

Committee Title	Student Voice
Date of Meeting	21 st February 2022
Item Number and Title/Subject	Revised Full Time Officer Accountability Schedule (Schedule 6 to the Constitution)
Paper Presenter	Vincent Waters, Chair of Student Voice
Brief Summary of Issues/Topic	<p>The current Full Time Officer Accountability Schedule (Schedule 6 to the Constitution) was approved by the University Court on 20th June 2019.</p> <p>Full Time Officers serve in three main capacities:</p> <ul style="list-style-type: none"> • 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 within the Students' Association 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. <p>There were several questions from members in March 2021 about the Political Accountability section of the Accountability Schedule. Whilst no Motion of Censure was taken forward at that time, it provided the first opportunity to 'test' the process and identified gaps that require to be addressed. A full review of the Schedule was undertaken. A Motion of Censure is a UK Parliamentary term.</p> <p>There has been comprehensive consultation with the University, Nick Smith Consulting (who created the original concept of the Full Time Officer Accountability Schedule), the Executive Committee on 8th December 2021, Trustee Board on 13th December 2021 and with members of Student Voice in January 2022.</p> <p>The proposes changes are outlined in the tracked changes document with supplementary comments. The following is an overview of the key proposed changes:</p> <ul style="list-style-type: none"> • Clarification that the conduct being complained about could related to the current or previous year in elected office (clause 1.1 and removal of clause 1.5) • That either route could result in the Full Time Officer being removed as a Trustee, employee and if not on a course of study as a member of the Students' Association is reinforced (clause 1.2) • Clause 1.3 has been reworded on complaints made about the conduct of a current Full Time Officer who is standing for re-election. • A petition for a Motion of Censure would be submitted to the Student Voice Chair or Clerk to Student Voice, as this could be a

conflict of interest to submit to the Student President. For instance, the Student President could be subject to the Motion of Censure but equally could be the Proposer of the Motion (clause 2.1)

- Clarification that the person submitting the petition is the Proposer of the Motion (clause 2.1).
- Clarification on when the Motion of Censure would be heard, including how and Extraordinary Meeting of Student Voice can be called and who is eligible to be the Proposer of the Motion (clause 2.1)
- That there can only be one outcome to a Motion of Censure has been emphasised (clause 2.2 b)
- There are three options for clause 2.7. Student Voice is asked to agree their preference. The rationale for each option is outlined within the track change document.
- Clarification that a complaint received by an employee about the conduct of the Full Time Officer in relation to fulfilment of their employment contract would be dealt with under the Employee Grievance Policy (clause 3.1)
- Clarification that a complaint received by a member about the conduct of the Full Time Officer in relation to fulfilment of their employment contract would be dealt with under the Employee Discipline and Capability Policy (clause 3.2).

The Charities and Trustee Investment (Scotland) Act 2005, the Constitution, Schedules and By-Laws, the Full Time Officers Contract of Employment (developed by NUS in conjunction with DAC Beachcroft) and the NUS: The Employment Status of Sabbatical Officers guidance have all previously been reviewed in creating this proposed Schedule.

The Constitution of the Students' Association requires that University Court approves any changes to its Schedules. The timeline for submission of approval is to the Student Voice meeting on the 21st February 2022, Trustee Board on 28th February 2022 and University Court on 20th April 2022.

It is proposed the Schedule is enacted on 30th May 2022. This allows for the current Full Time Officers to finish their contract of employment under the current Full Time Officer Accountability Schedule.

Recommendation(s)	Information		Discussion		Approval	X
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Any member can ask a question by raising their voting card or virtual hand and be recognised by the Chair to speak.

Student Voice is asked to **agree** which clause 2.7 they prefer.

Student Voice is asked to **approve** the revised Full Time Officer Accountability Schedule (Schedule 6).

Who have you consulted when developing the paper?	Chief Executive Student Voice Team Leader Chair of Student Voice
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	Student Voice Members Executive Committee Trustee Board University Secretary & Vice-Principal Governance, GCU Director of Governance and Legal, GCU Acting Head of Governance, GCU Nick Smith, Nick Smith Consulting				
Staff/Student Protocol	Yes	X	No		N/A
Will any decision approved directly affect the work of staff?	This paper was devised by the Chief Executive and Student Voice Team Leader.				
Should the paper be submitted to any other committee following its consideration/approval at this meeting? If yes, please state the committee and proposed date of submission.	Trustee Board University Court				

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.

These rules do not cover the breaking of election rules which should be directed to the Returning Officer.

Commented [CD1]: This sentence was moved from section 1.3.

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 current Full Time Officer they should do so through the appropriate channel as outlined below. The conduct of the Full Time Officer could relate to either the current or a previous year in elected office. If they the complainant is unsure which route is correct they should consult the Chair of the Trustee Board (i.e. the Student President) or the Vice Chair of the Trustee Board if the complaint is about the Chair. The Chair or Vice Chair may direct the complaint to one of the two routes if necessary.

Commented [CD2]: It is better clarified that students can raise issues relating to the Full Time Officers current or previous year term of office.

Examples:
- discovery of racist tweets by Ollie Robinson (cricketer) from nine years ago.
- <https://www.dailymail.co.uk/news/article-8151235/Student-Union-president-dressed-Holocaust-victim.html>

1.2 The routes for accountability are as below but either route may lead to the removal of the Full Time Officer as a Trustee, employee and a member of the Students Association:

- 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 automatically~~ be removed as a Trustee, ~~and Students' Association~~ employee and, if not on a ~~course programme~~ of study, ~~and~~ as a member of the Students' Association.
- b) The Trustee ~~B~~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, and, if not on a programme of study, as a member of the Students' Association.

1.3 Should a complaint be made during an election period about the conduct of a current Full Time Officer who is standing for re-election, the Returning Officer will be consulted on how the complaint should proceed. ~~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 ~~E~~extraordinary ~~M~~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 Where an existing Full Time Officer is standing again in the Full Time Officer election, any Motion of Censure with an a potential outcome of a Vote of No Confidence that is not heard before the election period as defined above will be annulled/lapse if the individual is re-elected. This is on the basis that the electorate, ie the student body, as a whole will have pronounced on the individual's performance. Where such an individual faces a Motion of Censure for performance after re-election, a Vote 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.~~

1.56 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 [Process](#)

2.1 Student Voice

Any two members of Student Voice (Proposer and Seconder) 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 ~~Chair of Student Voice either directly or via~~President | ~~the Clerk to Student Voice~~ receives a petition for a Motion of Censure with the names, signatures and matriculation numbers of at least 100 GCU students. The petition must ~~include~~meet the criteria outlined in 2.2. ~~The student submitting the petition would be the Proposer of the Motion.~~

~~The Motion of Censure will normally be heard at the next meeting of Student Voice, which could be in the next academic year if the Full Time Officer continues in office. However, the Motion of Censure could be heard at an Extraordinary Meeting of Student Voice if called. An Extraordinary Meeting of Student Voice shall be called when the Clerk to the Student Voice receives a written request by the Chair of Student Voice, eight members of Student Voice or three members of the Executive Committee.~~

~~The Proposer must be an ordinary member of the Students' Association (i.e. current GCU student) or current Full Time Officer for the Motion of Censure to be accepted. The Proposer must still be an ordinary member or continuing Full Time Officer of the Students' Association at the time of the Student Voice meeting in order for the Motion of Censure to be presented.~~

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

2.2 The Motion of Censure must ~~outlined~~describe:

- a) ~~In what ways~~ 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 ~~satisfactorily progressed/complied with or fallen short of~~.
- b) The ~~one~~ outcome that they wish Student Voice to levy on the Full Time Officer.

Commented [CD3]: Requirement removed as a Motion of Censure can be submitted on the conduct of the Full Time Officer either relating to the current or previous year of elected office.

Commented [CD4]: Changed to Chair of Student Voice receiving Motion of Censure, instead of Student President who may be subject to the motion.

Commented [CD5]: The Motion of Censure will not be accepted unless it meets the criteria outlined in section 2.2.

Commented [CD6]: Provides clarify on who speaks to the Motion of Censure when it is submitted as a petition.

Commented [CD7]: Clarifies the process on when the Motion of Censure will be heard and how an Extraordinary Meeting of Student Voice can be called.

Commented [CD8]: Clarifies that the Proposer must be ordinary member (ie current GCU student) or current Full Time Officer when they submitted the Motion of Censure and continuing student or Full Time Officer when the Motion of Censure is being presented to a meeting of Student Voice for it to proceed.

Commented [CD9]: Provides clarify that there can only be one outcome for the submitted Motion of Censure (ie 2.3 a, b or c).

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.
- e)d) No action will be taken (if the motion is voted down).

2.4 The Full Time Officer who is the subject of the Motion of Censure will be notified by the Clerk to Student Voice as soon as practically possible that a Motion of Censure that meets the criteria has been submitted and will be able to provide give a written response to the motion, which will be circulated to Student Voice members no later than 3 days before the meeting is due to take place.

Commented [CD10]: The Full Time Officer will be notified as soon as possible when a Motion of Centre is submitted that meets the criteria outlined in section 2.2. The written response will be circulated to Student Voice members when it has been received and not later than 3 days before the meeting takes 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 a quorate meeting of Student Voice to pass.

Commented [CD11]: Clarify that it is a quorate meeting of Student Voice

2.7 A Full Time Officer having been removed from office through a Motion of Censure that results in No Confidence but is still a registered on a programme of study would not be eligible to stand as a candidate in a future Full Time Officer election.

Commented [CD12]: There will only be one clause 2.7. Currently three options:

OR

2.7 A Full Time Officer having been removed from office through a Motion of Censure that results in No Confidence but is still a registered on a programme of study would be eligible to stand as a candidate in a future Full Time Officer election.

OPTION 1: The student would not be eligible to stand as a candidate if they have previously been removed from office. The rationale is that the students and other stakeholders do not have confidence in that individual being in office.

OR

2.7 A Full Time Officer having been removed from office through a Motion of Censure that results in No Confidence but is still a registered on a programme of study would be eligible to stand as a candidate in a future Full Time Officer election, subject to the approval of the Trustee Board.

Commented [CD13]: OPTION 2: Let the voters decide. The student would be eligible to stand in a future election if they are a current student. The rationale is that the student has been 'punished' already and should not be punished twice by not being able to stand in the election. Principles of natural justice and the ability for rehabilitation. Likelihood that students' previous removal from office is in the public domain and electorate can make informed choice.

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

Commented [CD14]: OPTION 3: On a case by basis the Trustee Board would make a judgment and decide if the student can stand as a candidate. Any Trustee who is a member of Student Voice would have a conflict of interests and would not be entitled to vote in this decision.

3. Non-political Accountability and Complaints Process

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

Members and Students' Association employees 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. This complaint will formally be categorised as a grievance if raised by an employee of the Students' Association and will be managed under the Employee Grievance Policy. If the complaint is raised by a Member, this will be treated as a possible disciplinary offence and dealt with under the Employee Disciplinary and Capability Policy. If the complaint or grievance directly involves the Chief Executive then the complaint or grievance will be dealt with by the Vice Chair of the Trustee Board. This complaint or grievance should outline what behaviour

Commented [CD15]: Members can only make a complaint about the conduct of Full Time Officers through this Schedule. Previously they could be accepted through the Complaint Procedure.

Commented [CD16]: Clarifies the process for how complaints are handled from employees.

Commented [CD17]: Clarifies the process for how complaints are handled from members.

the ~~area that the~~ complainant believes to be in a breach to have been made of the employment contract.

Commented [CD18]: Clarifies that complaints in this section relate to the employment contract.

3.2 ~~Minor conduct or performance issues of a Full Time Officer can usually be resolved informally by the Chief Executive. The Employee Discipline and Capability Policy sets out formal steps to be taken by the Vice Chair of the Trustee Board if the matter is more serious or cannot be resolved informally. The Vice Chair of Trustee Board, through discussion with the Chief Executive (where appropriate), will instigate any investigation before a Disciplinary Hearing is held. 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.~~

Commented [CD19]: Updated to match the wording within the Employee Discipline and Capability Policy.

3.32 ~~An~~ The Complaint Investigator and the Clerk will either be a Trustee, member of University staff or an external party. An External Trustee would normally be the Chair of the Disciplinary Hearing and a different Trustee will be Chair of the Appeal Hearing would normally be heard by an External Trustee who was not involved in the original hearing.

Commented [CD20]: Could be the complaint investigator, grievance investigator or disciplinary investigator.

Commented [CD21]: A different External Trustee will hear a Disciplinary Hearing and Appeal Hearing.

~~These will normally be External Trustees.~~

3.43 **Complaints in relation to Full Time Officer's Trustee responsibilities**

Members, Trustees and Students' Association ~~employees~~ 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 in which the complainant believes a breach to have been made.

3.5 ~~The Trustee Code of Conduct and Trustee Role Description, as approved by the Trustee Board, outlines the behaviours and expectations 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.~~

Commented [CD22]: Sections 3.5 & 3.6 moved earlier in the Schedule. In addition to Trustee Code of Conduct, the Trustee Role Description has been outlined.

3.74 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 informally 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.~~

3.87 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: and subject to a disciplinary process could result in the termination of a Full Time Officers contract of employment in the Students' Association.

Commented [CD23]: Decision to suspend or remove Trustee could lead to disciplinary action for the Full Time Officer as an employee of the Students' Association.