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RULING OF THE CHAIR OF STANDING LEGAL

Cameron Caccamo, Chair of Standing Legal

Monday, 14 March 2016

Question:

Whether the executive has the right to not approve funding requests from Office Bearers, especially given the context of Office Bearers ignoring the wishes of the Collective they are responsible for.

Context:

Below is a request submitted to the Executive by two of the Environment Officers, who currently hold one position jointly.

Dear all,

Through consultation with the Environment Collective, together we have decided that the Environment Collective budget should only get spent on enviro collective events, projects and campaigns. We formally ask you then to honour collective autonomy in the use and spending of the budget by not reimbursing people outside the collective, in this case Michelle Picone. Michelle is not seeking collective consensus on her campaign proposals and events and therefore does not have collective approval on any requests of spending unless we the other environment OBs (Maushmi and Lily) specify otherwise.

Please let us know if you can assist us.

Kind Regards,

Maushmi & Lily (co-OBs for the Environment)

Regulations used:

R2.6(a): The Officers (as defined in the Constitution and in Part One s.3 of these Regulations) shall act in accordance with job descriptions as set out in the policy of the Council

R2.6(b): The duties of the Officers who are elected to act as convenors of Departments shall be as set out in Part Seven of these Regulations

R2.6(c): Officers shall be required to attend all meetings of their Department. If an Officer fails to attend, without apology, two consecutive Department meetings or three Department meetings overall, there shall be grounds for complaint under the Complaint Resolution Procedure, in accordance with Part 1.5 of these Regulations.

R3.1: FUNCTION: The Executive shall conduct the business of the Council between meetings of the Council and subject to any decision of the Council to the contrary, may exercise the powers of the Council in accordance with the policy of the Council.

R7.1: FUNCTIONS AND DUTIES: The function and duties of the Officers of the SRC shall be:

R7.1(c): To promote and work through democratic, participatory organisational structures

R7.1(k): To comply with accountability measures as required by Council; in particular to ensure that funding from the department's budget is requested in a verbal or written report to Council or Executive, and that documentation is provided in relation to all funding received. Collectives can apply for budget funding and expenditure without the support of the relevant officer,

R7.1(m): Where possible to convene an open collective of students around issues relevant to the portfolio

R7.1(p): To act as first point of contact for the Collective,

IMPORTANT NOTE: There exists no policy pertaining to the upkeep of collectives or Office Bearer interaction with them.

Discussion:

The SRC Executive holds the right to reject any funding request, and so the simple answer to this question is “yes”. However, other factors are at play here, and the Committee was called to rule on this particular issue to provide some clarity for members of the Environment Collective that were unsure of the powers any Officer had.

It seems clear that, by the regulations, the duties and responsibilities of any Office Bearer are owed primarily to their respective Department or Collective. This is reinforced by the ability of the collective to directly apply to the Executive for funding under R7.1(k), although given current convention says otherwise this is something that will need attention. If Maushmi and Lily, two of the three Environment Officers, are correct in stating that the third Environment Officer, Michelle, has not sought the permission of the collective, then that would constitute a breach of this responsibility to the collective. R2.6(c) clearly states that Officers must attend meetings of their specific Department or Collective, giving them ample chance to seek consensus on how the budget of that Collective may be spent and thus fulfill R7.1(c).

The Executive has already undertaken some measures to ensure that this particular case is resolved quickly, including mediation between the Officers. The Committee welcomes this as a way forward in the short term, but has reservations over the long-term efficacy of such an approach.

In the Regulations, R2.6(a) quite clearly states that the duties of each Officer will be contained in the Policy of the SRC. Given that the Policy of the SRC was effectively wiped blank several years ago means that there currently exists no duty statements or Environment Collective specific rules for the Committee, Executive, or Council to check against to ensure Officers are fulfilling their duties. At the request of the Committee, the last available Job Description for the Environment Officer position was sourced by the Secretary to Council. It was adopted, and last updated, in 1996. The Committee was informed that this Job Description has been sent to the Officers of 2015 and 2016 with a request for an updated version; no such update has been shown to the Secretary to Council, let alone adopted by Council.

While the Committee holds up the primary authority of the Collective in issues such as these, it is difficult to ascertain what the will of the Collective truly is. In this case, we are to believe the word of two of the Environment Officers that the Collective did not approve these expenditures and requests. It can not, and should not, be the responsibility of the Committee to determine who is and is not correct in each case. In addition to updating the duty statements of Officers, the Environment Collective, as well as all other departments and collectives, are strongly encouraged to formalise their structures and conventions through the Policy of the SRC, while also taking minutes of official meetings. This will make it far easier for the Executive, Council, or any other body to quickly determine the will of the collective or department.

Recommendations and Resolutions:

1. That the SRC Executive continue to hold the power to reject any funding request made by an Officer, particularly if there is evidence that the collective or department linked to that Officer has not approved such a request;
2. That the Committee endorses short-term approaches to this particular case, including mediation between the Officers, to ensure that the budget of the Environment Collective is used in a manner endorsed by the Collective;
3. That the Executive review the practice of practice of requiring a signature from an Officer in the case of any budget requests, given the wording of R7.1(k);
4. That departments and collectives take steps to update the duty statements of their Officers and submit these as Policy of the SRC;
5. That departments and collectives take steps to formalise their structures through the Policy of the SRC to ensure greater clarity for the Executive and Council.

