

## **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 2.8).

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.

### **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 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.
- 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 a Motion of Censure that results in No Confidence then that Full Time Officer will automatically be removed as a Trustee, a Students' Association employee and, if not on a programme of study, 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. 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.

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 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 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 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 informed of any Motions of Censure being sent to Student Voice.

2.2 The Motion of Censure must describe:

- a) In what ways the political work of the Full Time Officer (such as their policy areas or a manifesto pledge) the Student Voice member feels the Full Time Officer has not satisfactorily progressed.
- b) The one 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 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 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.

- 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.
- 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.
- 2.8 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 and Complaints Process**

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

Members and Students' Association employees 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 the complainant believes to be in breach of 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.
- 3.3 An 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 the Appeal Hearing would normally be heard by an External Trustee who was not involved in the original hearing.

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

Members, Trustees and Students' Association employees 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 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.

- 3.7 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 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.
- 3.8 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.