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### **Analysis and Recommendations Regarding the Report of the Student Societies' Summit**

Dear Professor Regehr,

As per our conversation earlier, I have outlined my opinions and suggestions regarding the Student Societies' Summit report, and the upcoming policy changes drawn from that report. I apologize for not having provided input in a more timely fashion. The combination of an intensive work schedule and the need to thoroughly research the issues has meant that it took me longer than planned to put this letter together.

After a summary of the most important points, I have outlined my thoughts on various aspects of the anticipated policy proposal under the following headings:

- Justification for Intervention
- Student Society Legislation in Quebec and BC
- The Case for Allowing Subdivision of Representation
- The Merits and Pitfalls of Policy as a Solution
- Standards of Consultation
- Itemized Recommendations

I have also included some comments for each of the eight recommendations made by the summit facilitators.

While I wrote these comments primarily to provide input into your decision-making, I will be sharing this letter widely, especially with the other student governors and with student society leaders. I am looking forward to receiving input on these thoughts from many people, and thus, my final thoughts on this matter may change depending on what input I receive and what the nature of the policy proposed. I wouldn't consider my job complete without extensively discussing these issues and listening to a variety of views, especially from students. Outlining my thoughts at-present is one way to help to enrich consideration of this issue, and to solicit quality feedback for myself and others.

I hope that the analysis and recommendations I have provided are useful to you in creating your proposals for governance. I look forward to discussing this issue further in meetings with the Vice-Provost Students and at the University Affairs Board and Governing Council. If you have any questions or would like further clarification on anything, please feel free to contact me.

Yours Sincerely,

A handwritten signature in black ink that reads "Ben Coleman". The signature is written in a cursive style with a long, sweeping underline.

Ben Coleman

## **Justification for Intervention**

As stated in the Governing Council meeting of May 22<sup>nd</sup>, the justification for University intervention is that, as the steward of students' funds, U of T bears a responsibility to ensure that these funds are spent appropriately by the student societies who collect them. While the University Affairs Board does have the authority to change student fees and set policy, it should not be considered ideal that the UAB is the current regulator of student societies. Student unions are unique legal entities, functioning mostly like advocacy and community groups, but with mandatory fees like a labor union. Given this neither-here-nor-there legal position, two provinces in Canada, BC and Quebec, have seen fit to introduce legislation to uniquely define their rights and responsibilities. Despite lobbying from the Canadian Federation of Students and a private member's bill, Ontario does not yet have any similar legislation. It should not be considered the natural role of the University to introduce rules to solve current problems with societies. Instead, it is in the absence of direction from the Provincial government that U of T should now act.

The reason why the University is not an ideal regulator of student societies is that it has an interest – or at the very least, a perceived interest – in what kind of advocacy student societies conduct. In the past, student society advocacy has caused significant changes to how the institution is run, often in a way that conflict with the priorities of the administration and governors. The provincial government has such an interest too, but is accountable to the general public and is designed to be a regulating body, unlike the U of T administration, which is not wholly elected and is primarily tasked with professionally managing the institution. Provincial regulation of student societies would be much more legitimate and desirable, especially as it would allow the University to reduce the administrative load required for student society relations, and would increase the University's freedom to manage institutional affairs..

I believe that because the provincial government is the more ideal regulator of student societies, the University must meet a higher threshold of justification for taking action, and must only implement as much regulation as is absolutely necessary. Again, the University is not completely impartial and has never broadly argued for and won a mandate to regulate student societies from the public at-large. The recommendations from the Student Societies' Summit are bold, and seek to directly micromanage some activities in order to resolve ongoing conflicts between groups. Many of the actions recommended by the report are not adequately justified, and so they should be discarded. With the exception of clear improprieties, such as elections problems within the U of T Arts and Science Students' Union in 2008 or the problems of outrageous executive staff compensation at the Macmaster Association of Part-Time Students which came to a head in 2012, the norm is that universities do not directly interfere in student societies' operations.

## **Student Society Legislation in BC and Quebec**

It may be useful to examine the legislation that exists in BC and Quebec in order to guide the creation of policy, since government regulation is preferable to university-level regulation. Unfortunately, this examination is not entirely straightforward, for a couple of reasons. U of T has a unique structure among Canadian universities, with multiple campuses and federated colleges with their own powers. As a result, the distinct communities within U of T are different and less clear-cut than at most Canadian institutions. Our structure is not fully comparable to any institutions in BC or Quebec, though some institutions, such as the University of British Columbia and the Université du Quebec, are somewhat similar. The cultures

of institutions and student governments are likely to be different in Ontario than in BC and Quebec, and as a result, some legislation that works for these provinces may not work here. Despite these difficulties, I believe that considering how these two provinces have regulated their student societies can help determine the best course of action and set some important limits on what U of T should do.

One of the important limits set by legislation in BC and Quebec is the near-removal of the power of the University to withhold fees from a student society. In BC, an institution may only withhold fees from a student society if they fail to submit a proper audit. In all other cases, if the society has been recognized in regulation by the BC government, and the fees have been set by a referendum of society members, then the University must transfer membership fees to the society. In Quebec, an institution has no ability to withhold fees, as recognition of student societies and certification that a society is representative and has fulfilled its obligations under the Companies Act is performed entirely by the government. Furthermore, institutions in Quebec must transfer fees to student societies within 30 days of the last registration day and provide free office space, furniture, and bulletin boards to student societies. Overall, legislation in both these provinces gives almost no responsibility to institutions to ensure that student societies' funds are properly spent, or to ensure that specific requirements for democratic conduct are met.

If these limitations were followed, it seems that there is no recourse to fix some of the problems within the UTSU. However, both statutes can inform your decision on regulating the restructuring of societies to allow distinct communities to ensure that they have representative governments. The BC legislation does not seem designed with institutions such as U of T in mind, as it provides no guidance on how student societies should be recognized if there are multiple distinct communities within undergraduate or graduate students of an institution. Presumably if an institution grew to have the same structure as U of T, with three independent campuses within the same metropolitan area, proper student representation in this case would have to be decided by the provincial legislature. The University of British Columbia is the most comparable institution to U of T, with large undergraduate populations at two different main campuses. Due to the history of the formation of the Okanagan campus, UBC retains unique student associations for each campus. There are other institutions with multiple campuses, but most are very small, with additional campuses having only a couple thousand students at most. Comparing BC's legislation and regulations to ours is inconclusive, as they are not designed with an institution like U of T in mind, and in cases where they might present problems, such as with UBC's campuses, they are solved by historical precedent.

Student societies in Quebec operate on a unique two-tiered basis. Any distinct community – such as a campus, faculty, school, department, center or institute – may have one student association, which is formed by a government-certified referendum. These can be further subdivided by level of study, such as undergraduate, graduate, full-time, and part-time. In addition, these societies may form alliances, which represent a broader group of students, and cannot be subdivided by faculty, school, departments, institutes, or campus, with the exception of the Université du Quebec system, which can have alliances divided by campus. Thus the Quebec legislation allows for local student governments but also federated alliances to represent broader groups, an option which was considered by the summit, but rejected because it is not allowed under the Canada Not-For Profit Corporations Act under which the UTSU is incorporated. There are some provisions for groups within student associations and alliances in Quebec to de-federate, but these only apply to groups divided by level of study or enrollment status. Thus if U of T were to be compared to a regular Quebec university, the decision to allow for campus subdivision, such

as the formation of SCSU from the UTSU, would not be allowed. However, if U of T were to be compared to the Université du Québec, all three campuses would have independent student societies.

In summary, legislation in other provinces sets clear boundaries to protect the autonomy of student societies, preventing almost all kinds of institutional intervention. If it were to be decided that U of T's situation was different, and that direct institutional intervention should be enforced through policy, extensive justification would be required. I personally do not believe that the situation at U of T is different enough from that in BC and Quebec to justify the extent of the intervention outlined in the Student Societies' Summit report. However, these student society laws do not provide clear comparisons or guidance on precisely which distinct communities are deserving of independent student societies at U of T. Based on these laws, arguments could be made for consolidating undergraduate representation further, such as it is with most Canadian institutions, or for further dividing it, such as at UBC or the Université du Québec.

## **The Case for Allowing Subdivision of Representation**

Subdivision by enrolment status and level of study already exists at U of T and has a vast precedent country-wide. The responsibility of Governing Council in this case should be to determine whether there should be a process for students from each campus to either separate, forming their own exclusive student association, or to fully merge with students from another campus to form a larger student association. Any process to do so should be initiated and determined only by students in way that is as democratic and accessible as possible. I will therefore explain why I believe that giving students this choice is justifiable, and what the limitations on such a process should be.

As noted by the summit facilitators, the most obvious reason for allowing each campus the choice to have their own undergraduate student associations is that, in practice, they already do. The UTSU is widely seen as the representative group for students on the St. George campus, and only performs a small number of functions for UTM students. As far as I am aware, this includes back-office administration of the health and dental plan, some sharing of staff resources (as UTMSU has only three full-time staff members), assistance with lobbying and campaigns, and sharing of best practices, among other things. Due to the interlock of executives and board members, UTSU and UTMSU often work closely, especially for issues that are common to all U of T students or all students in Ontario. However, UTMSU serves as the organization in which UTM students can be involved, as UTSU commission meetings are not held on the UTM campus. Furthermore, UTMSU carries out the vast majority of campus life programming for UTM students and is the primary provider of UTM services. These services include the student center and the primary office for UTM students to use the health and dental plan. While having a close working relationship, UTSU and UTMSU are functionally separate organizations that could operate independent of each other.

Distance is another important factor to consider, Unfortunately, there are no easy comparisons with other institutions, as U of T is unique in having three campuses within the same metropolitan area which are all large enough to be independent universities. While there are many UTM students taking classes at St. George and vice versa, the two campuses are not close enough that it would be reasonable to expect a student to be functionally enrolled at both. Due to traffic, UTM recommends that students schedule more than an hour in-between classes on the two campuses in order to always be able to attend classes on time.

Differences in the campuses create divergent advocacy goals for significant number of issues. For example, UTSU and UTMSU negotiate with two different transit providers. Additionally, with one campus being set in a suburban environment and the other in the middle of downtown, the transit needs of their members are very different. Availability of parking is a high priority for many UTM students, but is much less important for St. George undergraduate students who largely do not have regular access to cars. Each student union also lobbies different administrative units for changes and improvements to services such as mental health counselling and student life programs. The project to pedestrianize St. George Street is completely downtown-oriented, and would have no reasonable parallel at UTM. Food services on both campuses are contracted with different companies: Chartwells at UTM, and primarily Aramark and Sodexo at St. George. Governance advocacy is also different for students on both campuses because the main governing bodies for each campus are increasingly distinct due to the recent reforms, most notably the introduction of campus councils.

In summary, though the UTSU and the UTMSU have the same core missions – to provide advocacy, services, and community – their practical goals are strikingly distinct. The two organizations increasingly lobby to different university administrators, provide services to students on different types of campuses with different needs, and run regular community events that are largely exclusive to students on their own campus. Any similarities in activities, such as advocacy to governments and identical services are likely to be similarities between student associations in general, and do not justify the position that both organizations should be irreversibly merged.

While the impacts of subdivision would likely be small for UTSU and UTMSU, for Part-Time and Graduate students, there may be a number of adverse effects that could occur from allowing unhindered separation powers for students on each campus. This is because the populations of graduate and part-time students at both suburban campuses are comparatively small to those at St. George. A situation where St. George students separate from the suburban campuses may harm the level of service and advocacy that can be offered for these particular groups — for example, if the resulting associations lack adequate scale to hire professional staff or offer equivalent health insurance. For this reason, I would suggest consulting with part-time and graduate students on all campuses, as well as APUS and GSU to come up with a way to regulate and prevent this problem.

One way to regulate this problem would be to require the consent of students from both groups if one of the resulting societies from separation would have a population or have revenues which are below a certain level. By consulting with GSU and APUS, it may be better determined what these numbers should be by coming to some agreement on what minimum level of staffing and service would be acceptable. This should not preclude small populations of students from being allowed to separate to form their own student associations, as their students may decide that it would be better for them on-balance to operate as a small society, or to vertically integrate with another society on their campus. However, it is important for groups of students that would be negatively affected in a significant way to be able to veto separation referenda in order to maintain access to adequate services and representation.

The ideal democratic process for the separation or joining of student societies should be through a referendum of students run by the University, with extensive oversight from students of all societies involved. For the separation of societies, except with the restrictions mentioned before, the referendum should only occur among the group of students who wish to separate. For the merging of two societies,

the referendum should occur among both groups, with the terms of the relationship clearly described in full for all students to see. This arrangement is open to criticism for being imbalanced due to the different number of groups required to consent in each case, but the arrangement is necessary in order to preserve the self-determination of each distinct group of students. As stated before, given that student leaders on different campuses have to advocate to mostly different administrations, provide services to students with different surrounding resources and transit systems, and run events on different campuses, it is reasonable to afford students on different campuses this self-determination.

Unfortunately, the procedure for such referenda under the Policy for Compulsory Non-Academic Incidental Fees is nowhere near adequate for the separation or mergers of student societies. I find it funny that one of the recommendations from the report is for the University to establish guidelines for how best to use voting technologies when our current referenda process under this policy involves the mailing of paper ballots to students' homes. The Policy for Compulsory Non-Academic Incidental Fees should be updated to allow for more flexible use of available voting technology and to create oversight structures, procedures, and requirements which are designed with separation or merger referenda in mind.

There are several changes which I believe are essential for legitimate separation or merger referenda. First, while I believe it is reasonable for the University to oversee the logistics of such referenda with extensive oversight from students, elections rulings and disputes should be arbitrated by students in equal proportion from each society, with the deciding vote given to some outside third party, such as a retired judge, in order to remove any interference from the University, whether it be real or perceived. As I stated before, the University is an imperfect regulator, so this is essential to ensure the validity of such referenda. Furthermore, it would be prudent to examine the referenda policies of all relevant student associations in order to minimize contradictions between the University's proposed referenda procedures and the procedures in our student societies' bylaws. In this way, the democratic processes of these societies can be adequately respected.

Lest *APUS v. UTMSU and EPUS* [2008] 43054 (ON S.C.) be cited as reasoning to suggest that the umbrella student association should run the referendum instead of the University, I would point out that Justice Allen stated that

*[The] concerns [of APUS] emerge in relation to the process that took place before EPUS/UTMSU made the application to UAB, which concerns I think the court can and should address. (Emphasis in original)*

*APUS v. UTMSU* does not seem to prevent University-run referenda on the recognition of student societies and the allocation of mandatory fees. Indeed, the case states that

*The University Affairs Board ("UAB") of the Governing Council of the University of Toronto ("the Governing Council") collects fees on behalf of student societies and has the authority to approve changes to compulsory non-academic incidental fees including those collected on behalf of student societies such that no such changes can be made without UAB approval.*

In my view, this confirms the authority of the University to regulate student societies, as has been stated by the administration as justification for conducting the Student Societies' Summit and for introducing new student societies' policy. While I believe that the University is an imperfect regulator, it is nonetheless the current executive authority for these matters.

The second change that is needed for a proper referenda process for separation or mergers is the introduction of a high turnout threshold for such referenda. The splitting or merger of student societies should be a reflection of a significant change in student populations, not a reflection of the political whims of the group of students with the most support in any particular year. For this reason, I believe that if a majority of students from a campus vote to separate or merge, that majority should be comprised of a minimum proportion of all students from that group. The requirement for similar referenda in Quebec is that the majority of students comprise at least 25% of the total population. It may be reasonable to set a slightly lower limit for students at U of T given differences in student political participation, but the proportion should be an amount that is extraordinary when compared to historical referenda and election turnouts. It may be helpful to construct a history of election and referenda turnouts for this purpose.

Third, though I believe that referenda for allowing students on one campus should only be conducted among the leaving students, the University has a strong responsibility to ensure that all of the groups that could be impacted, especially the larger student association that is being subdivided, are notified and involved in the referendum process. As Justice Allen noted in *APUS v. UTMSU and EPUS* [2008] 43054 (ON S.C.),

*I find at a very fundamental level, APUS was entitled to proper notice of the referendum, the option to participate in the process, the opportunity to consent to or oppose the process and to be informed of the referendum question, particularly in view of the impact the proposed changes would have on APUS's organizational affairs.*

Although in this case, I believe that, for reasons I have outlined above, the ability to oppose the process should not be included in University policy, the rest of Justice Allen's comments are important to take into consideration when designing the referendum process. As stated before, major harm to the finances and lobbying power of a divided student association would be ameliorated by regulations which give small student populations the ability to veto such referenda.

In summary, creating policy to allow for the separation or merging of student societies in a way that recognizes students on different campuses as distinct communities is justifiable and desirable for reducing the current conflict. Such a policy should require students to decide through a University-run referendum with extensive oversight from all the current student groups and societies that would be affected. It should also include important limitations, such as powers to protect small communities of students and high turnout requirements. In creating this policy, it will also be necessary to update the current Policy on Compulsory Non-Academic Incidental Fees to allow for specific rules regarding separations or mergers and the integration of new, more convenient voting technology.

## **The Merits and Pitfalls of Policy as a Solution**

The only policy recommendation that I believe should be endorsed from the Student Societies' Summit report is the proposal to create a process for restructuring societies contained within recommendation one. The other recommendations would be unprecedented and unwarranted, and would impose more regulation on student societies than I believe is necessary to solve the root problems of the current conflict. The University should aim to empower the members of student societies to solve their own problems, not seek to introduce extensive direct regulation on societies' operations. Contradictory to this

goal, most of the summit recommendations seek to solve problems by putting more influence in the hands of the administration or in structures that do not represent the democratic will of a society's members. Member-driven change is more legitimate and is more likely to ensure that societies operate in a way that is most in the interest of students. There are other practical and philosophical reasons to support not implementing the majority of the summit recommendations, which I have outlined in the final section of this letter.

With all this in mind, I recognize that it may be decided that other interventions through policy are needed, and can be justified. Indeed, the overarching recommendation from the report was that the University create a policy for student societies, and quickly. As part of the creation of this policy, I would expect that there would be a thorough examination of the problems with student societies at U of T that are at the root of the current conflict. While many of these problems may be serious and deserving of remedy, it is important that it be considered if each problem is also systemic. Policy is long-lasting, and is not an appropriate solution for organizations facing temporary problems. As such, I would expect that any solutions put forward as policy would be intended to fix chronic problems that would be expected to continue if policy were not implemented. Furthermore, these problems should be expected to persist regardless of the individual students leading the society in question. Only by meeting these strict requirements would policy to be adequately justified.

In summary, only problems that have occurred through multiple generations of students and different types of leadership have a strong case to be made for requiring a policy solution. As an example, perceived abuse of proxy voting at annual general meetings has occurred in the UTSU with both right-leaning and left-leaning leaders, consistently, and for at least a decade. There are some resources that can help determine whether a problem requires a policy solution, such as archives of *The Varsity* and some of the student society historical records in the U of T archives. However, due to the unwieldiness of these resources, I would suggest that the best starting place to add a historical perspective to deliberations would be to consult the institutional memory of your own staff and of the community as a whole.

If a problem is identified, but there is not a strong case for a policy solution, then I would suggest illuminating the problem for the relevant community of students and doing nothing else. It would be best for U of T to intervene as little as possible, and I strongly believe that direct University intervention is only desirable where it can be clearly shown that the membership at-large is unable to solve a problem themselves over time. I hope that this conflict can be resolved without creating regulations that are more imposing than the ones that have been created in BC and Quebec. It may be appropriate for the University to ensure a minimum standard of student society government, but the task of ensuring that a student government is excellent should fall on students alone.

In the interest of empowering members to create change, I believe that using the threat of withholding fees to back motions passed by the membership at annual general meetings can be justified if the leadership of an association is defying such a motion. Student societies are supposed to be member-driven, with a meeting of the membership as the highest decision making-body. Using the University's influence in this case supports the needs of a society's members, and helps them ensure that their executives act in their best interests. I would like to stress that this threat is only appropriate to back changes after they have obtained the democratic support of members, and that the University should not impose more restrictions than members have asked for. This kind of intervention in the past has ensured

the adoption of online voting by the UTSU, and should be sufficient to resolve any major problems that are not solved by further subdivision of student representation. Before deciding that policy is the best solution to a problem, I believe it would be prudent to consider whether the change required could also come about in this more preferable way.

## **Standards of Consultation**

I would like to encourage you to fully consult with all the University's stakeholders before submitting your proposals to the University Affairs Board. The actions are undertaken in response to the report are likely to have a broad impact on many communities at U of T. The change of the summit's mandate from UTSU-specific issues to a U of T-wide policy for all student societies had serious – though unintended – side effects, as it means that the GSU, APUS, and SCSU were excluded during a formative part of this process. This error has tarnished the legitimacy of the report and its recommendations. I do not believe that it would be prudent or productive to completely abandon the report and its recommendations, but I do believe that the University owes these previously excluded groups more input to remedy the imbalance in perspective that was created from this error.

To be specific, I think a full-detail proposal should be shown to all relevant groups, especially the excluded societies, before the final proposal is presented to the University Affairs Board and Governing Council. Society feedback on the draft proposal should be taken into consideration when drafting the final proposal, so that the student societies have an opportunity to see exactly what is being proposed and share their input on it before the governance process begins. I think it would be unfair to expect student societies to provide input on the process without having a solid idea of what the final decision will look like. Furthermore, this will allow you to deal with concerns that would otherwise be an unnecessary distraction at governance debates, reducing unnecessary conflict over the changes.

The report stressed the need to solve the problems that are at the root of this conflict in an expedient manner. However, I believe that it would be best to postpone the introduction of this item until governance cycle three or four. First, this will allow enough time for the extended consultation with student societies that I have described above. The summer is a time of orientation for most student leaders, and so postponing the decision slightly will allow for societies to engage with the decisions when they are best prepared. This delay would be a gesture of goodwill towards the societies, who may currently feel rushed and unduly threatened, and may help improve the tone and quality of public debate around the issue.

Second, this delay will make it easier for students at large to engage with the process. Communication between society leaders and their members about the summit has been limited at its best and non-existent or misleading at its worst. Awareness of the issue has not really penetrated outside of the small community of students who are involved in campus politics. Political apathy is a problem with students, but I would normally consider it reasonable that the majority of students are uninterested in the minutiae of campus politics. This issue, however, has fundamental implications for how students are represented, receive services, and build community, and I think students at large deserve the opportunity to give it their attention now that a meaningful policy change is likely to happen.

The implementation of change is not going to be easy. Further subdivision of undergraduate representation and increased member power will inevitably meet some backlash. Unnecessary conflict between student societies and the University will result if onerous regulations are implemented, or if changes are implemented in a rushed and opaque way. By giving student societies and community members the best possible opportunity to see exactly what is proposed and respond to these proposals in a calm, thoughtful way, we can fully live up to our responsibilities as a public institution and minimize needless acrimony.

## **Itemized Recommendations**

With all of the above taken into consideration, my recommendations are as follows:

First, that Governing Council should intervene reluctantly, due to the lack of provincial legislation regarding the operations of student societies, and, thus, with the resulting goal of intruding on the operations of student societies as little as possible.

Second, that Governing Council should, where possible, avoid introducing regulations on student societies that are more onerous than in the relevant legislation of BC and Quebec.

Third, that Governing Council should introduce policy to allow for distinct communities, defined by level of study, enrollment status, and campus, to either split their community from a society or to merge societies. The requirement for this should be a majority obtained through a referendum of the students who wish to leave or join with another society. Such a referendum should have a high turnout requirement and should be adjudicated by a group of students from the affected groups, chaired by an independent third party.

Fourth, that the Provost should threaten to withhold fees only in the following instances: severe financial misconduct, breaking of bylaws, fraudulent conduct in elections or otherwise, or in the case of student society leadership defying the will of the membership expressed through annual general meetings or some other membership vote. Furthermore, “Open, Democratic, and Accessible” should be clearly defined to reflect this limited interpretation.

Fifth, that if Governing Council decides to introduce policy that is more stringent than the above-mentioned equivalent legislation, that it should also provide reasoning that justifies this extraordinary action, and justifies the use of policy by showing that the problem targeted is chronic and serious.

Sixth, that the recommendations from the Student Societies’ Summit report should not be implemented, except for those similar to the recommendations outlined above.

Seventh, that the Provost consult with stakeholders as best as is possible, including by presenting a final proposal to student societies and students before presenting it to governance, and by introducing the final policy recommendations in the third or fourth cycle of governance.

## Examination of Recommendations from the Student Societies' Summit Report

1. That the Governing Council of the University of Toronto establish a robust policy for student societies that, while recognizing the autonomy of those societies, also reinforces their obligations to represent and benefit members and includes a process for creating or restructuring societies.

I covered the relevant considerations for the use of policy as a solution to this conflict in the main letter. Again, the definition of “open, democratic, and accessible” for the purposes of deciding if University intervention is justified should be that student societies submit audits, follow their bylaws, follow the wishes of meetings of their members, and nothing more. I will comment on the proposal to “reinforce [a society’s] obligations to represent and benefit members” in the recommendations that follow. A process for creating or restructuring societies should be implemented in a way that is transparent, has high voter turnout thresholds, and has appropriate society and University involvement.

2. That the new policy for student societies require that every society use an arms-length Chief Returning Officer (CRO) who has been appropriately certified by the University.

As an UTSU board member who has served previously on the Elections and Referenda Committee and been involved in the hiring and assessment of elections staff, I am unconvinced that this proposal would fix the problems that tarnish UTSU elections, or the problems that tarnish elections in other student societies.

The most important remaining problem with the UTSU’s electoral process is the close relationship between the candidates for election and the board members and staff who run the elections. It should be noted that this is not a problem that is unique to the UTSU, as I believe that several college governments have had elections where the CRO or other elections staff were former executive members of said governments.

The facilitators recommend ensuring CROs which are arm’s-length by having such staff cross-picked from different student societies. I believe that this would be worse than UTSU’s current arrangement, for several reasons. First, the UTSU currently has an unwritten policy of not hiring current U of T students for the CRO position in order to minimize the risk of bias or social connection to candidates. This recommendation would instead ensure that CROs could only be U of T students. Second, there would be a strong incentive for like-minded student societies to nominate candidates into this process that are favorable to their own values, increasing the potential for CROs to be biased. Third, the elections rules at each society are so markedly different that it would be impossible for the University to provide anything other than very broad training to this pool of candidates. If this training then reduces the time that CROs have for learning the rules for their specific election, this recommendation would decrease the quality of elections decisions, not improve them. Fourth, it would be incredibly difficult to match the job requirements of each society’s elections to the pool of CROs. Each candidate would have to be willing to accept a range of positions and compensation schemes, ranging from simple college elections with small honoraria to the incredibly time-consuming and stressful task of running UTSU elections. Last, it would

be reckless to hire an undergraduate student to run the UTSU elections, due to the logistical difficulty and range of expertise needed to oversee them. The UTSU tends to hire CROs who are in their mid-to-late twenties, and who have some relevant job experience, in order to ensure that they can manage a large staff contingent, make appropriate rulings, and run the logistics of the election smoothly. The need for more mature candidates would severely limit the UTSU's options for picking a qualified CRO, or saddle the organization with candidates who do not have the experience and skills needed. Overall, this proposal, while well-intentioned, is not a practical and effective way to ensure competent and unbiased elections staff.

3. That the new policy for student societies include the establishment of a university-wide Student Society Appeals Board that would serve as a court of final resort for all complaints about the conduct of particular student societies, including elections complaints.

The lack of detail in this proposal makes it difficult to determine how appropriate this recommendation is. However, because members are and should be the highest level of decision-making in student societies, I believe that any formulation of this recommendation would be ruinous, especially with the involvement of faculty and staff. As I stated in the beginning of the letter, our mission should be to empower the memberships of student societies. This proposal would gut memberships of their right to ultimately decide how their societies should be run. Ensuring that members can overrule their executives in democratic way should be sufficient to give them appropriate recourse when there are complaints.

It may be appropriate for student societies to create impartial appeal boards for elections, but they should do so themselves. Instead of instituting a University-run body chaired by a retired judge, it may be helpful for the University to financially assist student societies in hiring retired judges when they are needed.

4. That the new policy give the Appeals Board the power to issue binding directives to student societies, where nonconformity with such directives would be grounds for the Provost, on the basis of the "Policy for Compulsory Non-Academic Incidental Fees," to withhold fees from a society for failing to operate in a "open, accessible and democratic" fashion.

While it is commendable that the summit facilitators have tried to reduce some of the heavy-handedness with which the University must regulate student societies, unfortunately, this proposal does not materially change the current situation. If this proposal were to be carried out as suggested, the heavy-handed threat of withholding fees would remain as drastic as it is now, and would just be carried out by a different group of people.

There might be other solutions to give the University more "soft power" when dealing with student societies, but I do not believe that trying to implement these ideas would be wise. The proliferation of soft power would be accompanied by the temptation to use it, and often. Additionally, similar measures – such as the appointing of board members and staff to societies and approval of the UTSU's budget by the University – were rejected by students in favour of greater autonomy many decades ago. It would not be a productive use of the University's time or beneficial for students to reset to an outdated status quo.

As I have said before, the drastic nature of any University intervention in student society business means that the University must provide strong justification when it does intervene. As the University is an imperfect regulator of the student societies, it is a good thing to maintain this barrier to intervention.

5. That, to guide the deliberations of the new Appeals Board and to flesh out the requirement that student societies operate in an “open, accessible and democratic” fashion, the Office of the Vice-Provost Students develop governance guidelines, including guidelines for the conduct of elections.

Such guidelines may be helpful, especially for smaller societies that must undergo governance reforms without much outside help. However, these guidelines should not form the definition of “open, democratic and accessible”, as this would greatly increase the ability of the University to interfere in student society business. As has been stated by most of the large student associations, such micromanagement of student society business would be detrimental to their ability to advocate for students' needs.

There would also be some difficulties in coming up with meaningful guidelines due to the diversity of student associations at U of T. The responsibilities, powers, and democratic structures of societies vary widely. For instance, UTSU has executives directly elected from all members, whereas ASSU operates as a federation of course associations, with executives elected by association executives. For this reason, what may make sense for one organization may not work with the traditions and policies of another. It would therefore be difficult to create guidelines which are more specific than those already found in the handbook for student societies.

6. That these guidelines address appropriate use of voting technologies, the role of slates in elections, rules for the involvement of non-society members in society elections, and the need for societies to ensure that all their constituencies are appropriately represented in their activities.

This recommendation offers some specific proposals for the guidelines mentioned previously. I believe that examination of these proposals will show the undesirability of imposing such guidelines.

First, appropriate use of voting technology is not something that should be extensively regulated, if at all, due to rapid changes in technology, adoption of alternative voting systems, and important differences between societies. Where there are regulatory needs for the use of voting technology, I have confidence that these can be met by societies, as the task is not difficult, and often only requires adapting existing rules to current technology.

Within the last decade or so, there have been vast improvements in voting technology. Online security measures have improved greatly, web hosting has changed dramatically from proprietary to cloud-based servers, and web design has become easier and more feature-rich. Ownership of internet-connected devices has changed within an even shorter period--when I began my degree, it was taken as given that laptop ownership was necessary, but with improved tablets, many students now no longer use a laptop as their primary education device. Given this pace of change, regulations that would restrict or guide the use

of technology will be very likely to become redundant or counterproductive within a single generation of students, and it would be poor prioritization and use of resources for the administration to reconsider these guidelines on a yearly basis. It would then be best to not introduce regulations on voting technology.

The summit leaders do not seem to offer any firm opinions on how slates should be regulated, so I will assume that the likely regulatory choices would be to maintain the current society-level rules, ban slates on all societies, or restrict them to executive candidates only. All of these options require debate and consideration before they are implemented due to their implications on fairness and accessibility of election procedures. Despite the complexity of the issue, students are certainly capable of deciding for themselves whether each society should allow formally coordinated campaigns. It seems incredibly uncertain to me that regulating slates would inevitably be for the better, especially given the lack of guidance from the summit facilitators.

7. That these guidelines address how executives within societies can increase accountability to their membership.

I believe that this problem is best solved by considering incentives, not guidelines. The University could impose extensive regulations to ensure that executives increase accountability, but if they are not incentivized to act in the best interest of their members, then regulation is only a superficial solution. The best way to ensure accountability is to ensure that members have the power to overrule their executives, and to ensure that executives must address their members' needs and concerns in order to win elections. Ensuring that executives are accountable to their members by making executives accountable to the administration is roundabout and contradictory.

8. That the new policy for student societies be implemented as soon as possible, following consultations with student societies which were not part of the summit, campus groups and clubs, and other university stakeholders.

I will again stress the need for a higher level of consultation than would normally be required for a university policy change, and the suggestion that the introduction of the final policy proposals be delayed until the third or fourth cycle of governance. I applaud the summit facilitators for recognizing the need to extend more consultation to societies which were not part of the summit.