

## **Note for Discussion – Disciplinary Motions and the Constitution Review**

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A paper is contained below which outlines potential changes to the way Motions of Censure and No Confidence, hereafter referred to as Disciplinary Motions, are handled within the Union Governance structure.

Following the last review of the Constitution, the power to process and handle Disciplinary Motions was not given to the Management Groups and Constituent Unions, but instead vested in the Union Council. The paper outlines why this approach towards the procedures is heavy-handed and inappropriate for junior Officers and volunteers within the Union. Giving power to the Management Group level bodies to handle Disciplinary Motions creates a tiered system with Council acting as the final appeals committee.

Meetings with Union officers with responsibility for CSP management has found general support for the paper with proposed amendments including the use of the Clubs, Societies and Projects Board as a ratification or reporting body for any actions taken by Management Groups against CSP volunteers.

This paper is being raised for discussion in this forum for future consideration by the Governance Steering Group and ultimately formal incorporation into the Union By-Laws, in which the current regulations for Complaints and Discipline are enshrined.

We propose a short discussion of around 10 minutes on this item.

# Changing how Censures and No Confidence motions work

Proposed by (anon), Seconded by (anon)

## ICU Notes:

- With the ICU Constitution and Bye-Laws introduced a few years ago, these motions were changed such that they had to go through Union Council, whereas before they could be heard by Constituent Unions as well (and maybe Management Groups).

## ICU Believes:

- Forcing motions through Council can put unnecessary stress on both the person subject to the motion, as well as the proposer, as Council is such a large and senior body. The Union should strive to make life easier to its members where possible.
- Council can be a bit “over the top” if such a motion applies to a very minor role, which will end up wasting Council time (as well as causing undue stress as per the first point).
- Some club officers who wish to remove misbehaving committee members feel it too difficult to do so with the requirements currently set, so forcing committees to struggle in non-ideal situations.
- The “independence” of Council is beneficial to hearing these motions, but this can be replicated at different levels (for example, at management group level), which has the added benefit of allowing Council to be a place of appeal.
- The format set out in Appendix A would resolve all these issues yet still remain rigorous.
- It’s only right that we place trust in Chairs/Presidents further down the chain in this regard, as the Union does in other regards.

## ICU Resolves:

- To recommend to the Board of Trustees that the Bye-Laws with respect to discipline are changed in line with the aims set out in Appendix A.

## Appendix A – What format the Bye-Laws should take

I leave it up to someone far more experienced to actually write the bye-laws in a rigorous way.

- Management Groups and Constituent Unions may hear Motions of Censure and No Confidence in the first instance, subject to the relevant wording being inserted into their Standing Orders or Constitution.
- Nobody shall be prevented from taking a motion to Council instead of the Management Group or Constituent Union.
- Management Groups and Constituent Unions may only receive motions relevant to their area of relevance (e.g. a motion against an Arts and Ents club officer can only be heard by the Arts and Ents board or Council).
- Motions shall be submitted to a Management Group or Constituent Union in the exact same form as required by Council.
- The Chair or President of the Management Group or Constituent Union may propose a motion with no seconders (as with now).
- The Management Group or Constituent Union may amend the number of seconders required in other cases to a number more suitable to their requirements with the approval of the Union President. An example may be, for a small Constituent Union, a smaller number of seconders could be required to reflect the size difference.
- Following a **successful** motion of Censure or No Confidence against an officer, the officer may appeal to Council. Such an appeal:
  - Must only be because of a procedural error in the earlier motion (for example, rules not being followed or evidence being ignored).
  - Must be backed up with evidence for the above.
- If an appeal is made, the officer affected shall continue with their role as if no motion was passed until the appeal is heard. During this time, no further motions against the officer can be accepted.