

Imperial College Union
NUS Referendum Returning Officer's Report
A Note by the Returning Officer

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1. Introduction

After five weeks, hundreds of hours of campaigning, thousands of votes and more than a handful complaints, the NUS referendum, which started on what some may feel the rather fitting date of Friday the thirteenth, has come to a Schumacher-esque end having broken all standing records, survived allegations of un-sportsmanlike conduct, and changed history.

2. The NUS Referendum Committee

Any referendum committee is set, by the Constitution, to be the Executive Committee. After the resignation of John Collins, Ben Harris, Shiv Chopra (all of the Yes campaign), Jad Marrouche (initially of the Yes campaign and then of the No campaign), James Fok and Eric Lai (of the No campaign), the committee was left under-strength and necessitated the recruitment of a member of Council to sit on the committee. This then gave the following committee:

Jon Matthews, Deputy President (Finance and Services) – Returning Officer

James Millen – Ordinary Member of Executive Committee and SCC Chair
James Yearsley – Ordinary Member of Executive Committee and Media Group Chair
Maggie Holme – Arts and Entertainments Board Chair and Member of Council
Shama Rahman – Deputy President (Graduate Students).

2.1 The rôle of the NUS Returning Officer and Referendum Committee

The NUS Returning Officer and Referendum Committee had two principal rôles, to obtain a quorate referendum and to ensure that the referendum was run in a free and fair manner.

Within these rôles, the Returning Officer had responsibility for the day-to-day running of the referendum. The NUS Referendum Committee were very much a back-up to the Returning Officer and were available to provide advice and assist with decisions. Whilst the Returning Officer had full authority to make decisions on the running of the referendum, any decision could be appealed to the NUS Referendum Committee in the first instance. As the NUS Referendum Committee were the first appellate body, it was essential that the majority of the decisions were not taken by the NUS Referendum Committee themselves as the next appellate body would be the Council meaning that it would be unlikely for an appeal to be able to heard within the time-frame of the referendum. Potentially, this could have led to it not being possible to release the result of the referendum owing to an unheard appeal. The Returning Officer felt it more important that the referendum ran to the published time-scale than he be able to avoid personal attacks and insults owing to his taking the majority of the decisions himself, not only because the issue at hand was so fundamentally important to the Union, but also for the sake of the sanity of all those involved in both campaign teams and the electorate themselves. One more advantage of the NUS Referendum Committee not being involved in all decisions is that whilst the Returning Officer appeared to be viewed as the bastard son of the anti-Christ and Beelzebub's evil twin, the NUS Referendum Committee were not seen as such and so their rôle of providing oversight to the actions of the Returning Officer was not tainted.

3. *Independent Scrutineer*

The Returning Officer appointed Mr. Chris Ince of the College Secretariat and a former Deputy President (Finance and Services) to be the independent scrutineer for the referendum. The scrutineer, whilst not necessary (and indeed no scrutineer was appointed for the last NUS Referendum), is there to ensure that there is no foul play during the count. Dr. Ince was on leave during the count itself although an archived copy of the votes cast was prepared should there be any need for the result to be independently checked; fortunately this was not necessary.

4. *Governing Regulations*

The referendum was held under the rules set down in the ICU Constitution and Regulation Two although some sections did not apply (for example there was no New Election (this being a referendum to which the only answers possible were Yes or No) and the 'candidates' were not required to pay a deposit. The rules and regulations did contain some limitations which shall be discussed further in section 5.

5. The Campaign

There was a clear and critical requirement for complete impartiality on the part of the Returning Officer and NUS Referendum Committee. Whilst it might have been desirable to issue informative data about the NUS from a neutral perspective of the Union, the Returning Officer and NUS Referendum Committee had to focus on their primary rôle of ensuring a fair election without influence and so were not at liberty to release any information. With all Sabbatical Officers being either clearly affiliated to one campaign or the other or serving on the NUS Referendum Committee, the media and the campaign teams themselves had to be relied upon to present a balanced debate. With such a potentially contentious issue, this obviously had some drawbacks as members of each campaign team believed passionately in diametrically opposed options.

The Returning Officer published an article in *Felix* in the run-up to the referendum calling for a new and balanced debate and advertising the referendum itself, but this article clearly stated that the reasons for and against affiliation would be presented by the campaigners themselves rather than the Returning Officer/NUS Referendum Committee.

5.1 Complaints

The question of affiliation to the NUS was always acknowledged as being an highly contentious one and one that would draw a great deal of excitement and debate. These expectations were borne out in the number of complaints received by the Returning Officer. In total, 28 complaints were lodged with the Returning Officer, many of them to the Returning Officer's mobile phone and some at less than sociable hours. Of these 28 complaints, only eight were upheld by the Returning Officer and none of the decisions to uphold or reject the complaints were appealed. Of the eight upheld complaints, one regarded unfair access to the media and required immediate action, the guidance of the NUS Referendum Committee was sought by the Returning Officer as far as was practicable at the time and this decision will be discussed in section 5.1.2. One complaint was heard in a sitting of the NUS Referendum Committee who unanimously decided it to be ungrounded.

5.1.1 External Campaigners

Much has been made of the decision taken by the Returning Officer to allow external campaigners on site during the referendum. This decision was made only after a great deal of thought and deliberation. The issue at hand warranted the facts being made available to the electorate in order for them to make a reasoned and well-informed decision. It is the core tenet of democracy and absolutely essential that we are able to trust the electorate that, when presented with the facts and both sides of the argument, they are able to make a reasoned decision.

Imperial College Union was last a member of the NUS in 1977 when most current Full Members of the Union were not alive, let alone at Imperial; owing to this, the vast majority of Imperial students would not be able to comment on the benefits or shortfalls of affiliation to the NUS. Prohibiting external campaigners and comment would have had the result of the argument being based primarily on pre-conceptions, myths, half-truths and prejudicial or idealistic views of an organization with only a very few people, almost exclusively post-graduate, being able to comment from any personal experience. Allowing external campaigners allowed the views of those with current experience of the matters at hand to be heard and these could then form part of the debate for both sides. It is highly notable that the post-graduate vote was strongly in favour of affiliation (61.74%) suggesting that those that had come to Imperial from affiliated institutions wished to retain their association with the NUS.

Once the decision to allow external campaigners was made, it was left to the campaign teams themselves to decide which, if any, external campaigners they invited to Imperial and no attempt to influence either campaign team, and thus the course of the debate, was made by the Returning Officer or NUS Referendum Committee, nor would it have been at all proper for any attempt to have been made.

5.1.2 The *Guildsheet* Decision

One of the most controversial decisions made by the Returning Officer during the campaign was to impound the City and Guilds College Union newsletter, *Guildsheet*. This decision was taken after the Returning Officer received a complaint late at night that *Guildsheet* had been published carrying an advert for the No campaign and no offer had been made to the Yes campaign to carry an advert leading to unfair access to the press for the No campaign. Owing to the lateness of the hour, it was not possible for the complaint to be investigated immediately but the complainant accepted that the complaint would be investigated the following morning. After reviewing the issue of *Guildsheet*, and taking advice from Union staff, the Returning Officer felt that the failure to offer to carry an advert for the Yes campaign did indeed represent unfair access to the press.

As the publication date of *Guildsheet* is not fixed, it was not reasonable to assume that the Yes campaign would necessarily know that the newsletter would be being published during the campaign itself. The No campaign had links to *Guildsheet* and so could reasonably be assumed to have known that publication was due during the campaign and that this knowledge formed part of their decision to request to carry an advert.

Owing to the nature of the complaint, immediate action was called for once it became clear that the publication of the advert could present the No campaign with an unfair advantage. The Returning Officer then took the decision to impound all publicly available copies of *Guildsheet*. The Returning Officer consulted those members of the NUS Referendum Committee that could be reached by phone. As this decision was taken at about 1000 hrs, not all members of the NUS Referendum Committee were available but one member was immediately available and agreed with the decision. Another member of the committee was reached shortly after 1000 hrs and assisted in the impoundment of *Guildsheet* upon her arrival on campus about half an hour after the decision. The agreement of these two members alone was enough to make the decision to impound *Guildsheet* a *de facto* decision of the NUS Referendum Committee, a third member of the committee later contacted the Returning Officer and retrospectively agreed with the decision.

The Returning Officer felt profoundly uncomfortable with the requirement to impound *Guildsheet* as it went against the basic principles of freedom of speech and freedom of the press, two things which the Returning Officer personally holds sacrosanct, but personal opinions have no place in upholding the rules and regulations of a democratic exercise such as a referendum. There was the very real risk that, had *Guildsheet* remained in circulation, the referendum could have been thrown off course resulting in a skewed result or an un-resolvable complaint preventing the count from being able to take place. The risk of this could only be ameliorated by removing *Guildsheet* from circulation until the close of voting, a period of two days.

Analysis of voting patterns during the hours in which *Guildsheet* was in circulation show that, far from adversely affecting the Yes vote, proportionally more people voted for affiliation (59.67%) than did before the publication of *Guildsheet* or after its

impoundment (51.04%). Obviously, this information was only available after the count and so could not have been used to aid the Returning Officer's decision on this matter.

5.1.3 Penguins

Some complaints about penguins were received by the Returning Officer. The use of fluffy animal costumes is not against the Union's notoriously strict electoral rules and regulations and the Returning Officer did not feel it his place to instruct either campaign team on whether or not their tactics were likely to cause offence unless those tactics were outside the rules. Reports were also received of a highly public argument between a member of the No campaign and a penguin but fortunately this did not lead to a formal complaint. A complaint was also received about a pink elephant on the night the result was released but no action was deemed necessary.

There are 17 species of penguin, all of which live in the Southern Hemisphere, a clear North-South divide. Penguins are a flightless bird but are very effective swimmers with some species spending 75% of their time at sea. The common image of penguins being cold-weather creatures is not correct with penguins being found in the Galapagos although the emperor penguin, the most famous of all types of penguin is restricted to the pack-ice of Antarctica¹. This was a largely irrelevant paragraph.

5.1.4 Access to the Voting System

Some voters had problems accessing the online voting system. It was not possible to host the referendum on the usual voting site owing to other ongoing elections and so a different site was used with a large link provided for people to follow through to the referendum site. The second email advertising the open polls had a direct link to the referendum site to avoid any problems of people not seeing the link.

Some voters still had problems logging in and these were dealt with on a case-by-case basis. All people that contacted the Returning Officer with regards to having difficulty logging in were provided with the opportunity to vote in the referendum and a total of four manual votes were cast.

5.1.5 The Petition List

There were some complaints about the Yes camp being allowed to use the list of people supporting the call for a referendum to email them and campaign. The use of a mailing list is not allowed but the Returning Officer decided, after listening to the advice of highly experienced staff, that this list did not constitute a mailing list but rather a list of seconders. Somewhat surprisingly, the largest source of contention was the order from the Returning Officer that the names of those people whom were known to be affiliated to or supporters of the No campaign be removed in order to prevent them from being spammed. This order was made simply to ensure that people whom we knew were not in favour of affiliation did not receive an email that would have been of no interest to them.

The list was freely available to both sides as it had been circulated in a meeting of the Executive Committee at which the leaders of both the Yes and No campaign were present. As far as the Returning Officer was aware, the Yes campaign did not have an electronic version of this list but only the paper copy presented to the Executive Committee.

5.1.6 Other Complaints

There were numerous other complaints many of which centred around the poster regulations. Contrary to popular opinion, a large amount of license was afforded by the Returning Officer on these regulations (for example the placing of posters on glass surfaces by both sides was ignored). Imperial College Estates' zeal in removing legitimate posters from areas under the Union control as prescribed by the Memorandum of Understanding was not at all helpful and this is an ongoing problem a resolution to which is under active investigation by the Union. There were a number of complaints about posters being removed and one side was alleged to have illegally removed posters by more than one person; there was no evidence at all that posters had been removed illegally by either campaign team and it was far more likely that the cleaners were removing posters from glass doors within departments and other Estates staff were removing them from the walkway. A number of complaints were upheld about posters being placed too closely together or on neighbouring pillars. There was a suggestion made to the Returning Officer by one side that this could have been an act of sabotage to their campaign by placing posters where they were not allowed in order that action be taken against them but again, there was no evidence either way for this and thankfully it did not become a formal complaint.

There were calls for the poster rules to be relaxed for the duration of the referendum, the Returning Officer did not feel that this was appropriate and nor would it be in the future, the reasons for this shall be discussed in section 7.1. The rate of complaints to the Returning Officer did drop dramatically after the Returning Officer warned the leaders of both campaign teams that the constant complaint and counter-complaint nature of the referendum was not suitable and action would be taken if it continued. The Returning Officer did not believe that either campaign team leader was orchestrating the number of complaints, but the team leaders were responsible for the actions of their teams and, as such, they were the suitable people to warn.

5.2 Threats to the Returning Officer

One campaigner did take things somewhat too far when he threatened the Returning Officer in an attempt to force him to change the way in which the referendum was conducted. This was obviously inappropriate and stern words were had with the leader of the campaign to which this individual was affiliated. Whilst this threat went no further, it raised serious concerns over potential attempts to influence the Returning Officer. It is essential that the Returning Officer be able to run the election or referendum without undue influence or the threat of public attack, verbal, physical or in print. The appeal structure is there for complaints against the Returning Officer to be listened to and, in this referendum, the Returning Officer was careful to maintain a good degree of separation between himself and the first appellate body in order that appeals, should they be necessary, could be heard in good time.

6. The Results

6.1 Overall Result

Yes	2,134	53.26%
No	1,873	46.74%
Totals	4,007	

6.2 Departmental Breakdown

Department	Yes		No	
	Count	Percentage	Count	Percentage
Department of Physics	147	35.68%	265	64.32%
Department of Mechanical Engineering	106	34.87%	198	65.13%
Department of Materials	74	53.62%	64	46.38%
Department of Chemistry	105	51.22%	100	48.78%
Department of Aeronautics	59	40.69%	86	59.31%
Department of Bioengineering	43	49.43%	44	50.57%
Department of Earth Science and Engineering	68	50.37%	67	49.63%
Department of Electrical & Electronic Engineering	154	55.20%	125	44.80%
Centre for Environmental Policy	58	72.50%	22	27.50%
Department for Administrative Affairs	3	60.00%	2	40.00%
Department of Chemical Engineering & Chemical Technology	116	58.29%	83	41.71%
Department of Civil & Environmental Engineering	101	49.27%	104	50.73%
Department of Mathematics	97	37.60%	161	62.40%
Medicine	582	68.15%	272	31.85%
Life Sciences	263	62.47%	158	37.53%
Department of Computing	67	42.41%	91	57.59%
Miscellaneous Small Departments	7	87.50%	1	12.50%
Humanities Programme	14	70.00%	6	30.00%
Tanaka Business School	70	74.47%	24	25.53%
Grand Total	2134	53.26%	1873	46.74%

6.3 Faculty Breakdown

Faculty	Yes		No		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
Non-Faculty	88	72.73%	33	27.27%	121	14.56%
Engineering	788	47.76%	862	52.24%	1650	32.58%
Faculty of Natural Sciences	676	48.88%	707	51.12%	1383	32.62%
Medicine	582	68.23%	271	31.77%	853	27.60%
Grand Total	2134	53.26%	1873	46.74%	4007	30.30%

The faculty breakdown shows that the Medic vote had a significant effect on the outcome of the referendum ($\chi^2 = 96.833$). In short, without the medics vote, the result of the referendum would have been not to affiliate to the NUS.

6.4 The Fresher Effect

Numerous comments were made that Freshers' especially were tempted to vote by treating and the promise of discount cards and that this swung the result. The results do not show that was not the case and that the Freshers were not significantly more in favour of affiliation than the non-Freshers ($t = 0.7752$) showing that the referendum does represent a valid cross-section of the student body.

	Fresher		Non-Fresher	
	Count	Percentage	Count	Percentage
Yes	520	53.94%	1614	48.85%
No	444	46.06%	1690	51.15%
Total	964		3304	

6.5 Votes Over Time

6.5.1 Total Votes Over Time

Voting followed a relatively normal pattern (Appendix A.1) and was similar to that seen in all Union elections. There was a steady trickle of early votes until the Union President sent out an email to all Union Members informing them that voting was open at which point there was a dramatic increase in votes cast. This email had to be sent by the President as the Returning Officer did not have access to the mailing list on which it was sent. The email was drafted by the Returning Officer and sent by the President in his official capacity rather than as a campaigner himself. The next notable increase in the rate of voting was on the Wednesday lunch-time when the Medic president sent out an email to all medics reminding them to vote. Whilst the Medic president was a supporter of the Yes campaign in a personal capacity, the email was approved by the Returning Officer as being neutral and not attempting to influence the outcome. The main increase in voting was on Wednesday afternoon when the Returning Officer started a mail-merge to send personalized emails to all those on the electoral roll whom had not yet voted. These emails had a massive effect with the rate of voting increasing to over three per minute for a number of hours.

Voting on Friday was relatively steady with no major increases in rate apart from the usual up-turn at the close of voting. Critically this up-turn took the number of votes cast just past the 4,000 mark.

6.5.2 Faculty Voting

Whilst Physics had the highest percentage turnout overall, (43.14%) the Engineers cast the highest number of votes (although this is unsurprising as they are the largest faculty). All the faculties followed a similar voting pattern (Appendix A.2.1) apart from only the Medics responded to the email from the Medic President, for obvious reasons, and the non-faculty students only responded to the personalized email from the Returning Officer rather than the general email from the President informing them that voting was open. There was also a sudden increase in Engineers voting in the middle of Tuesday afternoon, after an email was sent by the Guilds President reminding people to vote. This resulted in the Engineers tending to vote early (Appendix A.2.2).

6.5.3 Freshers' Votes

The Freshers voted notably later than non-Freshers (Appendix A.3) and didn't respond to the email from the Medic President. The voting pattern clearly shows, however, that the Freshers did respond to the personalized email from the Returning Officer.

6.6 Total Cumulative Votes Yes/No

The No camp were in the lead up until the personalized email was sent out by the Returning Officer. At this point, there was a dramatic increase in the rate of Yes votes compared to the rate of No votes. This is actually highly encouraging as this change in rate, whilst it did slow, was maintained and the gap was constantly growing showing that the result is representative of the wishes of the student body as a whole. Had the vote been for a longer period of time, the result would probably have finished a lot more in favour than it did, but this would have been accompanied by the downside of the campaign teams declaring open warfare and the Returning Officer having a nervous breakdown.

6.7 The Swing

There was a clear swing from the last referendum result with a 72.14% No vote swinging to a 53.26% Yes vote, Peter Snow would have been proud.

7. Criticisms of the Referendum

The sheer size of this referendum mark it out as a success but it was not one without its foibles. It is essential that after an exercise such as this, one looks critically at events and determines where the weaknesses were as well as any particular strengths.

7.1 Poster Regulations

There were strident calls from some quarters for the poster regulations to be changed for referenda. Whilst a large part of the reason behind the restrictions on electoral posters is to ensure fairness and equal opportunity to all candidates and it can be argued that this does not apply to a referendum where there are only two 'candidates'. However, elections in recent memory have seen candidates plastering with posters excessively and there is no guarantee that a suspension of the space restrictions would not lead to campaign teams doing the same thing. If the poster rules were to be relaxed, one would have to ask where the new line should be drawn. Even with the current rules, there were problems with poster space and other posters were regularly placed over referendum posters owing to a lack of available space. It must be noted that the current space issues generally have contributed to this problem but even with the amount of poster board space available at the end of last academic year the same problems would have been faced. Whilst allowing posters to be placed more closely together for referenda may not have a negative impact on the outcome of the referendum itself, it must be recognized that, even during a referendum as important as this one, the ordinary life and activities of the Union continue and other legitimate posters need to be placed. As such, the Returning Officer felt that the poster regulations should not be relaxed for this referendum, not does the Returning Officer believe that they should be relaxed as a matter of course for future referenda but that this option should remain open to the Returning Officer of the day.

7.2 Complaints and Counter-Complaints

The number of complaints was unfortunate and, to a large extent, unnecessary. Whilst the lion's share of complaints did come from one camp over the other, the number of complaints upheld went slightly the other way (5:3). There appeared to be a degree of campaigning at the Returning Officer rather than to the electorate which is a risk in any election or referendum, especially one as contentious as one on NUS affiliation. Whilst there is nothing that can really be done to counter the possibilities of this happening again, it is worth noting that the referendum did stir such passion in people. If nothing else, at least this goes some way towards dispelling the myth of 'IC Apathy'.

7.3 Union Officers Campaigning

There were comments made about Union officers campaigning during the referendum. What officers do in their holiday time or out of office hours is not the concern of the Returning Officer. Had any officers campaigned in an official capacity, the Returning Officer would have taken action against that officer. There were comments made that, at times, some Union officers, and one in particular, forgot to remove their name-badges but these comments were never made as official complaints.

There were Sabbatical Officers as well as non-Sabbatical Union officers campaigning on both sides of the debate. Both campaigns had a great deal of input from Union officers and one was led by a Union officer, the other was led by a student and not a Union officer. The Returning Officer was of the opinion that it was not only right but necessary that Union officers should be able to be involved in the debate but that they should not do so as that officer in order to prevent the debate being swayed by the importance of a campaigner's office. Obviously, people would associate the people with their office but it would not only have been damaging to the debate, but undemocratic and unfair to exclude people from the debate simply because they held office. The very fact that these individuals held office shows that they were elected by the student body, or a sub-set of them, to lead.

8. *Notable statistics*

- 4,007: The number of votes cast
- 30.30%: The turnout
- 21.48%: The PG turnout
- 48.30%: The highest individual departmental turnout (Physics UG)
- 5: The number of votes by which the 1977 disaffiliation referendum passed
- 261: The number of votes by which this affiliation referendum passed
- 4.5 kg: The amount of weight lost by the Returning Officer through stress during the referendum.

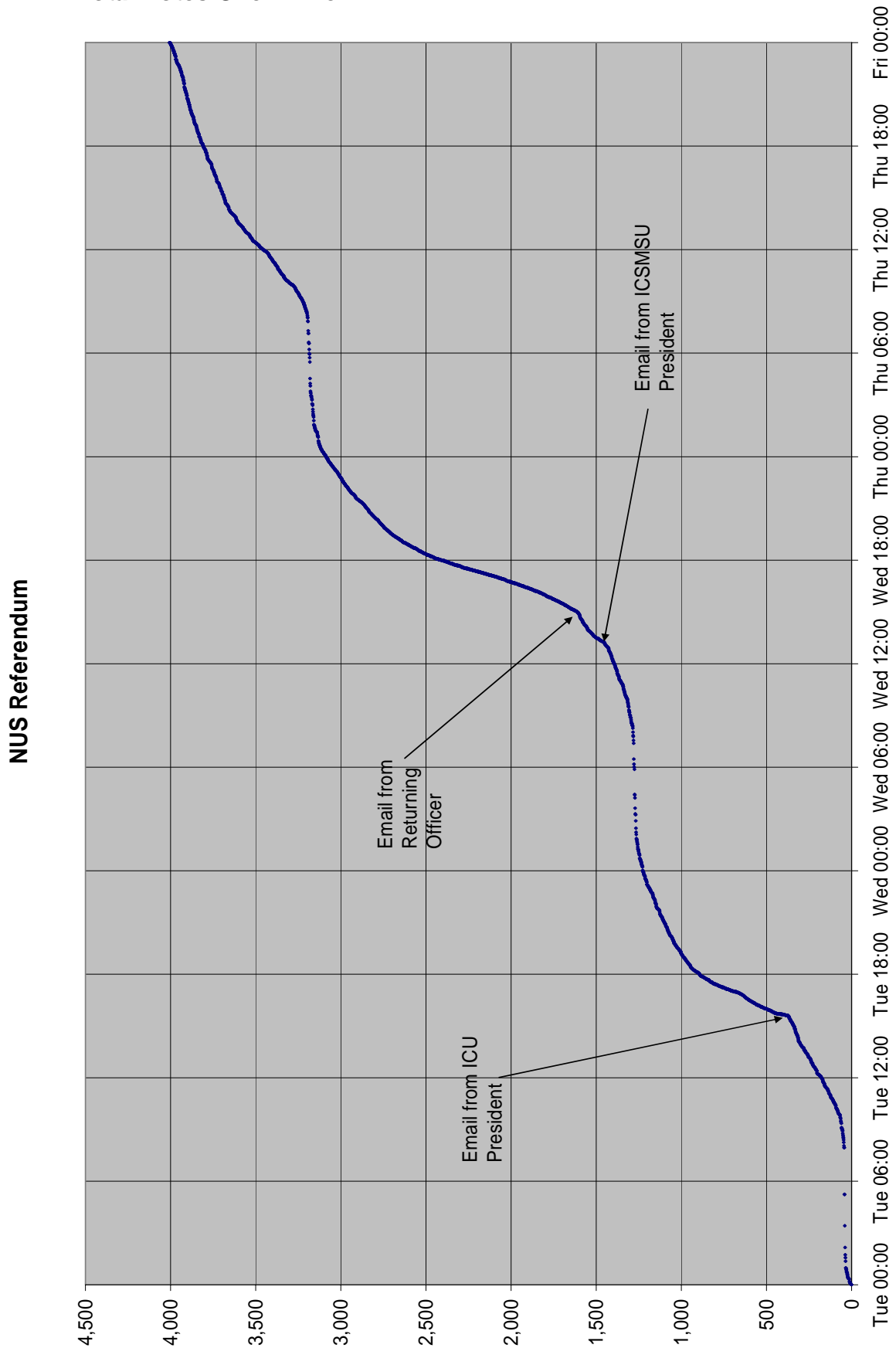
9. *Thanks*

I would like to express my personal gratitude, in no particular order, to both campaign team leaders, for ensuring my job as Returning Officer was never dull; to Mr. Dave Parry for his technical help, his experience and his sage advice; to Ms. Rebecca Coxhead for her advice, support and assistance; to all campaigners from both sides for the commitment, drive and illuminating interpretations of my decisions; the peacock for his ever-reassuring presence; the members of the NUS Referendum Committee for their support and willingness and for being there if needed; to Mr. Andy Sykes and Mr. Ashley Brown, the editors of *Felix* and *Live!*, respectively, for their balanced reporting, for putting up with the incredible amount of coverage and for accepting the fact that the referendum seemed to push all other news over the horizon; the DramSoc tech guys for their help with sound for hustings and the formal debate; STOICtv for filming hustings and the debate; Mr. Edmund Hunt and other members of the debating society for their assistance in running the formal debate; Mr. Stuart Williamson for allowing hustings and the results to be announced in da Vinci's; anyone I may have missed out; and last but not least, the 4,007 of you who voted making this the biggest referendum the Union has ever seen.

Thank you all for your interest in the NUS Referendum².

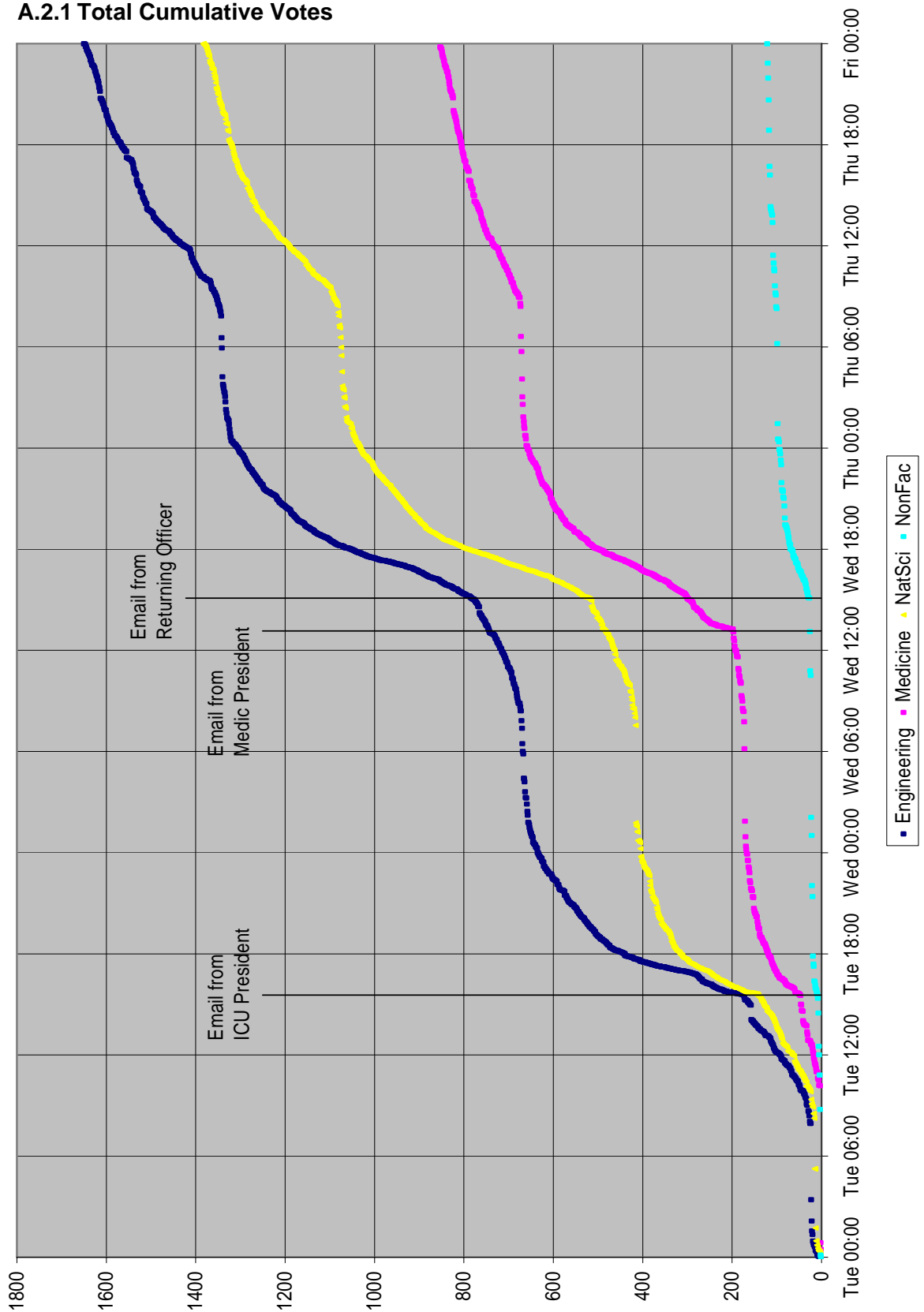
Appendices.

A.1 Total Votes Over Time

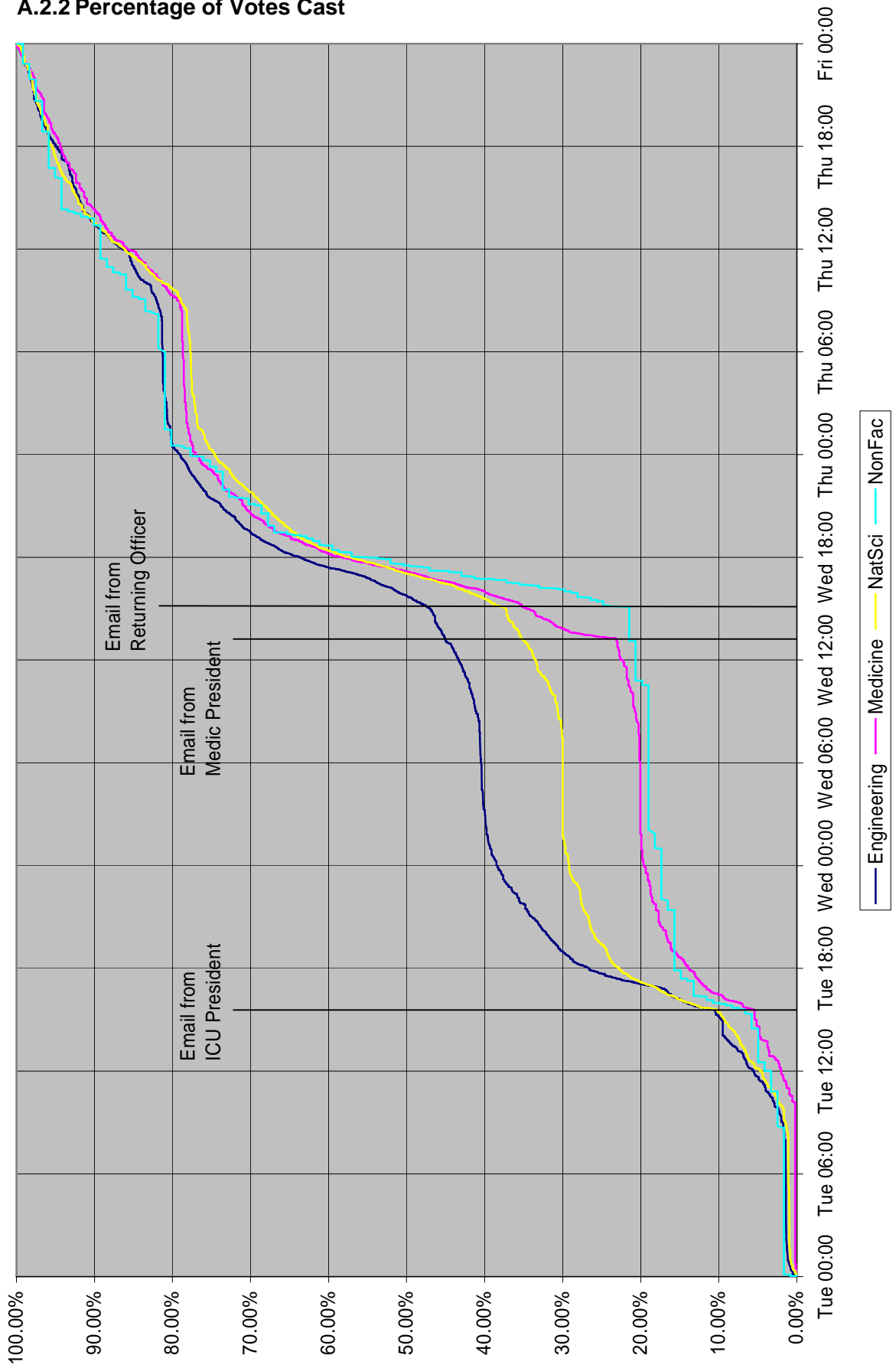


A.2 Faculty Voting over Time

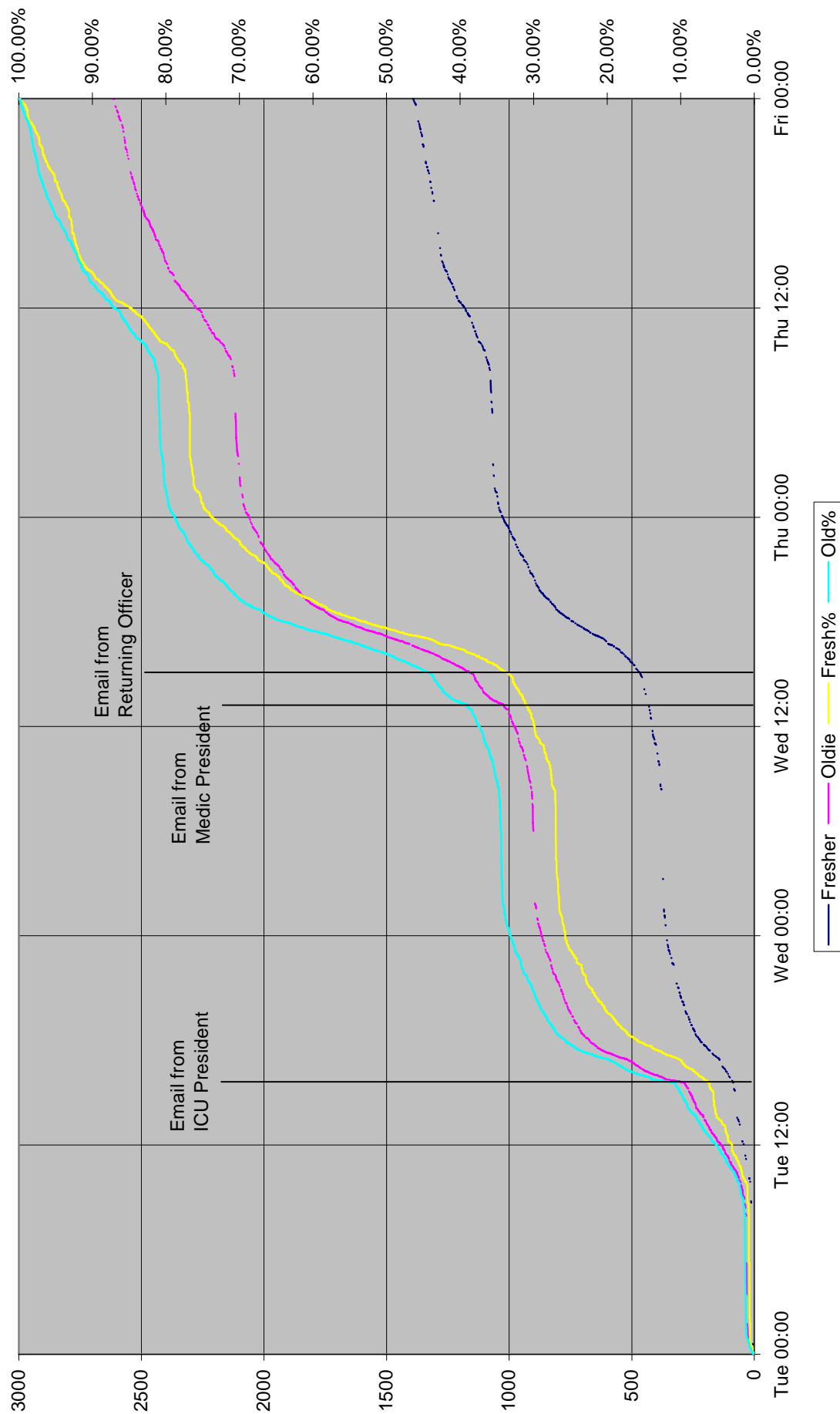
A.2.1 Total Cumulative Votes



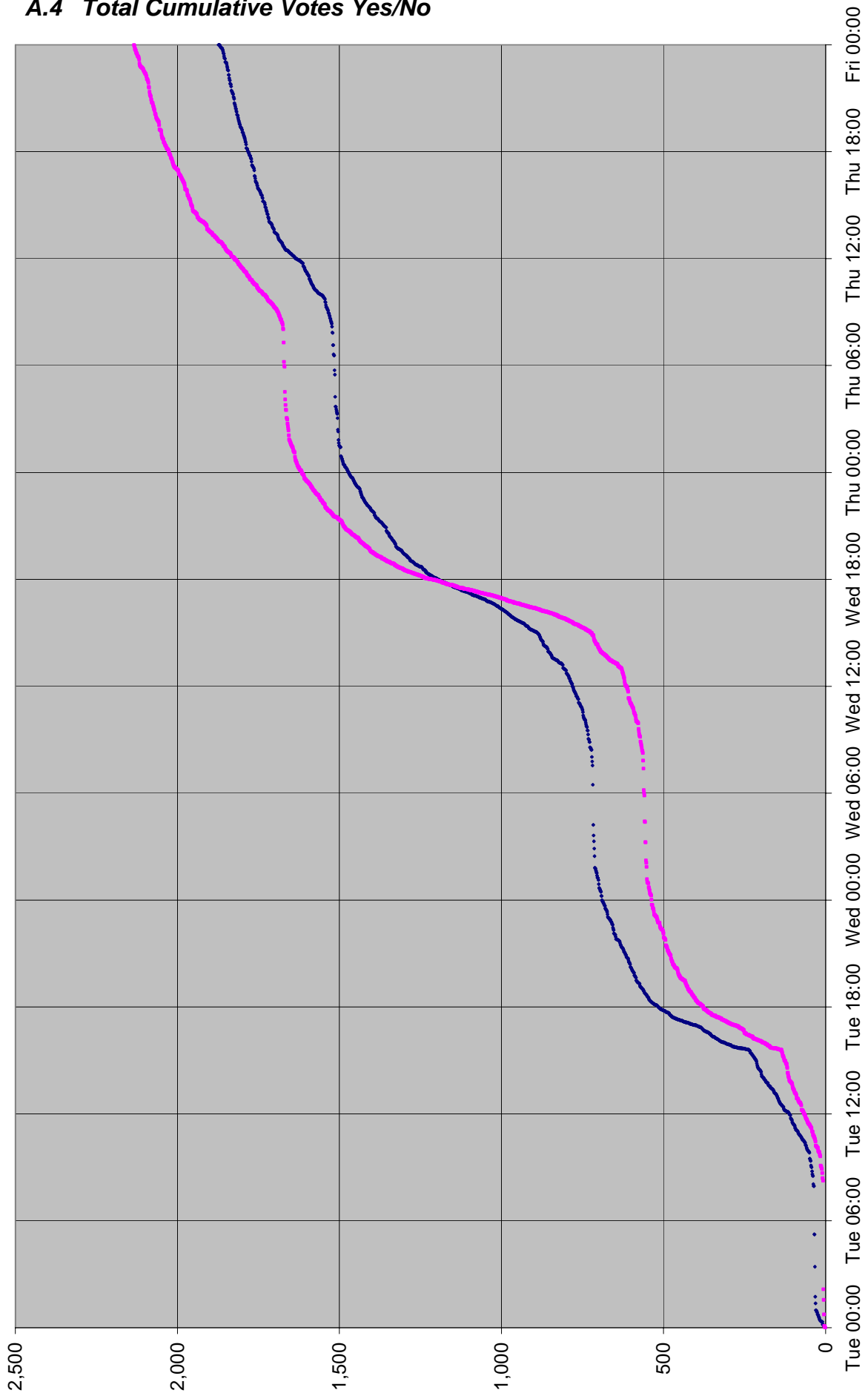
A.2.2 Percentage of Votes Cast



A.3 Fresher and Non-Fresher Voting over Time

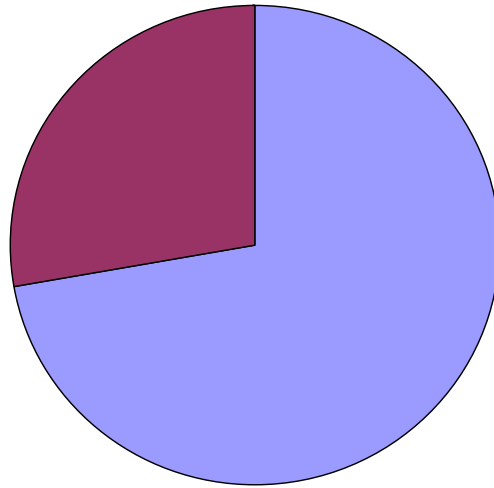


A.4 Total Cumulative Votes Yes/No



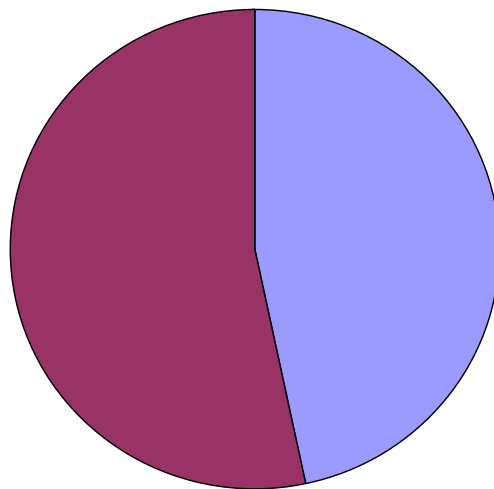
A.5 The Swing

2002



■ No ■ Yes

2006



■ No ■ Yes

¹ Sparks and Soper, 1987

² David C. Rolls, 2002