

Policy Proposal:

Date:
02/11/2023

Proposer/s:
Dominic White – Union President
Holly Lloyd – Vice President Education

Current Policy/Situation

What happens at the moment?

At present, the only way we can leave the NUS is via a referendum. At a company law meeting of the NUS, a proposal was put out that stated that going forward the NUS would only recognise disaffiliation via referendum as the only “true way” of leaving the NUS and that other methods would no longer be accepted. This caused significant discussion within the meeting, and it became clear that this is a policy that the NUS will be pushing forward. My concern is that this takes sovereignty away from the Union and take options away from company law members to act in the organisations and student's best interests.

New Proposal

What is your new proposal? This must include the exact wording that you would like in the Standing Orders?

A referendum on the Union's affiliation to NUS UK will automatically be held during the election period each academic year, however, as a safeguard the Union of Students Company Law Members can in exceptional circumstances act in the best interests of the organisation and its members and holds the right to exercise a vote on changing affiliation status to any and all NUS entities via a Union of Student's Company Law meeting. Students have 14 working days to submit an appeal in writing regarding the Company Law Members exceptional circumstance's decision via the Union President. Should no appeal be submitted by the end of the 14 working days the decision will take effect. However, should an appeal be made within the 14 working days window a panel will be convened within 10 working days of the appeal being received, to review and decide upon via an Extraordinary Scrutiny Panel meeting. Company Law Members and the Union CEO are expected to attend said meeting to give their reasons for the exceptional circumstance's decision. Once the decision of the Extraordinary Scrutiny Panel has been made, this decision will be final and cannot be challenged further within the same academic year. Additionally, the annual NUS UK referendum will no longer be held should the Company Law Members decision to disaffiliate either come into effect at the end of the 14 working days period or be upheld by an Extraordinary Scrutiny Panel.

Once the Company Law Members have made an exceptional circumstance's decision, it must be displayed on the Unions website and an email must be sent to all students containing the reasoning for the decision and the decision itself within 24 hours of the decision being made, along with the appeals process.

Rationale for the change

What are the pros and cons of the change? How will any cons be managed/mitigated?

Pros – This gives the Company Law Members powers to act in exceptional circumstances should a situation arise and there is low confidence in the needed voter turnout such as during the summer months. This also brings in line the process for all other affiliations, as all other affiliations are approved by Company Law Members

Con – Could be seen as Company Law Members bypassing democratic procedures. This could have an effect on the NUS's decision to uphold the decision to disaffiliate.

What consideration or consultation have you taken prior to submitting this proposal? *All proposals go the exec team to be confirmed, so having insufficient consultation/consideration could mean the proposal is rejected.*

Conversations have taken place between myself and several Union presidents from across the country all with differing experiences of how the NUS has reacted to disaffiliation referendums. Additionally, having spoken to Derby NUS delegates and got their views on the NUS, and after speaking to the Voice manager it has allowed me to come to the position that having a safeguard put in place is important to protect against what I and others see as NUS overreach and protectionism.

Have you considered any impact of the new proposal on any of the protected characteristics as listed in the Equality Act 2010? *What are the impacts and how will any negative impacts be managed/mitigated? For more information on the protected characteristics please see [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)*

N/A

Appendices *if necessary.*

N/A