

2065 Specifying a threshold for changes to byelaws: An amendment to the byelaws

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Union Notes

1. The current constitutional framework requires amendments to the Articles of Association to be passed by a two thirds majority of voting members present at Council in order to be adopted
2. Byelaw 1.10.8 states the power of Council to make, repeal and amend byelaws, subject with Clause 69 of the Articles of Associations
3. Neither byelaw 1.10.8 or Clause 69 of the Articles of Association state whether or not a two-thirds majority or a simple majority is required for Union Council to amend the byelaws.
4. Byelaw 1.4.1 states that should a referendum question include a byelaw amendment, a two thirds majority is needed to pass it.
5. In debates on amendments to the byelaws this academic year, and in previous years, it has been stated by the chair of Council that a two thirds majority is required for amendments to the byelaws to pass.
6. A motion to gender balance non-portfolio officers in 2015 received above 50% of the vote in favour and was viewed to have failed to meet the required threshold (1739)
7. A 2/3rds majority is required merely to extend the guillotine.
8. The recent democracy review was judged to only require a simple majority.
9. A document was circulated at the previous council explaining the 'new' interpretation of policy.
10. This amendment would not retroactively alter the threshold for decisions made at previous councils.

Union Believes:

1. Changes to the byelaws are of critical importance. They determine the way in which we coordinate activities in the Union and the nature of our democracy.
2. Amendments to the byelaws should have a higher burden to pass, as they ought to require a much greater degree of consensus than ordinary motions of council, a 2/3rds threshold forces more consensus.
3. Under the 'new' interpretation requiring just a simple majority for byelaw amendments to be accepted, only half of voting members at a Union Council meeting would need to vote for a motion to abolish officer positions from the Union, including liberation officers.
4. Given the burden for referenda is set at two thirds, there is a constitutional contradiction. Referenda are the ultimate sovereign decision making body of the union

and therefore, requiring a higher threshold for referenda to pass byelaw amendments than to pass than council is fundamentally anti-democratic, and contradicts the principles of the union.

5. Requiring 2/3rds to extend the guillotine and only a simple majority to amend our byelaws denotes that a decision to extend the guillotine is of more importance than a change to our byelaws.

Union Resolves:

1. To amend byelaw 1.10.8 to read:

“to make, repeal and amend these Bye-Laws jointly with the Trustees in accordance with Clause 69 of the Articles of Association. A two thirds majority of votes cast must be cast in favour of a resolution which seeks to make, repeal or amend these byelaws in order for it to be passed and for the creation, repeal or amendment of the byelaws to occur.”