

## **By-Law (11): Accountability**

*This By-law sets out provisions for accountability within the Union. It sets out the oversight responsibility of the Accountability and Scrutiny Chair to ensure that these requirements are fulfilled and the options for members to scrutinise the activities of elected representatives and hold Officers to account.*

### **Transparency**

1. It is fundamental to the democratic nature of the Union that its operations are transparent and accessible. This is a key duty of all office-holders within YUSU.
2. Office holders are expected to publicise full details of all open meetings in the Union (including an agenda, time date and location), ensuring meetings are conducted in a way that is open, accessible and encourages participation.
3. Each committee or open meeting shall have a designated student or staff member responsible for making an accurate record of the meeting, which should clearly convey:
  - a. The Action Points arising from the meeting and to whom they were assigned.
  - b. A summary of any discussions that accompanied such decisions, where relevant, which shall not be a verbatim account but should summarise the main points raised.
  - c. Action Points from meetings may be used to hold an officer to account through the mechanisms outlined in the remainder of this By-law.
4. The Chair of a committee or meeting is responsible for beginning each meeting with a recap on unresolved Action Points from previous meetings and requesting an update on the progress of these actions from the individual specified.
5. All documents relating to members of the Union must be publically available online in a single well publicised and defined location.
6. All documents relating to members is defined as:
  - a. The Articles of Association
  - b. By-laws and Appendices
  - c. Codes of Conduct
  - d. Network Terms and References
7. Any document not publically available, is considered not to be an active piece of legislation and considered unenforceable and non-binding in relation to members and Union activity.
8. Members requiring hard copies of documents should contact the Union for these.

### **Accountability and Scrutiny**

9. All Officers of the Union are expected to fulfil their roles to the best of their ability and reasonably expect to be accountable for decisions and actions within their elected roles. They should adhere to the duties laid out in By-law [OFFICER GROUP] and any mandates associated with their office that are passed democratically by the members of the Union.
10. As part of the Officer Group, each officer also shares collective responsibility for the political operation of the Union and is expected to aid other Union Officers as

required, in particular in the organisation and delivery of major Union events or activities and fulfilling the commitments made in By-law [OFFICER GROUP].

11. An Accountability and Scrutiny Chair will be elected annually to aid transparency and accountability.
12. Any ordinary member of the Union may hold an Officer to account within the democratic structures of the Union. These include:
  - a. Officers' Questions;
  - b. Motion of Censure; and,
  - c. Motion of No Confidence.
13. The processes for holding an Officer to account for their political performance within the Union shall be separate from those concerning matters of misconduct, which shall be subject to the procedures laid out in By-law [CODE OF CONDUCT].
14. Student Trustees who, although elected, undertake a governance, not a political role are outside the scope of this by-law.

### **Officers' Questions**

15. The Accountability and Scrutiny Chair should host termly Open Meetings, open to all Members, where Officers can report on their activities and Members can put questions to Officers.
16. Officers should publish a report on key activities in relation to their manifesto commitments, remit and policy delivery at least a week prior to the meeting.
17. The Chair will open up for submission of questions (including anonymous questions) from students from a week prior to the meeting and will question the Officers on these topics.
18. These meetings may be held online and streamed. Online meetings should be recorded. They should be publicised at least a week in advance.
19. At the Annual Members' Meeting (AGM) of the Union, there shall be provision for questions to be put to the Full-time Officers in their role as Trustees of the Union, alongside the other members of the Trustee Board.

### **Censure**

20. If an ordinary member of the Union is dissatisfied with a particular Officer or Officers, and any aspect of how they have performed their role, they can propose a motion of censure to the Accountability and Scrutiny Chair for an initial inquiry. This will take place once an Accountability and Scrutiny Panel has been convened.
21. A motion of censure is to express dissatisfaction with an aspect of how an Officer has conducted their role. It does not have any other implications for the status of the Officer.
22. The Panel will be responsible for conducting an impartial investigation of the grounds upon which the motion of censure is proposed, including statements from the proposer, the officer(s) concerned and identification of the duties or mandates not fulfilled.
23. The investigation shall last not more than fourteen working days. Where this is not possible subject to the availability of relevant parties, access to information, term time or other issues, the timeframe may be extended by discretion and relevant parties will be advised.

24. It is possible to censure more than one Officer as part of the same motion, as long as all the text of the motion relates to all who are mentioned, unless all exemptions are stated.
25. It is acknowledged that Officers elected on a role-share basis are elected as a singular voice however, a censure or no confidence motion would not automatically apply to both postholders.
26. Once complete, the Panel should hold a vote amongst members to decide whether there are grounds for censure.
27. The Panel will be responsible for communicating the results to Members in a timely way. If a motion of censure fails to pass, it is the duty of the Panel to inform the student body in such a way that the members involved are not censured by the release itself.

### **No Confidence**

28. If an ordinary member of the Union is seriously dissatisfied with a particular Officer or Officers, and any aspect of how they have performed their role, they can propose a motion of no confidence to the Accountability and Scrutiny Chair for an initial inquiry.
29. The Accountability and Scrutiny Chair will then be required to convene an Accountability and Scrutiny Panel.
30. The Panel will be responsible for conducting an impartial investigation of the grounds upon which the motion of no confidence is proposed, including statements from the proposer, the officer(s) concerned and identification of the duties or mandates alleged to have not been fulfilled.
31. The investigation shall last not more than fourteen working days. Where this is not possible subject to the availability of relevant parties, access to information, term time or other issues, the timeframe may be extended by discretion and relevant parties will be advised.
32. Once complete, the Panel should hold a vote amongst members to decide whether there are grounds for no confidence.
33. The Panel will be responsible for communicating the results to Members in a timely way. If a Motion of No Confidence fails to pass, it is the duty of the Panel to inform the student body in such a way that the members involved are not censured by the release itself.
34. If grounds are found a Motion should be referred to Student Members for decision in a vote of no confidence. A simple majority of at least 5% of Student Members casting a vote will be required for such a motion to be successful.
35. Alternatively, a no confidence motion can be called by a secure petition signed by at least 5% of Student Members, as set out in the Articles of Association.
36. Such a motion may only be passed if at least 5% of Student Members cast a vote, and a majority of the votes cast are in favour of the motion.

### **Accountability and the Accountability and Scrutiny Chair**

37. The postholder will lead processes designed to hold Officers to account [see 18] on the fulfilment of their manifesto pledges and delivery of their roles.

38. To align with article 16.5 of the Articles of Association the Accountability and Scrutiny Chair will chair the annual general meeting, thus taking on the role previously fulfilled by the 'Policy Coordinator'.
39. The objective of the role is to aid transparency and accountability, focussing specifically on the political activity of Officer Holders.
40. For activities undertaken within the auspices of their role, the Accountability and Scrutiny Chair is accountable under the provisions set out in this process, albeit that a representative of another Students' Union would be invited to Chair a Panel considering any censure or no confidence matters.
41. The Chair is required to provide a termly report to students on their activities.
42. In addition, the postholder should be invited to report annually to Trustees.
43. Candidates standing for election will be asked to provide a statement setting out their skills and suitability for the role, as well as their vision for enhancing democracy within YUSU with a specific focus on transparency and oversight of the political activity of Officers.
44. The postholder should be a student continuously during their term of Office.
45. The Accountability and Scrutiny Chair should not hold elected Union Office during their term of office or at the point of election (e.g. departing Officers and Officer Holders are not eligible candidates).
46. The postholder should not be eligible to be a member of the Ideas Forum or stand for election to the Chair role simultaneously with another Union Office.
47. Union Office for the purposes of this by-law is defined as any YUSU role requiring cross-campus election, e.g. Sabbatical Officers, Part Time Officers, Faculty Reps and Student Trustee.

#### **The Accountability and Scrutiny Panel**

48. The Accountability and Scrutiny Panel should be composed of four students, selected at random, on an anonymous basis, plus the Accountability and Scrutiny Chair.
49. Once convened it is envisaged the Panel would remain in place for the remainder of the term, or until the issue it was convened to handle was resolved.
50. Single Panels may handle multiple issues.
51. Members will be expected to declare conflicts of interest or duties to the Panel. Any uncertainty about whether a Member's interest or duty is likely to give rise to a conflict shall be determined by a majority decision of the other Panel Members taking part in the decision-making process.
52. Panel Members should not hold (or be in the process of standing for) elected Union Office during their appointment term, or be eligible to serve as a member of the Policy Forum.
53. The Panel shall call upon support from staff members of the Union, who will provide template documents and process and administration support.
54. Panel meetings will be held in private but outcomes and decisions agreed by the panel as a whole will be published by the Accountability and Scrutiny Chair.

*Updated October 2020*