

OUSU

c o u n c i l m i n u t e s

8th week Council held at 5.30pm on Wednesday 16th June 2010 in the Bernard Sunley Theatre at St Catherine's

- a. Minutes of the Previous Meeting
- b. Matters Arising from the Minutes
- c. Ratifications in Council
- d. Elections in Council
- e. Reports from the Sabbatical Officers
- f. Reports from the Executive Officers who wish to make reports
- g. Questions to Members of the Executive
- h. Emergency Motions
- i. Passage of Motions Nem Con
- j. Motions of No Confidence or Censure
- k. First readings of Motions to Amend the Constitution or Standing Orders
- l. The Budget or Amended Budget
- m. Motions Authorising Capital Expenditure
- n. Other Motions
 - i. motions affecting osu members as osu members
 - ii. motions affecting osu members as students at Oxford University
 - iii. motions affecting osu members as members of the student movement
 - iv. motions affecting osu members as residents of Oxford
 - v. motions affecting osu members as residents of the United Kingdom
 - vi. motions affecting osu members as citizens of the world
- o. Any Other Business

a. Minutes of the Previous Meeting

No issues of previous minutes

No ratifications, no elections, no reports. No questions

d. Elections in Council

Steering Committee:

Alex Shattock, New College, No, No, Labour

I think I would be good for this role, one of the functions of steering committee is to be impartial, was chair of new college JCR and had to remain completely neutral. Worked in Birmingham crown courts in admin department, drafted documents, Iron out inconsistency between new motions and what's in the policy book.

Nominations from floor.

Lukas Wallrich Merton, no, no, German Social Democratic party. Was member this term and couldn't do as well as liked to because of exam. Missed two but would like to do better next term, think important group. Both elected to Steering Committee.

Chair advises that he will now move to the Report of Returning officer. Move to Motion 10.

Any opposition.

No opposition. Motion passes nem Com.

h. Emergency Motions

Chair:

I have made two rulings this week on emergency motions. First Motion I rejected Reads motion (not in council agenda as rejected) Ruling rejected on 14th June.

Jessie Harber (St Hilda's):

Would like to propose a procedural motion

Chair ceded to RO.

Jessie Harber (St Hilda's):

This is a proposal which has come up out of recent discussions, it is about mandating the sabbatical officers to support the common room officers to produce booklets containing statistics. So common room officers can pick up and debate.

Opposition

Joseph Wales (St Hugh's) (Chair of Council):

Debate having and motion. The debate was whether this motion was submitted in time for consultation and in accordance with the standing orders. The relevant parts of the standing orders, state that they must be submitted by a deadline, unless something substantial has arisen after this deadline. About whether you want to overturn the ruling and add motion. This is procedural motion.

Vote not to overturn the ruling.

16.vi.2010

Ruling on Emergency Motion I

A motion has been submitted for consideration at today's meeting of OUSU Council after the deadline for motions, and I am required, under Standing Order B.1.2.d, to rule on whether the subject of the motion has "substantially arisen" since the aforementioned deadline.

The subject of this motion is the Operating Agreement and Transfer Deed required to enable the incorporation of OUSU to take place over the Long Vacation.

I note that the OUSU President has had meetings with the University and lawyers since the deadline for motions, and that the draft documents submitted with the motion have resulted from these discussions.

I believe that it was entirely foreseeable that such documents would need to be considered by Council prior to the Long Vacation. There is precedence, under this administration, for motions to be submitted, with the final, or updated, versions of the documents accompanying them being submitted after the deadline.

This motion meets the requirements laid down in Standing Order B.1.2.d, and I therefore order that it be added to the agenda for today's meeting. However, in doing so, I wish to make it clear that I view it as totally unacceptable that the sabbatical team is governing to the last hour in this way. Matters of this level of importance should have been brought to Council's attention prior to the day on which it is due to meet, even if only draft versions of accompanying documents were available for circulation.

Joseph Wales

Chair of Council

I. Operating Agreement and Transfer Deed

Council notes:

1. The attached Operating Agreement, which will govern the relationship between OUSU and the University after OUSU's incorporation and registration with the Charity Commission.
2. The attached Transfer Deed which will set the terms of the transfer of assets and undertakings from the University to OUSU.
3. That, although ongoing, discussions about both the Agreement and the Deed are very nearly concluded, and the outstanding issues are relatively few.
4. That these outstanding issues are primarily concerned with legalities of transferring pension arrangements from the University to OUSU and some other issues including intellectual property arrangements around the use of OUSU's name.
5. That the intention throughout the course of this year has been to conclude the process of incorporation and registration by the start of the 2010/11 academic year, in order that officers can concentrate in the future as much as possible on representing and supporting students.
6. That a failure to agree the Operating Agreement and Transfer Deed during the summer will likely delay the whole process for another year, until the end of the 2010/11 financial year at 31st July 2011.
7. That this delay will arise because it is desirable for OUSU to register with the Charity Commission at the same time as the start of a new financial year for accounting purposes.
8. The agreements may be made before the incoming sabbatical team formally take office but that they might not.

Council believes:

1. That the Transfer Deed needs to be agreed and signed in order to transfer assets and undertakings to the new OUSU.
2. The Operating Agreement needs to be in place when OUSU incorporates and registers.
3. That the issues outstanding are not of sufficient importance to warrant a year-long delay in this process.

Council resolves:

1. To delegate to each of Stefan Baskerville and David Barclay the authority until the first Ordinary meeting of Council in the 2010/11 academic year to negotiate and agree the final details of the Operating Agreement and Transfer Deed with the University, and to sign these on behalf of OUSU.
2. To mandate David Barclay to report to OUSU Council in Michaelmas term the final versions of those documents agreed during the summer vacation.

Proposed: Stefan Baskerville (University)

Seconded: Jonny Medland (The Queen's)

Chair: Rules motion can be considered.

Stefan Baskerville (University):

As you are all aware we are debating the terms in which we relate to the university. Operating agreement will regulate the relationship between OUSU and the university. Reason not on agenda, my fault you didn't have a version earlier, still only a draft. The second is about transfer of assets. Two documents with which we can't become an incorporated charity. The motion delegates the authority to approve and sign these on behalf of OUSU to David and myself because time has come up. Can delegate on a specific time and to specific period. Intention to have signed off in next month. The things being debated are intellectual property and pension funds, basically nearly there, want council to give authority to David and myself.

No opposition motion passes.

2. Returning Officer's Report for Statutory Elections Hilary Term 2010

Council Notes and Accepts:

1. The Returning Officers Report for the Statutory Elections Hilary Term 2010

Proposed: Ronnie Collinson (Balliol)

Seconded: Jonny Medland (The Queen's)

Motion passes.

Passage of Motions nem con

Stefan Baskerville advises 1, 2 and 4 should be withdrawn Council agrees.

3. Job Description for the OUSU Community Outreach & Charity Officer

Opposition

5. Donation Not Discrimination

Passes Nem Con

6. Reaffirming policy on the Saïd Business School (TT07)

Opposition

7. Memorandum and Articles of Association

Opposition

8. Clean Energy Economy

Opposition

9. Report from NUS Conference

Motion passed Nem Con

10. Report from NUS Conference

Motion passed nem con

I. The Budget or Amended Budget

I. OUSU Budget 2010 - 2011

Council Notes and Accepts:

1. The attached OUSU Budget 2010 – 2011.

Proposed: Stefan Baskerville (University)

Seconded: Jonny Medland (The Queen's)

Stefan Baskerville (University):

Revised OUSU budget find guidance notes on the first two pages, and then an explanation of budget, then budget. Budget committee met several times in last two weeks. We have created a £750 campaign fund, for sabbatical officers, also created a £500 discretionary campaign fund, it will be within power of council to determine this. We have reduced Target schools budget and we have reduced publicity and yet we have set aside £2000 pounds for a website. We have saved money that we are now no longer going to produce the survival guide. We have put aside £1000 for Health and Safety. We have put aside £4000 surplus to pay into reserves or as a contingency plan. David will perhaps present an amended budget in Michaelmas.

Safety bus funding still ring fenced.

Stefan Baskerville (University):

Don't think we can choose to spend the money elsewhere without a discussion with the university.

Motion passes

2. Financial Report

Council notes:

1. The attached third quarter financial report.

Proposed: Stefan Baskerville (University)

Seconded: Jonny Medland (The Queen's)

Stefan Baskerville (University):

My fault for not circulating, I said every quarter we would report on actual finances, is something we started doing as soon as I have started. There are various changes that I have explained on first two pages.

Motion passes

n. Other Motions

The Chair of Council intends to direct that motions n. 1, 2, 3 & 4 be taken en bloc.

3. Job Description for the OUSU Community Outreach & Charity Officer

Council Notes:

1. That the first reading of the creation of a Vice-President (Campaigns & Democracy) passed OUSU Council in week 5 of Trinity Term 2010.
2. That the final reading of the creation of a Vice-President (Campaigns & Democracy) is on the agenda for Termly Council in week 8 of Trinity Term 2010.
3. That if the role of Vice-President (Campaigns & Democracy) is created then it will require a change in the job description for the role of OUSU Community Outreach & Charity Officer.

Council Believes:

1. That the OUSU Community Outreach & Charity Officer's job description should be amended as detailed below.

Council Resolves:

1. To amend A.3.c of Schedule 4 to read

"1. Work to represent OUSU in the local community, coordinating projects and attending local council meetings.

2. Help built and maintain links with the local community and liaise with universities across the country sharing ideas about charitable best practice.
3. Provide administrative, campaigning and other support to the RAG executive committee.
4. Work with The Oxford Hub to create and promote volunteering opportunities for students in the local community.
5. Actively encourage student involvement in local charities and support groups
6. Work to build links with charity/RAG reps in common rooms across Oxford to provide information, resources and support to them.
7. Work with the Oxford University Careers Service and the Oxford Hub to organise a careers fair focussed on ethical and community job opportunities."

Proposed: Stefan Baskerville (University)

Seconded: Jonny Medland (The Queen's)

Amendment I:

To strike council resolves I and replace with the following:

I. To amend A.3.c of Schedule 4 to read

1. "Work to represent OUSU in the local community, coordinating projects and attending local council meetings.
2. Help build and maintain links with the local community
3. Liaise with universities across the country sharing ideas about charitable best practice.
4. Assist the RAG President and RAG VP, when requested, in building links with charity/RAG reps in common rooms across Oxford to provide information, resources and support to them.
5. Work with The Oxford Hub to create and promote volunteering opportunities for students in the local community.
6. Actively encourage student involvement in local charities and support groups
7. Work with the Oxford University Careers Service and the Oxford Hub to ensure that ethical, charitable and community jobs are well represented at a careers fair."

Proposed: Eorann Lean (St Hugh's)

Seconded: Charlotte Le Fluffy (The Queen's)

Friendly amendment in green booklet. No opposition to this.

Motion stands amended.

Stefan Baskerville (University):

Proposing because had a chat with Fluff and agreed to add the amendment but didn't get a chance.

Motion passes

5. Donation Not Discrimination

Please note that this motion will create new OUSU policy.

Council Notes:

1. That there is a national blood shortage
2. That men who have had oral or anal sex with another man are banned from donating blood, even if they used a condom, are in a monogamous relationship and have regular sexual health check-ups,
3. That as a group, gay and bisexual men are more likely than straight men to be HIV positive, but that the likelihood of an individual man who has sex with men (MSM) being HIV positive depends on his own sexual behaviours and practises,

4. That the likelihood of anyone being HIV positive, or carrying other blood-borne diseases, depends on their sexual behaviour and practises, not their sexual orientation,
5. That testing donors is a necessary but insufficient measure for ensuring that donated blood does not carry viruses or other infections
6. Not all countries have life-time blood bans for MSM¹,
7. OUSU's LGBTQ Campaign supports a change to the NBS's policy, as outlined in 'Council Believes' (below),
8. The NUS's national campaign to change the National Blood Service's policy,
9. That the National Blood Service regularly reviews its policy.

Council believes:

1. Donors should be assessed on their behaviour, rather than on their membership of a particular group,
2. The NBS's policy is based on the presumption that all men who have sex with men are 'high risk' for HIV, regardless of their individual sexual behaviour,
3. There is no medical or ethical reason why MSM who have long and consistently practised safe sex, and who have since tested HIV-negative, should be banned from giving blood,
4. Similarly, non-MSM donors should be assessed with the same rigor, and their sexual practices should be taken into account when they are assessed before donating blood,
5. A boycott of blood donation would be ineffective and unethical, and efforts to inform donors about the ban should not deter them from giving blood,

6. All students (and citizens) recognize their responsibility to give blood, even if they disagree with the current ban for MSM.

Council resolves:

1. To condemn the NBS's existing blood ban for MSM,
2. To support a policy that, subject to other donation criteria being met, allows people to give blood based on their individual behaviour, as opposed to an assessment of a group to which they can be assigned,
3. To mandate the OUSU President to write a letter to the National Blood Service communicating this policy, and to report the response to Council,
4. To mandate the VP (Welfare and Equal Opportunities) to liaise with the NBS, LGBTQ Campaign and Common Rooms to organise blood donation sessions in colleges, and to promote these to students,
5. To mandate the LGBTQ Officer to support LGBTQ Campaign in organising information pickets at blood donation sessions, with a view to informing donors of the NBS's policies, and offering them the opportunity to sign petitions or write letters supporting a change in the policy.
6. To continue to provide condoms and dental dams to students for free (or at low-cost) to Common Rooms; to encourage Common Room Officers to make them easily available; to continue to promote Oxford's excellent (and LGBT-friendly) sexual health services to students.

Proposed: Dani Quinn (Merton)

Seconded: Jasper Minton-Taylor (St John's)

Motion passes nem con.

6. Reaffirming policy on the Saïd Business School (TT07)

Council notes:

1. In Trinity Term 2007, OUSU voted to repeal its boycott of the Saïd Business School with the condition that it would maintain its opposition to the funding of education from unethical sources and would, in future, refer to the institution only as "The Business School" or "The Oxford University Business School".
2. Since OUSU adopted this policy, Wafic Saïd has continued to appear in the media in connection to his role as fixer in the BAE arms deal with Saudi Arabia, a deal which had been under investigation by the Serious Fraud Office following allegations of bribery until Tony Blair stopped the probe in 2006.

¹ France, Russia and South Africa have all recently lifted the life-time ban

3. Most recently, the Tories have been criticised in the Guardian and the Independent for accepting a campaign contribution from Wafic Saïd's wife. (Guardian, 28th May 2010; The Independent, 29th May 2010)
4. Since OUSU's policy was established, the University has continued to accept donations from Saïd, despite protests from students and dons, and Saïd continues to sit on the trustee board of the Saïd Business School Foundation.

Council believes:

1. That it remains wrong for Oxford University to accept funding from unethical sources under all circumstances.

Council resolves:

1. To reaffirm the "Saïd Business School" policy of Trinity Term 2007.

Proposed: Lukas Wallrich (Merton)

Seconded: Mae Penner (Magdalen)

Lukas Wallrich (Merton):

Just in view of time, this debate had a couple of years ago. Policy as it stands in purple booklet. This hasn't been changed only effective thing we can do is to not use the name not particularly effective but only thing we can do.

Wafic said is not allowed to donate because not a UK citizen

30 mins ago I thought a good motion, now just see a waste of time. This has been policy for 3 years and nothing has been done. We should start to think what we can do to ensure that what students believe is represented and something is done. If only we could have someone that could go out and do this.

The only way we can pursue OUSU policy is to write angry letters.

Genevieve Laurier

Whilst more can be done, at least not supporting name.

Jason Keen (St Johns):

Until we have a mechanism to campaign on policy am in opposition against.

Daniel Lowe (St Edmunds):

This is a really good policy. We have done things, there have been multiple protests outside the said business school. Also created a SRI committee, also look at manifesto. Jason is wrong and bitter.

Chair please refrain from making personal attacks.

This is good shows we have a stance. If you believe what the opposition said then we shouldn't have a student union.

Motion passes

7. Memorandum and Articles of Association

Council notes:

1. That after decisions taken in 2007 by students through Council and Referendum, OUSU is becoming a charitable company limited by guarantee and will register with the Charity Commission.
2. It is intended that OUSU will be registered and take its new form during the summer vacation.
3. The attached Memorandum and Articles of Association (M&A), which are an amended version of the document passed by Council in 5th week.

4. That an M&A is the means by which OUSU becomes a charitable company limited by guarantee (the process of 'incorporation').
5. Benefits of incorporation include limited liability for OUSU trustees, a defined membership structure, with a clear set of responsibilities for a formal trustee board to deliver the benefits of the charity to its members.
6. That the M&A has been circulated a number of times for consultation, and significant student feedback has been received and taken into account, including substantive drafting changes.
7. That a majority of trustees (9 of 13) are elected students (6 sabbatical officers and 3 directly elected student trustees).
8. That the remaining 4 places on the board are reserved for external trustees, who will be appointed by Council after their nomination by a new Nominations Committee. External trustees will not be students or employees of the University of Oxford or its Colleges.
9. That OUSU can continue in its current form until agreement is reached with the University and the activities and undertakings of OUSU can be transferred across into the company structure established by the M&A. In the meantime, a company can be established with the M&A to prepare for this process.

Council believes:

1. That after the resolution of some urgent challenges earlier this year, governance change is the last remaining step in putting OUSU on a stable footing.

Council resolves:

1. To adopt the attached M&A to allow a new company to be set up, into which the activities and undertakings of the current OUSU will be transferred on the Effective Date, after discussions with the University are complete and agreement has been reached.

Proposed: Stefan Baskerville (University)

Seconded: Jonny Medland (The Queen's)

Stefan Baskerville (University):

Mem and arts in brighter blue booklet, you have already approved in broad view. Some things have changed the uni is now a member of the company. They won, but I negotiated limited membership rights for them. The uni has a corporate membership they can appoint one member to attend general meetings not council. Have attendance and speaking rights, but no voting rights apart from on mem and arts. I resisted but according to company law this is the only way the university lawyers say can have a definite say on our governing documents. I have reservations but the rights are limited so it is basically them ensuring that within our governing structure they have the rights they are given for law. Increased the number of students for voting people out of student union. There could be circumstances were this is needed but we wanted it to be a very difficult thing to be done.

Think have told about major changes, this is the version that will go to General Purposes committee, if passed will go to Uni council. If they pass we can then register as a charity.

David Townsend (St John's)

Will they have a veto power on the memorandum and articles of association?

Stefan Baskerville (St John's):

Doesn't give them anymore power than they have now, but you can't have entrenched provisions, which could be overridden. Their position is that the mem and arts would have been changed so we would be in breach. Think in practice won't be a huge problem, think having their perspective would be good. We need their vote to make changes to mem and arts, but also clause that will exercise in good faith.

Daniel Lowe (St Edmunds):

Predicted date, if not passed how likely would it be passed.

We can incorporate whenever as soon as we have this. Registration won't take place on a particular date, aim to have operating agreement, trading agreement and mem and arts signed by July. This will give us chance to pick a company off the shelf and do this, but may take longer for registration with charity commission.

Jim O'Connell
If General Purposes Committee throws out what would happen?

Stefan Baskerville (University):
I couldn't rewrite the constitution I don't have the power. This would delay us by about a year, due to problems with accounts.

Speech in proposition

Madeline Stanley (LMH):
Don't vote against, vote for because a legal requirement and Stefan and Jonny have done the best they could do with a dreadful situation.

The issue I have with point 1. This is rubbish, I have numerous problems with what Charity act think we should do. The trustees can say yes or no on a whim to what council supports. Don't think this is democratic. Have to adopt arcane procedures of charity commission, adopt voting by procedure, not sure a good idea. Requires things from student unions that they cannot possibly given. We should have policy against 2006 Charity Act. Pass it but be aware we are being asked to agree to a law, which we shouldn't have to obey.

Please vote for it, but promote a motion against the 2006 act in 1st week.

Sarah Hutchinson (St Cross):
Want to back what Maddy said, no one was thinking about what doing I worked for the charity commission it is undermining, but it is the way we go forward, and a chance to stabilise our governing documents.

Amendment

Strike council believes 1.

Proposed: Jesse Harber (St Hildas)
Seconded: Madeline Stanley (LMH)

Motion stands amended.

Motion passes

2. Clean Energy Economy

Please note that this motion will create new OUSU policy.

Council notes:

1. That the International Energy Agency (IEA) has called for nations to spend 1% of annual economic output on new technology to in order to halve carbon dioxide emissions by 2050.
2. That according to the Carbon Trust, the UK has to potential to attract 45% of the global offshore wind market by 2020, delivering £65bn of net economic value and 225,000 jobs by 2050.
3. That the markets for solar energy, wind energy, and fuel cells are poised to grow from \$16 billion in global revenues in 2004 to more than \$100 billion by 2014.
4. That the UK has committed to a legally binding target of a 34% cut in greenhouse gas emissions by 2020.

Council believes:

1. That a global shift from fossil-based fuels to clean energy sources such as wind, wave and solar is in the economic and security interests of this country and of the wider international community.

2. That in addition to mitigating dangerous climate change, the transition to a clean energy economy offers a once-in-a-century opportunity to tackle issues such as unemployment, international instability, fuel poverty and economic regeneration.
3. That economic prosperity and combating climate change are complementary objectives.
4. That students at Oxford University, as global leaders in the sciences, engineering, business and politics, ought to be at the forefront of the new clean energy economy and the opportunities it offers.

Council resolves:

1. To support ambitious renewable energy targets at University, UK and international levels and renewable energy projects including on and offshore wind.
2. To support the OUSU Environment & Ethics Committee in promoting green jobs.
3. To mandate the OUSU Environment & Ethics Officer and VP C&C to work with the University Careers Service to better promote 'green' and 'ethical' job opportunities, including those outside of the charitable sector.
4. To reject the false dichotomy between combating climate change and economic prosperity.

Proposed: Ben West (St. Anne's)

Seconded: Mae Penner (Magdalen)

Ben West (St Anne's):

This motion replaces a previous motion on contraction and convergence, is because addresses issues that Jason has pointed out. Takes the issue into non controversial but provides ability to take concrete action and enables a positive constructive stance can be taken on. Point regarding working with careers office resolves 3 promoting green and ethical jobs is a positive step. Presents opportunities for students of Oxford to be at the forefront.

Chris Smith (Keble)

What would it take to reject?

Ben West (St Anne's):

Policy proposal important thing to have in policy book, when issues come up about climate change is that there is a trade off between energy costs and financial costs good point to have in.

Quorum count

Jason Keen leaves. Chair voting member of council

No opposition motion passes.

3. Report from NUS Conference

Council Notes:

1. The appended report on NUS Conference.

Council Resolves:

1. To mandate the President to implement its recommendations.

Proposed: Stefan Baskerville (University)

Seconded: Jason Keen (St. John's)

Motion passes nem con.

4. Returning Officer's Report for Statutory Elections Michaelmas Term 2009

Council Notes and Accepts:

1. The Returning Officers Report for the Statutory Elections Michaelmas Term 2009

Proposed: Ollie Lynch (Lincoln)
Seconded: Jonny Medland (The Queen's)

Motion passed Nem Com.