Rules Revision Weekend
27 - 28 November 2017

37 OU Students met at Kents Hill over the weekend of 27 - 28 November 2017 to talk about all things Students Association and how we can improve the way things are run in the future. The Association gets to update its Constitution only once every 4 years and this weekend was the time to have those discussions before the motions are put to Conference for a decision in June 2018. The Constitution and Bye-Laws are the documents that define who we are, what we do and how we do it and the OU Students in attendance were not afraid about putting their views forward about changes that could be made!

Attendees were split onto five tables and moved around for each of the three sessions during the weekend. Over the sessions many topics were put to the students in the room that covered a wide range of topics about our Board of Trustees and Central Executive Committee with a wide range of views and opinions heard. Everyone got to have their say!

The attendees at the weekend do not make the decisions but their discussions will help form a set of proposals that will go to Conference delegates in 2018 to make the overall votes for any changes to the constitution.

This is the summary of the discussions and views had over the weekend:

To view more views and suggestions of changes to the Constitution visit the Forums - https://learn1.open.ac.uk/mod/forumng/view.php?id=17971
Should the President be the Chair of the Board of Trustees (BoT)

With the move to a paid President there is the anomalous position that the President, as Chair of the Board manages the General Manager as an employer while at the same time is an employee responsible to the Board for employee related issues. The Board of Trustees feels it would be better if another Trustee were to be Chair to remove any potential conflicts of interests.

One table felt that the Chair should not be President and that it should be an unpaid Trustee that is decided by the Board.

An alternative view was that the President should remain as Chair although there were concerns regarding potential conflicts of interest.

A table had a split opinion, they felt the final decision should rest with the Board.

"The Chair should be appointed from the external Trustees to avoid conflicts of interest. The Vice-chair should be Vice President Admin or another External Trustee"  

Another suggestion was that the Chair should be an external member due to the possible conflicts of interest with the President in the position. They thought that the Vice-Chair could be either another external Trustee, the President or an unpaid Central Executive Committee Trustee.

Size and Composition of the Board of Trustees (BoT)

The Board currently consists of ten members – three elected officers, five elected students and two external Trustees.

"Increase to 12 Trustees by including one extra external Trustee and one non-Officer member of the Central Executive Committee (CEC)"

A table thought that one more external Trustee would be beneficial to increase the size of the Board to 11.

Another suggestion was to increase to 12 - keeping the three ex officio places, increasing to three external positions and four students elected by one member one vote (OMOV) at Conference and implementing additional CEC members elected by the CEC.

"Increase to 12 by adding another external Trustee and one more student Trustee"

"Increase to 12 with one x external Trustee and either one x student or non-Officer Central Executive Committee Trustee"

Selection of the Board of Trustees

Currently apart from the External Trustees, all Trustees are elected by the Student body under one member one vote (OMOV). Given the importance of Trustees and increasing scrutiny by regulatory bodies is there a case for making student Trustee posts appointments rather than elected? Or if elected that specific nomination criteria are brought in to ensure candidates have the required skills or the ability to learn them?

There was no full consensus on the first table; the split of opinion went from all student Trustees being elected and an idea that four be elected and two appointed. They also considered the idea of overlapping terms to have some continuity with the Board of Trustees at any one time.

"There should be an election that creates a short list of candidates with appointment / further selection from that – by Conference (?)."  

This table also felt that there should be a non-Trustee member of the Central Executive Committee on the interview panel for external Trustees.

Another table felt some form of overlap of the student Trustees would be desirable. There was a lot of feedback to suggest some form of training (online and/or face to face) for candidates. There was a split as to whether this should be compulsory or optional. However, the table as a whole felt election was the best approach.

A few tables emphasised the need for candidates to understand the importance of the role and the need for training.
In general a table agreed to extend the total time able to serve on Board to eight years for all.

There was also an idea floated that to ensure continuity that an overlap of elections take place so that half the Board only should step down at any one time.

A table were happy with the current position of maximum four years.

Another table had the majority agreeing to remove current limits in line with external Trustees.

Quorum

Based on the earlier discussion of possibly adding a fourth Central Executive Committee (CEC) member onto the Board of Trustees, a table agreed that four to be quorum is adequate although out of that four at least two must be CEC members.

A table felt that the existing requirement was adequate but suggested adding another elected student Trustee and an external Trustee that would be required to be present for quorum as well as the two existing CEC Officers.

Another suggestion was based on increasing the BoT to 12 members and was that quorum should be 50% of the BoT (six in total) which must include one CEC Officer and one CEC ex-officio Trustee (President, Deputy President or VP Administration). It was felt that this would prevent the CEC from making decisions in the absence of other Trustees.

A final suggestion was that quorum should be increased to four Trustees which should include one CEC Trustee, one x external Trustee and two x student elected Trustees to be present.

Other Workshop One comments

"It is not the duty of the Board of Trustees to review the decisions of the Central Executive Committee except on legal/financial grounds, so I question the need for additional CEC members on the Board?"

There was strong support for training for Trustees to ensure they understand the role and the commitment it entails before they start in post. This could be extended to Central Executive Committee roles to so they both fully understand the roles and responsibilities of each and how they work together.

"Should more the rules regarding Trustees be moved from Constitution to Bye Laws to allow for more flexibility in changing them?"

"Election material should contain criteria/information that the candidate has to read and tick that they have read it before being able to process with their nomination"

"Elections can be less biased than appointment"
The Vote...

- Majority voted in favour for the Chair of the Board of Trustees not to be the President.
- Majority voted in favour of the Board of Trustees to be increased to 12.
- Majority voted in favour of one of those extra members to be external. There was then a split between whether the second should be an elected student or a fourth member of the Central Executive Committee.
- Undetermined vote on whether there should be an elected/appointed or a mixed model.
- A high number of attendees voted on BoT terms to be increased to eight years.
- Majority voted for Semester change.

Workshop Two - The Central Executive Committee

Composition of the Central Executive Committee (CEC)

Currently the Constitution defines the Central Executive Committee in very broad terms:

Elected Officers – between six and ten with a specific Officer Team;
Elected Reps for Regions and Nations and / or Faculties;
The Student Member of Council

Is there a case for a more definitive description or is a broad one further defined within the bye laws preferable?

Should there be a formal differentiation between the Officer Team and other Central Executive Committee members?

One table had difficulty in reaching a consensus.

Another felt the current size and composition of the Central Executive Committee was about right but that there should be no separate Officer team – i.e. a unitary CEC without the hierarchy.

A table agreed that they preferred a unitary Central Executive Committee of broadly similar size to now (although doubts were expressed about whether or not separate CEC members for the Open Programme and Republic of Ireland were needed). It was not clear whether students from Ireland would be best represented by the European Representative or alongside Northern Ireland.

One table was unable to reach a consensus regarding the separate Officer Team vs Unitary Central Executive Committee question.

Another view had a slightly different approach which was in the first instance to make students more aware as to what the CEC was and who it was made it up. It was felt by some that the names / titles were sometimes confusing.
At the CEC in April 2012 a decision was taken to reduce the Central Executive Committee in size by cutting the number of non-officer members by five and officer members by one to leave a CEC of 20 members – due to resignations the actual Central Executive Committee size was nearer 15-17 from 2012 through 2016. The current CEC has 23 posts and has had only one-three vacancies at any one time.

Should the CEC size be defined between upper and lower limits and what should they be?

One table thought that a slight reduction in size would be in order but they also expressed concerns that too small a Central Executive Committee might reduce capacity of other members.

"Clearer role descriptions would be helpful"

A view was that small strategic sub groups could be set up by Officers to include volunteers outside the Central Executive Committee for short term projects to help elevate CEC workload and include other students.

A table spent a lot of time discussing a new CEC composition and decided on five Area Association Representatives (AARs) (having only one single Ireland AAR and reducing the number of England AARs to one), four Faculty Association Representatives (FARs) (no Open FAR) and seven-eight Officers (removing the Vice President Communications role to integrate communications in all CEC roles). They also questioned the need for a Deputy President.

A table was undecided about the need to implement a quick decision making body.

"Any smaller body within the Central Executive Committee would need clear definition and also limits as to its powers. Rather than a smaller decision making body more effort is needed to encourage participation by all CEC members in the process. Time limits for consultation should be set with decisions made on the basis of responses received within those"

The table continued by looking at the size and composition and felt Ireland should be represented by the CEC member for Northern Ireland (a single all Ireland member) or within the remit of the European member. They thought that all English Area Association Representatives could potentially be removed as that role could be covered by the Community Champions. They agreed that Reps for Scotland and Wales were needed.

A lower limit of 12 CEC members was suggested but there were concerns that that might not represent everybody (this number would imply no Faculty Association Representatives, just Officers and the National / European Area Association Representatives).

The role of Communications caused split opinion. Some feeling that role could be split between all CEC members rather than having a dedicated position, others thinking that a Vice President Communications is important in dealing with our communications plan strategically.

"The workload of individual volunteers needs to be considered when looking at remits. If we condense any roles this will impact on the already high levels of workload of others"
Relationship between the Officer posts and the office structure

Most Officers work closely with a specific Head of Department although there is a fair level of overlap with others - both department heads and more junior staff. We are currently in the middle of a review of all CEC remits and are looking at how the CEC members align with the Office structure. Should Officer remits align more closely with the Office? What areas of the Office need a specific Officer?

There was a strong view expressed as to the advantages for a named contact in the office for each officer and what provisions need be made to cover absences.

Over the question of the staff Volunteering Team not having a named officer on the Central Executive Committee, there were a few suggestions that the Deputy President’s remit could be expanded to include volunteers. Another was that volunteers were considered part of the Community remit.

"The office should support the volunteer roles, rather than the officer roles being made to fit with the office structure"

Other Workshop 2 comments

"Only one England Area Representative is necessary. Other Nation Area Reps have to deal with their Nation’s policy differences. The England Reps don’t have to do that in their roles so why is there a need for three? Community champions cover this role now”.

"Officers should limit their workload to strategic matters within their remit and leave operational matters to the office. Sub committees headed by Officers should be implemented and again not restricted to just Central Executive Committee members”.

In response to an idea for an existing Officer from one of the Celtic Nations / Europe, taking on that representative role for the nation in their remit was that they should be wary as his will increase workload substantially.

In a similar vein a view was expressed that more work outside specific remits could be delegated outside the Central Executive Committee.

"We should look at what is not covered in the existing remits as well as what is when drawing up new role descriptions".

"The Area and Faculty Association Representatives have smaller workloads so may appeal more to some students still wanting a say on the CEC. They give the stepping stone to other bigger remits"
Salaries for elected representatives

Currently, the President is a full time role on 37 hours per week and the Deputy President part-time, 22 hours per week.

This generated a wide ranging discussion for most tables.

There was a view to keep to the status quo and to not extend salaries to other Officer posts.

It was noted that being paid did help in motivation and prioritising Association work.

There were concerns over the financial implications of extending payment to other Officers in the current financial climate.

One consideration that a table thought needed to be considered when looking at workload and salaried Officers was that remits need to be clearer at the start as to the workload involved and that Officers in particular should avoid taking on too much outside their remit.

It was the view of a couple of tables that the current regime had not yet completed a single term and that it was too early to evaluate. They thought that on balance the status quo should be kept in the immediate term.

Another table had split views but considered the President should revert to part time but possibly supported by two Deputy Presidents.

Concerns were expressed about extending payments to other Officers in terms of how far down the line should payments be made and whether payment encourages people to stand for the money rather than the post. On the other hand there was concern that an unpaid Central Executive Committee members might feel less valued than the paid roles? Overall the table agreed that no extension to current paid roles was the preferred option.

There were issues about how payment of other Officers would affect the remainder of the CEC.

A table recognised that payment can be inclusive by making it easier for some people to stand but also exclusive as those already working for higher salaries would not wish to lose pay or job security.

After a lengthy discussion another table agreed that in the end they felt the status quo was the best option with no extension to any other Officers.

The Vote...

In a show of hands it became clear that:

While there was a significant minority in favour of making all posts voluntary there was a large majority in favour of the current position.

There was a large majority against extending payment to other officers.

In response to a final question regarding making the President’s post part time it was made clear that that was down to the Board acting on the recommendation of the Remuneration Committee and that that committee would consult before making a decision.
Accountability for the CEC

The change to One Member One Vote (OMOV) was not reflected in a change to the process for the membership to call on the removal of any CEC member. As it stands we need 5% of the electorate (c 10,000 students) to request a no confidence vote for any member.

A table had a preference that if it was felt that the CEC or any individual Officer were under performing, an external panel could be called upon for a supportive/intervention role.

A table had a broad agreement with the idea of a scrutiny panel. But there were also practical issues to consider;
- Membership - A wide range might be needed. How practical would this be?
- Permanence - an ad hoc panel to respond to concerns was preferred but then what would the trigger to bring it into being be?
- Powers - would they recommend a confidence vote for the CEC/BoT? Who would have the final say?

There was preference expressed for accountability for both the Central Executive Committee and Board of Trustees for a student led panel to follow up complaints. As with others there were potential problems with how it would work and its membership.

"Both bodies could be encouraged to adopt the OU Council’s practice of regular self-reflection questionnaires to identify strengths and weaknesses and identify training needs".

"Both bodies could be more public as to who and what they were and what they do".

It was noted that there are disciplinary processes already in place to deal with some issues, without the need to go as far as a scrutiny panel.

A table felt that the CEC should be able to conduct its own vote of confidence either alone or in conjunction with an investigative panel. They also wanted it to be made clear that the removal from one post meant removal from all linked positions.

A table felt that Conference should approve any process decided upon.

Another opinion was for accountability for both the CEC and Board, to consider a panel which will sit when a substantive complaint made against the CEC / Board / or a member of either body and then pass a recommendation on to the Central Executive Committee or the Board of Trustees as appropriate.

A suggestion was made for a number (25-50) of students required to trigger an investigation leading to a confidence vote.

Accountability for the BoT

The Board is the Association in legal terms. However, mechanisms to remove a Trustee while detailed are cumbersome and not always fit for purpose. Currently members can raise a petition to propose a vote of no confidence by the CEC in any or all of the Trustees. Alternatively the CEC can do this in its own right. This is potentially unsatisfactory as it is hard to determine any action taken by a specific Trustee as the Board makes all decisions collectively and there is a risk that an Officer Trustee could be held to account via this mechanism for actions as an Officer and not a Trustee.

A table thought that it was probably best left to the Board of Trustees to hold themselves to account although a minority view that the Central Executive Committee could consider this (the CEC receive reports from Board).

It was noted that the Board is also responsible to the Charity Commission but it was felt that if an external body were involved matters would need to be very serious indeed.

A table agreed as above but with the CEC to decide although there would be practical difficulties in determining reasons for concern given the Board’s corporate nature. The table also mentioned the external Charity Commission as a potential body holding the Board to account.

A table suggested we consider looking at other Student Union’s for their views.

A table thought that it was probably best left to the Trustees to be accountable for each other as it is only the Trustees that know who or who isn’t performing.

"Ensure that in the first instance that support is there for those not able to do their role. This already happens but the process should be made formal"
A delegate felt that more reps should be paid due to the significant time commitments put in by them. This was countered by other delegates who felt that volunteers should be able to decide for themselves what level of commitment they should make and that payment detracted from the volunteer aspect of the roles. One expressed a strong view that the voluntary principle should be the prime focus for most roles – accepted President was a unique case though.

There was a view that the University should be more realistic in its approach to student representatives and accept that they were volunteers with external commitments and lives. They should also allow more members of the CEC to sit on particular groups/projects rather than continuously wanting to engage solely with the President.

In the accountability debate there were more opinions – one delegate felt both the CEC and Board should be accountable directly to the students. Another felt that should significant complaints be made that they be addressed by the calling of an Extraordinary Conference.

What next?

Vice-President Administration will be collating all the feedback received during this weekend and the discussions had on the online forums prior. He will propose a set of motions to amend the Association’s Constitution that will be signed off by the Central Executive Committee at their meeting at the end of January 2018 and then final approval by the Board of Trustees in February. The motions will then go to Conference for a vote in June 2018.

Any changes will then be implemented for the 2018-2020 term.