

Imperial College Union

Bye-Law I Motions of Censure and No Confidence

Approved December 2021

I. Motions of Censure and No Confidence

1. Motions of Censure are formal expressions of severe disapproval of the conduct or performance of a Member of the Union holding elected office.
2. Motions of No Confidence express that a Member of the Union is not fit to hold a given elected office.
 - 2.1. If a Motion of No Confidence is passed, subject to the procedures set out in this Bye-Law, and is not successfully appealed, then the Member subject to the Motion is immediately dismissed from the specified elected office.
 - 2.2. A person dismissed from an elected office under this Bye-Law may not be elected to or hold that office again.
 - 2.3. Dismissal from a given elected office under this Bye-Law does not in any way prejudice the Member's rights to engage with the Union in other ways or hold elected offices apart from those relevant to the successful motion.
 - 2.4. Union Council may remove this disqualification.
3. No Motion of Censure may lie against a person already censured for the same conduct in the same elected office.
4. The principles outlined in this Section shall not apply to members of the Board of Trustees in their role as Trustees. Removal of Trustees is outlined in Section B of these Bye Laws.

Fora in Which Motions of No Confidence may be Heard

5. Motions of No Confidence must be heard and voted on in a forum that is superior to the level at which a given elected office sits. The interpretation of whether a given forum is eligible to hear a given motion ultimately sits with the Union President.
 - 5.1. Motions of No Confidence in CSP Committee Members may be heard by the General Committee of the relevant Management Group or Constituent Union.
 - 5.2. Motions of No Confidence in Academic and Wellbeing Year Representatives may be heard by the General Committee of the relevant Constituent Union.
 - 5.3. Motions of No Confidence in Academic and Wellbeing Department Representatives may be heard by the Education and Representation Board and the Community and Welfare Board respectively.
 - 5.4. Motions of No Confidence in Management Group General Committee Members may be heard by the Clubs, Societies and Projects Board.
 - 5.5. Motions of No Confidence in Constituent Union General Committee Members may be heard by the Governance and Identity Board.
 - 5.6. A Motion of No Confidence in the Felix Editor may only be heard by Union Council.

5.7. Union Council may hear a Motion of No Confidence in any elected officer.

5.8. With the exception of Union Council, no Committee may hear a Motion of No Confidence in one of its own voting Members.

Proposal of a Motion of Censure or No Confidence

6. Motions of Censure or No Confidence shall be proposed to a Committee of the Union by one of the following people and methods:

6.1. By a Full Member of the Union, seconded by twenty Full Members of the Union. The petition shall include the signatures or College identification numbers ("CIDs") and printed names, departments and years of the petitioners,

6.2. By the President,

6.3. By the Council Chair,

6.4. Or, when submitted to a Committee other than Union Council, by a Full Member of the Union seconded by two Members of the Committee to which the Motion is being submitted.

7. All Motions of Censure or No Confidence must:

7.1. Name individual officers or representatives,

7.2. State clearly in writing the grounds of the complaints,

7.3. State the nature and conclusions of any relevant investigations undertaken,

7.4. Include details of previous warnings, and

7.5. Include details of any part of the Constitution, Bye-Laws or Policies alleged to have been breached.

8. Upon receipt of the Motion of Censure or No Confidence the relevant authority will:

8.1. If the motion has been received by a body other than Union Council, inform the Union President and the Council Chair that the Motion has been received. The Union President and/or Council Chair may decide to move the Motion to Union Council if they feel that venue is more suitable. If the Motion is not heard at Union Council, the Council Chair should inform Union Council that the Motion has been received.

8.2. Determine the date of the meeting at which the Motion will be heard. This may be a regular meeting of the relevant body or it may be an extraordinary meeting. The meeting should take place at least 5 clear College days from receipt of the motion, and usually not more than 20 clear College days.

8.3. Take all reasonable steps to inform the defendant of the grounds of the complaint, the procedures laid out in this document and the date of the meeting.

- 8.4. Invite the Union President and Council Chair to attend the meeting, or send a delegate, once the date of the meeting has been determined.

Decision of a Motion of Censure or No Confidence

9. Vote on Motions of Censure and No Confidence, and on any amendments to such Motions, shall be held by secret ballot.
10. The defendant, if present at the meeting, shall have the right to defend themselves against the Motion.
11. Motions of Censure may be passed by a simple majority of present voting members.
12. Motions of No Confidence must be passed by a two-thirds majority of present voting members.
13. The discussion and outcome of a Motion of Censure or No Confidence must be minuted. These minutes will not be made public but may be referred to in case of an appeal.
14. A Motion of Censure or No Confidence which has been voted on and rejected may not normally be reconsidered by the same body in the same year. A motion rejected at a lower level than Union Council may however be brought to Union Council for decision.
15. Following a successful Motion of No Confidence the defendant should be provided with information about their right to appeal the decision.

Process for Appealing a Motion of No Confidence

16. A successful Motion of No Confidence may be appealed on the grounds of:
 - 16.1. Procedural irregularity in the conduct of the hearing of the Motion;
 - 16.2. The availability of new evidence which could not reasonably have been expected to be presented prior to the consideration of the Motion;
 - 16.3. The disproportionate nature of the penalty.
17. The Member against whom the Motion of No Confidence lay will have 5 clear College days following the passing of the Motion to declare their intent to appeal.
 - 17.1. This intent should be expressed in writing to the Union President and the Council Chair.
 - 17.2. If the Member does not declare intent to appeal then after 5 clear College days they will be formally dismissed from their office.
 - 17.3. The Union President will assess the grounds for the appeal against subsection 15. If the President judges that the appeal aligns with the allowed grounds for appeal, and that there is sufficient evidence to introduce reasonable doubt about the validity of the decision, then the appeal shall be allowed to proceed.

18. An appeal to a Motion passed by a body other than Union Council may be heard by Union Council. An appeal to a Motion passed by Union Council may be heard by the Board of Trustees.
19. The body hearing the appeal shall be provided with the minutes of the meeting at which the Motion was passed, any evidence that was provided at that meeting, and the written detail of the grounds for appeal.
20. The body hearing the appeal should invite to attend:
 - 20.1. The defendant, to present the case for their appeal.
 - 20.2. The chair of the meeting at which the Motion was passed, to explain and answer questions around the original decision.
21. If an appeal is successful, the defendant will not be dismissed from their office. The success of an appeal shall not preclude another Motion of No Confidence being heard against the same individual.
22. If an appeal is rejected, the defendant will be immediately dismissed from their office. The rejection of an appeal cannot be further appealed.