

<b>Committee Title</b>	Student Voice					
<b>Date of Meeting</b>	19 <sup>th</sup> November 2018					
<b>Item Number and Title/Subject</b>	Motion of No Confidence Review (Full Time Officer Accountability)					
<b>Paper Presenter</b>	Rachel Simpson, Student President (or nominee) Nick Smith, Nick Smith Consulting					
<b>Brief Summary of Issues/Topic</b>	<p>The Trustee Board commissioned Nick Smith Consulting to carry out a Motion of No Confidence Review (otherwise known as Officer Accountability). The review paper is attached.</p> <p>A Motion of No Confidence, if successful, immediately removes that member from their post. In the simplest terms a Motion of No Confidence is the mechanism for firing an elected Officer.</p> <p>The review made recommendations for changes to our Election Rules.</p> <p>The paper outlines that there are two main models for dealing with a Motion of No Confidence within students' associations/unions. The first is that Student Voice decides to approve (or not) a Motion of No Confidence in a Full Time Officer by a two thirds majority (our current approach) or that Student Voice approves by a two thirds majority whether a referendum (an all student online vote) takes place on whether a Full Time Officer receives a Motion of No Confidence. Student Voice is asked to discuss their preferred option.</p> <p>Proposed changes to our Schedules and By-Laws on new/revised Motion of No Confidence rules would then be proposed to Student Voice in February 2019 based on the recommendations within this report.</p>					
<b>Recommendation(s)</b>	Information		Discussion	X	Approval	
	<p><b><i>Any member can ask a question by raising their voting card and being recognised by the Chair to speak.</i></b></p> <p>Student Voice is asked to note the report and discuss accordingly.</p> <p>Student Voice is asked to provide their preferred Motion of No Confidence Model.</p>					
<b>Who have you consulted when developing the paper?</b>	Nick Smith Consulting					
<b>Staff/Student Protocol</b>	Yes		No	X	N/A	
<b>Will any decision approved directly affect the work of staff?</b>	This is a discussion only paper.					
<b>Should the paper be submitted to any other committee following its</b>	Trustee Board Glasgow Caledonian University					

consideration/approval at this meeting?

If yes, please state the committee and proposed date of submission.

## GCU Students' Association Officer Accountability Review

### Background

Glasgow Caledonian University (GCU) Students' Association wish to review their officer accountability procedures, in particular how a motion of no confidence can be enacted. This work should also consider what other students' unions do and how the rules might interact with the election regulations and university codes of conduct for students.

### Principles

In approaching this work, the sabbatical officer role and the separation of its different parts needs to be considered.

- a) Sabbatical Officers, like all officers, are representatives of the student body and responsible to them for the actions they carry out in the name of students. This includes compliance with political policy and the values they bring to that work.
- b) They are members of the Union and as such bound by its non-political policies, such as adherence to equal opportunities.
- c) Sabbatical Officers are also employees to the Union and should respect the employee policies and practices of that workplace. They are accountable to the Trustee Board in these areas and still bound by them. They cannot, for example, ignore cash handling procedures or anti-bullying policies.
- d) Finally Sabbatical officers are charity trustees and held to a high standard of integrity as holders of public office. They are responsible for the legal, financial and reputational aspects of the union.

When and where a motion of no-confidence or other disciplinary process is made will partly depend on which area of an officer's work is being discussed.

### Comparison of Union methods

As most students' unions across the UK use the NUS model governing documents there are not many different methods of accountability and procedures for votes of no-confidence.

I have discounted the more unusual methods (such as Birmingham City SU's model of using paid students for accountability) and so there are broadly three models for accountability.

- 1) Where the Trustee Board have sole or joint responsibility for votes of no confidence with the student council<sup>1</sup> and either structure may be used.
- 2) Where the student council alone has responsibility for votes of no confidence.
- 3) Where the Trustee Board has responsibility for votes of no confidence on issues relating to the officer's role as a staff member and Trustee but student council or a referendum has responsibility for political and representative motions of no confidence.

I am proposing the third model to GCU Students' Association because it allows the student body to voice an opinion on the representative work but also allows the Trustee Board to take swift action if an officer does not meet expected standards in areas such as bullying or in meeting the obligations of their contract.

Some unions only allow an officer to be removed on the grounds of poor representative or political work by a referendum. This is on the basis that the student body appointed the officer and they alone should remove them. I present both models as options for the board.

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<sup>1</sup> Student Voice is the GCUSA equivalent to Student Council in other unions

In addition some unions have expanded the range of sanctions available to the bodies so that a vote of no confidence is not the only course of action for a student council or trustee board. This flexibility can allow officers to improve themselves rather than solely facing a vote of no confidence.

## Recommendations

### 1. Scheduling of Student Voice and elections

Until nominations close, all students are potential candidates. The interaction between election rules and other areas of the union, including officer accountability, can be complicated. One small thing that can help this process is for the election period to run between meetings of Student Voice. This means that those involved are either *potential* candidates or officers elect but do not need to hold the twin roles of Student Voice member and candidate unless an emergency Student Voice meeting is called. It is **recommended** that this scheduling be taken into account when setting the democratic calendar.

### 2. Understanding of candidates and elections environment

Election candidates should be made aware at the start of the election period that they are governed by:

- a) The laws of the land
- b) The rules and policies of the university
- c) The rules and policies of the union
- d) The rules of the election

The Returning Officer should be empowered to sanction a candidate, including removing them from the election, for breaking any of these rules. It is **recommended** that such a statement is added to the election rules.

### 3. Expansion of the accountability options

As well as a vote of no confidence which would see an officer removed, the membership or trustee board may wish to levy a less severe penalty, including ones that would encourage improved behaviours. As such I have included additional options for Student Voice that allows them to discipline an officer without removing them.

### 4. Proposal for new Schedule 3: Disciplinary

I have included this in the appendix to this paper. If accepted changes should also be made to Bye-Law 8d) and i) to allow for sanctions other than a vote of no confidence to be discussed by Student Voice.

### 3 Decisions for the board

- a) Do the board want a vote of no-confidence to require a 2/3rds vote of Student Voice as is currently the case **OR** for it to trigger a referendum of all students?
- b) Do the board want to make the Disciplinary Committee members those from the Trustee board as proposed **OR** retain 5 students?
- c) Given the above options are you happy to accept the new schedules?

### Schedule 3 - Officer Accountability

- 100 This procedure explains how elected officers are held to account by the members of the Union within their different roles. Accountability is a key aspect of democratic organisations and one of the Nolan Principles of public life.
- 101 Sabbatical Officers can be held accountable in a number of ways. If someone wishes to make a complaint about the conduct of an 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 Deputy Chair if the complaint is about the Chair.
- 102 The routes for accountability are
- a) Student Voice for issues relating to the political work of the officer (such as how they have fulfilled the mandate of policy or a manifesto pledge). If Student Voice removes an officer through a vote of no confidence as then that officer will also be removed as a Trustee and, if not on a course of study, a member of the Union.
  - b) The Trustee board for issues relating to the fulfilment of the contract of employment for the officer and their actions as a Company Director and Trustee of the Union (such as breaking policies that apply to staff, serious or gross misconduct or reputational and legal damage to the Union).
- 103 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.

#### Political Accountability

##### 200 Student Voice

- 201 Any member of Student Voice can raise a motion of censure against a student officer by submitting the motion by the usual deadline for that meeting. At their discretion the chair of Student Voice may accept a late submission, being conscious of the requirements of 204 below. The Trustee Board will be made aware of any motions of censure being sent to Student Voice.
- 202 The motion of censure must outline
- a) The areas of policy or the officer's manifesto that the student voice member feels the officer has not complied with or fallen short of
  - b) The outcome that they wish Student Voice to levy on the officer
- 203 The possible outcomes of the motion shall be
- a) A rebuke from Student Voice
  - b) A rebuke from Student Voice with a recommendation that the disciplinary committee (see 400 below) be convened to decide on support or training for the officer
  - c) No-confidence in the officer where Student Voice believes that the union would be better served not having a representative in position than the current officer.

d) No action taken (if the motion is voted down)

- 204 The 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.
- 205 Within the meeting the proposer of the motion shall make a speech for the motion and the 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.
- 206 If passed, a motion of no-confidence will trigger a referendum of all students to decide whether to uphold Student Voice's decision **OR**
- 206 A motion of no-confidence will require a two-thirds majority of Student Voice to pass
- 207 The Trustee Board may overturn the decision of Student Voice for financial, legal or reputational reasons including a motion of no confidence.

### **Non-political accountability**

#### **300 The initial complaint**

- 301 Union members, union staff and university staff may raise a complaint under b) above using this procedure. The initial complaint should be raised in writing to the Trustee Chair, or the Deputy Chair if the complaint is about the Chair. If the complaint is about the chair then the Deputy Chair will have the powers assigned to the chair within this bye law for the purposes of enacting this bye law only.
- 302 This complaint should outline the area that the complainant believes a breach to have been made.
- 303 If the chair receiving the complaint believes that there is a case to answer then it shall be passed to a disciplinary committee. For the avoidance of doubt a case to answer does not presume guilt it merely suggests that the complaint should be scrutinised.
- 304 If the chair does not believe there is a case to answer then the complainant can raise an issue with the university about their dealings with the union as outlined in the 1994 Education Act.
- 305 The Chair may, at their discretion, temporarily suspend an officer from Union activity while the complaint is being investigated. If an employee they will still be paid as usual.
- 306 This process will not be used if the member is under criminal investigation or under discipline by the university for the same complaint that those processes are being used for. The Union may utilise this bye-law after those processes have concluded.

#### **400 The Disciplinary Committee**

- 401 The Disciplinary Committee shall be made up of 3 members of the Trustee Board who are not conflicted by the complaint. In an ideal circumstance this will include an officer, a student trustee and an external trustee (who shall be the Disciplinary Chair). It should not include the Trustee Board Chair or Deputy Chair where the complaint is about the Trustee Chair.

- 402 The Disciplinary Committee shall appoint a secretary who may be a member of university staff or another person who they feel is suitable for the role and is not conflicted by the complaint.
- 403 The Disciplinary Committee's role shall be to
- a) Oversee the disciplinary processes for non-political complaints
  - b) To implement support or training for officers as instructed by Student Voice.
- 500 The disciplinary process for non-political accountability**
- 501 The Disciplinary Committee may attempt to resolve the complaint informally if they believe this is appropriate. If this is not possible or not concluded satisfactorily however the following will apply:
- 502 The charged person shall be informed, in writing, by the Disciplinary Chair of:
- a) The details of the charges to be heard.
  - b) Time, date and place of the hearing which shall be not less than 7 days from the notice sent by the Chair.
  - c) The necessity to produce all witnesses or written statements at the time of the hearing.
- 503 The Disciplinary Committee shall have the right to require the attendance of any Union member at disciplinary hearings. Non-compliance with this regulation shall be deemed an offence and may lead to disciplinary action being taken against the member charged in their absence. If the student being disciplined cannot attend the agreed dates, the meeting must be re arranged on a mutually convenient date. If this date cannot be set within 10 days of the initial date, this is classified as noncompliance and shall lead to action being taken as outlined in the Union Disciplinary procedure.
- 504 All cases shall be heard in accordance with natural justice.
- 505 Both the charged person and the person bringing the charge shall attend the meeting. In the event of non-attendance, the Disciplinary Committee shall have the power to dismiss the charges or hear the charges in the absence of the charged person.
- 506 A member brought before the Disciplinary Committee, or bringing another member before it, shall have the right to be accompanied by a friend. As this is an internal process no legal representation will usually be required.
- 507 At the meeting.
- a) the Chair will read the charges. The person bringing the charge will then present their case and any witnesses.
  - b) The person bringing the charge and their witnesses may then be questioned by the charged person and the members of the Disciplinary Committee.
  - c) The charged person will present their case and any witnesses.
  - d) The charged person and their witnesses may be questioned by the person bringing the charge and the members of the Disciplinary Committee.
  - e) The person bringing the charge and the charged person will sum up in that order.
  - f) The Disciplinary Committee will consider their verdict and sentence in confidence.
- 508 The recording of the meeting shall be undertaken by the secretary and no other recording will be allowed.

- 509 The Disciplinary Committee shall reach a verdict on the question of guilt and action to be taken by a majority vote. The vote may be carried out by secret ballot if so decided by the Disciplinary Committee.
- 510 The Disciplinary Chair shall be responsible for notifying the charged and all other parties of the outcome of the disciplinary hearing within 10 working days of the hearing. The outcome shall be given in writing and will also include the procedure for lodging an appeal.
- 511 The Union reserves the right to inform the University and anyone else it sees fit, of the outcome of the disciplinary hearing.
- 512 The Trustee Board may overturn the decision of the Disciplinary Committee for financial, legal or reputational reasons.

#### **600 Possible Sanctions**

- 601 The following sanctions shall be possible for the Disciplinary Committee to impose
- a) Recommendation to the board that a motion of no confidence be discussed by the Trustee Board.
  - b) That the officer received a formal written warning about their actions and that a future breach may lead to a motion of no confidence.
  - c) Compulsory training or support that the officer should undergo to understand why they were found to be at fault.
  - d) Restrictions on the types of activity they can undertake while carrying out their role.

#### **700 Appeal**

- 701 Any member found guilty of an offence by a Disciplinary Committee shall have the right to appeal to the President, against the verdict or sentence of the Disciplinary Committee.
- 702 While an appeal is awaited, the appellant may remain suspended or excluded from the rights and privileges of membership according to the recommendation of the Chair of the Disciplinary Committee.
- 703 An appeal may only be lodged on the following criteria:
- a) The correct procedures for conducting a disciplinary hearing were not followed
  - b) The Disciplinary Committee reached an inappropriate finding of fact
  - c) The Disciplinary Committee applied an inappropriate level of sanction

#### **800 Appeals Procedure**

- 801 An appeal to the President must be made in writing within seven working days of the written decision of the Disciplinary Committee. The appellant must state clearly the basis on which they are appealing under 603 above.
- 802 The Trustee Board Chair shall compose an emergency appeals panel of three Trustee board members including themselves with no prior knowledge of the case. The Trustee Board Chair shall be the Appeals Chair.



- 803 The Appeals Chair shall arrange an emergency meeting of the appeals panel which must be held within 10 working days of the receipt of the written appeal.
- 804 It shall be the responsibility of The Disciplinary Chair to present the minutes of the disciplinary hearing to the members of appeals panel at least three working days before the appeal hearing.
- 805 The Appeals Panel will consider its verdict and any amendment to the sentence in confidence and all voting at the appeal hearing shall be by secret ballot.
- 806 The Appeals Panel shall have the power to confirm, reduce or set aside sentences passed at the disciplinary hearing.
- 807 The same rules of confidentiality and requiring attendance shall apply to the appeals panel hearing an appeal as to the Disciplinary Committee.
- 808 The Appeals Chair shall be responsible for notifying in writing, all parties of the outcome of the appeal within 5 working days from the date of the appeal hearing.
- 900 Development need requests from Student Voice**
- 901 The Disciplinary Committee will discuss the requirements for development in whatever way they feel is most appropriate including a discussion via email. No member who is conflicted by the decision at Student Voice will take part in this discussion.