



Clubs and Societies Working Group
Investigation Into Matters Relating to
Capitation Allocated to Clubs and
Societies by the University of Limerick
Students' Union

Interim Report

Delivered to Clubs and Societies Council
on the 15th of November 2011

Compiled by David Hartery - Debating, Hugh O'Brien - Drama,
Keith Young - Outdoor Pursuits and Séamus Kearney - Young Fine
Gael

Purview of the Working Group

1. To examine the extent to which Clubs and Societies Executive and Council are involved in matters relating to the availability of their share of the capitation.
2. To determine whether or not it is agreeable to Clubs & Societies that the students' union retain ownership over Clubs & Societies and its assets.
 - a. Determine if the assets should be appropriated.
 - b. Determine if interest accrued on Clubs & Societies allocation is to the benefit of Clubs & Societies.
 - c. Determine if further constitutional provisions should be installed.
 - d. Determine if further legal provisions should be installed.
3. To determine whether Clubs & Societies hold the legal right to 67% of student capitation income.
4. To determine whether the Clubs and Societies rulebook is constitutionally recognised by the Student's Union.
 - a. Determine if its provisions have been followed.
5. Identify inquiries which should be addressed by future working groups.
6. To formulate and present findings and proposals relating to the above points to Clubs & Societies Council.

Articles of the Working Group

1. The group will consist of five members as ratified by the Clubs & Societies Council.
2. Members shall volunteer themselves. Should there be more volunteers than positions, members will present by one minute hust and be voted upon by Clubs & Societies Council using proportional representation.
3. The group shall elect a spokesperson.
4. The group retains the option to dismiss a member in cases of absenteeism.
5. Written records of group meetings will be kept.
6. The group shall meet once a week between the date of election and the date of presentation to Council; provisionally set for 2011-11-15 (Academic week 11).
7. If deemed necessary by the group, the group shall continue to operate through the 2011/2012 winter break.
8. If deemed necessary by the group, group meetings will resume in spring semester with a goal to presenting proposals in week 3.
9. Individuals or groups holding knowledge deemed relevant by the group, including but not limited to University or Students' Union staff, may be called upon to provide information or attend meetings in a non-voting capacity.

Introduction

The working group was established due to an incident that occurred over the summer of 2011, in which the Students' Union Executive approved the use of Clubs and Societies reserves for the purposes of keeping the Students' Union Spar Shop afloat. Clubs and Societies felt aggrieved with how this decision was made, which also highlighted many other issues, when it was first presented to council in academic week 3.

Following this an extraordinary Clubs and Societies Council meeting was called by members of council for the sole purpose of discussing this issue. At the end of the meeting it was suggested that a working group be formed to investigate matters relating to this issue. Subsequently a working group was established to create the Terms of Reference in conjunction with the Clubs and Societies Executive and following this the main working group was formed.

The following is the interim report of this working group, which was presented to Clubs and Societies Council on the 15th of November 2011 as mandated in the terms of reference.

We like to take this opportunity to thank everyone for their contributions and co-operation in the compilation of this interim report.

Members of the Working Group

Séamus Kearney – Chairperson, Young Fine Gael

Keith Young – Orienteering Officer, Outdoor Pursuits Club

David Hartery – Auditor, Debating Union

Hugh O'Brien – President, Drama Society

Alex McGovern - DJ Society, Resigned 3/11/2011 due to college commitments.

Group Operations

1. The working group has met weekly for the past four weeks since its establishment.
2. We have held formal meetings with SU personnel and e-mail contact with University representatives.
3. Records of all meetings have been kept, which will be attached to this document in the appendices.
4. The full report is still a work in progress; the purpose of this interim report is to show all of the work completed to date.

1. To examine the extent to which Clubs and Societies Executive and Council are involved in matters relating to the availability of their share of the capitation.

In the current governance structure of the Students' Union Clubs and Societies are granted two positions on the Students' Union Executive in the form of the Clubs Officer and the Societies Officer who are elected directly from Clubs and Societies Council.

There have been questions raised over their level of power within the SU Executive, in particular due to the issue that arose over the summer. The Clubs and Societies Rulebook states that they represent the views of council on the SU Executive, however it is the opinion of Derek Daly, SU President that they are there simply to ensure that the groups are represented and that they don't necessarily represent the views of council. He feels that having to report back to council each time a decision would need to be made would be very time consuming and they need to be able to make decisions on the spot.

Paul Lee, CSDO feels that "Clubs and Societies council need to create a clear term of reference for the Clubs/Societies Officers abilities on the Students' Union Executive." If this were created it would potentially mandate the Clubs/Societies Officers to report back to council on any issues relating to Clubs and Societies or any issues at all. In the meantime however, if the Executive were to achieve quorum for a decision it could still be passed without the input of Clubs and Societies Council.

The new governance structure of the Students' Union, which will be implemented in 2012, does not guarantee a position for Clubs and Societies on either the Board of Management or the new SU Executive/Board of Directors. The Clubs/Societies Officers will respectively become Councilors on the new Student Union Council consisting of 65 members, from which three will be elected to both the BoM and the SU Executive. Derek Daly felt it to be undemocratic to have an assigned position for Clubs and Societies on these groups.

However if a situation similar to the summer were to arise again, the power would remain with the SU Executive to grant access to the reserves and not Clubs and Societies. As such it would be advisable that Clubs and Societies work to ensure that they do have adequate representation.

In light of what arose over the summer, a proposed plan of action (**Appendix 7**) has been drawn up between the SU Executive and the University which outlines a repayment structure by which Clubs and Societies will be repaid all monies owed to them into a newly created Clubs and Societies reserve account. While the account has been created, the agreement does not appear to be ratified, and as worded, cannot be until a Board of Directors exists.

With the creation of a separate Clubs and Societies reserve bank account it may indeed ensure that Clubs and Societies Councils' approval would need to be sought and granted, prior to this happening, however this is still unclear, as we have yet to receive clarification on the level of access the Students' Union has to this account.

A Clubs and Societies holding account has also been created, into which all Clubs and Societies capitation monies will be lodged and drawn down to the Clubs and Societies current account as is required.

2. To determine whether or not it is agreeable to Clubs & Societies that the students' union retain ownership over Clubs & Societies and its assets.

a. Determine if the assets should be appropriated.

This has yet to be determined. The majority of our inquiries have thus far been centered on adequate representation for Clubs and Societies and the issues surrounding the 67% capitation received. As it stands the Students' Union will be purchasing the new minibus on our behalf and this amount is going to be deducted from the total amount owed to clubs and societies. As such it will become a priority for us over the coming weeks to establish if the assets (vehicles) can be appropriated by Clubs and Societies and whether or not they should be.

b. Determine if interest accrued on Clubs & Societies allocation is to the benefit of Clubs & Societies.

A meeting has yet to be organized with Barry Costello, Financial Accountant to ULSU to discuss this matter. However moving forward this does not seem like it will be an issue as all capitation monies are going to be paid into the Clubs and Societies holding account each year from now on.

c. Determine if further constitutional provisions should be installed.

As it stands, Clubs and Societies may want to consider installing further constitutional provisions surrounding a number of issues.

1. To provide representation on the Board of Management and the Board of Directors/SU Executive in the new structure. Given that Clubs and Societies do retain 67% of all capitation monies and are one of the largest and most active groups on campus it would be advisable that they maintain a presence in the new structure at the top level. **Appendix 2** shows our interpretation of the new system and if accurate leaves Clubs and Societies at the bottom of the chain.
2. To ensure that Clubs and Societies are consulted with on all matters relating to their portion of capitation and their reserves a finance article should be implemented into the Students' Union Constitution so as to ensure permission is sought from either Council or the Executive before access can be gained by the Union. (That is assuming the Union still have the ability to access the new accounts created themselves.)

3. A schedule, similar to that of the one created between the Postgraduate Students' Union and the University of Limerick Students' Union should be investigated. This would be done to ensure that there is an understanding between the SU and Clubs and Societies surrounding all financial matters and would potentially include an agreement that 67% of capitation will be given to Clubs and Societies annually.

d. Determine if further legal provisions should be installed.

The lack of clarity that has existed surrounding many issues has meant that we have not been able to determine whether or not this is required thus far. We have felt so far that it was necessary to prioritise understanding internal administrative norms before examining the legal status of any agreements. However when dealing with the issue surrounding the appropriation of assets legal advice may need to be sought and provisions installed on this basis.

3. To determine whether Clubs & Societies hold the legal right to 67% of student capitation income.

As it stands Clubs and Societies have received 67% of the total amount of capitation given to the Students' Union over the last number of years. It was generally accepted among Clubs and Societies council that this is how it would stay. However during the extraordinary Clubs and Societies council meeting Derek Daly, SU President made a statement, which called this into question and made it an issue for the working group.

"There is no legal obligation; it is a Higher Education Authority recommendation and is a longstanding practice."

We have since learned that Derek Daly approached Paul Lee, CSDO during the summer stating that this would in fact need to be revisited and that the portion Clubs and Societies receive reduced.

There is no evidence of an agreement in writing that exists to ensure Clubs and Societies receive the 67% of capitation and it appears to have been just a longstanding practice based on a HEA recommendation as Derek Daly describes.

During our inquiries we overheard rumours that Philip Mudge, General Manager ULSU and Derek Daly were called to a meeting by Paul McCutcheon (VPA) and John Fox (UL Financial Controller) and in this meeting the issues surrounding the Clubs and Societies monies which were accessed over the summer and the status of the 67% capitation for Clubs and Societies was clarified. While these are nothing more than rumour and hearsay, we feel that these rumours are pertinent to this report as they shed light on interactions we later had.

Upon receiving this information the working group subsequently contacted Paul McCutcheon and John Fox to arrange a meeting to discuss these issues as they were of grave importance to Clubs and Societies. The response we received was as follows:

"The ULSU Executive has formally confirmed to the University that it will conform to the agreed 67:33 split with respect to student capitation income, with the 67% element being allocated to support Clubs and Societies. This arrangement takes account of both past and future allocations of capitation funding and will be underpinned by the establishment of a separate bank account for Clubs and Societies funds.

I will of course be delighted to meet with you but feel that the foregoing provides the information you were seeking."

In the above e-mail it appears clear to us that an agreement is in place surrounding the 67% capitation however we are unclear as to whether or not an agreement exists in writing. John Fox also made it clear that the 67% is there to support Clubs and Societies. However there appears to be contradictions between what the University and Derek Daly told us. The following are from the transcript of our meeting with Derek.

"C&S portion is for C&S to spend as per budgets, but determination of the portion size is for the SU Exec. SU Exec is the body responsible to the University for use of capitation."

"HEA recommendation, which is for student activities and does not specifically mention that it is for Clubs and Societies."

"It must be reviewed as the amount of capitation received has increased a lot since it was put in place."

"3-4% shift in favor of the general activities. It is something that must be reviewed in the long term and is not something we will be looking for this year."

"The University are examining our books/accounts now and it looks like they may suggest that An Focal be placed onto the 2/3 side and Paul and Liz to the 1/3, as they see the 1/3 more as administration and the 2/3 as student activities."

These statements raised a lot of questions for us considering John Fox assured us that there is an agreement surrounding the 67:33 split in capitation and that the 67% is for Clubs and Societies. Due to this we decided to take him up on his offer of scheduling a meeting, highlighting that we feel that there are some very important issues we need to discuss. The response we received was as follows:

"I think that my earlier email clearly confirms the arrangements in place between UL and ULSU with respect to student capitation funding. Furthermore the University will be following up on the implementation of the agreement on a quarterly basis."

"Taking the foregoing into account I consider that you have sufficient information to finalise the report of the Working Group without the necessity for a meeting."

We can only assume the agreement referred to is the proposed plan of action (**Appendix 7**), which regrettably does not clarify any of the salient points.

This left us in a very confusing position. From one side we are getting one set of information and from the other, another set of apparently contradictory information. A lot of questions can be raised from the above, such as what constitutes a student activity. It appears An Focal would be classed as such, however questions would be raised over whether Charity Week and any promotional weeks in the University calendar would fall within this category also. Following from a request last semester where the SU asked for C&S assistance to pay for buses to a fees protest, would that count among student activities? Is that something that is acceptable or desirable. As it stands we would be unclear how this would affect the C&S Budgeting structure.

Another point that must be noted is if Paul Lee (CSDO) and Liz Gabbett (CSLO) were to be transferred to the 33%/general activities side of the capitation, could their salaries be lowered as they are no longer being paid out of Clubs and Societies capitation? Moreover, could one of their jobs be put at risk should the Students' Union encounter financial difficulty?

This is very worrying to us, and we will be making it our priority in the coming weeks to ensure that all these questions are answered and that we get the information we need to ensure the continuity of our portion of the student capitation.

4. To determine whether the Clubs and Societies rulebook is constitutionally recognised by the Student's Union.

We have received various views on this and it is very difficult for us to determine. On the one hand we have been told by the Students' Union President that the Rulebook effects only Clubs and Societies and not the Union, however Róisín Monaghan, Democracy Development Officer has told us that:

1. All policies from the rulebook are binding.
2. ULSU Constitution is a legally binding document and as such by extension the rulebook is also.
3. Clubs and Societies Autonomy is given through this recognition and by article 39.2 of the ULSU Constitution.

We have yet to determine which is correct, if either of them are wholly. However it is something which must be assessed, as in terms of Clubs and Societies, if we have our policies and rules to follow, what use are they if the Union can simply bypass them. In the rulebook it states that "That ULSU Clubs & Societies Council should over see the administration of all Clubs & Societies capitation monies." This was quite clearly ignored over the summer.

As such we need to establish a means by which the Rulebook will be recognized, if it is not already so that we determine our own policy and that Union policy does not supersede it. We should be running in unison and not have conflicting policies or rules. This ties back to the additional constitutional provisions which may need to be installed.

a. Determine if its provisions have been followed.

The provisions of the rulebook have not been followed as highlighted above. However we have yet to establish whether it's policies are binding on the Union.

5. Identify inquiries, which should be addressed by future working groups.

There are a few lines of inquiry which may need to be addressed by future working groups following the completion of our final report. As it stands we cannot ascertain if the lines we have identified will be resolved as part of our working group or if they will be left unresolved and as such we will determine this for our final report which will be released in the early part of the spring semester 2012.

6. To formulate and present findings and proposals relating to the above points to Clubs & Societies Council.

Our findings and potential proposals have been presented in the interim report above. We must emphasize that our work is not complete and we will be working ahead of next semester to compile a more detailed report which will have additional findings and proposals. Any potential proposals mentioned here may be altered as new information is gathered by us.

Appendix 1: Status Reports

Clubs and Societies Working Group Status Report

Meeting:	Clubs and Societies Working Group Meeting Week 7
Date & Time:	Thursday 20th Oct 2011 @ 6pm
Venue:	Clubs and Societies Office
Participants:	Alex McGovern (DJ Society), David Hugh Hartery (UL DebU), Keith Young (OPC), Hugh O'Brien (Drama Society)
Apologies:	Séamus Kearney (Young FG)

Meeting Summary

List the Items as per the agenda here and summary comments:

Agenda Item	Comments
General Discussion – Plan of Action	<p>Established the most important matters which must be addressed first that relate to the purpose of working group.</p> <ul style="list-style-type: none">- The C&S Rulebook – Its validity and if provisions were followed.- Legal claim to 2/3 capitation – To investigate if there are valid agreements in place to secure this for C&S. <p>Parties which must be contacted for information/opinion are identified:</p> <ul style="list-style-type: none">- Paul Lee (CSDO) – Rulebook and Capitation- Róisín O'Brien (DDO) - Rulebook- Derek Daly (SUPresident) – Rulebook and Capitation <p>Acknowledged that UL Finance department may need to be contacted regarding the agreement surrounding 2/3 of capitation.</p> <p>Acknowledged that legal advice may need to be sought surrounding the 2/3 capitation and ownership over such.</p>

Future Meetings Schedule

The group to discuss the following meeting schedule:

Meeting	Dates	Notes
Weekly CS WorkGroup Meeting	Every Thursday – 6pm to 7pm	Must be confirmed with Séamus Kearney
Next meeting	Thursday 27th Oct @ 6 pm	Must be confirmed with Séamus Kearney

Actions (Must have an owner!)

No.	Action	Owner	Date to be completed	Date & Status
1	Scheduling of Meetings – Meetings to be scheduled with parties identified above in comments surrounding the C&S Rulebook and	Keith, Alex	27/10/11	20/10/11 – Parties to be contacted to arrange date and time to meet.

	Capitation.			
2	2/3 Capitation – Investigate C&S legal claim on capitation, focusing on documentation available within the University.	Hugh, David	27/10/11	20/10/11 – Documents to be looked at identified and will be examined before next meeting. Audited accounts, constitutions and memorandum to be examined.

Any Extra Notes

Clubs and Societies Working Group Status Report

Meeting: Clubs and Societies Working Group Meeting Week 8
Date & Time: Wednesday 26th Oct 2011 @ 6pm
Venue: Clubs and Societies Room, Students' Union
Participants: David Hugh Hartery (UL DebU), Keith Young (OPC), Séamus Kearney (Young FG),
Apologies: Alex McGovern (DJ Society), Hugh O'Brien (Drama Society)

Meeting Summary

List the Items as per the agenda here and summary comments:

Agenda Item	Comments
Clubs and Societies Rulebook/Students' Union Constitution	<p>Keith and Séamus present findings from discussions with Paul Lee (CSDO) and Róisín Monaghan (DDO). Transcripts will be e-mailed to working group once approved by both Paul and Róisín with electronic signature given.</p> <p><u>Points noted from Róisín:</u></p> <ul style="list-style-type: none"> - The Rulebook is recognized by the Students' Union Constitution as such it is considered legally binding. - Autonomy granted through rulebook and article 39.2 of the Students' Union Constitution. - The executive had the power to make the decision which was made over the summer. - In practical terms the SU President is not required to contact Clubs and Societies Council on issues relating to them, however it is best practice. - Nothing in writing on the financial side to make this mandatory. - In relation to the new constitution, Róisín is unable to get a clear idea of C+S Councils standing in the new structure and how it will operate. <p><u>Points noted from Paul:</u></p> <ul style="list-style-type: none"> - Believes are autonomy was breached with decision made during the summer. - Procedures are followed meticulously when issues arise, but when things are quiet it is quite lacks recently. - Clubs and Societies were not consulted with by any means surrounding the restructuring of the constitution. - Philip Mudge, Derek Daly and Róisín Monaghan all have different ideas on the new structure and nobody seems to be able to say clearly where clubs and societies fit in. - Questions over the legality of changes made. Paul possesses a relevant e-mail from a solicitor back in 2006. Will make available to us on request.

2/3 Capitation

Suggestions/Recommendations:

- To ensure Clubs and Societies are represented in the new structure of the Students' Union. (Róisín)
- A clear mandate is created that states what the Clubs and Societies Officers can and cannot do at Executive meetings in terms of making decisions that effect Clubs and Societies. (Paul)
- Create a policy that any financial decisions regarding Clubs and Societies monies are discussed at Clubs and Societies Council prior to a decision being made at an executive level. (Róisín)
- Establish whether UGM trumps the relevant councils, when they have not been consulted with on decisions which effect them. (Paul).

Róisín Monaghan believes that we must create a schedule or agreement with the Students' Union, similar to that of the one created between the SU and the PSU, which will outline any agreements surrounding capitation and be included in the Students' Union Constitution.

Agreement that this must be done and will be investigated.

Points Noted from Paul Lee:

- Was approached by Derek Daly during the summer and was told that the 67% capitation that C+S received will need to be revisited/renegotiated.
- We should not be the failsafe for the Union when they are in financial difficulty, especially without consultation.
- Any agreement which exists surrounding the 67% must be found, locked down and put into the constitution so that if questions arise again, we can point to it.
- **This must be confirmed:** Philip Mudge and Derek Daly were called to a meeting by Paul McCutcheon. In this meeting they were told no capitation monies would be given to the Students' Union until debt to Clubs and Societies was repaid. The 67% that Clubs and Societies receive is set in stone and not open for negotiation.

Noted: Due to time constraints Hugh and David were unable to meet since the previous meeting to investigate Clubs and Societies legal claim over the 2/3 capitation via any documentation that may exist in the University of Limerick.

Agreed that legal advice will need to be sought on a variety of matters including:

- Amendments to be made to the constitution.
- Legality of the current constitution.
- Schedules/agreements that must be added to the

	<p>current constitution to protect us.</p> <p>A meeting must be organized with Paul McCutcheon and John Fox surrounding the 2/3 capitation and to verify any discussions which have been had with ULSU.</p> <p>Derek Daly must still be met with and it is agreed that the restructuring of the Union via the most recent UGM should be included in topics for discussion.</p> <p>Noted: Examining the pervue of the working group, the interest accrued on capitation monies must still be investigated.</p>
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Future Meetings Schedule

The group to discuss the following meeting schedule:

Meeting	Dates	Notes
Weekly CS WorkGroup Meeting	Every Thursday – 6pm to 7pm	
Next meeting	Thursday 3 rd of Nov @ 6 pm	

Actions *(Must have an owner!)*

No.	Action	Owner	Date to be completed	Date & Status
1	Scheduling of Meetings – Meetings to be scheduled with parties identified above in comments surrounding the C&S Rulebook and Capitation.	Keith, Alex, Séamus	27/10/11	20/10/11 – Parties to be contacted to arrange date and time to meet. 26/10/11 – Róisín Monaghan and Paul Lee meetings completed and feedback given. Meeting with Derek Daly on the 28/10/11.
2	2/3 Capitation – Investigate C&S legal claim on capitation, focusing on documentation available within the University.	Hugh, David	27/10/11	20/10/11 – Documents to be looked at identified and will be examined before next meeting. Audited accounts, constitutions and memorandum to be examined. 26/10/11 – Hugh and David unable to meet, however developments made through discussion with Paul Lee.
3	Items for Legal Advice – Any items which must be brought to the solicitor to be compiled for the next meeting for review.	Everyone	03/11/11	26/10/11 – Members of WG to compile any items they want to be brought to soillcitors for discussion next week.
4	Interest Accrued – Barry Costello should be contacted in regards the interest accrued on the Clubs and Societies capitation monies.	David	03/11/11	26/10/11 – Barry to be contacted ahead of next meeting.

4	Meeting with Paul McCutcheon/John Fox – Following meeting with Derek Daly a meeting should be scheduled with the above parties to discuss information provided by Paul Lee.	Keith	03/11/11	26/10/11 – To be contacted following meeting with Derek Daly, in case additional questions are raised.
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Any Extra Notes

	<p>student experience.</p> <ul style="list-style-type: none"> - A request must be made to Derek Daly for a flowchart of the new system, including CSC and CSE into it. As of yet, no such flowchart is available. - Meeting with Paul McCutcheon and John Fox must become a high priority ahead of the report to be made in week 11. - Various item must be compiled in time for the interim report. This will be reviewed at the next meeting.
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Future Meetings Schedule

The group to discuss the following meeting schedule:

Meeting	Dates	Notes
Weekly CS WorkGroup Meeting	Every Thursday – 6pm to 7pm	
Next meeting	Thursday 10 th of Nov @ 6 pm	

Actions *(Must have an owner!)*

No.	Action	Owner	Date to be completed	Date & Status
1	Meeting with Paul McCutcheon/John Fox – Following meeting with Derek Daly a meeting should be scheduled with the above parties to discuss information provided by Paul Lee.	Keith	03/11/11 10/11/11	26/10/11 – To be contacted following meeting with Derek Daly, in case additional questions are raised. 03/11/11 – Have been contacted no response. Follow up contact will be made.
2	Flowchart – A flowchart of new governance structure to be requested from Derek Daly.	Keith	10/11/11	03/11/11 – Request will be made tomorrow.
3	Interim Report – Items to be gathered for the interim report which will be reviewed at the next meeting ahead of Week 11.	Everyone	10/11/11	03/11/11 – Group to report back at next meeting
4	Interest Accrued – Barry Costello should be contacted in regards the interest accrued on the Clubs and Societies capitation monies.	David	03/11/11 10/11/11	26/10/11 – Barry to be contacted ahead of the next meeting. 03/11/11 – Following meeting with Derek we have decided to postpone this.
5	Scheduling of Meetings – Meetings to be scheduled with parties identified above in comments surrounding the C&S Rulebook and Capitation.	Keith, Alex, Séamus	27/10/11	20/10/11 – Parties to be contacted to arrange date and time to meet. 26/10/11 – Róisín Monaghan and Paul Lee meetings completed and feedback given. Meeting with

				Derek Daly on the 28/10/11.
6	2/3 Capitation – Investigate C&S legal claim on capitation, focusing on documentation available within the University.	Hugh, David	27/10/11	<p>20/10/11 – Documents to be looked at identified and will be examined before next meeting. Audited accounts, constitutions and memorandum to be examined.</p> <p>26/10/11 – Hugh and David unable to meet, however developments made through discussion with Paul Lee.</p>

Any Extra Notes

Clubs and Societies Working Group Status Report

Meeting: Clubs and Societies Working Group Meeting Week 10
Date & Time: Wednesday 10th Nov 2011 @ 6pm
Venue: Clubs and Societies Office, Students' Union
Participants: David Hugh Hartery (UL DebU), Keith Young (OPC), Séamus Kearney (Young FG), Hugh O'Brien (Drama Society)

Apologies:

Meeting Summary

List the Items as per the agenda here and summary comments:

Agenda Item	Comments
<p>Meeting with Paul McCutcheon/John Fox:</p>	<p>Noted: Alex McGovern has resigned from the working group due to time commitments and having missed a number of meetings.</p> <p>Agreed: The position will be open to be filled this coming Tuesday at Clubs and Societies Council.</p> <p>We have had a response by e-mail from John Fox in which he outlines the following:</p> <ul style="list-style-type: none"> - ULSU have formally confirmed to the University that they will conform with the agreed split of 67:33 split of student capitation. - The 67% is exclusively for Clubs and Societies. - Takes account of both past and future allocations of capitation and will be underpinned with the establishment of a separate bank account for Clubs and Societies funds. <p>John has offered to still meet with us if we feel necessary and we do so on these grounds:</p> <ul style="list-style-type: none"> - There are contradictions between what John has told us and what Derek has told us, in that the University were potentially going to view the 67% as being for student activities. - Derek from our meeting still maintained it will be renegotiated. - We would like to know of any written agreements in place, for our own protection. <p>Suggested: If we introduce a finance article into the SU Constitution it should read something similar to the following:</p> <p>“The 67% Clubs and Societies receive from student capitation income is under the complete control of Clubs and Societies Council.”</p>

Future Meetings Schedule

The group to discuss the following meeting schedule:

Meeting	Dates	Notes
Weekly CS WorkGroup Meeting	Every Thursday – 6pm to 7pm	
Next meeting	November 15 th of Nov @ 2 pm	Room to be booked.

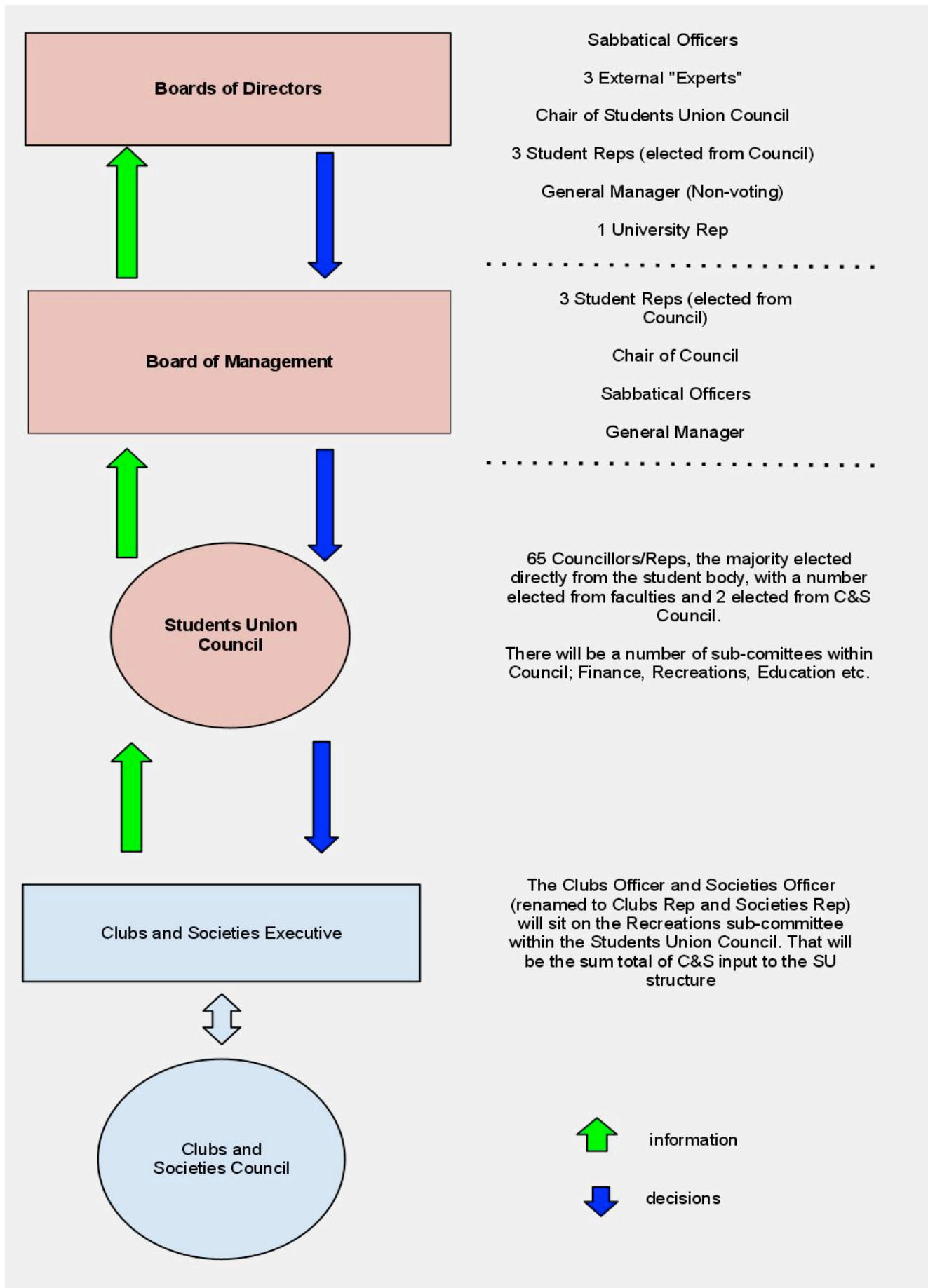
Actions *(Must have an owner!)*

No.	Action	Owner	Date to be completed	Date & Status
1	Meeting with Paul McCutcheon/John Fox – Following meeting with Derek Daly a meeting should be scheduled with the above parties to discuss information provided by Paul Lee.	Keith	03/11/11 10/11/11 15/11/11	26/10/11 – To be contacted following meeting with Derek Daly, in case additional questions are raised. 03/11/11 – Have been contacted no response. Follow up contact will be made. 10/11/11 – Reply received by e-mail from John Fox. However meeting still requested and has been.
2	Flowchart – A flowchart of new governance structure to be requested from Derek Daly.	Keith	10/11/11 15/11/11	03/11/11 – Request will be made tomorrow. 10/11/11 – Request made but no reply as of yet. Follow up request will be made tomorrow.
3	Interim Report – Items to be gathered for the interim report which will be reviewed at the next meeting ahead of Week 11.	Everyone	10/11/11 15/11/11	03/11/11 – Group to report back at next meeting. 10/11/11 - Documents created on google docs and everyone to feed into their creation ahead of next meeting.
4	Meeting with PSU – Meeting to be organized with Sarah Jane Hennelly to substantiate rumours that they are planning to pull funding from Clubs and Societies.	Séamus	15/11/11	10/11/11 – Agreed that meeting must be organized. (see above).
5	Interest Accrued – Barry Costello should be contacted in regards the interest accrued on the Clubs and Societies capitation monies.	David	03/11/11 10/11/11 15/11/11	26/10/11 – Barry to be contacted ahead of the next meeting. 03/11/11 – Following meeting with Derek we have decided to postpone this. 10/11/11 – Barry Costello to be contacted ahead of interim report meeting.

6	Scheduling of Meetings – Meetings to be scheduled with parties identified above in comments surrounding the C&S Rulebook and Capitation.	Keith, Alex, Séamus	27/10/11	20/10/11 – Parties to be contacted to arrange date and time to meet. 26/10/11 – Róisín Monaghan and Paul Lee meetings completed and feedback given. Meeting with Derek Daly on the 28/10/11.
7	2/3 Capitation – Investigate C&S legal claim on capitation, focusing on documentation available within the University.	Hugh, David	27/10/11	20/10/11 – Documents to be looked at identified and will be examined before next meeting. Audited accounts, constitutions and memorandum to be examined. 26/10/11 – Hugh and David unable to meet, however developments made through discussion with Paul Lee.

Any Extra Notes

Appendix 2: New SU Structure (Our Interpretation)



Appendix 3: E-Mails from John Fox

John.Fox John.Fox@ul.ie to **VPA**, ULStudent:KEIT.

Keith,

The ULSU Executive has formally confirmed to the University that it will conform to the agreed 67:33 split with respect to student capitation income, with the 67% element being allocated to support Clubs and Societies. This arrangement takes account of both past and future allocations of capitation funding and will be underpinned by the establishment of a separate bank account for Clubs and Societies funds.

I will of course be delighted to meet with you but feel that the foregoing provides the information you were seeking.

Regards,
John

John.Fox John.Fox@ul.ie to Keith, VPA

Keith

I think that my earlier email clearly confirms the arrangements in place between UL and ULSU with respect to student capitation funding. Furthermore the University will be following up on the implementation of the agreement on a quarterly basis.

Taking the foregoing into account I consider that you have sufficient information to finalise the report of the Working Group without the necessity for a meeting.

Regards

John

- Show quoted text -

Appendix 4: Meeting Transcript – Paul Lee

Clubs and Societies Working Group

Discussion with Paul Lee surrounding the standing of the C+S Rulebook in reference to the ULSU Constitution and 2/3 capitation monies Clubs and Societies receive.

Date & Time: Wednesday 26th Oct 2011 @ 3pm
Venue: Office of Paul Lee (CSDO)
Participants: Paul Lee (CSDO), Keith Young (OPC), Séamus Kearney (Young Fine Gael)

Are all policies within the rulebook recognized by the students' union given that article 40.9 of the ULSU Constitution acknowledges the existence of the rulebook?

- Paul understands that as the constitution is a legally binding document the rulebook is also by extension, due to its recognition in the constitution.
- The rulebook provides us with autonomy but does not feel that it is being followed due to recent events surrounding both approval of SU Reserves during the summer and the more recent adoption of constitutional changes via UGM.
- Believes that the constitution would always have been the reference document in the past but in recent years this has become quite lax and appears not to have following as per previous protocols
- In relation to the constitution: In the preamble it provides for articles to be amended and I am not convinced that the suspension of articles is valid and had flagged this in house afterwards.
- Clubs and Societies were not included in any discussion concerning the restructuring even though it directly affects them as a group. There was a communication breakdown, with best practice not being adhered to.
- The UGM apparently was delayed while the crowd was drawn in with free gig tickets and free alcohol. Not convinced that everyone one knew what they were voting for.

It is the role of the Clubs/Societies officers to transmit the views and opinion of the Council and the C&S Executive Committee to the ULSU Executive. Do you feel the Clubs/Societies Officer should be allowed to make decisions such as those made during the summer without consultation with council?

- The administration budget was on the Clubs and Societies Executive for quite a long time, without Tomás Costello or Ruán Dillon McLoughlin being able to discuss it. It became clear there was poor spending on the Students' Union side when a request came to us to cover the 10k euro costs for the Students' Union Protests in Dublin at the start of the term

- Paul is considered the Head of Clubs and Societies in a line manager system, however if he is not being involved in decisions surrounding cash it is poor practice. This includes the issue that arose over the summer.
- The excel file presented to Paul and Council are different to that of the Students Union Accounts in terms of titles entered and other things relating to C+S. There is very little consistency between the two.
- The safety net 2% is meant to be redistributed into budgets the following year, however it was left accrue in the students' union accounts. This was never made clear to Paul and he had always wondered where it had been.
- All this considered how could you expect 18-21 year old students' to be able to examine accounts forensically, when all the information is not being provided to either them or Paul? Clubs and Societies Officer should not be able to veto everyone else in council.
- Clubs and Societies council need to create a clear term of reference for the Clubs/Societies Officers abilities on the Students' Union Executive.
- Our autonomy is recognized on paper, but it has not been in practice.

What is your understanding of Clubs and Societies Councils role In the restructuring of the union via the UGM?

- I have no idea. I have approached Phillip Mudge, who referred me to Róisín O'Brien, who in turn referred me to Derek Daly. Nobody is able to give me a clear idea of where we stand.
- They all have conflicting ideas. Philip believes we are still in the same standpoint.
- The board of directors is evidently able to override any of the councils or executives. They are allowed to make decisions for us, bypassing council.
- Ending up being discussed with the other sabbatical officers via e-mail, surrounding whether the new constitution is even valid as C+S Council was not consulted. Paul suggested legal advice being obtained; apparently this was not required or followed up on
- Paul has relevant e-mail from 2006 where legal advice was sought and feels it would be relevant for us. Will provide e-mail on request.

What is your understanding of any agreements surrounding the 2/3 allocations that Clubs and Societies receive from the capitation monies given to the Students' Union?

- Derek Daly approached me this summer and mentioned to me that the 66.7% of the capitation Clubs and Societies receive will most likely need to be revised.
- From the extraordinary council meeting we know that Derek believes there is no legal obligation for clubs and societies to receive that 2/3 of capitation.
- We should not be the failsafe for the Union in situations where business decisions go wrong for them. They should not be able to simply access our

side of the capitation when they need to. They should have to follow protocols and seek permission from council. More transparency required.

- Any agreement there has been must be discovered and locked down so that should this situation ever arise again in the future we can point to a document preventing it from happening.
- ***The following is not fact but must be clarified:*** Paul's understanding is that Philip Mudge and Derek Daly were called to a meeting by the University and understands that the C&S money was discussed and the University clarified the status that the the 2/3 has to be adhered to. In this meeting they were informed that no capitation monies would be given to ULSU until arrangements surrounding the debt to Clubs and Societies were made. The 67% Clubs and Societies receive is also set in stone and is not up for re-negotiation.
- Must contact Paul McCutcheon and John Fox to clarify this.

This document has been approved electronically via e-mail by Paul Lee that it is an accurate reflection of the proceedings of the meeting.

Clubs and Societies Working Group

Discussion with Róisín Monaghan surrounding the standing of the C+S Rulebook in reference to the ULSU Constitution.

Date & Time: Wednesday 26th Oct 2011 @ 2:30pm
Venue: Class Representatives Office, ULSU.
Participants: Róisín Monaghan (DDO), Keith Young (OPC), Séamus Kearney (Young Fine Gael)

Are all policies within the rulebook recognized by the students' union given that article 40.9 of the ULSU Constitution acknowledges the existence of the rulebook?

- All policies binding from the rulebook.
- The ULSU Constitution is a legally binding document and as such by extension the rulebook is also.
- C+S Autonomy is given through this recognition and by article 39.2 of the ULSU Constitution.

It is the role of the Clubs/Societies officers to transmit the views and opinion of the Council and the Executive Committee to the ULSU Executive. Do you feel the Clubs/Societies Officer should be allowed to make decisions such as those made during the summer without consultation with council?

- Clubs and Societies Officers should return to council if they feel they need to.
- As it stood the Students' Union Executive had the power to make the decision that was made over the summer.
- Unlike any of the councils where proposals must be made and discussed at one meeting and voted upon at the next, the SU Exec can propose and vote in the same meeting.
- Depending on how a proposal affects various groups it would be worthwhile that those proposals must be brought to relevant parties before decisions are made, so relevant feedback can be given at Exec.

In light of the articles that have been suspended from the constitution should C+S push to have a representative on the body which eventually replace the students' union executive.

- Yes this would be recommended to help ensure your own autonomy and that you have a say in any issues relevant to you.

On page 33 of the C+S Rulebook it states that “ULSU Clubs and Societies Council should oversee the administration of all Clubs and Societies capitation monies”. Acknowledging the decision made over the summer was this breached?

- In practical terms, during the summer the President is not obliged to inform C&S of issues relating to capitation monies, but it has generally been best practice in the union and should continue to be best practice.
- There is no obligation for this to be done in writing on a finance side of things.
- If this was a real issue for C+S they need to move to put more safe-guards in place to ensure the Students' Union are obliged to contact members of council/C+S Executive.

In the C+S Rulebook it states: The Rulebook shall be published and updated annually and shall be made available to all Clubs and Societies at the Administration Seminar and in the Clubs and Societies Office. As the most recent version of the rulebook was published in 07/08 would not considered to be invalid.

- ***Personal Opinion:*** Just because it hasn't been distributed or updated doesn't mean it doesn't exist. Whether it is legally binding I cannot say.

Additional Comments:

- With regards the 2/3 capitation an agreement could be in place in writing but it would most likely be pre-dating 2004. Having an agreement similar to that with the PSU would be wise in the form of a schedule in the ULSU Constitution.
- The 5 sabbaticals are signatories on all accounts held by the Union. Derek and Philip are the only ones currently that sign to help ensure all costs are monitored closely.
- The new constitution should have been discussed with C+S as it would have been best practice, however the UGM does trump both council's decisions. The new structure is not clear and needs to be detailed. Discussion must be had and it should be pushed completely by a many students not just a few. Cannot get a clear answer from Derek Daly of how the Management Structure and new Executive relate to each other.
- In the new structure, there needs to be more accountability for the Sabbats as it stands there is not enough only a fine on wages.

This document has been approved electronically via e-mail by Róisín O Monaghan that it is an accurate reflection of the proceedings of the meeting.

Appendix 6: Meeting Transcript – Derek Daly

Clubs and Societies Working Group

Discussion with Derek Daly surrounding the standing of the C+S Rulebook in reference to the ULSU Constitution and the 2/3 capitation monies Clubs and Societies receive.

Date & Time: Thursday 3rd Nov 2011 @ 12pm
Venue: Office of Derek Daly (SUPresident)
Participants: Derek Daly (SUPresident), Keith Young (OPC), David Hartery (UL Debating Union).

Are all policies within the rulebook recognized by the students' union given that article 40.9 of the ULSU Constitution acknowledges the existence of the rulebook?

- Clubs and Societies rulebook affects clubs and societies but not the union.
- In reference to any mention of Clubs and Societies having say over their portion of the capitation, one body needs to control all of the capitation monies. Once it has been assigned it may be used for stated purposes, however C&S is responsible to Executive for correct management.
- For Clubs and Societies Council to be consulted on all matters with regards their portion of the capitation, there would need to be a finance article introduced into the Students' Union Constitution. (C&S portion is for C&S to spend as per budgets, but determination of the portion size is for SU Exec. SU Exec is the body responsible to the University for use of capitation.)

It is the role of the Clubs/Societies officers to transmit the views and opinion of the Council and the Executive Committee to the ULSU Executive. Do you feel the Clubs/Societies Officer should be allowed to make decisions such as those made during the summer without consultation with council?

- Clubs and Societies Officers are on the Executive for the purposes of running the Union.
- For example: The Students' Union President is on governing authority, is there as a student, not as a representative of the Students' Union, he is just there to ensure that students are represented.
- If they were required to report back to the Clubs and Societies Executive or Council prior to making a decision it would slow down the decision making process. The same with any other groups involved.
- For example: The Director of Finance and President of UL making decisions on the finances, the University Executive doesn't even discuss the finances if a quick decision is needed, but it is made aware of all

decisions As such our system is better in that it includes more people, but not every group is consulted with specifically.

What is your understanding of Clubs and Societies Councils role In the restructuring of the union via the UGM?

- Clubs and Societies are still as they are. The Clubs/Societies Officers now become councilors in the new system.
- The Board of Management would not need to consult with the Clubs and Societies Executive. Even now the Clubs Officer and Societies Officer make decisions in their own right.
- We will still be able to mandate the executive on matters relating to Clubs and Societies, through Council.

Do you feel that because Clubs and Societies form such a huge part of the UL Experience and the Students' Union that we should have a mandatory place on the Executive/Board of Management?

- I feel it goes against democracy to have a system by which there are mandatory places to specific groups on these committees.
- The board of management will most likely only meet every two weeks anyway.
- Six people are nominated from the 65 members of council, three to sit on the Board of Management and three to sit on the Executive. As such there will most likely be someone who is involved in Clubs and Societies present.
- The recreation sub-committee will bring everyone in, including the relevant staff members, led by students and it will report back to council.

If a situation such as that with arose over the summer months with regards Clubs and Societies reserves being accessed by the Students' Union, whose decision would it be to make?

- If the situation were to happen again it would be a decision to be made by the current Executive.

The roles of the Clubs and Societies Officers have now changed as per the recent constitutional changes. Should the relevant Clubs and Societies bodies been consulted with prior to this?

- Their role within Clubs and Societies has not changed.
- On the Students' Union side, the list of their responsibilities is what they should have always been doing.
- It is a matter for all students' to decide what they do on the Students' Union side of things.
- If C&S Council feels Clubs and Societies Councilors for the new system should be elected outside of the Clubs and Societies Executive then that is its prerogative, and so the Councilors and Officers would be different people.

- With regards constitutional changes we are trying to get do away with the need for an AGM and rather have everything voted upon by referendum.

What is your understanding of any agreements surrounding the 2/3 allocations that Clubs and Societies receive from the capitation monies given to the Students' Union?

- HEA recommendation, which is for student activities and does not specifically mention that it, is for Clubs and Societies.
- It must be reviewed as the amount of capitation received has increased a lot since it was put in place.
- If it were to be reduced it would most likely be on an administrative side. After the wages of Paul Lee and Liz Gabbett there is approximately 120k euro left over.
- With regards the position of the University it depends entirely on who you talk to.
- In University meetings it keeps going back and forth, if you want more information on that, you would want to contact; John Fox; John Field; Paul McCutcheon, Don Barry.
- Again the 2/3 needs to be looked at, but it would not be anymore than 3-4% shift in favor of the general activities. It is something that must be reviewed in the long term and is not something we will be looking for this year.
- The University are examining are books/accounts now and it looks like they may suggest that An Focal be placed onto the 2/3 side and Paul and Liz to the 1/3, as they see the 1/3 more as administration and the 2/3 as student activities.

When do you expect the new system to be implemented?

- I expect all positions to be filled next semester for the following year.

Where do Class Reps fall into the new system?

- They will be meeting only once a month. There seems to be a lot more interest since we did this.
- They will meet with their faculty reps, but primarily their main focus is going to be organizing class parties and hoodies.

This document has been approved electronically via e-mail by Derek Daly that it is an accurate reflection of the proceedings of the meeting.

Appendix 7: Proposed Plan of Action UL-ULSU

Clubs and Societies Reserves – Proposed Plan of Action

The following is the proposed plan of action with regards to isolating and maintaining the existing reserves of Clubs and Societies as at 13.10.2011

1. The reserves of Clubs and Societies as at the current date (13.10.2011) stand at
 - Vehicle Reserve €43,460.00
 - C&S General Reserve €62,600.00
 - Unspent Budgets from Prior Years €53,581.00

Total in Reserve	€159,461.00
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2. The amount due to Clubs and Societies from the Students Union were in the amount of €190,957.00 as at 30/09/2011. This amount is further reduced by two subsequent payment totalling €35,000 in the intervening period. Leaving a balance due of €155,957.00 as at 13/10/2011. These payments were used to Fund Clubs and Societies until Capitation is received as opposed to being put into a reserve account.

3. The Students Union will be purchasing a minibus on behalf of Clubs and Societies in the amount of €60,000 and this will be offset against intercompany balances owed by the Students union and the reserves of Clubs and Societies. This will result in the following
 - Clubs and Societies reserves will be reduced by €60,000. Eliminating the Vehicle reserve and reducing the General reserve by €15,640.00. The remaining reserves of C&S will then stand at €99,461.00
 - Inter Company Balance between ULSU and C&S further reduced by €60,000.

4. The remaining balance due to Clubs and Societies from the Students Union will then stand at €95,957.00. It is proposed to lodge monies to Clubs and Societies on an ongoing basis with a view to eliminating all intercompany balances. These monies will be transferred to a new C&S bank account specifically for reserves and the remaining difference of €3,504.00 between the intercompany balance and Reserves will be transferred from the C&S Current account.
 - The proposed schedule for same is as follows
 - €10,000.00 per month
 - Nov 11 €10,000
 - Dec 11 €10,000
 - Feb 12 €10,000
 - Mar 12 €10,000
 - Apr 12 €10,000
 - May 12 €10,000

- Oct 12 €10,000
- Nov 12 €10,000
- Dec 12 €10,000
- Feb 13 €5,957.00

5. The repayment schedule outlined above relates solely to the outstanding balances as at 13.10.2011. All future Capitation amounts due to Clubs & Societies will be paid over in full and on time.
6. A Quarterly report will be issued to the Financial Controller of the University of Limerick outlining the amounts paid over to Clubs and Societies in the preceding quarter and copies of the C&S Reserve Bank accounts will accompany said report.

Qualifications: This is a proposed schedule and will have to be ratified by the Board of Directors in the next Board Meeting in mid November 2011.

Derek Daly

Students Union President

Philip Mudge

General Manager

*Copy Provided by
Financial Controller
Mr. Emy Costelloe
Oct 2011*