

MINUTES OF THE PROCEEDINGS  
of the fourth ordinary meeting of  
the  
**Trustee Board**  
of the  
Imperial College Union  
in the 2008-2009 Session

The meeting of the Trustee Board was held in meeting room 7 of the  
Union Building on Tuesday 14th July 2009 at 6.00pm

**Present**

Lay Trustee – Chair	Lewis Hands (LH)
President	Jennifer Morgan (JM)
Court Chair	Hamish Common (HC)
Student Trustee	Ton Van Den Bremer (TB)
Lay Trustee	Graham Howard (GH)
Lay Trustee	Mandy Hurford (MH)

**Permanent Observers**

Deputy President (Clubs & Societies)	Lily Topham (LT)
Deputy President (Education & Welfare)	Hannah Theodorou (HT)
ICU Honorary Senior Treasurer	Simon Archer (SA)
Operations Manager	Robin Pitt (RP)
Governance and Administration Coordinator – Clerk	Rebecca Coxhead (RC)

**Apologies**

Council Chair	Afonso Campos (AC)
Student Trustee	Ravi Pall (RP)
Student Trustee	Jamie Henry (JH)
Student Trustee	Kadhim Shubber (KS)
Deputy President (Finance & Services)	Christian Carter (CC)

**Observers:** President elect – Ashley Brown, Deputy President (Clubs & Societies) elect Jenny Wilson, Deputy President (Education) Jonathan Silver, Deputy President (Welfare) John James, ICSMSU President Mark Chamberlain, ICSMSU President elect Anil Chopra, CGCU President elect Kirsty Patterson, Finance Manager – Yildiz Kaya-Forster

**1. CHAIRS BUSINESS**

NOTED:

- a) In light of a vacancy for the Chair, the Board elected Lewis Hands to chair this meeting.

**2. MINUTES FROM LAST MEETING**

RECEIVED: Minutes from 12<sup>th</sup> May 2009

**RESOLVED:**

- 1) To accept the minutes as a true record of the last meeting.**

### 3. MATTERS ARISING

#### NOTED:

- a) The vacancy left with the stepping down of Ram Gidoomal, Dame Julia Higgins has indicated that she will sit as the member of College Council and lay trustee on the Trustee Board.
  - i. The Trustee Board will need to official approve this decision.
  - ii. Dame Julia has also indicated that she is willing to Chair the Board.
  - iii. The Board moved to a vote to ratify the appointment of Dame Julia Higgins as the member of College Council and lay trustee on the Trustee Board and to Chair the Board and this was unanimously passed.

#### RESOLVED:

- 1) **To ratify Dame Julia Higgins as the member of College Council and lay trustee on the Trustee Board and appoint her to Chair of the Trustee Board.**
- b) The Felix Editor is still actively seeking funding for the Felix electronic archive.

### 4. MAY 09 MANAGEMENT ACCOUNTS

RECEIVED: The accounts were presented by the Finance Manager

#### NOTED:

- a) The South Kensington bars are doing particularly well.
- b) The loss in catering is 33% down on the loss at this time last year.
  - i. It reminded that catering is expected to make a loss and the licence requires substantial food to be provided.
- c) In regards to irrecoverable VAT, it was stated that £100k has been recouped.
- d) Subvention is given in 10 instalments and so not received during June or July.
- e) In regards to the end of year Audited Accounts, the Finance manager it to arrange a timetable for when the accounts will be ready and presented to college for approval.

#### RESOLVED:

- 1) **To accept the accounts.**

**The agenda was reordered to consider AOB I as the next item of business.**

#### AOB I. IMPERIAL COLLEGE UNION BUDGET 2009-10

RECEIVED: **The budget was tabled by the President**

#### NOTED:

- a) The budget is still to go to Executive Committee for approval.
  - i. The Board were invited to take the budget away to consider.
- b) The surplus figure is a prudent calculation based on expected reduction in income.
- c) The deferred capital grant pertains to the building works.
- d) Depreciation has increased as phase I of the building works is now starting to be depreciated.
- e) The opening of Eastside bar and refurbishment of the Man Dining Hall will affect the Union bars and catering trade which is why the figure is low.

## 5. PRESIDENT REPORT

RECEIVED: The report was presented by JM

NOTED:

- a) The NUS are not allowing the Union to participate in training that they provide.
- b) The Annual Report was passed by Union Council.
- c) College have given a 5 % cut to the subvention for 09-10.
- d) The change to the Constitution will impact on the Trustee Board in that there has been a change to the jurisdiction on appeals from Court.
  - i. The change simplifies the process.

RESOLVED:

- 1) To pass the suggested changes to the Constitution. (see appendix I)

## 6. OPERATIONAL MANAGER REPORT

RECEIVED: The report was presented by RP

NOTED:

- a) A discount from the wholesale beer supply has been secured from a supplier.
- b) The improved Union website is going live shortly.
- c) The impact on the Trustee Board for Charity commission registration will mostly be on the Union finance systems.
  - i. The reporting and analysing of the accounts will have to be much more stringent.
- d) Everything is on track for the handover of the building from phase II to occur on the 29<sup>th</sup> September.
- e) The Board moved to accept the report and it was accepted unanimously.

RESOLVED:

- 1) To accept the report.

## 7. COUNCIL CHAIR REPORT – not received

## 8. COURT CHAIR REPORT

RECEIVED: A verbal report was given by HC

NOTED:

- a) The new student Court members have been ratified by Council.
- b) Current vacancies are a life member and a college staff member.

The meeting moved in to closed session at 6.35pm

Approved as a correct record at a meeting  
of the Trustee Board on

\_\_\_\_\_ 2008/09

\_\_\_\_\_ Chair of the Meeting

## Regulation Two – Union Court

---

### A. Jurisdiction

1. The Court has jurisdiction over and in the following areas within the Union:
  1. Interpretations,
  2. Administration and disputes in individual elections or referenda,
  3. Disciplinary matters, though not relating to staff or Trustees, or extending to dismissal, (though it may review the propriety of dismissal proceedings),
  4. Union publications, in a role equivalent to that of the Press Complaints Commission,
  5. Inquiries,
  6. Reports and commentary upon proposed changes to rules, and
  7. Other such judicial, investigative or disciplinary functions as may be allocated by any policy or rule.
2. The Court shall not manage or exercise policy-making powers over any other part of the Union. The Court shall direct its own procedure, subject only to the Constitution and Regulations.
3. Issues or evidence which are confidential or sensitive are not thereby excluded from the Court's jurisdiction.
4. The Court's jurisdiction shall not extend to matters which are wholly staff matters as defined by the Staff Student Protocol. The Court may hear evidence and require evidence, documentation and items from members of staff in closed session which may involve staff matters, but only to the extent that it assists in determining any disputed fact or rule which is not a staff matter.
5. The Court shall interpret the meaning of the Staff-Student Protocol. Any such declaration shall only be made after the President or Union General Manager has had the opportunity to make submissions or comments. The Court Chair or panel chair shall be responsible for clarifying and enforcing this protocol when the Court is sitting or in administrative matters relating to the Court.
6. The Executive Committee has jurisdiction to act in a role equivalent to that of the Press Complaints Commission in response to any complaint made by the Court or any member of it in a personal capacity. When doing so it may, in addition to its normal jurisdiction, make an order under paragraphs 40.10 and 40.11.
7. A determination of the Union Court may be appealed to the Trustee Board under conditions established by it (which may include excluding the right to appeal). Appeals within the Court may be established within standing orders.
8. The Court may establish subordinate positions, tribunals or mediation panels under standing orders for any matter within its jurisdiction and delegate authority to them. Such tribunals or panels shall be wholly subject to the Court's jurisdiction.

### B. Membership

9. The Court shall consist of members appointed in the following manner:
  1. One member of each Faculty Union elected by the Council, each person being a Full Member of the Union,
  2. Three Full Members of the Union nominated by the Executive Committee and approved by the Council,
  3. Three Life Members of the Union nominated by the Executive Committee and approved by the Council,
  4. One member of the academic, academic-related or senior administrative staff of Imperial College, of a rank equivalent to that of Senior Lecturer or above, nominated by the Council and approved by the Rector.
10. Each member is of equal status to every other member. No member is the representative of any group within the Union or the College.
11. Those who are not members of any Faculty Union will be treated for the purposes of this election as members of the Faculty Union which otherwise has the smallest number of Full Members.

12. The term of office for those approved or elected by the Council runs from the 1st of August in each year. The term for Full and Life Members is one year and three years respectively. The term of office for each of the Life Members shall expire in consecutive years.
13. The renewal of a term for a nominated member shall be subject to the approval of the Council, but not the re-nomination of the Executive Committee.
14. Those subject to approval of a nomination or renewal of a term as a Life Member may not attend the Council during any relevant debate and vote, though the Council may suspend this rule.
15. A vacancy on the Court shall be filled in the same manner as the annual nominations and elections. A vacancy filled after the 1st April may be combined with the election or appointment for the subsequent term of office. A term of a Life Member filled following a vacancy shall expire when it would otherwise have, had it not become vacant. If there is more than one vacancy for a Life Member on the Court, the person filling it shall take over the vacant term which expires latest. If more than one person fills such vacancies at one meeting of the Council, the terms shall be allocated by lot at the Council.
16. The Court, in committee (comprising at least one member) may after the 1st November in an academic year extend its own membership, within the qualifying categories for each class of member, if there are three or more vacancies (excluding the College staff member) upon it. The later election or appointment of a member by the Council rescinds the appointment of a temporary member. The Court's standing orders may restrict the functions of temporary members, and determine whose appointment is rescinded upon the Council's election or appointment of a replacement.

### C. Administration

17. The Court shall appoint a Chair and Deputy Chair from amongst its members. If the Chair is a Life Member of the Union, the Deputy Chair must be a Full Member of the Union, and vice-versa. No staff member of the College may become Chair or Deputy Chair.
18. The Court shall meet 'in committee' to deal with its own administrative business and appointment of officers. If conducting a hearing it shall meet 'in session'.
19. No person may proxy a vote under any circumstances within the Court when in committee or in session.
20. The Court shall adopt, with the approval of the Trustee Board, a code of conduct which its members shall adhere to. The code of conduct shall set out the ethical principles and rules upon and within which its members must operate. The code shall include the circumstances in which members are disqualified from hearing a case. The code may impose restrictions on the rights of members of the Court within the rest of the Union.
21. The Court shall adopt standing orders within which it shall operate for its internal administration and supplementing this Regulation. The standing orders, among other things:
  1. Shall not affect the Council's jurisdiction under this Regulation, nor the role of the Council, Council Chair or Court Chair under Regulation Seven,
  2. May exempt the Court from the application of other Regulations (except for Trustee Board and Finance Regulations) or policies in respect of the Court's internal procedure,
  3. May permit the Council Chair or another independent person to chair meetings in committee or perform other roles under specified circumstances, and
  4. May provide for the automatic resignation, removal, censure or dismissal of members or post-holders within the Court, though proposals for censure and dismissal shall comply with Regulation Seven.
22. An amendment to the code of conduct or standing orders requires the approval of a two-thirds majority of those present and voting. Standing orders governing the directions for searches, the compulsion of evidence and production of documents or items also require the approval of the Trustee Board:

### D. Cases

23. A case may be requested by such people or bodies and in such circumstances as may be prescribed in standing orders.
24. A nominee of the Court Chair may, prior to a case being commenced, make any direction (including a specified compulsory direction) or interim order pending commencement, subject to standing orders.
25. When the Court is in session it shall be composed of a panel drawn from the membership of the Court.
26. A panel, unless it is one person sitting alone, must contain at least one Full Member of the Union. Standing orders may provide for panel chair's action on its behalf in specified circumstances.

27. The appointment of a panel, once made, cannot be rescinded by any person or body outside the panel.
28. The Court may run one or more hearings in a case or dispense with them (under conditions established in standing orders). Hearings are held in public unless otherwise required.

## **F. Directions**

29. The Court may make directions for the management of a case, administratively or in a hearing, subject to standing orders.
30. Such directions may govern the agenda, time limits, advance notice, adjournments of or bringing forward hearings, submissions or evidence received, agreement of facts, narrowing any contested issue, excluding irrelevant issues, consolidation or severance of cases, or any other matter. A direction may specify the consequences of a breach, and be subject to conditions.
31. The Court may make specified compulsory directions:
  1. Any person holding a post in the Union including staff may be required by direction to attend a Court hearing and answer questions.
  2. The Court may require the production of any document or item, or copies thereof, created or held by the Union or any person holding office including staff within it in their capacity as such.
  3. The Court may require the searching of any premises administered by the Union under the Code of Practice. Such a direction may only apply to the offices of permanent staff with the consent of the President or Union General Manager.
32. A breach of a specified compulsory direction (which includes a lack of open candour in complying with it) may result in the Court making disciplinary referrals or penal orders. A breach of any type of direction may result in issues or evidence being excluded, further directions made, or a hearing being discontinued.

## **G. Determinations and reports**

33. A determination or report shall be made at the end of the case, unless it was discontinued.
34. The deliberations of the panel in coming to a determination or report shall be in closed session and remain permanently confidential. No person or body may instruct or influence any panel member in relation to a determination or report outside the hearing process. No panel member may abstain in a determination or part thereof.
35. The determination or report shall be public and available to any Full Member of the Union, and any other person whom it directly affects. Details may be redacted if necessary and in any event staff matters shall be omitted or anonymised.
36. An interim determination may be made by the Court. An interim determination, which may include interim orders, may be made before, during or after a case to which it relates.
37. A declaration becomes a binding precedent upon the Court, from which it can only depart in the interests of justice. The opinions of those in the majority, and the circumstances in which orders were made, becomes a persuasive precedent which may form a basis for future determinations.

## **H. Orders**

38. In a determination, the Court may make no order, or make one or more of the following orders:
  1. A declaration of what the Constitution, its Regulations and any policy or rule means, and its consequences,
  2. Quash a policy, rule, decision, act or omission, or any part thereof, found to be unconstitutional or unlawful,
  3. Suspend a policy, rule, decision, act or omission, or any part thereof, found to be unconstitutional or unlawful, until such time as may be specified,
  4. Remit a decision back to a person or part of the Union with its opinion or ruling,
  5. Require a committee or person which improperly avoided or dismissed a motion to reconsider it, and may set aside any time limit if fair to do so,
  6. Summon an emergency meeting of any committee in the Union,
  7. Mandate an officer, post-holder or committee to act in accordance with the Constitution, its Regulations and any policy or rule, or prohibit them from breaching it,
  8. Refer any matter to the Trustee Board,
  9. Replace the decision of a returning officer, supervisory authority, elections or referendum committee with any other that they would have been authorised to make,
  10. Require or authorise a meeting in another part of the Union to be in open or closed session,

11. Propose a motion of censure or no confidence to the Council or any other committee entitled to pass it,
  12. When acting as a disciplinary tribunal, exercise such disciplinary or other authority as delegated by the Trustee Board,
  13. Make a penal order,
  14. Authorise a more senior budget holder to spend out of a subsidiary budget,
  15. Declare that a publication complaint was upheld, dismissed or that sufficient remedial action was offered,
  16. Order that a publication against which a complaint is upheld must print or publish the result and reasoning behind it with due prominence,
  17. Make any order which the Press Complaints Commission is entitled to make in respect of a member publication, except for awards of money,
  18. Make any other order which a Regulation, policy or rule permits, or
  19. Make any order which is necessary or expedient to give effect to another order which the Court is entitled to make.
39. Any order is discretionary. The fact that a breach of a rule has been found does not require the court to make further orders. The Court may also make recommendations to any person or body.
40. The Court may apply a time limit to any order, or make it subject to conditions. An order in relation to any policy, rule, decision, act or omission may apply to a proposal or suggestion to implement the same.
41. The Court may not make any order:
1. Relating to any matter outside the jurisdiction of the Union under the Constitution and Code of Practice,
  2. Requiring, in the opinion of the Court, the Union or any person to act unlawfully, including any contractual breach or tort,
  3. Quashing or suspending a resolution of the Trustee Board or a Trustees' Committee, or
  4. In respect of any matter for which a time limit has expired under the Regulations or standing orders.
42. The Court may not make any mandatory or prohibiting order:
1. in respect of the Council,
  2. in respect of a person's choice of vote,
  3. directly requiring any person to authorise or not authorise anything under the Finance Regulations,
  4. upon a member of the Union staff; any such order being made upon the President instead, or
  5. in respect of an act which a person with responsibility for Health and Safety in the Union reasonably declares would impose legal liability on them or the Union, and whose declaration is not countermanded by a more senior authority.
43. If a proposal for a censure or no confidence is made, it shall be treated for all purposes as having been validly proposed to any committee entitled to hear it. Directions or orders may be made in relation to calling and scheduling the committee to hear it at any time which the Court may establish, though any such meeting must be held at least one week after the proposal is made.
44. A penal order may be imposed upon any constituent part of the Union apart from the Trustee Board, Council, Executive Committee, commercial services, individual members or staff. It may include suspension, freezing of budget (subject to the President or Deputy President (Finance and Services) authorising expenditure for the performance of a legal obligation) and a prohibition on use of room bookings or other Union facilities.
45. A penal order made in relation to a breach of a specified compulsory direction may apply to any constituent part of the Union allowable above, for which an individual breaching a direction is the chair, treasurer, secretary, other post-holder or member if the breach is relevant to that constituent part of the Union.
46. A penal order may be reduced or rescinded by the Trustee Board.

# Regulation Three - Officers of the Union

---

Ignore the paragraph numbering

## A. Job Descriptions for Other Union Officers

1. The **Presidents of the Faculty Unions and Chairs of the Club and Societies Committees, Graduate Students Association, Community Action Group and Rag**  
The Presidents of the Faculty Unions, and Chairs of the Club and Societies Committees, Graduate Students Association, Community Action Group and Rag Chair, in addition to any duties laid down by their respective Faculty Union or committee, shall:
  - i. Represent the interests of their members at the appropriate Union, Faculty and College Committees,
  - ii. Be responsible for the development and preliminary interpretation of their constitutions,
  - iii. Be responsible to the Deputy President (Finance and Services) for all aspects of their union's or committee's finances,
  - iv. Be Responsible to the Deputy President (Clubs and Societies) for the duty of care and Health and Safety of their members,
  - v. In the case of Faculty Union Presidents, Graduate Students' Association Chair, the Overseas Societies Committee Chair, Silwood Park Chair and Wye College Union Society President, be responsible to the Deputy Presidents (Education) and (Welfare) for the education and welfare issues of their members,
  - vi. Be accountable to Council for the activities of their union or committee, and
  - vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.
  
2. The **International Students' Officer** shall:
  - i. Be responsible to the Deputy President (Welfare)
  - ii. Be responsible for those issues which specifically relate to International Students and organise relevant educational and training events and briefings, and report accordingly,
  - iii. Facilitate an International Students Forum,
  - iv. Support International Student involvement in Union and College activities,
  - v. Be responsible to the Deputy Presidents (Education) and (Welfare) for the research and implementation of campaigns relating to International Students,
  - vi. Sit on appropriate Union Committees,
  - vii. Represent the Union's views on the relevant College Committees,
  - viii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.



# Regulation Seven - Disciplinary and Complaints Procedure

---

## A. Jurisdiction

1. This Regulation establishes or provides for the disciplinary and complaints procedures across the Union as set out in section 17 of the Constitution and the Code of Practice.
2. Officers and representatives may only be suspended, censured or dismissed within the provisions of this regulation.
3. The President is responsible through the Court (except for staff matters) to the Trustee Board for discipline in the Union.

### **Complaints**

4. A student or group of students who wish to make a complaint shall follow the procedure established in Part B.

### **Definitions**

5. A Union Officer or other person holding elected or unpaid appointed office in respect of whom an investigation or disciplinary action is being taken shall be referred to as the “defendant officer”.
6. A defendant officer who is a Sabbatical Officer or otherwise derives employment from office shall also be referred to as a “defendant sabbatical”.
7. The authority and responsibility for dealing with misconduct by any defendant officer shall be the President, though the Council Chair shall deal with cases involving the President, Felix Editor and Court Chair, and the Court Chair with other members of the Court and the Council Chair. The person concerned or his or her nominee shall be referred to as the “relevant authority”.

### **Union Officers and other holders of office**

8. This Regulation deals in Parts C, D, E, F and G with misconduct, negligence or failure to maintain the confidence of the Council or other policy-making body by Officers of the Union, others holding elected or unpaid appointed office in any part of the Union (including the Felix Editor) or misconduct by members of the Court.
9. This Regulation deals in Part H with the powers of the Court and Trustee Board to act as a disciplinary tribunal and to suspend, censure or dismiss a defendant officer for misconduct. Union policy may provide for other sanctions to be imposed by a disciplinary tribunal.

### **Union Members and registered students**

10. Misconduct by students of a non-academic nature within the Union shall be dealt with by the Union under Union policy approved by the Imperial College Council, which forms part of the College Code of Discipline for students. Such a policy may also deal with misconduct by clubs and societies, Associate or Life members. Other policies or rules may provide for disciplinary sanctions.

### **Staff**

11. Misconduct by Union staff shall be dealt with by the President and Union General Manager (or where provided for, the Trustee Board) through the line management structure, under policy established by or under the authority of the Trustee Board. No other part of this Regulation shall govern staff discipline.

### **Miscellaneous**

12. Any committee or person exercising disciplinary or quasi-disciplinary powers within the Union except in relation to staff matters shall follow the natural justice provisions in Part I.
13. Action under multiple parts of this Regulation may taken in respect of the same conduct.
14. No person or body may be required or mandated to take disciplinary action against a named person or body.

### **Trustees**

15. Trustees are dealt with in the Trustee Board Regulation and not this Regulation, except through a motion to remove, when:

1. removing an *ex officio* Trustee by way of dismissal or removal from the office deriving Trustee status, or
2. removing a non *ex officio* Trustee. The motion to remove a Trustee shall comply with paragraphs 41.1, 42 – 46 with a compulsory investigation under Part D. A student non *ex officio* Trustee shall be removed by General Meeting and any other reference to “Council” in this Regulation shall be read as “General Meeting”. A Lay Trustee shall be removed by the Council. If the motion is approved, the Trustee is removed immediately. There is no appeal.

## **B. Complaints Procedure**

16. This complaints procedure is provided for all students or groups of students who:
  1. Are dissatisfied in their dealings with the ICU,
  2. Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the ICU, or
  3. Are dissatisfied with the conduct or performance of an officer or member of staff.
17. Any complaint shall in the first instance be referred to the President who shall take such steps as are reasonable to meet the complaint. A complaint in relation to the President, Council Chair, Court Chair, Court member or Felix Editor shall be referred to the relevant authority (as established in paragraph 7). Media complaints shall be referred to the Court.
18. A complaint may, if in relation to a constituent part of the Union and at the discretion of the complainant, be referred to its chair, president or captain (or other person set out in its rules) for resolution.
19. If a complainant is dissatisfied with the resolution of the complaint by the President or other person and the complaint is not a staff matter, it may be referred to the Union Court.
20. The President, Council Chair or Court respectively shall respond to any complaint within ten working days.
21. If a complaint is upheld an effective remedy should be provided, which may, but need not, involve disciplinary action under this Regulation.
22. If a complainant is still dissatisfied with the resolution of the complaint they may pursue the matter with the College under the Code of Practice.
23. This procedure does not prevent a complainant from taking proper action themselves under this Regulation or participating in any open Union meetings.

## **C. Warnings**

24. The authority and responsibility for issuing disciplinary warnings shall be undertaken by the relevant authority.
25. A warning shall take the following forms:
  1. A verbal warning, which may take the form of an informal or formal discussion of the problem. This shall be reported to the Executive Committee and any other relevant committees.
  2. A written warning, which will take the form of a letter written by the relevant authority and copied to the Executive Committee and any other relevant committees.
26. The relevant authority issuing the warning must inform the defendant officer being warned of his or her rights of appeal.
27. The presidents and chairs of the Union’s standing committees, clubs and societies may also deal with minor cases involving their officers and members.

## **D. Investigations**

28. An investigation may be undertaken in respect of misconduct by a defendant officer. An investigation is compulsory in the case of alleged misconduct by a defendant sabbatical or Trustee. In other cases it is not compulsory, but the Council or other body may take into account the extent of any investigation prior to a motion being presented to it.
29. The purpose of the investigation is to establish any facts and explanations that may be relevant to an allegation of a motion of censure or no confidence.
30. The relevant authority shall commence the investigation and appoint its manager. The Court may upon request of any person institute an investigation, replace an investigation manager with another person, take it over as an inquiry, or shut it down.
31. The investigation, if undertaken, must:
  1. Be managed by a person senior in office to the defendant officer, or an independent person (who may, but need not be a Full Member of the Union, though not a member of the permanent staff), ,

2. Put the allegations and evidence of misconduct to the subject of investigation in a manner he or she can understand,
  3. Be concluded prior to the motion being debated at the Council or other body and,
  4. Be provided to the Trustee Board, if the inquiry relates to a defendant sabbatical or Trustee.
32. An investigation manager or proposer may, with the permission of the Council Chair or the Court, put a proposed motion back to a later meeting of the Council or General Meeting within the same academic year for the purpose of ensuring an investigation is concluded satisfactorily.

## **E. Suspension**

33. The President or the Trustee Board may suspend any defendant officer holding sabbatical office or otherwise deriving employment by the Union from office upon full pay and accommodation if there are reasonable grounds for so doing, and in particular:
1. gross or serious misconduct is alleged,
  2. there may be risks to third parties or Union or College property
  3. where the working relationship between the defendant officer and others may be impaired, or
  4. to assist, if necessary, an investigation.
34. The President may also suspend any defendant officer in relation to whom the President is the relevant authority. This power may be reasonably delegated to Union Officers. Any such delegation shall be reported to and minuted by the Executive Committee, and may be revoked by the Union Court if unreasonable.
35. The person or body suspending shall determine the extent of the suspension, which shall not restrict the defendant officer's ordinary rights as a Full Member of the Union
36. A suspension by the President for more than fourteen days requires the Court to be satisfied and remain satisfied that the grounds of the suspension are reasonable and proper.
37. The President or Trustee Board, as appropriate, may allocate any duties of the suspended officer during the course of a suspension.

## **F. Censure and No Confidence Motions**

### **Jurisdiction**

38. The Council may censure or dismiss any defendant officer in the Union (though dismissal of a sabbatical defendant shall be referred to the Trustee Board).
39. The Court and the policy-making bodies of the Faculty Unions, Club and Society Committees, Rag, Community Action Group, clubs and societies may censure or dismiss their officers and representatives (including those that are Officers of the Union). These committees', clubs' or societies' standing orders shall comply with Part I and may further restrict or prohibit censure or dismissal.
40. The Court may censure or refer for dismissal any defendant officer under its own procedure.

### **Procedure for bringing motions to the Council**

41. Motions of censure or no confidence shall be proposed to the Council by one of the following people and methods:
1. By a Full Member of the Union, seconded by twenty Full Members of the Union. The petition shall include the signatures or College identification numbers ("CIDs") and printed names, departments and years of the petitioners.
  2. By a nominee of the Council Chair, if the Council has twice rejected a report submitted by any person required to do so under regulations 6.75 to 6.81. If no-one wishes to be the proposer, the Council Chair shall be the nominal proposer, but remain under the same restrictions with respect to participation in the debate.
  3. By the President, in relation to any person except the Council Chair, the Felix Editor or a member of the Court.
  4. By a nominee of the Court under its regulations. The Council Chair may be the default proposer as before. The Executive Committee may do so when acting under regulation 2.5.
42. All motions of censure or no confidence, except those arising from a rejected re-presentation of a report, must:
1. Name individual officers or representatives,
  2. State clearly in writing the grounds of the complaints,
  3. State the nature and conclusions of any relevant investigations undertaken,
  4. Include details of previous warnings under Part B, or lack of them,

5. Include details of any part of the Constitution, Regulations, Policies or Court determinations alleged to have been breached,
  6. Include in the case of members of the Court, instead of 12.5 above, the provision of its Code of Conduct breached,
  7. Be presented with its supporting petition to the relevant authority, at least seven College Days before Council.
43. No motion of censure may lie against a person already censured, whether by the Council, Court or other committee entitled to do so.
  44. Upon receipt of the motion of censure or no confidence unless automatically generated by a twice rejected report, the relevant authority will take all reasonable steps to inform the defendant officer of the grounds of the complaint, the procedures laid out in this document and the date of the meeting.

#### **Procedure for debating the motion at the Council**

45. If more than one motion of censure or no confidence is submitted to any meeting, they may be considered as a single motion, but if separately submitted may be considered separately, at the discretion of the proposers of the motions.
46. The following amendments to the standing orders for Council shall have effect, as well as the provisions of Part I:
  1. The substantive intent of motion of censure or no confidence may not be amended, although supporting arguments may be amended,
  2. A motion of no confidence may be amended to a censure (notwithstanding subparagraph 1 above), but a motion of censure may not be amended to no confidence,
  3. The defendant officer may bring their own representative (who may be any member of the College, but not a lawyer acting in a legal capacity), and either person may address the meeting and have full right of reply,
  4. The Council shall have due regard for the gravity of the motion,
  5. The Council may choose to vote on a single motion against several individuals separately for each individual,
  6. The proposer and subject of a motion may not vote upon it or disputed amendment to it,
  7. No vote may be proxied,
  8. The vote upon the motion and any disputed amendment to it shall be held by secret ballot, notwithstanding regulations 6.22 and 6.84,
  9. The motion must be approved by a two-thirds majority of those present and voting, and more than half of those present and eligible to vote,
  10. A motion which having been voted on and rejected may not later be reconsidered by the Council (notwithstanding regulation 6.84.k),
  11. A motion that is not discussed for any reason at the meeting is deemed to have fallen, except when the Council specifically adjourns to reconsider the motion.

#### **Procedure for censure and no confidence motions at other bodies**

47. In proceedings resulting in a censure or no confidence there shall be:
  1. a necessity for a petition with a proposer and at least ten seconders,
  2. at least one week's notice to be given of a motion,
  3. a necessity for approval of the motion by at least a two-thirds majority of members present and voting, and
  4. a course of appeal to a higher body.
48. Any constituent part of the Union entitled to dismiss a defendant sabbatical must conduct an investigation under Part D, and refer final dismissal to the Trustee Board under paragraphs 53 to 55.
49. If a proposal for a censure or no confidence is made by the Court it shall be treated for all purposes as having been validly proposed to any committee entitled to hear it.

#### **Procedure on the motion being passed at the Council or other body**

50. On the passing of the motion, the defendant officer shall be informed by the Chair of the result of the motion and of the right of appeal, and if he or she is absent, all reasonable steps shall be taken to inform him or her of the result of the motion.
51. On the passing of a motion of censure the defendant officer shall be informed that further complaints may only be dealt with by a motion of no confidence.
52. On the passing of a motion of no confidence the defendant officer shall, if he or she does not hold sabbatical office, be dismissed immediately.
53. If a motion of no confidence is passed against a defendant sabbatical, the he or she shall be suspended from duty pending a meeting of the Trustee Board, which may then (after any further investigations and hearings which it may conduct) dismiss the defendant sabbatical, or remove the suspension.

54. A defendant sabbatical suspended following a motion of no confidence shall receive full pay and accommodation until the Trustee Board has determined the matter finally, with the following provisos:
1. the suspension on full pay and accommodation shall last no less than one month, unless
  2. their term of office ends earlier, in which case pay and accommodation terminates at the expiry of the term of office.
55. If the Trustee Board decides not to dismiss a defendant sabbatical following a motion of no confidence, he or she, if not already censured, shall be censured automatically. The Trustee Board shall provide the reasons for its decision to the Council.

#### **Removal from membership of a committee**

56. The Council may without notice and by simple majority remove any or all ordinary or co-opted members from any committee (but not individuals from their posts). This includes ordinary members of the Executive Committee but not the Council, Court or Trustee Board.

#### **Disqualification from office**

57. A person dismissed from office by the Council or any other committee by virtue of a motion of no confidence under this Regulation may not be elected to or hold that office again. In the case of a Sabbatical Officer a person may not hold any Sabbatical Officer post again. The Council may remove this disqualification.

### **G. Appeal Procedure for Warnings, Censure and No Confidence Resolutions**

58. Any person warned under Part C may appeal to the Council whose decision is final. Warning appeals in constituent parts of the Union shall be governed by their rules.
59. Any person censured or dismissed by the Council ("the appellant") may appeal to a General Meeting whose decision is final. The appellant should give notice of appeal within two College days to the relevant authority.
60. The appellant must then successfully petition a General Meeting according to the Constitution within five College days. It shall then meet at a time and place agreed between the person censured or dismissed and the Council Chair. If a time and place cannot be agreed it shall be determined by a nominee of the Trustee Board Chair.
61. If the General Meeting cannot be petitioned in time, or closes as inquorate before the vote is held, the appeal is dismissed. General Meeting may also amend a no confidence resolution to a censure.

### **H. Disciplinary Tribunals**

62. The Trustee Board may establish a disciplinary tribunal to deal with misconduct by a defendant officer, or may delegate this function to the Court. Relevant misconduct shall not merely constitute (though it may include):
1. a failure to maintain the confidence of the Council or other policy-making body,
  2. a failure to adhere to any manifesto commitment, or
  3. inadequate representation on behalf of the student body.
63. A disciplinary tribunal may only be requested by the President, Council Chair, Trustee Board Chair, Faculty Union President or Clubs and Societies Committee Chair, and the Trustee Board may choose then whether to institute proceedings.
64. The Trustee Board shall administer the hearing in such manner as it may direct (complying with Part I), and may instigate an investigation and delegate any function to the Union Court.
65. A disciplinary tribunal, as well as exercising any other appropriate authority, may warn, censure or dismiss the defendant officer.
66. The Trustee Board shall provide for an appeal in such manner as it may determine.

### **I. Other disciplinary proceedings**

#### **Minimum requirements for any disciplinary or quasi-disciplinary proceeding**

67. Any proceeding in any part of the Union which may result in disciplinary action being taken against any person or part of the Union, except staff matters, must satisfy the natural justice requirements set out in this Part.
68. Disciplinary or quasi-disciplinary action includes by way of example dismissal, censure, suspension, compulsory dissolution, withdrawal of rights or privileges, fine, compensation, or penal reduction or freezing of budget.
69. This Part does not apply to a person or constituent part of the Union in imposing any of the above outcomes upon themselves.

70. In proceedings resulting in disciplinary action:
  1. The defendant officer shall receive reasonable notice of any proceedings (which is deemed to have been provided if the proceedings are held at a scheduled Union meeting of which the defendant officer is a member or permanent observer),
  2. The proceedings shall be recorded in writing,
  3. The defendant officer may require the hearing to be in public, unless the quality of another person's evidence would be improved by it being in private,
  4. The defendant officer and any representative may not be excluded from the proceedings at any point except for disorder or with the approval of the Trustee Board, Council or Court,
  5. The burden is upon the disciplinary authority or proposer to demonstrate misconduct on the balance of probabilities or suspect it as appropriate,
  6. The defendant officer and representative has the right of reply at any hearing,
  7. Any voting member of the committee who has knowledge or suspicion of any adverse fact relating to the defendant officer which would tend to persuade them to vote against him or her, or who have knowledge that others do, must tell the defendant officer so that he or she may respond to them,
  8. The proposer and subject of the motion may not vote upon it,
  9. No vote may be proxied, and
  10. The defendant officer shall be notified of the result.
71. In disciplinary proceedings relating to a constituent part of the Union, the "defendant officer" shall be taken to mean its chair, president or other representative.