate in the business of the Corporation but are unable to be physically present at a general meeting, the referenda process is the preferred means of including the Membership in the business of the Corporation. The referenda process for the Corporation includes:
   a. An information session. This is an informal meeting of the membership that does not require a quorum in order to proceed. The information session shall be provided in person, and broadcast over the internet through webinar or videoconferencing technology that allows any or all members to participate in the information session remotely. Notice for an information session is described under the notice provisions for membership business in By-law 1.
   b. Sessions Recorded: Each information session will be recorded and links made available on the Corporation’s web site and social media sites for download and viewing.
   c. A referendum. At the conclusion of the information session, or no later than 0800 of the next business day, members shall be able to vote on the agenda items discussed at the information session through an online electronic voting system. Polls will stay open for at least three days.
   d. A general referendum will normally have a number of questions on the ballot and the Membership shall be given notice as provided in By-law 1, allowing additional questions to be submitted for inclusion on the ballot. A special referendum normally has a single question or subject and no call for items is made.

3. A referendum may not proceed unless an information session has been held.

4. A referendum has the same force as a General Meeting. It may be initiated by:
   a. the Board,
   b. a General Meeting,
   c. a petition received by the Corporate Secretary (or designate) that is signed by 3% of the Membership and indicates the nature of the business to be dealt with.

5. If the referendum is called by a General Meeting or petition, the referendum will normally occur within 8 weeks. In other cases, the provisions in By-law 1 shall prevail.

"As referenda are called, the Board shall review all outstanding items from previous referenda and meetings to determine if any should be brought forward for consideration."
7. The quorum levels and vote requirements for referenda to be binding are:

<table>
<thead>
<tr>
<th>Threshold level / description</th>
<th>Quorum / Affirmative Vote Required</th>
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<tbody>
<tr>
<td>1. Election to office</td>
<td>Minimum number of total votes cast: none</td>
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<td>Positions shall be filled in order in accordance with the voting/electoral system used and continue until all vacancies have been filled.</td>
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<td>2. Non-Fundamental Changes</td>
<td>Minimum number of total votes cast: 3% of Members eligible to vote</td>
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<td>Change By-laws, remove directors, change fees or budget by less than 20% of total expense and other items.</td>
<td>Motion passes if majority in favour (excluding abstentions) unless otherwise required.</td>
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<tr>
<td>3. Fundamental Changes</td>
<td>Minimum number of total votes cast: 10% of Members eligible to vote</td>
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<td>Change the Letters Patent or objects of the Corporation, class, type or composition of the Corporation's general membership, change resulting in a change in budget 20% or greater of total expense; any change requiring more than majority in favour.</td>
<td>Motion passes if two-thirds in favour (excluding abstentions).</td>
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8. **Notice provisions for referenda:** Shall follow the procedures provided for in By-law 1, section 14.

9. **In addition to the provisions of By-law 1, Second notice** of the referendum will also include:

   a. The questions to appear on the ballot with hyperlinks to corresponding materials on the Association’s website.
   b. The nominees for election with hyperlinks to biographies as submitted.
   c. Hard copies of all materials may be reviewed at the MAPS office.
   d. The scheduled date and time of the information session, including details on how to join the meeting remotely.
   e. Instructions on how voting will take place and where ballots can be cast.
   f. The day or days and times that voting will take place.
   g. Voting may not close less than 4 weeks from the date of the Second Notice. Voting by proxy is not allowed. However, if voting will be open for less than three business days, provisions for advanced polls shall be made and communicated to the Membership. Advanced polls shall be conducted in a manner similar to General Meeting advanced polls.
   h. How the results will be determined and announced. This will include:
      i. A plain language explanation of the quorum and affirmative vote required for each ballot question to pass.
      ii. How the votes will be tabulated and by who.
      iii. Where and when the results will be posted, which shall normally be at least the Association’s websites, bulletin boards, and office door.
10. Information sessions will be held at a McMaster University Campus where audio/visual technology is available to ensure that the transmission of audio and visual is sufficient for full participation by all members, regardless of location. The Board will ensure that every remote participant is logged in and verified as a member, and that all remote members can interact in the information session.

11. Should the referendum not achieve a quorum of votes, the Board shall call a General Meeting for the purpose of conducting the business intended through the referenda.

12. In the event that a referendum not achieve a quorum of votes and a subsequent meeting of the membership also fails to achieve a quorum, the Board shall consider the vote count from the referendum. If the Board reasonably believes that the non-quorate referenda results reflect a preference of the membership, the Board may ratify a non-quorate referendum result. The ratification vote would be subject to a 30 day notification period to the Membership to comment on the ratification.

13. The results of all referenda questions will be recorded by the Corporation.

14. The Corporation shall normally hold a referendum through electronic polling. If that capacity is not available, then a paper ballot process shall be used, which shall normally be a mail-in ballot.

15. Regardless of system, the referenda process must include access control that ensures a one-member, one-vote process is in place.

16. Any questions to be put to the Membership must be clear, unbiased and answerable by indicating support, opposition or abstention. The Board shall determine the phrasing of the referendum question in accordance with the By-laws and their duties, and the question will reasonably address the nature of the underlying issue being put to referendum.

17. Prior to the date set for the referendum, the Board shall hold an Information Session, as provided for in By-law 1. The notice requirements for notice of referendum, information session, and the date of the referendum shall adhere to the notice requirements provided for in By-law 1.

18. The Membership is required to provide the University with current contact information. The Association will periodically ask the University to provide it with a listing of student who are MAPS members (“the membership list”). The Association will rely on the Membership List as the authoritative listing of all Members, and that the information provided on the Membership List is accurate in all other respects. Prior to each referenda, the Executive Director shall obtain an updated Membership List from the University.

19. If a significant number of “bounce-back” or other error emails occur indicating delivery problems, the Association will investigate and take reasonable remedial steps. These steps may include the use of Canada Post or other means of mail delivery or other alternatives for those affected. The Board will consider the impact of any errors and adjust voting options to maintain fairness and equity.
20. The Board shall appoint a Chief Returning Officer ("CRO") who shall be impartial and be responsible for ensuring that the referendum is carried out in a fair and appropriate manner, including in accordance with the By-laws and any general referendum policies. For clarity, this does not preclude the CRO from voting in the referendum if the CRO is a Member.

21. The Board shall appoint a three member adjudication tribunal that will meet, if required, to review complaints about the referendum process that were not satisfactorily resolved by the CRO, pursuant to By-law 3, Section 1. The tribunal members shall be of good standing in the university community and known for fairness, and drawn from the pool of prospective tribunal appointees pursuant to By-law 3, section 2.

22. The Board will ensure that at least one website is available that provides key information to the Membership regarding the referendum question. Those who wish to take a different position than the Board on the referendum question may also post a website or websites after registering with the CRO (or designate).

23. Information provided on such referendum information sites shall be clear, unambiguous and avoid using inappropriate language, making inappropriate inferences, or making personal attacks that would misinform the reader or are not relevant. The CRO (or designate), shall monitor the sites to ensure that the content conforms to this policy.

24. On referendum voting day(s), the process selected for receiving Members’ votes must have the capacity to process votes from the entire Membership. In the case of electronic polling, the system should be designed so that a Member does not wait an extended time for a ballot to be presented after validating their identity.

25. Issues regarding a referendum shall be brought to the CRO’s attention and be reviewed by the Board. Examples of issues include a failure to comply with the By-laws or any general referendum policies as well as potential issues that may be unclear or uncertain.

26. The CRO may decide on reasonable and appropriate remedies for an issue within the scope of his authority, set by the Board. The CRO may recommend remedies to the Board for approval where the issue exceeds his scope.
   a. The CRO and the Board, when considering remedies to electoral issues, shall consider:
      i. the severity of the issue and its materiality on the outcome of the vote;
      ii. the degree to which the issue unfairly influenced members’ opinions and/or affected the outcome of the referendum; and
      iii. the extent to which any remedy can address the issue.
   b. Based on the above, the Board may ultimately suspend or disqualify a referendum side, terminate the referendum in progress; invalidate a completed referendum; and/or require a re-vote or completely new referendum.
   c. Any decisions or actions taken by the Board with respect to referenda may be appealed to an adjudicative tribunal appointed for this purpose. Both the CRO and Board may also refer an issue to the tribunal. Decisions of the tribunal shall be final and made in writing.