

2011-12 Constitutional Review

Second report to Students' Union Council from Constitutional Committee

The Constitutional Committee met in November and December 2011 to consider submissions made for the annual Constitutional Review, following the invitation for proposals made in an e-mail to Students' Union Council members. The Committee consisted of Thom Arnold (ex-Officio as President), Sam Mannion (ex-Officio as Students' Union Council Chair), Jon Narcross and Roscoe Hastings, together with Richard Eastall (Director of Membership Involvement) and Tom Langrish (Representation and Democracy Manager) in attendance.

A paper was submitted to the Council meeting on 15 December 2011 setting out proposed changes, which were agreed in principle by Council.

The Committee has since met again to consider detailed proposals for amendments, which are set out below. This report is being submitted to the Students' Union Council meeting on 8 February 2012. If the recommendations are approved by Students' Union Council then the relevant sections will be submitted to a referendum alongside the Officer elections in February/March 2012. (Sections 1 and 3 require approval in a referendum, while section 2 may be agreed by Council or by referendum.)

Section 1: Proposals from the Governance Working Group (which require approval in a referendum)

Membership of the Trustee Board (Constitution and Bye-Law 5)

To change the composition of the Trustee Board, to include four external trustees and four student trustees, replace the current clauses 4.5.1 and 4.5.2 of the Constitution with the following:

- 4.5.1 "The Trustee Board of the Students' Union shall consist of the eight Students' Union Officers, the Officer Trustees, as specified in Bye-Law 4, and four External Trustees and four Student Trustees, as defined and specified in Bye-Law 5.
- 4.5.2 The responsibilities of the Trustee Board, the method of selecting and the terms of appointment of the External Trustees and Student Trustees shall be specified in Bye-Law 5."

To amend the criteria for selection of external trustees, replace current clauses 2.1 and 2.2 of bye-law 5 with the following:

- 2.1 "Each External Trustee shall be nominated by a Nominations Committee, those nominated being appointed subject to the approval of Students' Union Council.
- 2.2 Every External Trustee shall be selected on the basis of their skills, knowledge, experience and characteristics, taking into account the current composition and diversity of the Trustee Board."

To better specify the purposes of the Trustee Board and specify and provide for Student Trustees, amend clause 1 in bye-law 5 to read:

"The Students' Union Officers who are the Officer Trustees, the Student Trustees and the External Trustees shall form the Trustee Board which shall be responsible for the governance and financial and strategic management of the Students' Union in furtherance of the Student's Union aims and objectives as set out in the Constitution."

and insert new clause 3 in bye-law 5 (renumbering accordingly):

“3. APPOINTMENT OF STUDENT TRUSTEES

- 3.1 Each Student Trustee shall be nominated by a Nominations Committee, those nominated being appointed subject to the approval of Students’ Union Council.
- 3.2 Every Student Trustee shall be selected on the basis of their skills, knowledge, experience and characteristics, taking into account the current composition and diversity of the Trustee Board.
- 3.3 Every Student Trustee shall be a registered student of the University at the date of their appointment and shall continue to be a student of the University for the duration of their term as Student Trustee.
- 3.4 Student Trustees shall not be and shall not have been Students’ Union Officers for at least two years on the date of their appointment.
- 3.5 Student Trustees shall not be Students’ Union Councillors at the date of their appointment or for the duration of their terms as Student Trustees.
- 3.6 The Nominations Committee shall consist of two Students’ Union Officers (appointed by the Officers), two non-Officer members of Students’ Union Council (appointed by the Council), one External Trustee (appointed by the External Trustees) and one Student Trustee (appointed by the Student Trustees).
- 3.7 Student Trustees shall be appointed for a term of office of up to two years and may be re-appointed for a second term of office of up to two years. They shall not be appointed for any further terms.”

To specify a process for the resignation and removal of office of student trustees, by amending the current process for external trustees:

Amend the current Clause 3 (new Clause 4) of Bye-Law 5 by amending “external” to “External” and by inserting the words “or Student” after “External” throughout clauses 3.1 and 3.2.

Insert a new 4.3:

- “4.3` The appointment of any Student Trustee is immediately terminated on cessation of him or her being a student of the University,

Trustee Board Minutes and Reserved Business (Bye-Law 5)

To introduce a procedure for publication of Trustee Board minutes, with the exception of any reserved business:

Insert new Clauses 1.5 and 1.6 in Bye-Law 5:

- 1.5 “The minutes of the meetings of the Trustee Board shall normally be considered open and shall be available to the Members on the Students’ Union’s website, except where those minutes relate to any reserved or confidential matters, including without limitation staff-related or disciplinary matters. Copies of the minutes shall also be kept in the Students’ Union’s offices. The definition of reserved and confidential matters shall be set out in the ‘Governance Policies and Procedures’ document.
- 1.6 The ‘Governance Policies and Procedures’ document shall set out in more detail the governance procedures and protocols relating to the Trustee Board and its committees. The document shall be agreed and may be amended by the Trustee Board by a two thirds majority.”

To introduce a procedure for trustees to take decisions by virtual meetings, or without a meeting:

Decision-Making by Virtual Trustee Board Meeting (Bye-Law 5)

Insert new Clauses 5 and 6 (renumbering accordingly):

“5. Virtual meetings

- 5.1 A Trustee Board meeting may be held including by using telephone or by televisual or other electronic or virtual means agreed by the Trustees in which all Trustees are given sufficient notice of the meeting to enable their participation and Trustees that choose to participate in the meeting can communicate simultaneously and fully with all other participants.”

Decision-Making by Trustees in Writing (Bye-Law 5)

“6. Majority decisions without a Trustees’ meeting

- 6.1 The Trustees may, in the circumstances outlined in this Clause 6, make a decision by a written resolution passed by a two thirds majority of the Trustees entitled to vote on the matter.
- 6.2 If:
- 6.2.1 a Trustee considers that they have become aware of a matter on which the Trustees need to take a decision by a resolution in writing;
 - 6.2.2 that Trustee shall with the assistance of the General Manager of the Staff of the Students’ Union notify to all the Trustees in writing the resolution he or she considers necessary including with the resolution such documents and information as shall sufficiently and fully inform the Trustees of the matter and confirming a date and time before which their vote if any shall be received by the General Manager if it is to be effective;
 - 6.2.3 each Trustee shall promptly on receipt of the notification acknowledge receipt to and confirm to the General Manager whether or not they are entitled to vote on the resolution;
 - 6.2.4 each Trustee entitled to vote may but need not confirm their vote in writing to the General Manager and if they make no such confirmation or do not duly acknowledge receipt of the resolution they shall be determined as having chosen to vote against the resolution;
 - 6.2.5 any such resolution is passed and shall be as valid and effectual as if it had been taken at a Trustees’ meeting duly convened and held if and when a sufficient majority of votes duly cast in favour by a quorate number of Trustees have been received by the General Manager prior to the date and time before which votes received cease to be effective; and
 - 6.2.6 the General Manager shall notify the Trustees of the outcome of any written resolution of the Trustee Board as soon as it is known to him or her.
- 6.3 No decision shall be taken by the Trustees in accordance with this Clause 6 unless a quorum participates in the decision-making process. The quorum for a Trustees’ resolution in accordance with this Clause 6 shall be at least two thirds of the members of the Trustee Board who promptly acknowledge receipt of the resolution and confirm their entitlement to vote.
- 6.4 In this Clause 6 “in writing” includes by email or other electronic means resolved upon as satisfactory by the Trustees.
- 6.5 The Chair or such other Trustee as shall be appointed by the Trustees who may not propose the resolution to the Trustees shall supervise a resolution proposed or made in accordance with this Clause 6. Their duties shall include ensuring;

- 6.5.1 notification in writing of the proposed resolution with appropriate and relevant documentation and information and confirmation of the time within which valid votes may be cast;
- 6.5.2 prompt communication of the outcome of the resolution to Trustees; and
- 6.5.4 signature of a minute of the decision made in accordance with Clause 1.4 of this Bye-Law.”

Amendments to the Constitution and Bye-Laws (Constitution and Bye-Law 21)

It is proposed also to introduce a procedure to allow Constitutional Committee and the Trustee Board to make minor amendments to the Constitution and Bye-Laws without the need for a referendum, in order to allow for the correction of any errors, inconsistencies or ambiguities, to improve our procedures and to facilitate early registration with the Charity Commission.

Insert new Clause 11.1.9 in the Constitution and new Clause 3.1 in Bye-Law 21 (renumbering accordingly):

“11.1.9 Subject to Clause 11.1.5 and 11.1.8 in respect of University and Charity Commission approval respectively but notwithstanding the above Clauses 11.1.1 – 11.1.4 inclusive, 11.1.6 and 11.1.7 and notwithstanding Bye-Law 21 the Constitutional Committee of Students’ Union Council and the Trustee Board may by agreement make amendments of a minor nature to the Constitution and Bye-Laws necessary to better enable the Students’ Union to further its charitable objectives. Such changes shall be published promptly and notified to Students’ Union Council and shall be subject to subsequent revision or deletion by any referendum.”

Section 2: Proposals from Constitutional Review Committee
(which may be agreed by Students' Union Council)

Funding of national societies (Bye-Laws 6, 7, 10 and 12)

Council agreed at its last meeting that Societies Committee shall be responsible for the funding of all societies, including national societies, instead of the current split between Societies Committee and International Students' Committee, in order to ensure equity in the funding of societies. Council agreed also that Societies Committee should be responsible for the recognition of national societies – this is the current practice, but it is not what is stated in Bye-Law 10.

In order to effect these changes, the following amendments are recommended:

Replace the current Clause 7.1.4 of Bye-Law 6: Representative Committees (role of International Students' Committee – “to allocate funding and deal with all matters relating to national societies”), with the following clauses:

- 7.1.4 “To advise and support national societies, jointly with Societies Committee.
- 7.1.5 To advise Societies Committee on matters relating to the funding and recognition of national societies.”

In Clause 19 of Bye-Law 7: Working Committees (role of Societies Committee) delete “with the exception of national societies” in clauses 19.1.1 and 19.1.2.

Replace the current Clauses 1.1 to 1.3 of Bye-Law 10: Societies (General Arrangements) with the following:

- 1.1 “Societies Committee shall be responsible for all matters relating to recognised societies of the Students' Union, except in relation to national societies established for specific national groups, for which the responsibility shall be shared with International Students' Committee as set out in Clause 1.2.
- 1.2 Societies Committee shall be responsible for the recognition and funding of national societies, in consultation with International Students' Committee. International Students' Committee and Societies Committee shall be jointly responsible for advising and supporting national societies.
- 1.3 In the case of any dispute between Societies Committee and International Students' Committee on the definition of a national society, the issue shall be referred to Students' Union Council whose decision shall be final.”

Replace the current clause 3.3 of Bye-Law 12: Finances of the Students' Union (Grants to Societies and other Bodies) with the following:

- 3.3 “Societies requiring a grant shall apply to Societies Committee in accordance with Bye-Law 10.”

International Students' Committee (Bye-Law 6)

To amend the membership of the Executive Committee of the International Students' Committee to make it more inclusive, replace “one British student” with “one home student” in Clause 3.11.

Commercial Services Committee (Bye-Law 7)

The Commercial Services Committee has not functioned effectively for some time and there has been little interest from students in getting involved with it. It is felt also that its stated role (to represent students' interests on commercial services) could be better served by the new Our Students' Union Ideas Forum.

It is proposed therefore that Commercial Services Committee should be abolished, by deleting Clause 4 of Bye-Law 7 (renumbering accordingly).

This also requires a change to the reporting arrangements for Entertainments and Technical Services Committee in Bye-law 7, and it is recommended that they would be responsible directly to Students' Union Council, by deleting "through Commercial Services Committee" in Clauses 7.2 and 21.3.

Section 3: Proposals from Constitutional Review Committee **(which require approval in a referendum)**

Definitions of Representative Groups (Constitution, Bye-Law 3 and Bye-Law 6)

Currently the Constitution defines women students as being “self-defining”, but does not define other liberation groups. It is proposed to specify that other liberation groups are also self-defining, by expanding the relevant definition in the Constitution as follows:

“12.3.16 For the purposes of Bye-Law 3 (Students’ Union Council) and Bye-Law 6 (Representative Committees) students shall be able to self-define as black; lesbian, gay, bisexual and trans; mature; students with disabilities; and women so that for example “Women Students” Shall mean self-defining women students.”

It is proposed also to allow any students who self-define as mature to stand and vote for the Mature Students Councillor and for Mature Students Committee, by replacing “mature undergraduate students” with “mature students” in clause 2.3 of Bye-Law 3 (Students’ Union Council) and in Clauses 9.1.1 and 9.2.1 of Bye-Law 6 (Representative Committees).

Dual Honours students (Bye-Law 3: Students’ Union Council)

In order to enable dual degree students to vote in both the departments in which they are registered, it is proposed to amend the second sentence of Clause 2.2 of this bye-law to read:

“Each student shall be eligible to stand as and vote for the departmental councillor only in their home department, as defined by the University, except that students on dual degree courses shall be eligible to stand in either, but not both, of the departments responsible for their degree programme, and may vote in both departments”.

Council Forums/Workshops (Bye-Law 3: Students’ Union Council)

It is proposed to replace all of the references to the “Councillors’ Forum” in Bye-Law 3 with “Council Workshop”, to recognise the change in terminology.

Chair of Students’ Union Council (Bye-Law 3: Students’ Union Council)

Constitutional Committee considered the position of the Chair of Students’ Union Council. The Committee felt that currently it is difficult for the Chair to combine properly the role of chair with the role of departmental or representative councillor, because of the need for the chair to remain impartial.

Council decided at its meeting in December 2011 that the Chair should be separately and directly elected, during the main Council elections, for a one year term. In order to bring about this change it is proposed to make the following amendments to Bye-Law 3:

Insert new Clause 2.4 in Clause 2 (Membership) (renumbering accordingly):

2.4 “Chair of Council: one member elected by and from full members of the Students’ Union.”

Insert new Clause 3.3 (renumbering accordingly):

3.3 “The Chair of Students’ Union Council shall:

- 3.3.1 attend meetings of Students' Union Council and Council Workshops. If the Chair is absent, without written apologies, from two meetings of Students' Union Council he or she shall be deemed to have resigned and may not serve as Chair again during the remainder of that year of office."
- 3.3.2 be a non-voting member of Students' Union Council and shall not submit proposals for the establishment of policy.
- 3.3.3 be a voting member of the Constitutional Committee, the Officer Roles Review Select Committee and such other committees as may be deemed appropriate.
- 3.3.4 act as the representative of Students' Union Council and oversee the communication of its work to students.

Replace current Clause 6.2 (Chairing of Meetings) with the following:

"6.2.1 An election for a Vice-Chair shall be held as the last item of business at the first meeting following the election of Council, and thereafter shall be held at the first meeting of each academic term

6.2.2. Meetings shall be chaired by the Chair or Vice-Chair or, in their absence, by another member elected by the meeting."

To specify that the Chair of Students' Union Council shall not have a vote, and to specify what shall happen in the event of a tied vote, replace the current Clauses 6.8.1 and 6.8.2 with the following:

6.8.1 Voting shall take precedence over everything except a point of order concerning the vote. Each member, with the exception of the Chair of Students' Union Council, shall have one vote.

6.8.2 If a vote remains tied after a recount, the proposal shall not be carried.

Vice-Chair of Students' Union Council (Bye-Law 3)

It is proposed to delete clause 6.2.4 of Bye-Law 3, which states that the Vice-Chair shall chair meetings of the Councillors' Forum (or Council Workshops), because given the way that the Workshops are run there isn't usually a need for a chair.

Policy proposals (Bye-Law 3 and Bye-Law 18)

To change the process for considering the establishment and amendment of policy, replace the current clauses 4.1 to 4.3 of Bye-Law 3 with the following:

"4. POLICY

4.1 Any member of Students' Union Council (with the exception of the Chair) may submit a proposal in writing to the President for the establishment of Policy or the amendment of an existing such Policy. Any such proposal shall not exceed 200 words and shall be supported by one other member of Council. A proposal for the establishment of policy, not exceeding 200 words, may also be submitted in writing to the President by 50 Full Members.

4.2 The President shall publish notice of any such proposal on the Students' Union's website and circulate it to members of Students' Union Council within 10 days, inviting alternative or related proposals of no more than 200 words within 10 days following publication. Alternative or related proposals shall be submitted in writing to the President by any member of Students' Union Council (with the exception of the Chair). They may also be submitted by any Full Member, with the support of ten other Full Members.

4.3 The original proposal, and any alternative or related proposals, shall be published on the Students' Union's website and circulated to members of Students' Union Council 5 days prior to the meeting of Students' Union at which they are to be considered."

To correct an error in Bye-Law 18 (Students' Union Policy), replace "additional" in Clause 1.3.3 with "current".

Duties of Sports Officer (Bye-Law 4)

It is proposed to change the duties of the Sports Officer, to reflect the creation of Sport Sheffield and the new governance arrangements, and the changes in terminology for the various parts of the sporting continuum. The new proposed wording is as follows:

"5.6 The Sports Officer shall:

5.6.1 Encourage students to become involved in Access, Recreational, Intra Mural, and Performance Sport along with S10 Fitness and Wellbeing programmes.

5.6.2 Represent the views and interests of students on sporting matters to the University, locally and nationally.

5.6.3 Organise an event during Intro Week to promote all areas of the Sporting Continuum within the University to all students.

5.6.4 Serve as a member of the Sport Sheffield Board, reporting on meetings to Student Executive Committee.

5.6.5 Serve as Co-Chair of the Sport Sheffield Partnership Group meetings, reporting on meetings to Student Executive Committee.

5.6.6 Ensure that the interests of all participants in the Sporting Continuum including Clubs, Intra Mural, S10 and Access Sport users are equally considered in allocating resources and facilities.

5.6.7 Represent Sports Clubs within the British Universities and Colleges Sport (BUCS).

5.6.8 Support the promotion and development of Sport Sheffield Access Sport programmes and represent the views and interests of students involved in Access Sport.

5.6.9 Support the promotion and development of Sport Sheffield Intra Mural programmes and represent the views and interests of students involved in Intra Mural sport.

5.6.10 Support the promotion and development of Sport Sheffield Recreational programmes and represent the views and interests of students involved in Recreational sport.

5.6.11 Support the promotion and development of Sport Sheffield S10 users and represent the views and interests of students involved in S10 Health and Wellbeing.

5.6.12 Support the promotion and development of Sport Sheffield Performance Sport and represent the views and interests of students involved in Clubs and ESPS programmes.

5.6.13 Support the promotion and development of Union activities that are recognised as partners of Sport Sheffield and represents the views and interests of students involved in these programmes.

5.6.14 Organise and support meetings of representatives of all recognised Sports Clubs.

5.6.15 Organise and promote an annual inter city sporting competition with Sheffield Hallam University and promote University sport throughout the community.

5.6.16 Jointly with S10 Health and Wellbeing, and with the Welfare Officer, promote student healthy living and the benefits of sporting activity in achieving that.

5.6.17 Oversee and develop links between sport in the University and the local community.

5.6.18 Promote and develop the sporting “Black and Gold” community throughout the University and into the Sheffield community.

5.6.19 Represent students at, and report to Student Executive Committee on, University and other meetings as required.”

Duties of Activities Officer (Bye-Law 4)

To reflect the proposed change in the funding of national societies, delete “with the exception of national societies” in Clause 5.2.1 and “, except national societies,” in Clause 5.2.2 of Bye-Law 4 (duties of Activities Officer, in relation to funding of societies).

Duties of Union Development Officer (Bye-Law 4)

To remove the reference to the Union Development Committee, delete Clause 5.4.14 of Bye-Law 4.

Election Regulations (Bye-Law 17)

To specify that candidates for a particular election cannot be members of the Elections Committee for that election, insert a new Clause 4.3:

“4.3 Members of the Elections Committee shall not be candidates in any election for which they are responsible.”

To allow Elections Committee to decide which voting system to use for multi-vacancy elections (STV or X-voting) replace “Students’ Union Council” with “Elections Committee” in Clause 1.4.

Richard Eastall

Director of Membership Involvement (on behalf of Constitutional Committee)

2 February 2012