

ANNEX B

Amendments to Union Regulations

Introduction

1. The Trustee Board and Union Court have now been existence for 2 and 2½ years respectively, along with the modified and expanded Disciplinary and Complaints Regulation.
2. These institutions have now had some time to operate and we have a better understanding of how they work in practice than when they were originally established. We have also had a few disciplinary cases and seen how the Disciplinary and Complaints Regulation works in practice as well.
3. The Union Court has been involved in several disciplinary cases and given its opinion about how the provisions work, as well as making some interpretations about them.

Deputy Presidents (Education) and (Welfare)

4. A couple of references to the original combined sabbatical post have been found and changed to reflect the new split position. They are in Regulation 3.D.1 and 3.D.9 – job descriptions of FU Presidents/CSC Chairs and the International Students Officer.

Union Court Regulation

5. The Union Court regulation has twice been amended, each time to reduce its length and move provisions into its “standing orders” – rules which the Court passes for its own governance (found on its web pages on the ICU site). Each of the two amendments up to now have focused on procedures and processes that have not, in practice, been found to be necessary, or are useful but don’t need to be in regulations.
6. It is suggested that this process continues – keeping the Union Court regulation down to membership, its most essential rules and its powers – cutting out the internal rules which it can pass itself.
7. None of the changes make any significant change to the Union Court’s role. The changes are:
 - Abolish restrictions on appeal to Trustee Board (Trustee Board can impose its own restrictions as necessary)
 - Move the “Mediation Board” (the Court-delegated body dealing with mediation in for media disputes) out of the regulation to standing orders
 - Removing requirements for Trustee Board approval of certain types of internal standing orders
 - Removing phrases which simply repeat what has been put elsewhere

Disciplinary and Complaints Regulation

8. The Disciplinary and Complaints Regulation was expanded substantially in the summer of 2007 (the second phase of John Collins’ major constitutional review). The changes included:
 - Making it apply to all disciplinary matters within the whole of the Union (not just censure/dismissal)
 - Adding a complaints procedure
 - Adding (in limited form) suspension powers for the ICU President/Trustee Board
 - Adding a protocol for disciplinary investigations
 - Creating Disciplinary Tribunals with powers to censure and dismiss

- Creating powers to remove Trustees (apart from President/Council Chair/Court Chair) at General Meeting (as the Trustee Board was created at the same time)
 - Establishing some “natural justice” provisions for any Union disciplinary process to ensure they are held fairly
9. Many of these were added due to legal concerns, particularly given that sabbaticals in their second year of office would have employment rights, despite the fact that the staff-student protocol doesn't apply to them.
10. It is not suggested that these are removed, but that some amendments are made to simplify or improve them. The changes are:

Suspension

- Altering the suspension rules to remove some of the ‘tick-box’ requirements (as there are other situations which call for suspension) – though keeping the time restrictions: i.e. the Court still has to approve any suspension lasting longer than 14 days
- Providing a power of delegation of suspension powers – this means that the President could delegate to any Union Officer (sabbatical or non-sabbatical), including FU Presidents and CSC Chairs the power to suspend others for up to 14 days;

However there are two restrictions on delegating:

- It must be minuted in writing at the Executive Committee (so it can't be just done on the hoof)
- it must be “reasonable” – the Court can strike it down otherwise; an example of an unreasonable delegation might be to a CSC Chair to suspend officers outside that CSC

The “reasonableness” clause is there in preference to some intricate system of who can suspend whom, which would unnecessarily complicate the rules.

Disciplinary Tribunals

- Disciplinary Tribunals are bodies which can warn, censure or dismiss any officer or representative. They exist outside the democratic accountability structures of the Union and are specifically barred from dealing with “democratic disciplinary” cases such as ignoring manifesto commitments or inadequate representation.

They were set up to deal with cases which officers had “their fingers in the till” or employed (probably sabbatical) officers with employment rights, to ensure that employment legislation was complied with.

- Currently the system is shared between the Trustee Board and Court; each body has their own rules and means of referring cases to each other. The Trustee Board can dismiss people, the Court cannot.

The new system explicitly puts tribunals under the Trustee Board, which can delegate it to Court. This means the system operates under one set of rules passed by the Trustee Board. Currently there are two parallel systems and a system of cross-referrals to each other, which is unnecessarily complex and may give rise to confusion. The new approach would operate under one system.