

Imperial College Union

PHASE I CONSTITUTIONAL CHANGES: COLLEGE AMENDMENTS

A note by John Collins, IC Union President

I met with Tony Mitcheson (College Secretary) and Jon Hancock (Head of the Secretariat) last Friday to discuss the ICU Governance Review's proposals that, if passed by IC Union Council, would be proposed to the Imperial College Council on November 24th. Although this meeting focussed largely on the phase I proposals that are being discussed during this Council Meeting, we also explored how phase II proposals (concerning the Union's legal position and the composition of Union Council) would be presented.

General Impression

The College Secretary is, by in large, supportive of all of the phase I proposals that are being presented to today's council meeting. He raised a few minor concerns, which are summarised below, and has advised that the faculty union proposal should be "parked" until it can be discussed in more detail with the Chairman.

The legal identity discussion

The College Secretary kindly offered to arrange a meeting between the Chairman, Rector, College Secretary and myself to discuss future options concerning the legal status of ICU and its relationship with the College. This meeting will hopefully take place before Christmas and I will report the results of this discussion to Council.

The Faculty Union Question

Due to the controversial nature of this amendment, the College Secretary has advised ICU to table all amendments to references to Faculty Unions in a separate paper. He also advised us to discuss this matter with the Rector and Chairman before presenting this proposal to the College Council.

Definition of sovereignty of the Court and Council

The College Secretary was concerned that the following two paragraphs in the proposed Constitution, which define the sovereignty of the Court and Council, were not consistent enough and may lead to confusion. They advise that ICU re-words these sections to clarify the dividing line between the Council and the Court.

Constitution: Paragraph 6

"The Council shall be the sovereign and governing body of the Union and shall exercise all the powers of the Union, except those

relating to interpretation and resolution of disputes in individual elections or referenda.”

Constitution: Paragraph 11

“The Court shall exercise sovereign power over the interpretation of this Constitution, its Regulations and any policy, rule, act or omission made under it; the Court shall also exercise sovereign power over the resolution of any dispute in individual elections or referenda.”

Therefore, it is proposed that the following underlined section should be inserted to paragraph 6:

“The Council shall be the sovereign and governing body of the Union and shall exercise all the powers of the Union, except those relating to the interpretation of this Constitution, its Regulations and any policy, rule, act of omission made under it and the interpretation and resolution of disputes in individual elections or referenda.”

Rector’s Appeal

The appeal mechanism to the Rector in Regulation 7 should be simplified as it has become evident that this section was too prescriptive for the authority of this document (i.e. we have no right to tell the Rector how he should conduct his appeal). It was also agreed that an appeal to the Rector should only come from the ICU President, acting as the head of the organisation, rather than from other Sabbatical Officers.

Further to the College’s proposed amendments, some governance committee members felt that the appeal mechanism that would allow the Rector to mandate a Sabbatical Officer to do something should be removed and that where the Rector could over-rule the Council or Court, then he should only be allowed to do so if the said committee has behaved unconstitutionally.

Regulation 7: Paragraphs 69 and 70

“69. An appeal may be made within two weeks of the conclusion of any internal appeal process by and with the consent of a Sabbatical Officer the Union President to the Rector of Imperial College if, and only if, the Court:

- 1. Makes a final or interim order formally quashing or suspending for unconstitutionality any decision of the Council, or the Executive Committee when acting on the Council’s behalf under section 10.7 of the constitution, or***
- 2. ~~Mandating or prohibiting a Sabbatical Officer, or quashing or suspending their decision.~~ Grants leave to do so.***

70. The Rector's appellate jurisdiction shall be subject to the following rules:

- 1. No appeal shall lie against a decision by the Court not to make a relevant order as set out in 69.1, and**
- 2. ~~The final decision shall not be delegated to any other person employed by the College or to any registered student,~~**
- 3. ~~The Rector shall be provided with the original determination and other relevant documentation of the Court,~~**
- 4. ~~The Rector may conduct any hearing he wishes, or decide on the papers and written submissions,~~**
- 5. ~~The Rector may replace the whole or any part of the determination, and~~**
- 6. A decision having the effect of changing the determination must be reasoned."**

All of these amendments have been incorporated into the proposed ICU Constitution that is being presented to this meeting.

Other Amendments

It was agreed that the Imperial College Council should approve any amendments to the ICU Constitution (but not all regulations):

Constitution: paragraph 20.1

"This Constitution may be amended by resolution of the Council, passed by a two-thirds majority at two successive meetings, not less than fifteen and not more than forty College days apart, with the approval of the Imperial College Council."

The circumstances under which it would be acceptable to discuss personal traits of a candidate standing for election in the "Campaigning on the Record" section of Regulation 2 should be clarified as follows:

Regulation 3: paragraph 49.3

"No reference may be made to any personal trait of character, except in so far as it is clearly implicit in demonstrated by other statements or conduct."

Finally, it is proposed that the phrase **(except the Disciplinary Policy)** should be inserted into paragraph 6.6 of the Union Constitution to prevent the disciplinary policy from lapsing regularly.

JC 11/11/06