

Standing Orders Proposals

Van Mildert College Junior Common Room

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1 Introduction

This is the second set of amendments for the Standing Orders this year and since the review last year. This set continues efforts to make the Standing Orders simpler and more usable.

1.1 The Constitution

Currently, the Standing Orders are too inflexible and too difficult to amend. The constitution is split into three documents which have an order of precedence; however, the order of precedence is not taken advantage of and there is an unnecessary spread of information between the documents. Most recent substantive changes to the constitution have been to change roles in the JCR. To allow this to happen more easily in future, it is proposed to allow changes to Committees and Job Descriptions to be made by JCR meetings. JCR meetings are essentially no more than discussion groups with low attendance and generally no decision making; this returns some purpose.

For this to happen, appropriate safeguards must be put in place. It is also proposed to move clauses important to the good governance of the JCR to the Operational or Permanent Standing Orders (which was previously called "Governing Principles"). It is also proposed that limits are put in place as to what Committees and Job Descriptions can contain. Executive Officers have on several occasions proposed changes to the constitution with little or no consultation and without following the constitutional process. It is important that the correct processes are followed to ensure that the JCR is run fairly and transparently.

1.2 The DSO and FACSO

The JCR voted to leave the DSO and to replace Treasurer with a Financial and Commercial Services Officer to facilitate this. FACSO has been agreed on principle and now needs to be implemented formally.

1.3 Future

The Appendices were not updated during last year's overhaul of the Standing Orders. Review of the Appendices is planned in the near future.

The financial clauses of the Standing Orders are ambiguous and outdated. Further review will be needed, especially before independence.

The President and FACSO will work over the next year to establish a charity (likely a CIO) which will formally take over the JCR in August 2020 after the end of the DSO mandated transition year.

2 Amendments

These amendments are intended to be applied in order.

Line by line comparison can be found online at the following links:

P: <https://draftable.com/compare/sNgYfAHCTFXo>

O: <https://draftable.com/compare/KBLVmSkGwLoc>

C: <https://draftable.com/compare/FgMLUpxQSpsk>

Key:

P - Permanent Standing Orders

O - Operational Standing Orders

C - Committees and Job Descriptions

2.1 Constitution Restructuring and Updates

These amendments are to restructure and update the constitution. There are no major changes.

Amendment A

Remove clause P2.3

This clause is from when other parts of the Standing Orders could be suspended. This is no longer possible and so this clause is redundant and implies that suspension is still possible.

Amendment B

To the table in P1.1, add the contents of Table 1.

For clauses P7.1 and P7.2 (respectively) substitute:

“All JCR Officers must be appointed in a fair and transparent process.” and
“All Executive Officers must be elected.”

Rename section O5 “JCR Officers” and amend clause O5.4 to reflect this.

Remove clauses O5.1-O5.3, O5.5, O5.11 and O5.16.

From clause O5.3 (old O5.7) omit “ or Other Official”.

From clause O5.4 (old O5.8) omit “ , Other Official or ordinary committee member” .

After clause P4.1 insert a new clause (new P4.2):

“All JCR Officers are accountable to JCR members.”

Rename section C2 “Non-Executive Elected Officers”.

Rename section C3 “Appointed Officers” .

Remove clause O3.1.

The current definitions introduced in June have turned out to be unfit. These new definitions are clearer and more precise. Placing the definitions in clause 1.1 consolidates them with other definitions. The Sabbatical Bar Steward is specifically excluded as they are an unelected University employee. Positions appointed by interview are now to be determined to in Committees and Job Descriptions to avoid duplication.

Amendment C

After section P6 insert New Section 7 as a new section (new P7).

Remove clauses O2.1, O2.4-2.6, O2.10-2.16.

Move clause P6.6 to after O2.1 (old O2.2) be new clause O2.2.

Move clauses P6.3-6.7 (old P6.3-6.8 excluding P6.6) to after clause O1.13 to be new clauses O1.14-1.18 in a new subsection “Notice” .

In clause O1.17 (old P6.7) for “subsections 6.3-6.6” substitute “clauses 1.14-1.16” .

In clause O1.18 (old P6.8) for “subsections 6.3-6.5” substitute “clauses 1.14-1.16” .

From clause O2.8 (old O2.18) omit

“(in accordance with the Permanent Standing Orders)”.

Remove clause P8.4 (old P7.4) (and its subclause).

Remove clause P6.9 (old P6.15).

Move important election principles to the Permanent Standing Orders and move operational provisions regarding elections and meetings to the Operational Standing Orders.

Amendment D

After clause P8.9 (old P7.10) insert two new subclauses (new P8.9.1 and 8.9.2):

“Candidates for elections for sabbatical positions must be in the final year of their degree.”

“A member may only hold sabbatical office for up to two years in total, in accordance with the Education Act 1994 section 22.”

Codifies existing convention about sabbatical candidates and includes (statutory) term limit.

Amendment E

Move clauses C1.1-1.12 to after section O5 to form a new section (new section O6 “The Executive Committee”).

Remove old clause C1.13.

These provisions are important for the function of the Executive Committee. Clause C1.13 is redundant as Executive Officers are freps ex-officio.

Amendment F

Remove clause O5.7 (old O5.12).

Covered in Permanent Standing Orders.

Amendment G

In clause P5.1 for “Durham University” substitute “the University of Durham”.

In clause P5.1 for “not opted out of” substitute “opted in to”.

JCR policy is to refer to the University by its legal name. Members now opt in rather than opt out.

2.2 Committees and Job Descriptions (Easier Amending)

Amendment H

After clause P2.4 (old P2.5) insert a new clause (new P2.5):

“The Committees and Job Descriptions section must only contain descriptions of JCR committees and roles.”

After subclause P3.4.1 insert a new subclause (new P3.4.2):

“Proposed amendments to the Committees and Job Descriptions section may instead be approved by an ordinary JCR motion.”

This new clause specifies what may be contained in Committees and Job Descriptions. This new subclause allows for easier amendment of JCR roles and committees to allow for flexible evolution of the JCR.

2.3 DSO Referendum and FACSO

These amendments relate to implementing the DSO Referendum result and establishing the role of FACSO.

Amendment I

After clause P1.4 insert a new clause (new P1.5):

“The JCR voted to leave the DSO in February 2019, and so the President and FACSO must work to establish the JCR as an independent charity.”

DSO Referendum result.

Amendment J

Remove clause P8.14 (old P7.15).

Leaving the DSO so President will no longer be University staff.

Amendment K

In clause P6.11 (old P6.18) for “Treasurer” substitute “Financial and Commercial Services Officer (FACSO)”.

Except in clause O4.4, everywhere it appears for “Treasurer” (singular only) substitute “FACSO”.

In clauses P9.4 (old P8.4) and O7.15.2 (old O6.15.2) for “President” substitute “FACSO”.

From clause P6.11 (old P6.18) remove "JCR Services Manager"

In clause C4.34 for "Services Manager" substitute "FACSO".

In clause C4.38 for "Services Manager" substitute "FACSO and Shop Manager".

Remove clause C1.12 (old C1.25).

For clause C1.7 (old C1.20) substitute the new version (below).

After clause C2.7 insert new C2.8 (below).

Treasurer replaced by FACSO in accordance with DSO Referendum result. Some financial roles of President taken over by FACSO; P8.4 is de facto exercised by Treasurer already. Services Manager replaced by FACSO and Shop Manager.

2.4 Meetings

These amendments relate to JCR Meetings.

Amendment L

After clause P6.4 (old P6.10) insert a new subclause (new P6.4.1):

"Honorary Life Members are ignored for the purposes of determining if a Meeting is quorate."

For clause P6.5 (old P6.11) substitute:

"If a JCR Meeting is not quorate, it must not make decisions (for example, vote on motions or elections) except in accordance with the following subclauses."

After clause P6.5 the following new subclauses (new P6.5.1 etc.):

"Procedural motions take effect immediately and do not require the JCR Meeting to be quorate. A procedural motion must only relate to the conduct of the meeting."

"The Chair may allow decisions to be made by an inquorate meeting if they are uncontroversial, they do not permit the use of JCR funds and no member present objects."

"No decisions may be made in a JCR Meeting with fewer than 10 members present or fewer than 5 members who not Executive Officers present."

"No decisions may be made in a JCR Meeting that is not during term-time."

"Decisions made by an inquorate JCR Meeting may be voided by the Executive Committee or Constitutional Committee. This may only happen within 3 days of the decision taking effect."

In clause O1.30 (old O1.25), in list item (g) after "motion" insert "relating to the conduct of the meeting,"

Allow inquorate JCR Meetings to make uncontroversial decisions (and so avoid referenda on uncontroversial issues) with appropriate safeguards. HLMs to be officially ignored for quorum purposes. Clarify procedural motion definition.

Amendment M

At the end of section O1, insert a new subsection "Minutes" with the following clause:

"The minutes of JCR Meetings must (as a minimum) include the following details:"

and the following as a list:

"The date and time of the meeting;"

"The Chair of the meeting;"

"All votes and decisions of the meeting;"

"If the meeting was quorate."

There are currently no requirements set out for minutes leaving the situation ambiguous. Meeting minutes need not be detailed as meetings are now routinely filmed.

Amendment N

After clause P6.5 (old P6.11) insert a new clause (new P6.6):

"Decisions of a JCR Meeting (excluding procedural motions) do not take effect until minutes of the meeting are published."

If a decision is not officially recorded, it is not possible to maintain accountability. If done concisely, the minutes of the meeting should be able to be released very soon after the meeting ends.

2.5 Miscellaneous

Amendment O

After clause P6.12 (old P6.18) insert a new clause (new P6.13):

"The Sabbatical Bar Steward is a non-voting member of the Executive Committee."

The Bar Steward is an unelected University employee.

Amendment P

After clause C1.20 (old C1.34) insert the following new clauses (new C1.21 and C1.22):

"The Chair cannot vote in committees except to give a casting vote in accordance with the following principles:"

"(a) The Chair should vote to enable further discussion or investigation.

"(b) The Chair should vote to maintain the status quo where there is no majority in favour of change."

and

"The Chair does not count for the purposes of committee quorums."

This is currently convention.

Amendment Q

Remove clause C4.35.

Gym Committee is no longer open.

Amendment R

Move clauses C2.1-2.6 to after C3.14 to be new clauses C3.15-3.20.

Formalise that Heads of Ball, Mildert Day and VMCFS are appointed.

Amendment S

In clause O4.1.1 for "Executive" substitute "Unless otherwise stated in the JCR Standing Orders, executive".

Some clubs/societies may wish to interview for their executive.

2.6 Appendices to Amendments

2.6.1 Table 1

Term	Definition
Officer	Any person who holds an official position within the JCR (excluding clubs, societies and the Sabbatical Bar Steward)
Elected Officer	An Officer elected where the electorate was the whole JCR
Appointed Officer	An Officer appointed by interview to a position that is not an ordinary committee member
Ordinary committee member	A member of a committee who is not a member ex-officio
Executive Officer	An Officer who is a member of the Executive Committee
Ballot	An election or referendum

Table 1: New definitions

2.6.2 New Section 7

7. Elections and Referenda

- 7.1. All JCR ballots must be conducted as secret ballots.
- 7.2. All JCR ballots with more than two options must be conducted using the Single Transferable Vote (STV) system.
- 7.3. The quorum for a ballot is 5% of the electorate.
 - 7.3.1. Honorary Life Members are ignored for the purposes of determining if a ballot is quorate.
- 7.4. Adequate notice must be given to JCR members at each stage of the ballot process.
- 7.5. Every ballot must have a Senior and Junior Returning Officer who are responsible for ensuring that procedures are carried out correctly.
- 7.6. The Returning Officers must act impartially and transparently.

- 7.6.1. A candidate must not act as a Returning Officer for the same election.
- 7.7. The voting period for a ballot must be not shorter than 24 hours.
- 7.8. At the end of the voting period, the Returning Officers must promptly announce the results of the ballot.
- 7.9. A person must not cause a change to the results of a ballot by any action other than the casting of a single lawful vote.
 - 7.9.1. Consequentially:
 - (a) A member must not vote more than once in the same ballot.
 - (b) The results of a ballot must not be altered by any JCR Officer or Committee.
- 7.10. A member must not reveal how another member has voted.
- 7.11. To maintain the secrecy of the ballot, a member must not prove to any person how they have voted.
- 7.12. If a Returning Officer has reasonable suspicion that the Standing Orders have been contravened regarding a ballot, then they must refer the matter to Constitutional Committee.
- 7.13. A ballot may be declared invalid if either the Returning Officers or Constitutional Committee conclude that the Standing Orders have been contravened regarding a ballot and that it is in the interests of democracy to rerun the ballot.
- 7.14. If a ballot is declared invalid, then—
 - (a) The result is void.
 - (b) Constitutional Committee must decide whether the whole ballot process must be restarted or whether only the voting itself must be rerun.
 - (c) The Returning Officer must act in accordance with the decision made by Constitutional Committee within a reasonable time frame.

2.6.3 New Clause C1.7

The Financial and Commercial Services Officer

- 1.7. The responsibilities of the FACSO include:
 - (a) To produce the JCR annual budget and financial reports;

- (b) To ensure that accurate accounts are produced for the JCR, including quarterly accounts of spending;
- (c) To ensure that the JCR complies with tax accounting requirements;
- (d) To ensure that JCR property is appropriately insured;
- (e) To ensure that JCR financial records are kept securely and audited as appropriate;
- (f) To ensure that JCR cash is accurately counted and safely stored and deposited;
- (g) To advise the Executive Committee and JCR on financial matters relating to the JCR;
- (h) To frequently meet with the JCR President;
- (i) To head Treasury Committee;
- (j) To correspond with external parties on behalf of JCR Officers regarding purchasing of goods and services for the JCR;
- (k) To ensure that invoices and reimbursements are checked and paid promptly;
- (l) To oversee the prudent investment of JCR funds for the benefit of the JCR;
- (m) To oversee the maintenance of the gym, including ensuring that the Gym Services Contract is reviewed and renewed annually and that the gym complies with required standards;
- (n) To oversee the collection of formal payments;
- (o) To oversee the running of the Shop and related services;
- (p) To ensure the Shop complies with required standards, including NUSSL regulations;
- (q) To hold ultimate responsibility for the actions of Shop Committee.

2.6.4 New Clause C2.8

The Shop Manager

2.8. The responsibilities of the Shop Manager include:

- (a) To head Shop Committee;
- (b) To oversee the day-to-day running of the Shop, under the FACSO;
- (c) To oversee the distribution of stash;
- (d) To oversee the maintenance of College-owned JCR-managed facilities including the snooker room and the JCR room.