

BOARD OF GOVERNORS

ELECTION PROCEDURES COMMITTEE

DECISION ON CHALLENGES TO THE RU-PASS REFERENDUM

I. REFERENDUM: Ryerson Universal Transit Pass (“RU-Pass”) Referendum 2018, Request for a U-Pass Levy

Do you agree to the creation of a Ryerson Universal Transit Pass (RU-Pass) fee of \$282.00 per semester (\$280.00 for RU-Pass and \$2.00 for Ryerson administrative fee), applicable in the fall and winter terms, for a total of \$564.00 per year, which would provide unlimited travel on Toronto Transit Commission (TTC) services, adjusted annually by no more than five percent in accordance with administrative and transit costs, beginning in September 2019?

II. DECISION: The Election Procedures Committee, by a four to one majority, accepts the recommendation of the Returning Officer, Catherine Redmond, and hereby denies the challenges to the RU-Pass Referendum and upholds the RU-Pass Referendum results.

III. REASONS: The role of the Election Procedures Committee is set out in the Referendum Procedures. Section 9.2, Challenges to Referendum Results, provides that in the event of a challenge to a referendum result, the Returning Officer is to investigate challenges to referendum results and provide a recommendation, following which the Election Procedures Committee “will consider the report and issue a decision”. In fulfilling this mandate, the Election Procedures Committee has carefully reviewed the various challenges that have been filed, the recommendation of the Returning Officer, and all relevant facts respecting the administration of the RU-Pass Referendum.

Voting for the RU-Pass Referendum was conducted over four days, October 29 to November 1, 2018. Of the 38,124 eligible voters, there were 16,331 voters who cast a ballot. There were 10,158 voters who marked YES and 6,079 voters who marked NO to the RU-Pass Referendum question. There were 94 voters who declined to indicate a preference. The RU-Pass Referendum succeeded as the YES votes met the 50% + 1 threshold to determine the outcome of the RU-Pass Referendum.

There were numerous challenges to the RU-Pass Referendum results, as set out in the Returning Officer’s report dated November 12, 2018, a copy of which is attached as Schedule “A”. The challengers alleged that the conduct and activities of the Ryerson Students Union (“RSU”), the “YES” campaign, were misleading and unfair, in breach of section 7.6 – General Standard of Fairness and section 8.1 – Inaccurate Material pursuant to the Referendum Procedures. The challengers alleged that the RSU misled voters about: (a) the opt-out provision which is available to any student whose personal circumstances relate to a protected ground under the Ontario Human Rights Code which restricts the ability to utilize transit, and (b) the voting period end date which was November 1, 2018. The challengers argued that there were

several instances where students were told on the RSU social media sites that they could easily opt-out, and that the RSU indicated that November 2, 2018 was the end of the voting period. There were also a few challengers who complained about the “free pizza and waffles” that the RSU distributed to students in an effort to influence their vote.

The Returning Officer investigated the challenges pursuant to the Referendum Procedures. It was the Returning Officer’s view that there was “sharp practice and misleading information” used by the RSU but that voters had access to accurate information.

The majority of the Election Procedures Committee concurs.

The RSU’s statements about the opt-out (e.g. “You can Opt-Out”) were vague and incomplete. The RSU’s posters about the voting period end date did have the incorrect date of November 2, 2018.

During the voting period, the Returning Officer issued instructions to the RSU to correct inaccuracies and the RSU made efforts to comply.

Accurate information about both the opt-out and voting end date was publicly available.

The opt-out and voting period were clearly explained on the Board of Governors’ Referenda site:<https://www.ryerson.ca/governors/elections/Referenda/>. Ryerson University’s Vice Provost Students also sent an email to all full-time undergraduate and graduate students on October 30, 2018 about the opt-out provision and voting end date. A copy of that email is attached as Schedule “B”.

The Eyeopener newspaper and *Ryersonian* newspaper published articles both before and during the voting period about the opt-out and voting end date. *The Eyeopener* published an article, “RSU prints RU-Pass Referendum Ads with the Wrong Dates on Them” on October 29, 2018 <https://theeyeopener.com/2018/10/rsu-prints-ru-pass-referendum-advertisements-with-the-wrong-dates-on-them/>. The Eyeopener also published an article, “Everything You Need to Know About the Ru-Pass” on October 30, 2018 <https://theeyeopener.com/2018/10/everything-you-need-to-know-about-the-ru-pass/> which stated, “Students can opt out of the pass if they are unable to use transit due to grounds protected under the Ontario Human Rights Code. Opt-outs will be assessed on a case-by-case basis by the Office of the Registrar at Ryerson”. *The Eyeopener* article noted that the voting period ended on November 1 at 4:30 pm. The *Ryersonian* published an article, “Current RU-Pass Opt-Out Only Applies to Students with Disabilities, RSU President Clarifies” on October 31, 2018. <https://ryersonian.ca/current-ru-pass-opt-out-only-applies-to-students-with-disabilities-rsu-president-clarifies/>. The *Ryersonian* article discussed the issue and noted that the voting would take place until November 1 at 4:30 pm.

The “NO” campaign also posted on Facebook, Ryerson Students against RU-Pass <https://www.facebook.com/2306891996007043/posts/vote-no-for-the-ru-pass-from-today-until-nov-1-430->

[pmheres-why1-students-cant-op/2309328299096746/](https://www.punjab.gov.ca/punjab-acting-attorney-general/2309328299096746/) on October 29, 2018, “Students can’t opt out of the RU-Pass. Despite what the RSU is telling students about the opt-out option, you can only opt-out if it falls under the human rights code”.

Distribution of the free pizza and waffles by the RSU does not constitute prohibited activity under the Referendum Procedures, and as such, is not discussed herein.

For the reasons above, the majority of the Election Procedures Committee accepts the recommendation of the Returning Officer, denies the challenges and upholds the RU Pass Referendum results. The majority is of the view that the irregularities that occurred in the referendum did not materially affect the fairness of the referendum, or alter the result.

One member of the Election Procedures Committee voted to reject the recommendation of the Returning Officer, accept the challenges, and dismiss the RU Pass Referendum results. That member is of the view that there was an unbalanced advantage that the "YES" advocates had in communicating erroneous information, and this erroneous information was known but inadequately corrected too late to offset the misleading information.

DATED this 26th day of November, 2018.



Julia Shin Doi, Chair

Election Procedures Committee Members:

Ron Babin, Faculty Representative

Jennifer Hicks, Alumni Representative

Joseph Zboralski, Staff Representative

Giselle Basanta, Board Secretariat