

Ratified Minutes of the Ordinary Meeting of the Rules Committee

6th Week Michaelmas Term 2018

Monday 12th 2018

President's Office, 11.00am

Present

The Treasurer-Elect (Ms Amy Gregg, Somerville), **Mr Joseph Sisson** (Deputy Returning Officer, St John's), **Mr Adam Watson** (Ex-Standing Committee, Hertford), **Mr Patrick Cole** (Ex-CCC, LMH), **The Treasurer** (Mr James Lamming, Exeter), **Mr Ray Williams** (Ex-Standing Committee, Wadham), **Ms Alexandra Galloway** (Ex-Returning Officer, Magdalen), **Mr Samuel Burns** (Ex-Secretary's Committee, St John's), **The President** (Mr Stephen Horvath, New)

Absent

Mr Liam Frahm (Deputy Returning Officer, Jesus), **The Secretary** (Mr Nick Brown, Magdalen), **The Returning Officer** (Ms Louise Kandler, LMH)

Observers

Mr Hugh Bellamy (Secretary's Committee, LMH), **Ms Sara Dube** (Standing Committee, St Hugh's), **Mr Charlie Coverman** (Director of Sponsorship, Brasenose)

Mr Williams opens the meeting at 11.04am

Minutes

Mr Sisson offers apologies from Mr Frahm for his absence.

Mr Burns offers apologies from the Returning Officer for her absence.

Mr Cole requests that physical copies of past minutes be distributed at meetings of the Committee.

1. Matters Arising from Previous Minutes

No matters were raised.

2. Ratification of Previous Minutes

Mr Williams moves that the minutes of the Ordinary Meeting on 5th November 2018 be ratified, seconded by Mr Sisson.

Passes nem. con.

3. Ratification of Absences

Mr Williams moves that Mr Cole's absence be passed on the grounds of a pressing and unavoidable engagement deemed to be of good reason, seconded by the Treasurer-Elect.

Passes nem. con.

Mr Sisson moves Ms Galloway's absence be passed on the grounds of a pressing and unavoidable engagement deemed to be of good reason, seconded by Mr Williams.

Passes nem. con.

The Treasurer-Elect suggests that the Secretary's absence be passed but does not move it.

4. Secretary's Report on the Composition of the Committee

Mr Burns notes that the initial dispute over the Committee's composition has been resolved, and welcomes Mr Bellamy's attendance as an observer, saying that he and any other interested ordinary member would be welcome to join should a vacancy open up.

5. Mr Watson's Business

Mr Watson says that he wants to delete "at 11am" in his Schedule proposal, to be replaced with "on Monday".

Ms Galloway enters at 11.11am.

The Treasurer-Elect says that she has received an explanation for the Secretary's absence, that he was helping a friend in his college.

Mr Watson says that the rules do not allow for the passing of absences at this stage of the meeting.

The Treasurer-Elect objects to Mr Watson removing the 11am clause, saying that having a consistent time of meeting is important to allow for members to plan their weeks in advance.

Mr Williams moves the discussion onto other clauses of Mr Watson's proposal

Mr Watson says that there is a case to make the Returning Officer a non-voting member, is the ability of the Returning Officer to vote on contentious issues is limited and as it would potentially open up the membership of the Committee to new members.

Mr Sisson and **Ms Galloway** believe that this should be up to the Returning Officer's judgement, as they can think of cases where it would be appropriate for them to vote.

Mr Watson says he intends to delete (b)(ii) ("procedurally and technically"), as he thinks it poorly worded.

Mr Cole asks why the Committee should not comment on the reasoning behind proposals.

Mr Watson says it is the role of the Standing Committee to determine policy.

The Treasurer-Elect agrees, believing the Committee should be limited only to discussion of the technical and procedural feasibility of proposals.

Mr Cole says that given the Committee is only advisory, it might as well give advice on normative as well as procedural aspects of proposals.

Mr Burns says that debates on the desirability of proposals may not be in good faith, with votes ending up taking place on factional lines.

Mr Williams asks that "the chair shall seek to limit commentary on any policy behind a proposal" be added to the Schedule.

Mr Cole says this wording should refer to the Committee as a whole limiting commentary, and not just the chair.

Ms Galloway says that some policy discussions would be effectively apolitical.

There is discussion on the power of the chair relative to the Committee as a whole.

Mr Williams and **Mr Cole** suggest the following wording: “the committee’s focus shall not be on the policy behind a proposal”.

Mr Watson asks if the committee is happy with the list of voting members, to which no objections are raised.

The President enters at 11.22am.

Mr Watson asks if the Committee is happy with quorum being three members.

Mr Williams suggests the Committee discuss its procedures for replacing the chair and secretary.

Mr Williams notes the potential problem of electing a chair and secretary to serve for two terms as the Committee may not be extended into next term.

There is discussion on updating the titles of the Committee’s members in the Schedule; it is agreed it is within the Returning Officer’s powers to edit the Schedule as members’ titles change.

Mr Williams says that a quorum of three is low.

Mr Watson says that this is the Standing Committee’s quorum.

Mr Williams says that the Standing Committee is at times required to make urgent decisions, whereas the Rules Committee cannot offer valuable advice (its purpose) without considerable deliberation by its members.

Mr Cole proposes a quorum of the chair, the secretary, and three other members.

Mr Williams suggests three members as well as either the chair or secretary.

The Treasurer-Elect says it should be five, and Mr Watson accepts this change.

The Treasurer-Elect suggests the wording on timing read “at 11am or another fixed time”.

Mr Cole notes the Consultative Committee has no fixed time.

Mr Williams suggests a wording of “shall ordinarily be at 11am”.

Mr Watson suggests 2pm.

The President says that that would clash with Library Committee, and therefore be a violation of natural justice.

The Treasurer-Elect moves that Mr Watson’s Schedule proposal retain the wording scheduling Rules Committee meetings at 11am, seconded by Mr Sisson.

Mr Watson objects

The President, the Treasurer-Elect, Mr Sisson, Mr Cole, Ms Galloway and Mr Burns vote in favour.

Mr Watson and the Treasurer vote against.

Mr Williams abstains.

Passes 6-2.

Mr Watson moves that the Committee accept his proposed Schedule for the duration of Michaelmas Term 2018, seconded by the Treasurer-Elect.

Passes nem. con.

Mr Watson moves that the Committee recommend that the Returning Officer add his proposed Schedule as a Schedule to the Rules, seconded by Mr Sisson.

Passes nem. con.

6. Mr Williams' Business (standardisation of formatting)

The President asks whether the Rules are not already formatted in a standardised manner – the Committee unanimously agrees that they are not.

Mr Watson moves that Mr Bellamy be given speaking rights, seconded by Mr Williams.

Passes nem. con.

The Treasurer-Elect suggests the Union publish an extensive style guide.

Mr Watson notes the existing style guide is of poor quality.

The President says he wants to expand the appendices of the Rules with important documentation related to the Society (such as the OUS Memorandum of Understanding) in the interests of transparency.

Mr Williams and **Ms Galloway** agree.

Mr Watson notes that the standardised format proposed by the first part of Mr Williams' motion is not followed in multiple places.

There is discussion of where members may find the most up-to-date version of the Rules.

Ms Galloway says that the latest version is expected to be made available by the Returning Officer on Thursday.

Mr Sisson shows a table he has made that demonstrates inconsistencies within the Rules.

Mr Watson says that phrases like “this sub-clause shall not apply to...” are impeded by uncertainty of meaning of formatting term such as “sub-clause”.

The President suggests the motion have the words “the Rules shall be formatted in this manner”, followed by a full set of formatting requirements.

Mr Watson says that the current motion is already directing the Returning Officer to do this.

Mr Sisson says that the Returning Officer has made him aware that any instructions for her to engage in a major Rules rewrite should ideally take place after the Election when she has more time; he says an amendment saying that the motion “takes effect on the first day of Hilary Term 2019” would be appreciated.

Mr Watson thinks this a moot point, as the motion in its current form is just “some random bullshit on a piece of paper”.

Mr Williams notes that it is in fact procedurally unviable anyway, as there is no Schedule to the Motion.

The Treasurer-Elect says another issue with the rules is the inconsistent phrasing of positions, so she suggests the words “and phrases” be added after “key words” in part 2 of the motion.

Mr Williams says he is aware that there is a risk a motion directing the Returning Officer engage in a major rewrite of the Rules according to strict rules could result in serious unintended negative consequences.

Mr Sisson suggests the Committee read over the rules in the Vacation, and then discuss their findings in at a meeting of the Committee.

Mr Watson wants the motion withdrawn this term.

The President asks if there is really a problem with the Rules that warrants a major rewrite.

Mr Watson says that there is, and offers the example of the noticeboard, which is spelt differently in multiple places and defined so vaguely than one could potentially treat anywhere in the Union as the noticeboard.

Mr Cole suggests a manual rewrite of the Rules.

Mr Williams thinks this should be the task of the Committee in Hilary Term.

Mr Watson suggests making a communal Google Drive, in which all the Committee can make comments.

Mr Burns asks whether it is possible to direct the Returning Officer to rewrite the Rules.

Mr Sisson notes that there is precedent from an Appellate Board that the Returning Officer may make small edits to the Rules, for example to correct spelling mistakes.

Ms Galloway says a Returning Officer was similarly directed to make the Rules gender-neutral.

Mr Cole says that this case different, with a much larger risk of changing the interpretation of the Rules.

The Treasurer-Elect indicates her preference for having the Returning Officer produce a comprehensive proposal for a Rules rewrite, rather than have the Committee do it collectively as Mr Watson suggested.

Mr Williams asks the Committee whether they should ask the Returning Officer to do this.

Mr Cole suggests asking two Deputy Returning Officers.

The Committee agrees that somebody be directed to review and rewrite the rules according to a standardised format, that this should be given to the Committee to review and then be put before the House as a Private Business Motion.

Mr Williams believes this person should be the Returning Officer.

The President suggests having her return to the Committee with a proposed system of standardisation before the Vacation.

Other members of the Committee point out that Mr Williams had already proposed such a system, and that what was being discussed was rather the specific implementation of that system.

Mr Williams moves that the Committee recommend that the Returning Officer propose changes to the rules in order they conform to the standardised structure outlined in his motion, and that she may enlist the assistance of any of her Deputy Returning Officers to that end, seconded by Mr Cole.

Passes nem. con

7. Mr Williams' Business (discussion of Sara Dube's Standing Order proposal)

Mr Burns circulates a copy of Ms Dube's proposals to Mr Cole and Mr Bellamy by email.

The Treasurer-Elect leaves at 11.51.

The President brings up the Secretary's recent Standing Order proposals, which had not been circulated to the Rules Committee.

Mr Williams says this should be discussed later, under 'Any Other Business'.

The Treasurer-Elect enters at 11.54.

Mr Sisson tells the committee that the substantive changes of Ms Dube's proposals to edit Standing Order C5 are that they would allow the Chief of Staff or the Director of Operations to conduct ballots, and that it makes misconduct in a ballot a disciplinary offence.

The Treasurer-Elect notes that the proposal also requires the individual conducting the ballot to notify all applicants of their failure to secure a space, which she understands would be a large administrative burden.

Ms Dube enters at 11.56.

The Treasurer-Elect moves that the Committee recommend that the phrase "or failure" be removed from part (a)(iii) of Ms Dube's proposal to create a Said Business School Liaison Officer, seconded by Ms Galloway.

Passes nem. con.

Mr Sisson moves that the Committee recommend that the words "and ordinarily" be added before "no less than 24 hours" in in part (a)(iii) of Ms Dube's Standing Order proposal, seconded by Mr Patrick Cole.

Passes nem. con.

The Treasurer-Elect notes that the proposal does not define the meaning of the phrase "special interest".

The President likens this to Election Tribunal panels being vague on the definition of "interested parties".

Mr Sisson says there are no problems with the proposal procedurally.

Mr Williams says it is still within the remit of the committee to see if the effect of a proposal matches its spirit, as the President can already effectively do what the changes in part (b) of the proposal are intended to do.

The President notes that the Harkness v. Zabilowicz SDC found that the intention of any parts of the Rules or Standing Orders is irrelevant, and only its wording matters.

Mr Watson says this proposal does not change the status quo.

Mr Watson also says that the committee is unaware of the intention behind the proposal.

Mr Cole asks Ms Dube what the intention is.

Ms Dube says that some members have a genuine, passionate interest in certain speakers but are unlucky with meet-and-greet ballots, whereas some members apply on a whim and accidentally get into meet-and-greets they do not care much for.

Mr Williams says that for the “special interest” provision to work properly, it would have to be advertised widely so that it not just be those who have read the Standing Orders who know they can utilise it. In that case, everybody would make special requests anyway, turning the whole system into one of presidential discretion.

The President argues that it is fair to assume good faith on the part of the members, and that having engaged, passionate people in meet-and-greets improves the experience of the speakers and leads to better exchanges during the event.

The President continues that he does not believe that people with little interest in a speaker would bother to write a high-quality ‘special interest’ request, so the proposal is both feasible and viable.

Mr Cole asks whether the proposal affects the President’s ability to reserve spots for special groups of guests, such as those from certain societies with particular interests in a speaker.

Mr Watson says this amounts to a codification of existing practice.

The Treasurer-Elect asks whether this proposal forces the President to guarantee at least half of spots to randomly balloted members, which would have created complications for the visit of the Bulgarian president, when mostly Bulgarian students went to the meet-and-greet.

The President says that committee members and their guests, including the President’s, are a separate pool of guests to the balloted pool, which is now being amended to include special interest applicants within it. Therefore existing practice would not be substantively changed.

Mr Sisson does not think there is any comment the Committee can make on Ms Dube’s proposal for Standing Order E3.

The Committee reads the proposal.

Mr Sisson moves that the word “complete” be changed to “undertake” in part (a)(iii) of Ms Dube’s Standing Order E3 proposal, seconded by the Treasurer-Elect.

Passes nem. con.

Mr Williams says it is strange to create a separate Standing Order for one particular position, when the Rules had recently been changed to create a single standard procedure for creating appointed positions.

Mr Williams also notes that there is substantial overlap between the proposed Said Business School Liaison Officer and the Graduate Officer, which would be in contravention of the Rules.

Mr Sisson notes that the Development Officer has its own Standing Order to define it.

Mr Watson says this is not an “Appointed Official” as the recently amended Rules define it, and the Rules do not explicitly prevent the creation of positions by other means/

Mr Sisson notes it is possible for official “Appointed Officials” to coexist with *de facto* appointed officials not listed as such in the Rules, so the proposal is not in contradiction with the Rules.

Mr Williams says the rules already have a mechanism for creating temporary appointed officials.

The Treasurer-Elect reiterates Mr Williams’ point that the overlap with the Graduate Officer is banned by the rules.

The Treasurer-Elect moves that the Rules Committee recommend that the Standing Committee reject Ms Dube’s proposal for Standing Order E3, seconded by Mr Williams.

Mr Watson objects.

Mr Cole, the Treasurer-Elect, Mr Williams, and Mr Burns vote in favour.

Mr Sisson, Mr Watson, Mr Lamming, and Ms Galloway vote against.

Motion fails 4-4.

Mr Sisson and **Mr Watson** maintain that an “official who is appointed” can be distinct from an “Appointed Official”.

Argument continues between the Treasurer-Elect, Mr Williams, Mr Watson, and Mr Sisson.

Mr Coverman enters at 12.18.

Mr Cole and **Mr Williams** argue that it is possible to now discuss individual parts of the motion, the Committee having only decided not to reject it *as a whole*.

Mr Williams moves that the Rules Com recommend that the rules be clarified in such a way that it be impossible for the President to appoint anybody to any position in the society outside of the provisions of Rule 31 for Appointed Officials, including Temporary Appointed Officials, seconded by the Treasurer-Elect.

Mr Watson objects.

Mr Burns, Mr Williams, Mr Cole, and the Treasurer-Elect vote in favour.

The Treasurer, Mr Watson, and Ms Galloway vote against.

Mr Sisson abstains.

Passes 4-3.

8. Any Other Business

The Treasurer-Elect says that she wants absences to be passable in the meeting after the business of passing absences has ended.

Mr Watson objects to this.

9. Date of the Next Meeting

Mr Williams notes that the date and time of the next meeting is already covered by Mr Watson’s schedule.

Mr Williams closes the meeting at 12.26pm

Samuel Burns

St John's College

Ex-Secretary's Committee

Secretary of the Rules Committee