

Committee Title	Student Voice
Date of Meeting	25 th March 2019
Item Number and Title/Subject	Full Time Officer Accountability Schedule
Paper Presenter	Rachel Simpson, Student President (or nominee)
Brief Summary of Issues/Topic	<p>The Trustee Board commissioned Nick Smith Consulting to carry out a Motion of No Confidence (Full Time Officer Accountability) Review. The main recommendation in the review was to create a Schedule to the Constitution on Full Time Officer Accountability. An initial proposal was presented to Student Voice on 26th November 2018 and the Trustee Board on 17th December 2018 for discussion. A consultation also took place with the University Secretary & Vice-Principal Governance and Head of Governance at the University and with NUS Scotland.</p> <p>The proposed Schedule outlines that the Full Time Officers would be held to account politically at Student Voice. Members of Student Voice (Proposer and Seconder) or 100 students can submit a Motion of Censure. A Motion of Censure is a UK Parliamentary term. The outcomes of a Motion of Censure can include the ability to reprimand a Full Time Officer or have a Vote of No Confidence. A Vote of No Confidence, if successful, removes that Full Time Officer from their post for that academic year.</p> <p>There was a consensus at the Student Voice on 26th November 2018 that Student Voice would retain the power to approve a Vote of No Confidence in a Full Time Officer in relation to their political work.</p> <p>The University proposes a scenario where they believe a Vote of No Confidence should not take place:</p> <p><i>Where an existing office bearer is standing again for election, any motion of no confidence relating to the office bearer's performance prior to the election period and not heard before the election period will be annulled if the individual is re-elected. This is on the basis that the electorate as a whole will have pronounced on the individual's performance. Where such an individual faces censure for performance after re-election, a motion of no confidence may be brought and the individual may lose office for the remainder of their first term of office. This will not, however, annul the election results pertaining to the following year.</i></p> <p>Student Voice should decide whether this clause should be included. If this clause is accepted that the language should be revised to ensure it is consistent with the rest of the Schedule.</p> <p>The proposed Schedule further outlines that the Full Time Officer would be held to account for their contract of employment through the employee</p>

	<p>Discipline Policy and for their role as a Trustee by the Trustee Board.</p> <p>The Constitution, the Full Time Officers Employment Contract, the Charities and Trustee Investment (Scotland) Act 2005 and the NUS Guidance: The Employment Status of Sabbatical Officers has been taken into account in devising this Schedule.</p> <p>By-Laws Section 8 (Resignations and Dismissals) would also be required to be amended to not contradict any changes to the Schedules. The Bye-Law changes will be brought to the next meeting of Student Voice.</p>					
Recommendation(s)	Information		Discussion		Approval	X
	<p><i>Any member can ask a question by raising their voting card and being recognised by the Chair to speak.</i></p> <p>Student Voice is asked to decide whether the University clause is included within the Schedule.</p> <p>Student Voice is asked to approve the proposed Schedule.</p> <p>Student Voice are asked to note that the Trustee Board and University Court are required to approve the Schedule for it to take effect.</p>					
Who have you consulted when developing the paper?	<ul style="list-style-type: none"> • Nick Smith Consulting • Executive Committee • Student Voice • Trustee Board • Jan Hulme, University Secretary & Vice-Principal Governance • Riley Power, Head of Governance • Dougie Smith, NUS Scotland • Full Time Officers Contract of Employment (Developed by NUS in conjunction with DAC Beachcroft) • Charities and Trustee Investment (Scotland) Act 2005 • NUS: The Employment Status of Sabbatical Officers guidance 					
Staff/Student Protocol	Yes	X	No		N/A	
Will any decision approved directly affect the work of staff?	The Chief Executive has been consulted.					
Should the paper be submitted to any other committee following its consideration/approval at this meeting?	Trustee Board University Court					
If yes, please state the committee and proposed date of submission.						

SCHEDULE 6: FULL TIME OFFICER ACCOUNTABILITY

Accountability is a key aspect of democratic organisations and one of the Nolan Principles of public life. Full Time Officers are accountable for their conduct while in office in a number of different ways.

Full Time Officers serve in these roles in three main capacities:

- They are democratically elected by the student body and are accountable to the student body, in accordance with the Constitution and rules of the Students' Association, for their manifesto commitments and the conduct of their political activities.
- They serve as charity trustees and are accountable to the Trustee Board for their actions and discharge of their duties as charity trustees.
- They are also employees of the Students' Association and are accountable to the Trustee Board in respect of their contract of employment with the Students' Association.

As the Full Time Officers are charity trustees and employees of the Students' Association, there is an intersection of political accountability, charity law and regulation and employment law. Accordingly, decisions made by any part of the Students' Association under these rules will ultimately need to be considered by the Trustee Board to ensure that no action proposed undermines the Students' Association's legal compliance or causes it to breach its fiduciary responsibilities (see rule 2.7).

This procedure explains how elected Full Time Officers are held to account by the members and the Trustee Board of the Students' Association.

1. General

- 1.1 Full Time Officers can be held accountable in a number of ways. If someone wishes to make a complaint about the conduct of a Full Time Officer they should do so through the appropriate channel. If they are unsure which area is correct they should consult the Chair of the Trustee Board or the Vice Chair if the complaint is about the Chair.
- 1.2 The routes for accountability are:
 - a) Student Voice for issues relating to the political work of the Full Time Officer (such as how they have fulfilled their policy areas or a manifesto pledge). If Student Voice removes a Full Time Officer through in a Motion of Censure that results in No Confidence then that Full Time Officer will also be removed as a Trustee, employee and, if not on a course of study, and as a member of the Students' Association.
 - b) The Trustee board for issues relating to the fulfilment of the contract of employment as a Full Time Officer and Trustee of the Students' Association (such as breaking policies that apply to employees, serious or gross misconduct or reputational and legal damage to the Students' Association). The Students' Association shall be entitled to terminate the employment of a Full Time Officer where there is a serious breach of a Full Time Officers' obligations as an employee or as a Trustee.
- 1.3 These rules do not cover the breaking of election rules which should be dealt with by the Returning Officer. Should a complaint on discipline or employment be raised during an election period, the Returning Officer will be consulted on how the complaints should proceed.
- 1.4 A Motion of Censure vote will not be held at a meeting or extraordinary meeting of Student Voice between the period of the close of nominations and the election process concluding, which is normally the election result announcement for any candidate in the Full Time Officer elections.
- 1.5 The Students' Association reserves the right to inform the University and anyone else it sees fit, of the outcome of this Schedule, subject to the Data Protection Policy.

2. Political Accountability

2.1 Student Voice

Any two members of Student Voice (Proposer and Seconded) can raise a Motion of Censure against a Full Time Officer by submitting the motion by the usual deadline for that meeting. The Motion must meet the criteria outlined in 2.2. At their discretion the Chair of Student Voice may accept a late submission of a Motion of Censure, being conscious of the requirements of 2.4 below.

A Motion of Censure against a Full Time Officer will also be discussed at a meeting of Student Voice where the Student President receives a petition for a Motion of Censure with the names, signatures and matriculation numbers of 100 students. The petition must include the criteria outlined in 2.2.

The Trustee Board will be made aware of any Motions of Censure being sent to Student Voice.

2.2 The Motion of Censure must outline:

- a) The issues relating to the political work of the Full Time Officer (such as their policy areas or a manifesto pledge) that the Student Voice member feels the Full Time Officer has not complied with or fallen short of.
- b) The outcome that they wish Student Voice to levy on the Full Time Officer.

2.3 The possible outcomes of the Motion of Censure shall be:

- a) A reprimand from Student Voice.
- b) A reprimand from Student Voice with a recommendation that further support or training for the Full Time Officer is required.
- c) No Confidence in the Full Time Officer. Student Voice believes that the Students' Association would be best served by vacating the position and this may result in the position remaining unfilled.
- d) No action taken (if the motion is voted down)

2.4 The Full Time Officer who is the subject of the Motion of Censure will be able to give a written response to the motion which will be circulated to Student Voice no later than 3 days before the meeting is due to take place.

2.5 Within the meeting the proposer of the Motion of Censure shall make a speech for the motion and the Full Time Officer or their designate will be able to make a speech against the motion. There will only be one round of speeches and no summation. The Motion of Censure cannot be amended at the meeting of Student Voice.

2.6 A Motion of Censure will require a two thirds majority of those present at Student Voice to pass.

2.7 The Trustee Board may in exceptional circumstances overturn the decision of Student Voice for financial, legal or reputational reasons, including a Motion of Censure.

3. Non-political accountability

3.1 Complaints in relation to Full Time Officer's fulfilment of their contract of employment

Members and Students' Association staff may raise a complaint in writing to the Chief Executive in relation to a Full Time Officer's fulfilment of their contract of employment. If the complaint directly involves the Chief Executive then the complaint will be dealt with by the Vice Chair. This complaint should outline the area that the complainant believes a breach to have been made.

- 3.2 An attempt to resolve the complaint at Front Line Resolution may be attempted if appropriate. If this is not possible the employee Discipline Policy will be followed.
- 3.2 The Complaint Investigator and Clerk will either be a Trustee, member of University staff or an external party. A Trustee would be the Chair of the Disciplinary Hearing and a different Trustee will be Chair of the Appeal Hearing. These will normally be External Trustees.
- 3.3 **Complaints in relation to Full Time Officer's Trustee responsibilities**
- Members and Students' Association staff may raise a complaint in writing to the Chief Executive in relation to a Full Time Officer's actions as a Trustee of the Students' Association. This complaint should outline the area that the complainant believes a breach to have been made.
- 3.4 The Chief Executive will report the complaint to the Chair of the Trustee Board (or the Vice Chair if the complaint is about the Chair). An attempt to resolve the complaint at Front Line Resolution may be attempted if appropriate. If this is not possible the Chair of the Trustee Board will decide whether an investigation is carried out and if they believe that there is a case to answer then it shall be discussed by the Trustee Board. For the avoidance of doubt a case to answer does not presume guilt it merely suggests that the complaint should be scrutinised.
- 3.5 The Trustee Code of Conduct, as approved by the Trustee Board, outlines the behaviours expected from each Trustee at the Students' Association. The Charities and Trustee Investment (Scotland) Act 2005 outlines the legal duties of a Trustee.
- 3.6 Section 66 of the Charities and Trustee Investment (Scotland) Act 2005 outlines that all charity trustees must take such steps as are reasonable practicable for the purposes of ensuring that any breach of duty is corrected by the trustee concerned and not repeated and that any trustee who has been in serious or persistent breach of these duties is removed as a trustee. A response should be proportionate depending on the situation and where a charity trustee has acted reasonably and honestly it is unlikely to be treated as misconduct.
- 3.7 The following sanctions shall be possible for the Trustee Board:
- a) That the Full Time Officer (Sabbatical Trustee) receives a reprimand from Trustee Board about their actions and that a future breach may lead to suspension or removal as a Trustee.
 - b) Compulsory training or support that the Full Time Officer (Sabbatical Trustee) should undergo to understand why they were found to be at fault.
 - c) To suspend or remove Trustees through a two thirds majority voted by the Trustee Board.