

Permanent Standing Orders

Van Mildert College Junior Common Room

June 2019



Introduction

These are the Permanent Standing Orders of Van Mildert College Junior Common Room, approved on 26th June 2019.

This version was revised by the Steering Committee of 2017-18:

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1 Preface

- 1.1. In these Standing Orders the following terms shall be understood with the following meanings:

Term	Definition
JCR	Junior Common Room of Van Mildert College
MCR	Middle Common Room of Van Mildert College
College	Van Mildert College
College Council	College Council of Van Mildert College
DSU	Durham Students' Union
Standing Orders	Collectively the Permanent Standing Orders, the Operational Standing Orders and Committees and Job Descriptions Standing Orders
Framework	The DSO Framework
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

- 1.2. The JCR is a student organisation which is part of the Durham Student Organisation (DSO) and operates within the DSO Framework. The JCR voted to accept the DSO Framework on 3rd March 2011.
- 1.3. In accordance with the DSO Framework, the parent body of the JCR is the College.
- 1.4. Matters on which agreement cannot be reached between the College and the JCR shall be adjudicated by a panel established by agreement of the JCR President and the Head of College for that purpose.

- 1.5. 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.

2 Status of Standing Orders

- 2.1. The JCR must be operated in accordance with the DSO Framework and its Standing Orders. Should there be a conflict between the Framework and the Standing Orders, the requirements of the Framework will take precedence.
- 2.2. Any documents, policies or decisions of the JCR must be subject to the Standing Orders.
- 2.3. The Standing Orders must be reviewed at least once every five years.
- 2.4. Where a conflict exists between sections of the Standing Orders, the order of precedence is as follows:
 - a) Permanent Standing Orders
 - b) Operational Standing Orders
 - c) Committees and Job Descriptions
 - d) Appendices to the Standing Orders
- 2.5. The Committees and Job Descriptions section must only contain descriptions of JCR committees and roles.
- 2.6. Unless explicitly stated otherwise in the Standing Orders, the Appendices to the Standing Orders are advisory only.
- 2.7. The JCR Chair must rule on matters of interpretation.
 - 2.7.1. These rulings must be approved by vote of Constitutional Committee.

3 Amendment of Standing Orders

- 3.1. Any proposed changes to the Standing Orders must be submitted to the JCR Constitutional Committee for its consideration.
 - 3.1.1. Constitutional Committee can give or withhold its approval or suggest amendments but cannot veto any proposed change.
- 3.2. Any proposed amendment to the Permanent Standing Orders must be approved by an Officer of the Executive Committee.
- 3.3. Following consideration by Constitutional Committee, a proposed amendment must be presented to a JCR Meeting for debate.
- 3.4. Proposed amendments to the Standing Orders must finally be approved by referendum in accordance with the procedure set out in the Operational Standing Orders.
 - 3.4.1. If the ballot fails to be quorate, then its decision may stand if it received at least two-thirds of the votes cast.
 - 3.4.2. Proposed amendments to the Committees and Job Descriptions section may instead be approved by an ordinary JCR motion.
- 3.5. Changes to the Appendices to the Standing Orders that represent a change in a policy/procedure may only be made with approval by a JCR motion in accordance with the procedure set out in the Operational Standing Orders.
- 3.6. Changes to the Appendices to the Standing Orders that do not represent a change in policy/procedure, such as the addition of new Honorary Life Member or newly approved societies, may be made by the JCR President.
- 3.7. No amendment to Standing Orders may result in the invalidation of a JCR decision which was reached in accordance with the Standing Orders in effect at the time the decision was made unless explicitly stated.

4 Purpose of the JCR

4.1. The purpose of the JCR is:

- (a) to contribute to the education of its members;
- (b) to provide opportunities for participation in intellectual, cultural and social activities;
- (c) to support the welfare of its members;
- (d) to provide, in co-operation with the College, facilities, services and opportunities for recreation (including the maintenance of a Common Room);
- (e) to act as a channel of communication between its members and the College and other bodies of the University;
- (f) to represent its members in matters relating to the government and welfare of the College;
- (g) to provide opportunities for its members to develop leadership, organisational and other skills;
- (h) to be accountable and transparent to its members;
- (i) to use its resources fairly and effectively for the benefit of its members.

4.2. All JCR Officers are accountable to JCR members.

4.3. No member of the JCR may support any activities which could bring into disrepute the JCR, the College or the University.

4.4. The JCR is opposed to, and will take steps to combat, all forms of unfair discrimination on the grounds of age, appearance, caring responsibilities, caste, class, educational background or current educational status, gender, health status, marital or family status, nationality, political beliefs, religion, immigration status, race/ethnicity, sexuality, irrelevant criminal conviction, physical or mental ability or trade union activity.

5 Membership

- 5.1. The following people are full members of the JCR:
 - (a) All undergraduate students of the University of Durham who are registered as members of Van Mildert College and have opted in to JCR membership.
 - (b) Sabbatical officers of the JCR.
 - (c) Any sabbatical officer of a student organisation recognised by the University who was within the twelve months before their appointment as sabbatical officer a member of the JCR.
 - (d) Any member of the MCR who has opted-in to the JCR.
- 5.2. There are also Honorary Life Members appointed by the awarding panel.
 - 5.2.1. Honorary Life Members are not permitted to be officers of the JCR.
- 5.3. All members of the JCR, other than Honorary Life Members and sabbatical officers of the JCR, are required to pay a levy. This levy shall be collected in the first term of that member's first year of study. Persons who have not paid the levy shall be considered to have opted out of JCR membership.
- 5.4. Any member may opt out of JCR membership at any time by providing a signed statement to that effect to the JCR President.
- 5.5. A person who has opted out of JCR membership may opt in to JCR membership by providing a signed statement to that effect to the JCR President and paying the JCR levy if they have not previously done so.
- 5.6. Only JCR members are entitled to vote on decisions of or to be an officer of the JCR (or any club or society affiliated to it).

6 Business

- 6.1. Decisions of the JCR must normally be made at a JCR meeting at which all members of the JCR are entitled to attend.
- 6.2. The JCR Chair must ensure that there are at least two ordinary meeting of the JCR per academic term.
- 6.3. All members are invited to attend meetings of the JCR and all have an equal right to vote and to speak on any matter. The Operational Standing Orders set out the procedures by which business is considered at JCR meetings.
- 6.4. A meeting of the JCR shall be considered quorate if 7% of the members are present.
- 6.5. 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.
 - 6.5.1. 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.
 - 6.5.2. 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.
 - 6.5.3. 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.
 - 6.5.4. No decisions may be made in a JCR Meeting that is not during term-time.
 - 6.5.5. 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.
- 6.6. Decisions of a JCR Meeting (excluding procedural motions) do not take effect until minutes of the meeting are published.
- 6.7. Unless otherwise stipulated by the Standing Orders, decisions must be made by simple majority vote.
- 6.8. Any motion, normal or financial, may be referred to the Executive Committee or Treasury Committee respectively for a ruling if a decision is required before the next quorate JCR meeting.
 - 6.8.1. If passed, the motion must be debated at the next JCR meeting.
- 6.9. All policy passed by the JCR must be renewed annually in a JCR meeting and must be incorporated into Appendix I of the Standing Orders.

- 6.10. In the event of a referendum failing to be quorate, the decision shall be invalid unless a provision in the Standing Orders states otherwise.
- 6.11. The JCR has an Executive Committee which is collectively responsible to the JCR for:
- (a) Administering the JCR during the periods between JCR Meetings. This will include making decisions on behalf of the JCR on routine or non-contentious matters.
 - (b) Making decisions for which the deadline does not allow consideration at a JCR meeting.
 - (c) Representing the JCR to the College and wider University community.
 - (d) Ensuring the proper conduct of JCR Officers and committees.
 - (e) Ensuring that the JCR is maintained in a sound financial position and that appropriate financial records are being maintained.
 - (f) Managing the business of the JCR meeting.
- 6.12. The Executive Committee consists on the following members:
- (a) JCR President
 - (b) JCR Vice-President (Development)
 - (c) JCR Vice-President (Welfare)
 - (d) JCR Financial and Commercial Services Officer (FACSO)
 - (e) JCR Communications Officer
 - (f) JCR Events Officer
 - (g) JCR Senior DSU Representative
 - (h) JCR Senior Freshers' Representative
 - (i) JCR Sports and Societies Officer
 - (j) JCR Outreach Officer
 - (k) JCR Chair
 - (l) Sabbatical Bar Steward
- 6.13. The Sabbatical Bar Steward is a non-voting member of the Executive Committee.
- 6.14. The Executive Committee, whenever possible, will be chaired by the JCR Chair
- 6.14.1. When not possible the order of precedence for chairing Executive Committee is as follows:
- (a) The JCR Vice-Chair

- (b) The JCR President
- (c) The JCR Vice-President (Development)
- (d) The JCR Vice-President (Welfare)
- (e) The Communications Officer
- (f) Any other member of the Executive Committee

- 6.15. The Executive Committee must submit reports on its actions to JCR meetings as appropriate.
- 6.16. The JCR may delegate responsibilities to committees and officers as set out in Operational Standing Orders.
- 6.17. Without prejudice to any indemnity to which any Executive Officer may otherwise be entitled, every Executive member or other officer of the student body shall be indemnified, out of the assets of the student body, against any liability incurred by them in defending any proceedings, whether civil or criminal, in which judgment is given in their favour or in which they are acquitted, or in connection with any application in which relief is granted to them by the court from liability for negligence, default, breach of duty, or breach of trust in relation to the affairs of the students.
- 6.18. The JCR must not censor the speech, writing or other works of its members unless they are grossly offensive, misleading disclosing confidential information, defamatory, illegal, or otherwise likely to result in legal action being against the JCR, except where this is a disclosure of information showing that wrongdoing has been committed, or where the speech is commercial in nature.

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.
- 7.4. 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 timeframe.

8 Appointment and Removal of JCR Officers

- 8.1. All JCR Officers must be appointed in a fair and transparent process.
- 8.2. All Executive Officers must be elected.
- 8.3. In all elections “Re-open Nominations” (RON) must be included as an option.
- 8.4. Members of JCR Committees shall hold office until the end of the academic year in which they are appointed, or for a period as determined by the Committees and Job Description Standing Order.
- 8.5. Any non-sabbatical Officer of the JCR may stand down from their role by writing to the Executive Committee. The Executive Committee must report this to the next JCR meeting.
- 8.6. Should a JCR Officer be considered to have fallen short of fulfilment of the duties assigned to them, a quorate JCR meeting may agree a formal warning against that officer.
- 8.7. Should a JCR Officer continue to fall short of fulfilment of the duties assigned to them following a formal warning, or if the actions of an officer are considered to be serious misconduct, a motion of no confidence must be debated at a JCR meeting and then put to a referendum.
 - 8.7.1. If a motion of no confidence is agreed, the officer shall immediately cease to hold their office.
 - 8.7.2. The Executive Committee may suspend the officer from carrying out their duties until the referendum has been voted on.
- 8.8. Any vacancy which arises must be filled at the earliest opportunity by an election conducted in the manner normal for that post. The vacancy shall be filled for the remainder of the original term of office.
 - 8.8.1. Any officer appointed in this manner shall be eligible to stand for re-election for a full term of office at the normal time should they continue to meet any conditions for election to that role.
- 8.9. The following special conditions apply to the appointment of sabbatical officers of the JCR:
 - 8.9.1. Candidates for elections for sabbatical positions must be in the final year of their degree.
 - 8.9.2. A member may only hold sabbatical office for up to two years in total, in accordance with the Education Act 1994 section 22.

- 8.9.3. Sabbatical officers may resign from their post by giving written notice of one term to the Executive Committee and the Director of HR of the University.
- 8.9.4. If a sabbatical officer is accused of committing a serious offence that falls within the University's definition of gross misconduct (as set out in the University's Disciplinary Regulation) the JCR Executive will consider a motion of no confidence.
- 8.9.5. In the event of a motion of no confidence in a sabbatical officer, a panel will be convened to consider the case for dismissal from office. The membership of the panel shall be agreed by the members of the JCR Executive Committee in consultation with the Director of HR (or their deputy) of the University.
- 8.9.6. Should a sabbatical officer be dismissed from Office they have the right of appeal. The appeal process will be determined by the JCR Executive in consultation with the HR Director of the University (or their deputy).
- 8.9.7. Where there is a vacancy for a sabbatical officer, it shall be filled for the remainder of the term of office by a non-sabbatical officer elected in the normal manner. An individual appointed in these circumstances shall be eligible to stand for re-election for a full term of office.
- 8.10. Following informal discussions, if a member considers that there has been misconduct by the JCR President the matter should be discussed with the JCR Chair who must consult with the JCR Executive Committee (other than the President).
- 8.11. Where more than one member of the JCR Executive Committee (excluding the Chair) considers that there may be a case of misconduct by the JCR President, the matter must be discussed with the Head of College.
- 8.12. Following discussion with the Head of College (and where necessary with the Director of HR of the University), if the JCR Executive Committee consider that there has been misconduct, but that misconduct falls short of gross misconduct as defined by the University Regulations, the Executive Committee must implement an appropriate remedy (that complies with the Standing Orders) and report this to the JCR. This may include a vote of no confidence in the President.
- 8.13. Following discussion with the Head of College and the Director of HR, if the JCR Executive Committee consider that there has been gross misconduct as defined by the University Regulations, the JCR must have a vote of no confidence in the President.

9 JCR Finances

- 9.1. The JCR President has overall responsibility for the JCR's finances and for ensuring that the JCR remains in a sound financial position.
- 9.2. The JCR FACSO is responsible to the JCR President for the financial transactions of the JCR and must advise the JCR President and the Executive Committee on financial matters.
- 9.3. The JCR FACSO is responsible for the preparation of the JCR budget and accounts and for liaising with the Colleges Accounts Team and the Head of College as appropriate.
- 9.4. Other JCR officers may be delegated specific financial responsibilities. Their work will be overseen by the FACSO.
- 9.5. The JCR Treasury Committee has the power to intervene in the running of a JCR Committee or Society account if they are making a financial loss or if there is reasonable suspicion of misuse of funds.
- 9.6. The JCR Financial Auditing Committee must have access to all financial documents of the JCR.

10 Resolution of Issues

- 10.1. Members of the JCR should attempt to resolve issues by informal discussion before following the formal procedures for resolution of issues.
- 10.2. Any matter which may represent a criminal act must be reported by the JCR President or JCR Chair to the Head of College who shall liaise with the Registrar.

Appealing a Decision of the JCR

- 10.3. If a member of the JCR wishes to appeal against a decision of the JCR (or one of its committees or officers) they may do so by writing to the JCR Chair to request the decision be considered at a JCR meeting.
- 10.4. If, following consideration by the JCR, a member considers that the final decision of the JCR unfairly disadvantages a member or group of members they may raise the matter in writing with the Head of the College, who shall take reasonable steps to resolve the matter. Should this not prove possible, the matter will be referred to the College Council for final resolution.

Alleged Misconduct by a JCR Member

- 10.5. If a member considers that there has been misconduct by a member or members of the JCR (while participating in JCR activities), the matter should be discussed with either the JCR President or the JCR Chair. The JCR President or Chair may consult with the Executive Committee if this is considered by the JCR President or Chair to be an appropriate course of action.
- 10.6. Where the JCR President or JCR Chair determines that a breach of the JCR Standing Orders or policy has occurred, they must implement an appropriate remedy (that complies with the Standing Orders), consulting with Constitutional Committee and, where appropriate, Executive Committee.
- 10.7. Where the JCR President or JCR Chair consider that the misconduct may represent a breach of College or University Regulations, the matter must be raised in writing with the Head of College who shall take appropriate action.