

ICU Court orders and recommendations necessitating follow-up

A note by the Court Chair

The Union Court occasionally makes orders and recommendations which go further than dealing with the individual case and mandate, directly or indirectly, senior Union Officers or staff to take action to alter policies, change management systems or some other function in order to comply with the constitution, regulations or policies.

The recent set of cases has drawn attention to the necessity for some kind of follow-up system to ensure the lessons of cases are not forgotten, and constitutional propriety is maintained by ensuring Union Court decisions are actually followed up.

It is proposed that a system is put in place for the Trustee Board to review progress both with compliance with the orders and considering recommendations. It is also proposed that where any policy is interpreted or quashed, this is endorsed on the public copy of policy so Union members are aware of the impact of the ruling.

To start with, the decisions of the Union Court in the last couple of years where an order or recommendation has been made which effectively requests follow-up by the Sabbatical Officers or senior staff have been included below. The non-bold numbers refer to the original numbering in each original decision. The bold numbers list all the orders and recommendations in succession.

ICU Trustee Board resolves:

Implementation of Union Court decisions

1. Any Union Court order or recommendation which requires or suggests a change of rules, management systems or procedures which goes beyond the individual case should be notified to the Trustee Board.
2. A notified decision shall be the subject of a report by the President at the subsequent meeting of the Trustee Board. In the case of an order the President shall report on progress with implementation, and in the case of a recommendation the President shall report on whether the recommendation was accepted and why.
3. A decision to quash a Union Policy or part thereof, or interpretation of the same, shall be endorsed upon the copy of the policy which the President maintains under section 19.5 of the constitution, including the version on the Union's list of policies website page.
4. This procedure is separate from the Union Court's own compliance powers.

Driving ban appeal (No. 09/05)

Recommendation

1. 1. The Union's written policy regarding the assessment of minibus drivers with existing penalty points and / or accidents cannot be found, though one of our members was present when it was passed. It is recommended that it be formally included within the Transport Policy.

Withdrawals of election candidates and electronic “ballot boxes” (No. 10/01)

Recommendation

2. 2. Consideration should be giving to making it more difficult for people using the Union’s online voting website to inadvertently enter elections as candidates.

Sabbaticals as candidates (11/01)

Orders

3. 1. It is declared that those holding sabbatical office are entitled to stand as a candidate for any post in the Union which they would be eligible to hold in the period following sabbatical office.
2. The President is mandated to ensure the electronic elections system caters for this ruling.

Recommendations

4. 1. Consideration should be giving to making it more difficult for people using the Union’s online voting website to inadvertently enter elections as candidates.
5. 2. The current view in the Union, as possibly enforced by the electronic elections system, that students are prohibited from standing for a faculty or department to which they may be transferring but are not currently members of, is now highly doubtful. It would assist for the Union Court to clarify the matter early in the new academic year before the election season begins.

Summer Elections complaint (No. 11/04)

Orders

6. 3. It is declared that the identity of a candidate’s seconders in all Union elections is not only public but should be immediately available without request.
4. In enforcing order 3, the President is mandated to ensure the electronic elections system shows directly or by a link the list of seconders for all candidates in Union elections.
7. 5. Use of the Facebook account “RON Imperial” for administering Union elections should cease.

Awards Policy and Regulation 6 (Meeting Standings Order) (No. 11/05)

Order

8. 9. The final section of the Awards Policy stating “This Policy may only be amended by a two thirds majority resolution of the Council” is declared to be unconstitutional and quashed.

Recommendation

9. 1. Consideration should be given to amending Regulation 6 to provide for restrictions on self-nomination and presence during deliberations in an appropriate and fair manner.