## Constitutional Changes to Union Court and Union Advocate

## Proposed by the Union President

The draft changes for the Union Court and Union Advocate include the following:

- Lowering the restrictions on membership of the Union Court so that only Union Officers, the Executive Committee and Trustee Board (among Full Members) are excluded. Thus Council CSB and RWB members may join.
- Reduced the Full Members' complement by one (from 6 to 5 ) - as there have been vacancies in the past, and having them all nominated by Executive and approved by Council, which is simpler than the current system. The Life and College members would be unaffected.
- Any Full Member who becomes a Life Member mid-way through the year (almost always a PhD student who finishes and is no longer a registered student) stays on the Court as a Life Member for the rest of the year, though Council can replace him/her with a Full Member if they want. The Court has been affected in the past by departing PhD students as they make a large proportion of the student members.
- Re-drafting various parts of the Union Court regulation for clarity and leaving matters to standing orders.
- Establishing the Union Advocate post as a Union Officer and member of Council. The Union Advocate is expected to act as a lynchpin between the officers and the Union Court, and represent the interests of students to it and refer (independently) any appropriate matter to the Union Court. This would be better done by them being involved as an independent and accountable member of Council so they are aware of what is happening at ICU level.


## Imperial College Union Constitution

## 9. The Court

1. The Court shall exercise paramount power over:
2. The interpretation of this Constitution, its Regulations and any reserved matter, policy, rule, act or omission made under it;
3. The administration of and resolution of any dispute in individual elections or referenda,
4. Disciplinary matters, though not relating to staff or Trustees nor extending to dismissal in any other part of the Union,
5. Its own administration.
6. The Court shall perform such other judicial, investigative or disciplinary roles as may be allocated to it by the Regulations or any policy or rule.
7. The Court shall not manage or exercise policy-making powers over any other part of the Union.
8. Decisions of the Court bind the whole Union, or such constituent part of it as may be defined by the Court. An interpretation of a rule has the same status as the rule itself.
9. The Court's jurisdiction shall not be restricted except over the Trustee Board and staff matters to the extent set out in the Regulations.
10. Members of the Court shall adhere to a code of conduct approved by the Court and the Trustee Board.
11. No member of the Court may simultaneously be:
i. an Officer of the Union or Felix Editor,
ii. a member of the Trustee Board (except if ex officio), or Council, Executive Committee,-Clubs and Societies Board or Representation and Welfare Board,
iii. a member of the permanent Union staff, or
iv. an Honorary Senior Treasurer.
12. The Court may include up to three-Life Members and one member of the Imperial College academic, academic-related or senior administrative staff under terms established in the Regulations. No such Life Member shall have their life membership suspended or removed unless they are first removed from the Court.
13. Regulations may provide for an appeal within the Court and from the Court to the Trustee Board, under such circumstances as established in the Regulations.

## Regulation Two - Union Court

## A. Jurisdiction

1. The Court has jurisdiction over and in the following areas within the Union:
2. Interpretations,
3. Administration and disputes in individual elections or referenda,
4. Disciplinary matters, though not relating to staff or Trustees, or extending to dismissal, (though it may review the propriety of dismissal proceedings),
5. Union publications, in a role equivalent to that of the Press Complaints Commission,
6. Inquiries,
7. Reports and commentary upon proposed changes to rules, and
8. Other such judicial, investigative or disciplinary functions as may be allocated by any policy or rule.
9. 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.
10. Issues or evidence which are confidential or sensitive are not thereby excluded from the Court's jurisdiction.
11. The Court's jurisdiction shall not extend to staff matters as defined by the Staff Student Protocol to the extent that it assists in determining any disputed fact or rule which is not a staff matter. 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.
12. The Court shall interpret the meaning of the Staff-Student Protocol. Any such declaration shall only be made after the President or Union Operations 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.
13. 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 34.11, 34.13, and 34.15-34.17.
14. 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).
15. 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:
10. One member of each Faculty Union elected by the Council, each person being a Full Member of the Union,
Z. Three Full Members of the Union nominated by the Executive Committee and approved by the Council,
11. Five Full Members of the Union nominated by the Executive Committee and approved by the Council,
3.2. Three Life Members of the Union nominated by the Executive Committee and approved by the Council,
4.3. 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.
12. Each member is of equal status to every other member. No member is the representative of any group within the Union or the College.
13. Each Faculty Union shall have one place reserved among the Full Members. 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.
14. 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.
15. 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.
16. 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.
17. A Full Member on the Court who becomes a Life Member during the course of an academic year shall remain on the Court (notwithstanding regulation 9) pending his or her replacement by a Full Member.
18. 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 then one person fills such vacancies at one meeting of the Council, the terms shall be allocated by lot at the Council.
19. 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-shall 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:
22. Shall not affect the Council's jurisdiction under this Regulation, nor the role of the Council, Council Chair or Court Chair under Regulation Seven,
23. 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,
24. May permit the Council Chair or another independent person to chair meetings in committee or perform other roles under specified circumstances, and
25. 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.
26. An amendment to the code of conduct or standing orders requires the approval of a twothirds majority of those present and voting, abstentions being ignored. Standing orders governing the directions for searches, the compulsion of evidence and production of documents or items require the approval of the Trustee Board.

## D. Cases and directions

23. A case may be requested by such people or bodies and in such circumstances as may be prescribed in standing orders. When the Court is in sessionhears a case it shall be composed of a panel drawn from the membership of the Court.
24. 

25-24. 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.
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27.26. 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.
28. The appointment of a panel, once made, cannot be rescinded by any person or body outside the panel.
29. 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

30. -The Court may make directions for the management of a case, administratively or in a hearing, subject to standing orders.
31.27. 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.
32.28. The Court may make specified compulsory directions:
31. Any person holding a post in the Union including staff may be required by direction to attend a Court hearing and answer questions.
32. 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.
33. 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 Operations Manager.
33-29. 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.F. Determinations and reports

34.30. A determination or report shall be made at the end of the case, unless it was discontinued.

35-31. 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.

36-32. 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.
37.33. 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.
38-34. 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.G. Orders

39-35. 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.
40-36. 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.
41-37. 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.
42.38. The Court may not make any order:
20. Relating to matter outside the jurisdiction of the Union under the Constitution and Code of Practice,
21. Requiring, in the opinion of the Court, the Union or any person to act unlawfully, including any contractual breach or tort,
22. Quashing or suspending a resolution of the Trustee Board or a Trustees' Committee, or
23. In respect of any matter for which a time limit has expired under the Regulations or standing orders.
43-39. The Court may not make any mandatory or prohibiting order:
24. in respect of the Council,
25. in respect of a person's choice of vote,
26. directly requiring any person to authorise or not authorise anything under the Finance Regulations,
27. upon a member of the Union staff; any such order being made upon the President instead, or
28. 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.
44.40. 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.
45-41. 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.
46.42. 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.
47.43. A penal order may be reduced or rescinded by the Trustee Board.

## Regulation Three - Officers of the Union

## A. Officers of the Union

1. The Officers of the Union shall be the:
2. President,
3. Deputy President (Clubs and Societies),
4. Deputy President (Education),
5. Deputy President (Welfare),
6. Deputy President (Finance and Services),
7. Council Chair,
8. President of the City and Guilds College Union,
9. President of the Imperial College School of Medicine Students' Union,
10. President of the Royal College of Science Union,
11. President of the Royal School of Mines Union,
12. President of the Silwood Park Union,
13. Arts and Entertainments Board Chair,
14. Athletics Clubs Committee Chair,
15. Graduate Students' Association Chair,
16. Media Group Chair,
17. Overseas Societies Committee Chair,
18. Recreational Clubs Committee Chair,
19. Social Clubs Committee Chair,

18-19. Union Advocate,
20. City and Guilds College Union Academic Affairs Officer (Undergraduate),
21. Imperial College School of Medicine Students' Union Academic Affairs Officer (Years 1, 2 and Graduate Entry Programme),
22. Imperial College School of Medicine Students' Union Academic Affairs Officer (Years 3, 5 and 6),
23. Imperial College School of Medicine Students' Union Academic Affairs Officer (Year 4 and Biomedical Sciences),
24. Royal College of Science Union Academic Affairs Officer (Undergraduate),
25. Graduate Students' Association Academic Affairs Officer (Engineering),
26. Graduate Students' Association Academic Affairs Officer (Physical Sciences),
27. Graduate Students' Association Academic Affairs Officer (Life Sciences),
28. Graduate Students' Association Academic Affairs Officer (Medicine),
29. Graduate Students' Association Academic Affairs Officer (Non-Faculty),
30. City and Guilds College Union Welfare Officer,
31. Imperial College School of Medicine Students' Union Welfare Officer,
32. Royal College of Science Union Welfare Officer,
33. Community Action Group Chair,
34. Equal Opportunities Officer,
35. Rag Chair.
C. ....
D. Job Descriptions for Other Union Officers
2. The Presidents of the Faculty Unions and Constituent and Campus Unions, and the Chairs of the Club and Societies Committees, Graduate Students' Association, Community Action Group and Rag
The Presidents of the Faculty Unions and the Constituent and Campus 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, Constituent of Campus 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 and Silwood Park Chair, be responsible to the Deputy Presidents (Education) and (Welfare) for the academic 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.
3. The Council Chair shall:
i. Chair Council and other relevant Union committees,
ii. Uphold the duties and responsibilities detailed in the Constitution and Regulations,
iii. Be independent and impartial in all proceedings and duties as Council Chair,
iv. Shall not sit as an ordinary member of the Executive Committee, Clubs and Societies Board or Representation and Welfare Board,
v. Act as a Trustee ex-officio, and
vi. Carry out such duties and responsibilities as may, from time to time, be laid down by the Council.
4. The Union Advocate shall:
i. Represent the interests of Full Union Members to the Union Court,
ii. Assist members of the Council and other committees in clarifying any relevant constitutional rule or Union Court decision,
iii. Be independent and impartial,
iv. Refer any appropriate subject matter to the Union Court, including those requiring clarification or any apparent unconstitutional practice,
v. Assist the Union Court when dealing with a case, in bringing to its attention any relevant Union rules, previously decided cases, and the views of Union Officers, and
vi. Carry out such duties and responsibilities as may, from time to time, be laid down by the Council or the Court.

### 4.5. The Equal Opportunities Officer shall:

i. Be responsible to the Deputy President (Welfare)
ii. Be responsible for those issues which specifically relate to Equal Opportunities and organise relevant educational and training events and briefings, and report accordingly,
iii. Co-ordinate activities with members of the Representation Welfare Board with responsibility for issues related to Equal Opportunities,
iv. Sit on appropriate Union Committees,
v. Represent the Union's views on the relevant College Committees,
vi. Assist the President in enforcing the Union's Equal Opportunities Policy, and
vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

## 5-6. The Graduate Students' Association Chair

The Graduate Students' Association Chair shall, in addition to the responsibilities established in paragraph 15 and laid down by the Graduate Students' Association:
i. Be responsible for the effective representation both to the College and within the Union itself of students registered on postgraduate courses,
ii. Be responsible for the effective co-ordination of the Union's services to, and activities for, students registered on postgraduate courses,
iii. Support postgraduate students' involvement in all relevant areas of Union and College activity,
iv. Liaise with Union and College staff as appropriate,
v. Attend the relevant Union Committees,
vi. Represent the Union on external committees as appropriate, and
vii. Report to Union Committees as appropriate.
6.7. The Academic Affairs Officers shall:
i. Be the academic representative to the Union and the College for the students in their Faculty or School,
ii. Co-ordinate the activities of the other representatives in their Faculty or School,
iii. Faithfully represent the views and experiences of the students in their Faculty or School to the following and any other committees, institutions and associations:
a. Representation and Welfare Board
b. Union Council
c. The relevant Studies Committee and Faculty Teaching Committee for undergraduates or the relevant Graduate Schools committees for postgraduates,
iv. Feed back all relevant decisions and information to students in their Faculty or School,
v. Be responsible to the Deputy President (Education) for the academic representation of students in their Faculty or School,
vi. Hold meetings of a committee known as the Academic Officer's Committee twice a term with all Department Representatives for that Faculty or School,
vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee,
viii. Submit termly reports detailing all activity in their capacity as a representative to the Representation and Welfare Board.
7.8. The Welfare Officers shall:
i. Be the welfare representative to the Faculty and the Union for the students in their Faculty or School.
ii. Be responsible for researching sources of information and implementing campaigns relating to areas of interest to the Faculty and the Union that relate to welfare support, and report accordingly,
iii. Be responsible to the Deputy President (Welfare),
iv. Sit on appropriate Union Committees,
v. Represent the Union's views on the relevant College Committees,
vi. Feed back all relevant decisions and information to students in their Faculty or School.
vii. Liaise with Departmental Representatives on welfare issues, and
viii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

## Regulation Five - Composition of Union Committees

## A. The Council

1. The Council shall consist of:

## The Chair of Council

1. Council Chair.

## Sabbatical Officers

2. President,
3. Deputy President (Clubs and Societies),
4. Deputy President (Education),
5. Deputy President (Welfare),
6. Deputy President (Finance and Services),

## Non-sabbatical Officers

7. President of the City and Guilds College Union,
8. President of the Imperial College School of Medicine Students' Union,
9. President of the Royal College of Science Union,
10. Graduate Students' Association Chair,
11. President of the Royal School of Mines Union,
12. President of Silwood Park Union,
13. Arts and Entertainments Board Chair,
14. Athletic Clubs Committee Chair,
15. Media Group Chair,
16. Overseas Societies Committee Chair,
17. Recreational Clubs Committee Chair,
18. Social Clubs Committee Chair,

18-19. Union Advocate,
19-20. Equal Opportunities Officer,
20.21. Community Action Group Chair,
21.22. Rag Chair,
22.23. City and Guilds College Union Academic Affairs Officer (Undergraduate Students)
23-24. One Academic Affairs Officer from the Imperial College School of Medicine Students' Union,
24.25. Royal College of Science Union Academic Affairs Officer (Undergraduate Students),
25-26. Graduate Students' Association Academic Affairs Officer (Engineering),
26.27. Graduate Students' Association Academic Affairs Officer (Physical Sciences),
27.28. Graduate Students' Association Academic Affairs Officer (Life Sciences),
28-29. Graduate Students' Association Academic Affairs Officer (Medicine),
29-30. Graduate Students' Association Academic Affairs Officer (Non-Faculty),
30.31. City and Guilds College Union Welfare Officer,
31.32. Imperial College School of Medicine Students' Union Welfare Officer,
32.33. Royal College of Science Union Welfare Officer,

## Ordinary Members

> 33-34. Fifteen Union Councillors elected proportionately from undergraduate and postgraduate Faculty constituencies,
> 34.35. One Union Councillor elected by non-Faculty Students.

The President shall review the allocation of Councillors annually to ensure that it remains representative of the proportions of students in each constituency.

## Permanent Observers

i. The Felix Editor,
ii. The Court Chair and Deputy Court Chair,
iii. The Union Operations Manager, and
iv. The Honorary Senior Treasurer.

