

Imperial College Union

TRUSTEE BOARD GOVERNANCE REFORM

Court Chair debate

Introduction

1. Throughout the development of the Trustee Board, a remarkable level of consensus has emerged on the need for and role of this body. With the exception of a debate around the future of the Executive Committee and MPG relationship, most focus groups and committees have fully endorsed the Trustee Board proposal.
2. However, at every stage of debate, there has been a disagreement about whether or not the Court Chair should be able to vote on the Trustee Board. Everybody is in agreement that he or she should attend these meetings as a permanent observer, but the allocation of a vote has generated fierce debate.
3. To this end exponents of both sides of the argument have prepared a summary of the perceived advantages and disadvantages of allocating a vote to the Court Chair.

Why the Court Chair should be allowed to vote

4. The Court Chair is the Union's 'rules expert' – independent expertise of this nature is essential on a Trustee Board, particularly with the complex governance arrangements at ICU, to help avoid it making unconstitutional decisions;
5. The new governance arrangement puts the Council, Executive Committee and Court on a 'co-equal' footing (though with the Council as the 'senior' policy-making body and the Court in a 'junior' occasional role); not having the Court Chair upon the Trustee Board demotes the Court's status from an already 'junior' position – which harms its ability independently to assert itself;
6. "I'm the Trustee": there has been difficulty in the past with senior officers claiming that 'Trustee' status exempts them from oversight of others who are not Trustees; whatever the reality of this assertion there may come a time when a new student Court Chair/panel is faced with a President or close colleague citing his Trustee status and ignoring the dictates of the Court; the Court Chair's status as a Trustee (even if the panel doesn't include him or her that time) reduces significantly the prospect of a such a battle;
7. A future Court Chair may not be an ex-sabbatical, let alone an ex-President, and may have a limited knowledge of how the Union works in practice; this may potentially result in highly impractical or dangerous rulings borne from inexperience; membership of a politically neutral 'helicopter-view' Trustee Board, with the commensurate training, should alleviate the risk;
8. 'Appeals' to the Trustee Board can come from any of the three paramount committees – indeed they are only restricted when coming through the Court; it is difficult to conceive of any disciplinary process worthy of the Trustee Board's attention that would not have gone through the President and Council (re censure/no confidence) – if anything the Court Chair is the one least likely to have been involved; Appeals from the Court already exclude all *ex officio* Trustees, and really ought to be rare; the presence of 'appeals' from

decisions of the Council or Executive Committee on matters of operations or policy would presumably be treated as an argument *for* the President and Council Chair to be present and voting, not against;

9. The Court and thus the Court Chair are outside the 'political' structures of the Union – this obvious fact would only preclude the Court Chair's membership of the Trustee Board if the Trustee Board were to be one of the 'political' structures; this contradicts the currently understood purpose of the Trustee Board; both should be apolitical;
10. The presence of the Court Chair, supplementing the Council Chair, enhances the role and view of the Trustee Board as detached from the normal political processes and reinforces its 'light touch' approach;
11. Non-political discipline, elections and media are now dealt with by the Court to the exclusion of the other committee and President/Council Chair do not line manage these matters; the proper conduit for these matters to the sovereign body would be via the Court Chair alone – if the Court's independence is to be meaningful;

Why the Court Chair should not be allowed to vote

12. The Court and Court Chair should be outside all the political processes of the Union – since the Trustee Board could become political the Court Chair shouldn't sit on it;
13. The Court may get involved in a disciplinary process which ends with an appeal to the Trustee Board, thus its representative shouldn't sit on it;
14. A Court Chair may not have the time to devote to Court and Trustee Board business together, particularly if required to sit in many hearings or if the Trustee Board becomes busy;
15. The Court is a reactive committee, not a pro-active one and only needs to get involved in governance matters when things go wrong;
16. The Council chair leads Council, which is inherently a policy making body. Where a vote may be tied in Council the Council Chair would have the casting vote. This role is very different to the Court Chair, whose role must be outside the policy functions of the Union;
17. Deputy Presidents will not be Trustees but will still be able to contribute fully to any debate held by the Trustee Board;
18. The probability of a President becoming an uncontrollable dictator will not depend ultimately on whether or not the Court Chair has a vote on the Trustee Board;
19. Expertise on rules and, indeed, any other matter governance will be sought Trustees from various experts, including the Court Chair, regardless of whether or not they hold a vote on the Trustee Board.

Decision required

For Council to finally draw this discussion to a close and decide (by a two thirds majority) whether or not the Court Chair should be granted a vote.

JC & HC 14/05/07