

Nominations and Elections Committee

Fair Practices Code for Referenda

Revised October 21, 2013

I. Purpose

- A. The purpose of the Fair Practices Code for Referenda (FPCR), and the interpretation thereof, is to regulate all aspects of the undergraduate referenda process. The intent of the FPCR is to create a fair environment for all referenda proceedings and to establish publicly the rules and procedures the Nominations & Elections Committee (NEC) shall implement, as well as those by which the NEC will be bound during the Referenda Process.

II. Definitions

- A. **Referenda Process:** All aspects of undergraduate referenda administered by the NEC from the initiation of the Referendum Petition or UA Initiation to the announcement of the referenda results.
- B. **Eligible Voter:** Any student who is currently registered with the University of Pennsylvania Registrar as a full time undergraduate student.
- C. **Polling:** The period during which eligible voters are able to vote for or against a referendum. This period lasts from the hour of online voting availability to the termination of the voting link on the last day of voting.
- D. **Campaigning:** Any act, process, or publication which publicly advocates a position on a referendum or the Referenda Process.
- E. **Interested Party:** Any person or group of persons publicly expressing an opinion regarding a referendum or the Referenda Process.
- F. **Grievance Officer:** A general body member of the NEC appointed by the Executive Board of the NEC for each Referenda Process. The duties of the Grievance Officer are outlined in Article VII.B.iv of this document.

III. Scope of the FPCR

- A. The FPCR is binding on all undergraduates and will be enforced in all student referenda administered by the NEC. All referenda must be in full compliance with the FPCR and any other rules outlined by the NEC from the commencement of the Referenda Process until the results have been publicly announced.
- B. All questions concerning the FPCR must be directed solely to the Chair of the NEC and/or the Vice Chair for Elections of the NEC. If any Interested Party feels any aspect of the NEC's rules and/or the FPCR is ambiguous, the Interested Party must discuss such ambiguities with one or both of the aforementioned officers before any activities involving that ambiguity are executed. Decisions will be forthcoming within 24 hours, and the NEC will be bound by its response.
- C. The FPCR must be in compliance with the Constitution of the Undergraduate Assembly.

IV. Procedures for Initiating Referenda

- A. Original Initiation of Referenda
 1. **Petition:** Any undergraduate student may submit a written petition with signatures from at least five percent of the total number of enrolled undergraduates to the NEC, to request the initiation of a referendum. The intention of the referendum must be stated on each page of the signature petition, and the school year and school email address of each signatory must be clearly written.
 2. **UA Initiation:** A referendum may also be requested by a two-thirds vote of the Undergraduate Assembly.
 - B. The NEC reserves the right to paraphrase any submitted referenda to eliminate bias or enhance clarity. The authors of a referendum may consult the NEC prior to requesting the initiation of a referendum for advice on the wording of a potential referendum.
 - C. Members of the NEC cannot initiate, request, sign a petition, or act publicly as an Interested Party for any referendum.
 - D. The NEC cannot accept any petition for referenda that is assigned by any professor, teaching assistant, or staff member as part of a class project; to fulfill an academic requirement; or is used for professor, faculty, or staff sponsored academic purposes.
 - E. All referenda and the associated constitutional language, if necessary, must be submitted to the NEC's Vice Chair for Elections at least two weeks before the desired start date of the polling period.
 1. For exceptions, refer to Section IX: Miscellaneous.
- V. **Referenda Classification:** Upon initiation of a referendum, the NEC is responsible for classifying the referendum into one of the following categories:
- A. **New Constitution:** This classification of referenda seeks to supersede and/or replace the current Undergraduate Assembly Constitution.
 1. New Constitution referenda require that at least twenty percent of all current eligible voters participate in voting in order for it to be valid.
 2. In the event that more than one referenda of this classification are administered on the same ballot, they shall be presented in such a manner so that eligible voters can vote in favor of only one.
 - B. **Amendments:** This classification of referenda seeks to amend the current Undergraduate Assembly Constitution.
 1. Amendment referenda require that at least twenty percent of all current eligible voters participate in order for it to be valid.
 2. In the event that more than one referendum of this classification is administered on the same ballot, the NEC shall determine if they are conflicting.

- a) If the NEC determines that the referenda are not conflicting, they shall be run individually, where eligible voters can vote in favor of more than one.
 - b) If the NEC finds that the referenda are conflicting, they shall be presented in such a manner so that eligible voters can vote in favor of only one.
- C. **General Referenda:** This classification of referenda is defined as any referenda that do not seek to amend, replace, or supersede the Undergraduate Assembly Constitution.
- 1. General Referenda require that at least fifteen percent of all current eligible voters participate in order to be valid.
 - 2. In the event that more than one referendum of this classification is administered on the same ballot, the NEC shall determine if they are conflicting.
 - a) If the NEC determines that the referenda are not conflicting, they shall be run individually, where eligible voters can vote in favor of more than one.
 - b) If the NEC finds that the referenda are conflicting, they shall be presented in such a manner so that eligible voters can vote in favor of only one.

VI. Campaign Procedures

- A. Any undergraduate student, aside from NEC members, may campaign for or against a particular referendum.
- B. The NEC shall be responsible for presenting referenda to the University community in an unbiased fashion. The NEC, at the discretion of the Vice Chair for Publicity, may request that the Undergraduate Assembly provide the appropriate amount of funds for the publicity and advertisement of referenda called out of session with General or Freshman Elections for Undergraduate Assembly and Class Boards.
- C. Posters
 - 1. The NEC recommends that Interested Parties adhere to the Poster Policy of the University of Pennsylvania. This policy can be found on the NEC website. Any poster(s) found to be in violation may be removed by the Physical Plant or University employees without compensation from the NEC or the University. Those who violate the University Poster Policy will be held accountable for any financial penalties incurred.
 - 2. Tampering with another Interested Party's posters, which may be defined as any action that directly interferes with or reverses another Interested Party's pestering efforts, may be a violation of the FPCR, as determined by the NEC at the FPCR Hearing.
- D. Electronic Mail
 - 1. The NEC recommends that Interested Parties adhere to the policies regulating electronic mail, news groups, and the World Wide Web set forth by the

University of Pennsylvania and its Schools. This policy can be found on the NEC website.

2. Any Interested Party may not use class-wide listservs (e.g. Class of 2009 listserv), school-wide listservs (e.g. Wharton School listserv), school-wide/class-wide listservs (e.g. School of Nursing Class of 2009), or interdisciplinary program-wide listservs (e.g. Huntsman Program listserv) to aid in campaigning.
 3. An Interested Party must ask the instructor's permission before using a course listserv (e.g. PSCI 001 listserv) to aid in campaigning.
- E. Electronic Social Networks (including but not limited to Facebook, Instagram, Snapchat)
1. Interested Parties may campaign using electronic social networks.
 2. All rules regarding campaigning apply to electronic social networks.
- F. Tampering or attempting to tamper with the online elections system, or any other process or system deemed important to the elections process by the NEC, by an Interested Party may result in the invalidation of the referendum. The Interested Party's actions will then be reported to the Office of Student Life for further punitive action.

VII. Violations of the FPCR

A. Complaints

1. Any member of the University community, including NEC members, may file a complaint of an alleged violation of the FPCR and/or any rules established by the NEC regarding the Referenda Process.
2. These complaints must be filed in writing in the NEC office during the time designated by the NEC after the close of voting. The Grievance Officer must file any complaint on behalf of the NEC as a whole.
3. All complaints, including the name of the charger and a description of the alleged violation of the FPCR, will be sent out via email to Interested Parties who wish to receive communications from the NEC within five hours after the close of voting.

B. FPCR Hearing

1. A Fair Practices Code for Referenda hearing, open to the public, shall be held no later than forty-eight hours after the close of voting.
2. Without a quorum of the active NEC present, excluding the Grievance Officer, the Chair of the NEC, and the Vice Chair for Elections of the NEC, no FPCR Hearing adjudicating charges may be held.
 - a) If a quorum is not present, the FPCR Hearing shall be held the following night.
 - b) Any mention in the FPCR of voting and voting requirements by the NEC at the FPCR Deliberations refers to the members of the NEC who are present.

3. Any person bringing a charge may submit evidence and/or a list of testifying witnesses to the Vice Chair for Elections at least three hours before the start of the FPCR Hearing. Only submitted materials may be used in the FPCR Hearing.
4. The Grievance Officer shall prepare the charges placed by the NEC before the NEC, the campaigners, and the public. The Grievance Officer shall also defend the NEC against any charges raised against it.
 - a) The Grievance Officer shall act as moderator during the presentation of the cases, unless the charge directly involves the NEC. If the charge was placed or must be defended against by the NEC, the Chair of the NEC shall act as moderator during the presentation of the case.
 - b) The Grievance Officer shall not be present during the NEC's deliberations, and will therefore not receive a vote in the deliberations.
5. Any charge brought by a non-member of the NEC will be introduced by the NEC Chair.
 - a) The individual who brought the charge must present the case to the NEC, the campaigners, and the public. If this individual fails to attend the FPCR Hearing, the charge shall be dropped.
 - b) If an Interested Party is unable to attend the FPCR Hearing but would still like to present his/her case alleging bias in the Referenda Process, s/he must notify the Vice Chair for Elections of the NEC at least three hours before the FPCR Hearing. The Vice Chair for Elections of the NEC and the Chair of the NEC shall decide whether it was justifiable that the Interested Party fail to attend the FPCR Hearing. If it be deemed justifiable, then the Vice Chair for Elections, the Chair of the NEC, and the Grievance Officer shall have the discretion to decide the further course of action.
6. Other Interested Parties have the right to defend the validity of the Referenda Process to the NEC during the FPCR hearing.
 - a) If no Interested Party wishes to defend against the violations brought forward by the accusing individual, the NEC will proceed to deliberation, taking into consideration the evidence presented up to that point.
7. During the FPCR Hearing, the Vice Chair for Elections of the NEC will only be allowed to speak concerning the clarification of the FPCR and other rules governing the Referenda Process and statements of fact.
8. Any charge brought against individual members of the NEC or the NEC as a whole shall be treated as a charge against the entire NEC, which will be defended by the Grievance Officer during the FPCR Hearing.

C. Deliberations by the NEC

1. During the NEC's deliberations, the NEC shall determine the validity of the allegations of bias. The Chair of the NEC shall preside over the deliberations and shall remove himself/herself from the voting unless there is a tie.

2. During the NEC's deliberations, the Vice Chair for Elections of the NEC will not be given a vote and will only be allowed to speak concerning the clarification of the FPCR and other rules governing the Referenda Process and statements of fact.
3. The NEC shall determine whether the Referenda Process was in any way materially biased by an Interested Party's violation of the FPCR. Invalidation of the referenda shall result if two-thirds of the NEC members present determine that the Referenda Process was indeed biased. If a determination of bias is discovered, the referenda election will be immediately rerun.
 - a) If a determination of bias is discovered, the referenda election will be re-administered for the specific referendum in which bias was found in no sooner than five days and no more than 10 days following the FPCR hearing.
4. The NEC shall then discuss any charges brought against the NEC. The NEC shall determine whether the NEC violated the FPCR and/or biased any aspect of the Referenda Process.
 - a) Should the NEC be found guilty of committing a violation, funding shall be provided by the Undergraduate Assembly to re-administer the specific referendum election in which bias was found in no sooner than five days and no more than 10 days following the FPCR hearing.
5. All voting by the NEC during their deliberations shall be done by secret ballot.
6. Upon the completion of the deliberations concerning the list of charges, results of the Referenda Process shall be given by the Vice Chair for Elections. Until this announcement only the Vice Chair for Elections shall know the results.
7. If procedure is unclear or a situation unforeseen by the FPCR arises, the Chair of the NEC shall determine how to run the NEC's deliberations, keeping in mind the ultimate aim of the FPCR of fairness and equality.

VIII. Referenda Results and Polling

- A. Decisions made by a valid referendum void any conflicting decisions of any organ of the Undergraduate Assembly and may be overturned only by subsequent referenda.
- B. Referenda that do not meet the requisite percentage of current eligible voters voting in the referenda election shall be invalidated. The NEC will only maintain polling for an appropriate and preset number of days established no less than one week before the start of polling.
- C. A referendum that is invalidated for lack of participation and/or rejected by the voters may not be re-administered within the same academic year.

IX. Miscellaneous

- A. In the event of religious holidays, school events, and/or any other extenuating circumstances that may bias the election, the Chair and the Vice Chair for Elections of the NEC may change any time constraints regarding elections except those proscribed by the

Constitution of the Undergraduate Assembly. This rule may be enacted if there is no alternative that conforms to the rules stated in the FPCR. The Chair and the Vice Chair for Elections of the NEC must present these time changes for approval by the NEC in the method proscribed by the Chair of the NEC.