



BIALL STRATEGIC REVIEW 2006

THE ROLE OF COUNCIL, ITS OFFICERS AND THE PRESIDENT AND VICE-PRESIDENTS

1. Overview and Background

Over the past 2 years since the Strategic Review started, various aspects of the workings of the Association have been examined in depth and a number of changes have been, and are being, implemented. The areas covered include Institutional Membership, PR and Promotion of the Association, administration of the Association and the Committee structure. It was while looking at this last that it occurred that we could perhaps look at the structure and role of Council to see if this required any alteration, to enable the Association to continue moving forward and increasing its effectiveness in working on behalf of the membership over the coming years.

In order to facilitate discussion on this subject, attached to this paper, in Appendices 1-3 are the provisions of the BIALl Constitution, its Regulations and the Standing Orders which relate to the workings of Council, its officers and the President and Vice-President. After these is a copy of a discussion paper drafted by John Furlong during his time as Chair (Appendix 5). This was drawn up on the basis of an e-mail from Barbara Tearle, as President of the Association (Appendix 4), asking Council to examine the role of President and whether it should be developed, stay the same, or be abolished.

The sections below cover the roles of the officers and members of Council, as well as those of the President and Vice-President. There are further sections on the way that Council functions and the areas which are covered in meetings and the frequency of meetings. These areas, and the questions that follow at the end of each section, are based largely on the responses to an e-mail which was sent to all members of Council at the beginning of 2006, as well as to various other people who have been involved either on Council or heavily within BIALl over the past few years. A copy of the e-mail is at Appendix 6.

2. Roles of Officers

a) Chair

This is currently a one year term of office, preceded by a year as Vice-Chair and with a year as Immediate Past Chair to follow. Effectively this means a three year commitment to the job if you wish to become Chair. In practice, with few exceptions over the past few years, those who have committed to this have already served time either as committee member, committee chair or Council member, or on occasion all three, prior to taking on the role. There has been some talk in the last couple of years of extending the term of office for the Chair to 2 years, thus increasing the time served to 6 years.

In terms of responses to the questionnaire, there was almost universal agreement that ideally the term should be extended to two years. It was, however, recognised that this would be extremely difficult to implement in practice. There would be problems in persuading people to commit to that long a term of office, thus reducing the pool of available Chairs as well as problems with employers allowing an individual to commit the sort of time necessary to do the job properly for a second year. Options that were suggested included making the second term as chair optional or that the position of immediate past-chair could be abolished if the term were extended to two years

Questions to be considered:

- i) Would an increased term of office be beneficial to the Association?
- ii) Would it be likely to discourage able candidates from standing?
- iii) Would making the post renewable for a second term be a viable option?
- iv) If the role of President were to be substantially changed, or abolished, how would that effect the role of the Chair?

b) Vice-Chair

The role of the Vice-Chair is probably best regarded as a learning curve for taking over as Chair. During my own time this has probably been less steep than it has for others since I was a regular attendee at Council meetings in my capacity as Chair of the Conference Committee. If you were not in this position, however, the year is invaluable as a means of getting to know the BIALL procedures and how the Association functions from the inside, which is essential to be an effective Chair in the following year. Currently, the only real function that the Vice-Chair has is to chair meetings of SCOSAF and to attend the CALL conference.

Questions to be considered:

- i) If the post of Chair were to be expanded to a two-year one, that would have a knock-on effect on the role of vice chair which would, in turn, need to be expanded to 2 years. Would this have the effect of discouraging people to stand?
- ii) If the post of Chair were to have an optional second term, how would the post of Vice-Chair function?
- ii) Should the role of Vice-Chair be made more substantial in any way?

c) Immediate Past-Chair

This role has been historically reasonably honorific and was created in the recent past so that the experience of the Chair was not lost immediately at the end of the term of office. It was envisaged that they would be in a position to support the incoming chair with the benefit of their experience. In reality, over the past few years, the person who was in this role has not been able, for a variety of reasons, to be able to provide such support in any meaningful fashion for the full term of their office. The other role of the Immediate Past-

Chair has been to chair the Nominations Committee, though this may change if that committee is upgraded in status.

Questions to be considered:

- i) Is the role of the Immediate Past-Chair redundant?
- ii) What would be the impact on the role of the term of office of the chair being expanded to two years, either optionally or not?

d) Secretary

This role is currently of 2 years' duration, with an option for this to be renewed for a second term. A large part of the role is to be the public face of the Association in dealings with other Associations and people who contact BIALL on an official or semi-official basis. The Secretary also deals with taking and keeping Council minutes and dealing with membership renewals and queries. The Secretary is responsible for the conduct of elections and for drafting amendments to the Association's Constitution, Rules and Standing Orders.

Questions to be considered:

- i) Is there a requirement for more training for a member prior to their becoming Secretary?
- ii) If so, how should this be done?
- iii) Is there any argument for altering the length of time for which a person may serve as secretary?
- iv) Should the incoming Secretary be elected a year before their term is due to start in order to shadow the current incumbent and start to take over tasks during the course of that year?
- v) Are there any aspects of the current secretarial role that could more usefully be done by others within the Committee and Council Structure of the Association?

e) Treasurer

The term of office for the Treasurer is the same as those for the Secretary above. The Treasurer is responsible for all payments made and monies received by BIALL. They are also responsible for maintaining a full and accurate financial record and for liaising with the Association's auditors and with all committee chairs to oversee any expenditure made on BIALL's behalf.

Questions to be considered:

- i) Is there a requirement for more training prior to a member becoming Treasurer?
- ii) If so, how should this be done?

- iii) Is there any argument for altering the length of time for which a person may serve treasurer?
- iv) Should the incoming Secretary be elected a year before their term is due to start in order to shadow the current incumbent and start to take over tasks during the course of that year?
- v) Are there any aspects of the current treasurer's role that could more usefully be done by others within the Committee and Council Structure of the Association?

f) President and Vice President(s)

Please see appendices four and five for far more detail on these posts. Since they were written, however, circumstances have slightly altered and it is worth reprising the comments that were made in response to the e-mail (Appendix 6) on the subject of the posts.

The question of confusion between the roles of Chair and President was raised again, with the suggestion that the title of Chair should be changed to President and the position of President abolished. It was also suggested that if the role were to be retained the position should be offered to somebody high profile outside the world of law librarianship, for example a judge, academic, QC or senior partner who has shown an interest in libraries as a user and who would be an ambassador for the Association to the outside world.

On the other hand, however, there was a feeling, particularly amongst those who are currently, or were recently, officers of the Association, that having the continuity of experience that a president with intimate knowledge of the internal workings of BIALL over the course of years has been extremely useful for them. Also, during the strategic review, this experience has been invaluable in helping us to avoid reinventing the wheel on a regular basis. It could, however, be viewed that the current President, and more recently the Vice-President, have had more work thrust upon them than was originally envisaged for the role, possibly unfairly, and that this may not be a feasible or reasonable option for a future holder of the office.

Questions to be considered:

- i) Should the posts of President and Vice-President be abolished?
- ii) Could they be replaced by a new grouping known as something along the lines of "Friends of BIALL" who could be invited to attend Council meetings, dispense the wisdom gained through their experience, but not have to take on so many tasks individually?
- ii) If they aren't abolished, should the President be somebody from outside the Association, but who is high-profile within the legal world?
- iii) If we were to appoint a President from outside the profession, what role could we find for senior members of the Association so that their expertise and knowledge isn't lost to future generations?

3. Role of Council Members

There are currently 5 elected members of Council whose job is to be a watchdog in the interests of the wider membership. Members do not have specific roles within the BIALL structure though they have recently started to act as liaison between Council and the Committees, and can be assigned other roles by Council. There is no obligation for Council members to be from a variety of backgrounds or to represent specific constituencies, e.g. there is no need to have members from different sectors or jurisdictions.

Questions to be considered:

- i) Should constituencies be instituted to reflect the different sectors and jurisdictions within the Association?
- ii) If we were to go down this route would the number of Council members need to be altered to reflect this, given that we cover 5 major jurisdictions and 3 major different working environments?
- iii) Should specific Council members be allotted more specific tasks within the Association, in addition to, or as a replacement for, the Committee liaison roles recently created?
- iv) Could the Committee Chairs be co-opted onto Council and the number of elected members be reduced?

9. General Points on Council Functioning

Through reading the responses to the general questionnaire that I sent out in advance of preparing this paper I have noticed that there are several very clear strands running through the answers that I received.

The first of these is that people joining Council have received little or no guidance on what is expected of them in their new role. To this end I believe it would make sense to develop a starter pack, similar to that currently being developed for Committee Chairs as part of this year's review. In addition to this for ordinary Council members, I believe that the procedure for the incoming Officers needs to be formalised as well. Although the current Secretary and Treasurer had handovers with their predecessors there is no set means of doing this and no documentation outlining the specific tasks to accompany the handover.

There is even less of a handover for the incoming Vice-Chair and Chair, and it is dependent on the immediate Past Chair being on hand and able to pass on the benefit of their wisdom. Although Susan Doe developed a brief chronology for her year in office which has been passed on, she received nothing on arriving in post as Chair, with the exception of some photocopied notes relating to Conference tasks which came via the Conference Committee from Valerie Stevenson.

It is perceived that because of this lack of information passed on to new officers and Council members a lot of unnecessary pressure can fall upon the Secretary who is expected to know all the workings of the Association and provide guidance in making sure that it all functions correctly. We are also dependent too heavily on the experience of the President in knowing

either what we should be doing, or being aware of what Council has done in the past, which leaves us in a position of being in danger of reinventing the wheel on a regular basis.

With all this in mind, I think we should develop a pack for new Council members, based on the Committee Chairs' pack. In addition, the handover for officers should be formalised and these should be office specific. Unfortunately this will mean a certain amount of extra work for those currently in post but the longer terms benefits for the Association should be clear to see, and the task could be eased by getting members who have recently been in post to contribute to the process.

In addition, there is an argument for BIALL developing a more efficient system of Knowledge Management than relying on the memories of those who have been part of the Association for a long time. Over the past couple of years or so, I have heard it expressed on numerous occasions that we are covering ground that was covered at least in part in the reasonably recent past (the most obvious examples being the examination of role of the president and vice-presidents, and the PR reviews) and the reinvention of the wheel seems to be being avoided only on the advice of those who have seen it all before. It would make sense to me, to create some sort of mechanism whereby the materials relating to the areas covered in the current strategic review, and in those which have come earlier, are kept in the same place to which Officers and Council Members have easy access. This may mean the appointment of a Knowledge Manager within BIALL to oversee the process.

The second point raised concerns the content and frequency of meetings, particularly if the joint SCOSAF/Council meeting, currently held in October is to continue. Constitutionally, Council only needs to meet a minimum of 3 times a year so there is no bar to dropping the October Council meeting. If this were to happen, there would be a need to conduct more business between meeting by e-mail and telephone, but there was a feeling that this would be no bad thing anyway.

It was noted that a lot of Council business was taken up with tedious matters that could be dealt with via reports submitted in advance of the actual meetings. The most regular items mentioned were the list of new members which is gone through at each meeting and the reports of officers, both of which could be circulated as reports and only any queries relating to matters within raised at the meeting.

Concern was also expressed at the amount of time taken up at each meeting dealing with the matters arising section of the agenda. Again, it was felt that these should be submitted as reports by the relevant people in advance of the meeting and queries raised from these.

Questions to be considered:

- i) Should we develop an induction pack for Council members and Officers?
- ii) What Council business could be removed from the usual agenda?
- iii) Should the number of Council meetings per year be reduced to 3?
- iv) How much current Council business could be conducted via e-mail between meetings?

- v) Can we expect Committee Chairs to submit written reports to Council for meetings?
- vi) Should all matters arising be addressed using written reports submitted by the relevant individual in advance of each Council meeting?
- vii) Should BIALL be developing a Knowledge Management system?
- viii) If so, what form should this take and whose responsibility should it be?

10) Archives

Although this is not strictly an issue relating to Council and its functioning, it seems to sit well with last two questions in the section above. The Archives now extend to some 35 or so storage boxes, much of it only available in hard copy format.

We need to start thinking about what will happen to the Archive materials in the next few years and I think it would be sensible to have some contingency plans in place sooner rather than later. At present they are housed with Mary Blake but are destined to reside eventually at the University of Birmingham.

The Website is starting to be archived electronically and it may be that we should start to explore having our main Archives stored in a similar fashion, to supplement the hard copy one which should still be retained. There is also an argument to look at the digitisation of the existing archive so that we have an electronic historic record in addition to the physical one. Again, there would be a question of time and storage with this. I would suggest that it should be a matter that should be undertaken in close conjunction with the Web Editorial Board if we choose to go down this route.

It has also become apparent that there are documents missing from the archive, which means that the record of the Association is incomplete. This seems to be an increasing issue with regard to committee minutes of reasonably recent vintage and is becoming more noticeable with the increased use of e-mail for communication both intra- and inter-committee. While current and recent committee chairs can be asked to hand over any missing minutes for the archive, it would be sensible to have some system in place which is more robust than that which currently exists to avoid the situation either getting worse or recurring in future.

After correspondence with Mary Blake it has also been pointed out that conventions with regard to the minutes and minute taking have not been properly followed. To quote from Mary's letter, "Even those minutes sent to me sometimes omit necessary details, such as the date of the previous meeting... Also it is not always clear whether proposed next meetings were actually held on that day or a date "TBA"! Not all committees number their meetings/minutes in each BIALL or calendar year (2004/1, 2004/2 etc) and some quote dates without including the year". I suspect that the answer in this instance is to ensure that all chairs are aware of Standing Order 7 and the provisions set out in there as regards minute taking and the deposition of materials with the Secretary and Archivist.

Questions to be considered:

- i) Should the BIALL archive be digitised?
- ii) If so, who should do this and where should the electronic archive be housed?
- iii) What can be done to ensure that archival material gets included in the archives?

APPENDIX ONE
BIALI CONSTITUTION

Article III: PRESIDENT AND VICE-PRESIDENT(S)

The Council may invite any person to be President or Vice-President, whose appointment would be advantageous to the Association, subject to any provisions in the Regulations.

Article IV: OFFICERS

The Officers of the Association are the Chair, Vice-Chair, Immediate Past Chair, Secretary and Treasurer.

The Chair, Vice-Chair, Secretary and Treasurer shall be proposed, seconded and elected by the Ordinary Membership, subject to the Regulations and Standing Orders, to perform such duties as are set out in the Constitution and Regulations and as otherwise decided by the Council.

The Immediate Past Chair shall not have voting membership of the Council.

Casual vacancies will be filled by a majority vote of the Council.

Article V: COUNCIL

The Council is responsible for carrying out the work of the Association. It may make such Standing Orders as are deemed necessary for the running of the Association and appoint such committees as required.

The Council exercises all the powers of the Association between Annual General Meetings except any reserved specifically to the members by this Constitution or the Regulations.

Voting membership of the Council comprises the Chair, the Vice-Chair, the Secretary and the Treasurer together with five Personal Members who are elected in the manner provided by the Regulations and Standing Orders.

A quorum is constituted of five voting Council Members of whom at least two must be Officers and two elected Members.

Casual vacancies will be filled by a majority vote of the Council. The Council may invite any person to serve as a non-voting co-opted member of the Council.

Meetings of the Council shall be held and conducted as provided in the Regulations. Committees appointed by the Council shall be subject to this Constitution and its Regulations and Standing Orders.

APPENDIX TWO
BIALl REGULATIONS

3. President and Vice-President(s)

3.1 President

The President is to be considered a personal member of the Association. The Secretary is to invite the President to attend all meetings of the Association.

The President holds office for three years from the date of the Annual General Meeting immediately following the Council's invitation to office. The Council may invite the President to remain in office for further terms.

3.2 Vice-President(s)

Any Vice-Presidents are to be considered personal members of the Association and may be invited by the Council to serve on any committee. The Secretary is to invite the Vice-President(s) to attend all meetings of the Association.

A Vice-President holds office for three years from the date of the Annual General Meeting immediately following the Council's invitation to office. The Council may invite a Vice-President to remain in office for further terms.

4. Officers

4.1 Chair

The Chair is the Chair of the Council and all meetings. In the absence of the Chair, the Vice-Chair shall preside.

The Chair is *ex-officio* a member of all committees.

The Chair is to prepare an annual report on the activities of the Association which is submitted to the Annual General Meeting.

The Chair of the Association shall be elected annually by ballot of the membership and shall continue in office until seven days after the next Annual General Meeting. The Chair shall then retire and shall serve as Immediate Past Chair.

4.2 Vice-Chair

The Vice-Chair is *ex-officio* a member of all committees.

The Vice-Chair shall be elected annually by ballot of the membership and, provided there are no other nominations, shall be deemed to be elected to a term of one year as Chair at the next Annual General Meeting.

The Vice-Chair shall continue in office until seven days after the next Annual General Meeting.

4.3 *Immediate Past Chair*

The Immediate Past Chair shall carry out such duties as determined by the Council and the Regulations.

The Immediate Past Chair shall hold office after retiring as Chair of the Association and shall continue in office until seven days after the next Annual General Meeting. The Immediate Past Chair shall not be eligible for re-election *to any position on Council* at the following two annual elections.

4.4 *Secretary*

The Secretary is the secretary of the Council and all meetings.

The Secretary is *ex-officio* a member of all committees.

The Secretary is to conduct on behalf of the Association all the official correspondence of the Association. The Secretary is to have control of all files, papers and other property belonging to the Association.

The Secretary is to make the Council Minute Book available for inspection by any member upon being given two weeks notice in writing.

The Secretary shall be responsible for supervision of the Administrator of the Association [*this paragraph needs to be deleted and replaced by: The Secretary shall be responsible for the supervision any of employees of the Association and oversee the supervision of any third party contracted to undertake work for the Association in conjunction with any appropriate committee*].

The Secretary shall be elected for a term of two years but shall be eligible for re-election for a further term of two years. After serving a maximum term of four years, the Secretary will not be eligible for re-election as Secretary or as Council Member at the following two annual elections. The Secretary shall be eligible to stand as Chair or Vice-Chair at any time.

4.5 *Treasurer*

The Treasurer is *ex-officio* a member of the Council and all committees.

The Treasurer is responsible for all the Association's receipts and payments. The Treasurer is to maintain proper financial records which are to be submitted to the Association's accountants within four weeks following the close of the Association's year.

The Treasurer is to make the financial records available for inspection by any member upon being given two weeks notice in writing.

The Treasurer is to accept the directions of the Association's accountants as to the conduct of transactions and is to report all irregularities to the Council.

No member of the Association is to enter into any financial commitment on behalf of the Association without the sanction of the Treasurer.

The Treasurer shall be elected for a term of two years but shall be eligible for re-election for a further term of two years. After serving a maximum term of four years, the Treasurer will not be eligible for re-election as Treasurer or as Council Member at the following two annual elections. The Treasurer shall be eligible to stand as Chair or Vice-Chair at any time.

4.6 *Election of Officers*

Elections shall be held annually for any vacant post as Chair, Vice-Chair, Secretary or Treasurer of the Association. Any Ordinary Member of the Association may propose or second a candidate in an election. The Secretary is to supply a nomination form to any Ordinary Member of the Association who requests one.

If there is only one nomination for each office the candidate is returned unopposed. If there is more than one nomination for any office the Secretary is to proceed to organise a postal ballot of the Ordinary Members as determined by the Standing Orders.

The results of an election are to be reported to the next Annual General Meeting by the Secretary. The successful candidates are to take office seven days after the date of the Annual General Meeting.

Should no candidate be nominated for any office the present office holder is to remain in office until the Council meeting following the Annual General Meeting. The vacancy will be filled as a casual vacancy by the Council.

5. **Council**

5.1 *Duties*

The Council is to meet at least three times in any twelve months following an Annual General Meeting. The Secretary is to give all members of the Council not less than 28 days written notice of a meeting. No business is to be transacted at any meeting unless a quorum is present. Five voting members of whom at least two must be officers and two elected members constitute a quorum.

Decisions of the Council are to be made by a simple majority and in the event of equality of votes, the Chair shall have the casting or additional vote.

The Council is to appoint and remove the chairs and members of committees and to establish the terms of reference of all committees.

The Council has the power to review the exercise by any committee of the Council of any powers delegated to it by the Council.

The Council, as represented by the Secretary, shall~~[may]~~ appoint and be responsible for the employment of *an Administrator and*~~[delete]~~ any *other*~~[delete]~~ employees of the Association *and oversee the supervision of any third party contracted to undertake work for the Association in conjunction with any appropriate committee*~~[insert]~~. The Council shall have the sole right of determining the terms and conditions of service of employees of the Association.

Officers and the committees are to report to the Council meeting, either verbally or in writing.

The formulation of the Association's strategy, major policies and financial plans are expressly reserved by the Council.

5.2 *Standing Orders*

Standing Orders are to be drafted by the Secretary and are effective when approved by the Council. Any member of the Council may propose an alteration to a Standing Order at any meeting of the Council. A member of the Association may request a copy of any Standing Order from the Secretary as listed in the latest Annual Report of the Council.

5.3 *Standing Committees of the Council*

Standing Committees are appointed at the discretion of the Council and carry out their duties as determined by the Standing Orders.

Any person may be appointed to membership of a Standing Committee. There is to be no quorum and no limit to the number of members. The Council requires a Standing Committee to appoint a vice-chair to deputise for the chair of a Standing Committee.

It is the responsibility of the chair of a Standing Committee to report the business of a committee to the Council and to provide the Secretary with copies of any reports or papers drafted by the committee.

The chair of a Standing Committee is to provide the Secretary with a written report of the activities of the committee by the close of the Association's year.

5.4 *Committees of the Council*

Any person may be appointed to membership of a committee. There is to be no quorum and no limit to the number of members. The Council may require a committee to appoint a vice-chair to deputise for the chair of the committee.

It is the responsibility of the chair of a committee to report the business of the committee to the Council and to provide the Secretary with copies of any reports or papers drafted by the committee. The chair of a committee is to provide the Secretary with a written report of the activities of the committee by the close of the Association's year.

5.5 *Election of Members to the Council*

Annual elections shall be held for any vacant post as Council Member. Any Ordinary Member of the Association may propose or second a candidate in an election.

The Secretary is to supply a nomination form to any Ordinary Member of the Association who requests one. Nomination forms must be returned to the Secretary on or before the last day of the Association's year. If there are no opposing candidates the candidates are to be returned unopposed.

If there are more nominations than vacancies, the Secretary is to proceed to organise a postal ballot as determined by the Standing Orders.

The results of the election are to be reported to the Annual General Meeting immediately following by the Secretary. The successful candidates are to become members of the Council at the end of the Annual General Meeting.

Should there be insufficient nominations the vacancies are to be filled by the Council.

5.6 *Council Members' Terms of Office*

The Council Members shall be elected for a term of two years but shall be eligible for re-election for one further term of office. After serving a maximum of four years, the Council Member shall not be eligible for re-election at the following two annual elections. The Member will be eligible to seek election as an Officer of the Association.

5.7 *[deleted Sept. 1997]*¹

6. **Disqualification**

The Officer, Council Member, Editor, President, Vice-President or Chair of Committee is disqualified by virtue of any of the following conditions:

- 6.1 Tenders their resignation by written notice to the Association.
- 6.2 Becomes incapable by reason of mental disorder, illness or injury of managing and administering their property and affairs.
- 6.3 Is absent from meetings of which they are a member for a continuous period of nine calendar months without special leave of absence from the Council.
- 6.4 Is indirectly or directly interested in any contract with the Association and fails to declare the nature of that interest.
- 6.5 Is expelled from membership of the Association in accordance with clause 6.6.
- 6.6 Is removed by resolution passed at a meeting of the Association provided that the resolution is carried by a majority of at least two thirds of the Ordinary Members present at the meeting.

¹ Approved at AGM 1997

APPENDIX THREE
BIALL STANDING ORDERS

BIALL STANDING ORDER NO. 1
The Democratic Process (1994, as amended April 2006)

1. Purpose and Status

- 1.1 The purpose of this Standing Order is to encourage the participation of members in the democratic processes of the Association by explaining the role of the Secretary and the voting procedure, and ensuring that Council members and others receive adequate and timely information about Association business.
- 1.2 This Standing Order complements and is supplementary to the Constitution and Regulations of the British and Irish Association of Law Librarians (otherwise known as the Association or BIALL). It follows that the interpretation given to articles in the BIALL Constitution, and Regulations made under them, shall prevail in the event of uncertainty (see especially Article IX of the Constitution).

2. The Role of the Secretary

- 2.2 The Secretary is an Officer (Art. IV), a voting member of Council (Art. V) and ex-officio a member of all committees (Reg. 4.4).
- 2.2 *Meetings*
 - 2.2.1 "The Secretary is secretary of the Council and all meetings...The Secretary is to make the Council Minute Book available for inspection by any member upon being given two weeks notice in writing". (Reg. 4.4).
 - 2.2.2 The Secretary is to invite the President and Vice-President(s) to attend all meetings of the Association (Regs. 3.1 & 3.2).
- 2.3 *Correspondence*
 - 2.3.1 "The Secretary is to conduct on behalf of the Association all the official correspondence of the Association. The Secretary is to have control of all files, papers and other property belonging to the Association" (Reg. 4.4).
 - 2.3.2 The signed originals of all contracts are to be lodged with the Secretary. Copies of all official outgoing correspondence from Officers and committee chairs and originals of all important incoming correspondence are to be sent to and filed by the Secretary.
- 2.4 *Administration*
 - 2.4.1 **The Secretary may appoint and be responsible for the employment of any employees of the Association and oversee the supervision of any third party contracted to undertake work for the Association.**

2.4.2 The Secretary provides membership forms for new members, processes applications and refers any queries to the next Council meeting. The Secretary ensures that the names of new members are published in the Association's journal (Reg. 1.1).

2.4.3 The Secretary is responsible for the conduct of disciplinary procedures for members (Reg. 1.5) and of the disciplinary and grievance procedures for any BIALl employees

2.5 *Documentation*

2.5.1 The Secretary is responsible for drafting Standing Orders for the approval of Council A member of the Association may request a copy of any Standing Order from the Secretary as listed in the latest Annual Reports of the Council (Reg. 5.2). See Standing Order 2. Membership, for members' entitlement for documentation.

2.5.2 The Secretary is responsible for ensuring that amendments to the Constitution and Regulations are dated and incorporated into the current document available to members.

3. Elections

3.1 The Secretary is responsible to the Council for ensuring that the election process for Officers and Council members follows the agreed procedure (Arts. IV and V, Reg. 5.5).

3.2 The Association may use a reputable agency such as the Electoral Reform Society to undertake the election on behalf of BIALl.

3.3 The call for nominations must be issued to members no later than three calendar months preceding the election (normally the February Newsletter and via the BIALl website).

3.4 All nominees must submit an electoral address of no more than **200** words with their nominations.

3.5 The electoral address of eligible nominees must be published to members with voting papers or at least 3 weeks before the AGM whichever is earlier whether or not the election is contested (normally the May Newsletter and via the BIALl website). This information may not be altered unless too long or unless publication might affect the Association's standing. The Secretary should consult the Chair and the individual concerned before amendment.

4. Voting

4.1 This procedure applies to voting organised by BIALl. Similar procedures are to be adopted by any agency charged with undertaking the process on behalf of BIALl. See Standing Order 2. Membership for members' entitlement to vote.

4.2 *Voting instructions*

4.2.1 Instructions to voters shall take the following form:

"The voting paper attached to this sheet lists those nominated for the office of [Chair, Vice-Chair, Hon. Secretary, Hon. Treasurer], together with those nominated for the [AS REQUIRED] seats on the Council which are vacant.

Where more than one person has been nominated for an office or more than [AS REQUIRED] for membership of the Council, there is a box in which to put a cross to indicate the voter's choice.

Vote for no more than ONE person for each Office. Vote for up to [AS REQUIRED] members of the Council.

When the voting paper has been completed it should be sealed inside the PLAIN envelope. DO NOT WRITE ON THIS ENVELOPE. Return the plain envelope sealed inside the envelope already address to the Hon. Secretary. DO NOT ENCLOSE ANYTHING ELSE IN THIS ENVELOPE AND DO NOT WRITE ON IT. The name and address of the voter is printed on the back for checking purposes on receipt. If a later envelope is received from the same person or institution it will automatically be discarded. Only ONE vote is permitted to each voting member. Members who are the designated representative of an institution and also hold personal membership may vote in both capacities.

The envelope addressed to the Hon. Secretary should be posted to arrive by the date stated on the voting paper.

All voting papers received spoiled, wrongly filled in, after the closing date, or duplicating earlier receipts, will be discounted".

4.3 *Voting procedure*

- 4.3.1 On receipt of the voting paper the name of the sender printed on the back of the outer envelope will be checked against the list of voting members and the name ticked for receipt. The envelope will be placed unopened in a box which will be sealed by 5.00pm on the closing date.
- 4.3.2 The sealed box containing voting papers in envelopes will be taken to the Annual General Meeting by the Secretary.
- 4.3.3 In advance of the Annual General Meeting the Chair will appoint four members of the Association to act as tellers.
- 4.3.4 Two of the tellers will open the sealed box, remove each vote from the two envelopes in it which was sealed by the voter and declare the number of papers. The two remaining tellers will then count and analyse the votes and present the result to the Secretary (together with the voting papers sealed in an envelope).
- 4.3.5 The result will be announced at the Annual General Meeting. All members will be informed of the result in the next issue of the *Journal of the Association* or *Newsletter*.

5. Postal Ballots

- 5.1 The Secretary is responsible to the Council for the conduct of postal ballots relating to amendments to the Constitution (Art. VII) or of dissolving the Association (Art. VIII).

- 5.2 Postal ballots must be held within four weeks of a majority vote at the AGM in favour of amending the Constitution (Art. VII) or of dissolving the Association (Art. VIII). Resolutions are carried if two thirds of all the votes cast in the ballot are in favour of it.
- 5.3 On receipt of the voting paper the name of the sender printed on the back of the outer envelope will be checked against the list of voting members and the name ticked for receipt. The envelope will be placed unopened in a box which will be sealed by 5.00pm on the closing date.
- 5.4 The Secretary shall appoint a teller to open the sealed box, remove each vote from the two envelopes in it which was sealed by the voter and declare the number of papers. The teller and the Secretary will then count and analyse the votes.
- 5.5 Council members will be informed of the result at the next Council meeting and the results placed on the BIALL website. All members will be informed of the result in the next issue of the *Journal of the Association* or *Newsletter*.

6. Council Business

- 6.1 *The Annual General Meeting and Ordinary Meetings*
 - 6.1.1 The Secretary is to send out notices of the AGM and ordinary meetings to all members at least one month in advance (Regs. 2.1 and 2.2).
 - 6.1.2 Any member may raise business at the AGM or an ordinary meeting but must give written notice to the Secretary at least two weeks in advance (Regs. 2.1 and 2.2).
- 6.2 *Council Meetings*
 - 6.2.1 The Secretary is to give all members of the Council not less than 28 days written notice of Council meetings (Reg. 5.1). This is normally sent out by the end of June for the following year and to new Officers and Council members on election.**
 - 6.2.2 Items for the agenda should be submitted to the Secretary six weeks beforehand.
 - 6.2.3 The agenda and papers for Council meetings should normally be circulated for receipt three weeks beforehand.
 - 6.2.4 Exceptionally papers "to follow" may be circulated for receipt two weeks before Council meetings with the agreement of the Chair and the Secretary. It will normally be the responsibility of the author to circulate such papers.
 - 6.2.5 Papers, except brief or uncontroversial financial statements, may not be tabled.
 - 6.2.6 Items to be raised under Any Other Business must be submitted to the Secretary two weeks beforehand.
 - 6.2.7 The Chair must seek the agreement of Council before accepting for discussion any item tabled or received more recently than two weeks before the meeting. This also applies to Any Other Business items.

6.2.8 Minutes are to be circulated to Council members within one calendar month of the meeting and are to be **reproduced** with the Agenda and papers of the following meeting.

6.3 *Committees*

6.3.1 Standing and sub-committees are recommended to adopt this procedure for significant matters.

6.3.2 Notices of all meetings should be sent to the officers who are ex-officio members of all committees by the chair of the committee.

6.3.3 The agenda, papers and minutes of all standing and sub-committees where produced are to be circulated to the Secretary, and to other officers on request, by the chair of the committee.

6.3.4 The agenda, papers and minutes of the Standing Committee on Strategy and Finance are to be circulated additionally to all Council Members by the chair of the committee.

6.3.5 The Secretary is responsible for providing members with copies of the terms of reference and membership of any committee on request.

7. The BIALL Directory and Calendar

7.1 The Secretary is responsible for maintaining a directory of current officers, council members, standing and other committee chairs and BIALL representatives with contact information, for circulation to them regularly, and to members on request.

7.2 The Secretary is responsible for maintaining a calendar of significant events of the BIALL year and for co-ordination of the Association's business.

APPENDIX FOUR

COMMUNICATION FROM BARBARA TEARLE TO JOHN FURLONG ON THE ROLE OF THE PRESIDENT

Dear John,

I should like to raise with you and Council the continuing role and title of the President.

Since becoming President, which I regard as a privilege and high honour, the opportunity has arisen to see first hand how the role works in relation to BIALL and other similar associations.

The post of President was established when BIALL was set up with the aim of appointing someone who would take an interest but not an active part in the Association and would be a substantial figure if BIALL wanted to add weight to its lobbying of public pronouncements. In effect, BIALL wanted a figurehead to give the fledgling organisation respectability in the legal and library world.

BIALL has come a long way since then. The meticulous hard work of the Association has earned it a place in the library and legal worlds and it does not need the "patronage" of a great name. BIALL has recognised this to the extent of using the post of President as a mark of distinction for the Association's senior members. The person is unlikely to be needed as a "prestige" name for the outside world, so the office is now principally a recognition of personal contributions to law librarianship.

However, there is an awkwardness with the two posts of Chair and President, especially when the latter is also held by a working member of the Association.

Reverting again to the establishment of BIALL, the designation "Chairman" for the chief executive officer was typical of the modesty of our founding fathers. But times have changed: BIALL has no need of self-effacing modesty. It can take its place alongside other library and information professional bodies. Many of them call their chief officer "President", e.g. AALL, CALL/ACBD, IALL, LA[now CILIP]. Their Presidents are often confused when faced with a BIALL Chair and a BIALL President. The dual offices may also create difficulty for BIALL's Chair in obtaining proper recognition and the correct title when attending events, especially if the BIALL President is also present. As BIALL President, I have not known whether I have been asked to participate in one or two things in my cork capacity or as BIALL President having been confused for BIALL's chief officer.

What's in a name? This is not a great problem, and we could live with both titles for sometime to come, but as the Association's name and image is under consideration, I suggest that the offices and titles of President and Chair should be re-examined too. My personal recommendation would be that the current office of President should be abolished, the current Chair should be re-named President. In order to recognise outstanding service to BIALL or law librarianship, a new designation should be established.

I have addressed this e-mail to you as Chair, in case you wish to discuss it with me before passing it on. However, please feel free to copy it to Council members. I do not think that there is any hurry to make a decision but I should like it to go into the melting pot of changes for the Association of the 21st century.

Yours sincerely,
Barbara Tearle
President, BIALL.

APPENDIX FIVE

DISCUSSION PAPER ON THE OFFICE OF BIALL PRESIDENT.

1. In September 2000, Barbara Tearle, current President of the Association initiated a discussion of the continuing role and title of the President within the Association. Article III of the Constitution of the Association (1994) states:

"The Council may invite any person to be President or Vice-President whose appointment would be advantageous to the Association subject to any provisions in the Regulations."
2. Under the Constitution, the President is not an officer of the Association, is not deemed to be a member of Council and has no voting power at Council meetings. However, Regulation 3.1 (1997) states that the Secretary is to invite the President to attend all meetings of the Association.
3. There is no constitutional requirement that the President be a member of the Association, although Regulation 3.1 (1997) states that the President is to be considered a personal member of the Association.
4. Regulation 3.1 (1997) further provides that:
 - The President holds office for three years from the date of the Annual General Meeting immediately following the Council's invitation to office.
 - The Council may invite the President to stay in office for further terms.
5. In the case of a Vice-President, similar constitutional provisions apply as set out at Para. 2 above.
6. Regulation 3.2 (1997) provides that the Vice-President is to be considered a personal member of the Association. Regulation 3.2 (1997) states that the Secretary is to invite the Vice President to attend all meetings of the Association.
7. Unlike the President, the Vice-President may be invited by Council, under Regulation 3.2 (1997) to serve on any committee of the Association.
8. Regulation 3.2 (1997) further provides that:
 - The Vice-President holds office for three years from the date of the Annual General Meeting immediately following the Council's invitation to office.
 - The Council may invite the Vice-President to remain in office for further terms.
9. Regulation 6 (1997) sets out disqualification provisions for the President and Vice-President which are the same as those applying to the Officers, Council members, Committee Chairs and the Editor.

10. Clause 3 of Standing Order No. 2(1994) relates to the functions of the President. It reiterates the functions set out in the Constitution and Regulations. Clause 3.5 states that the President is to be sent those issues of the Law Librarian [now Legal Information Management] and the Newsletter published during the term of office. Subsequent issues are to be dispatched only after an express request. Clause 3.6 states that the President is to be invited to attend the Annual Conference and be offered travelling expenses. It adds that financing the attendance of a presidential spouse is left to the discretion of the Council. Finally, Clause 3.7 states that the Secretary is to invite the President to attend those committee meetings in which the President expresses an interest and "keep the President informed".
11. Clause 4 of Standing Order No. 2 (1994) has similar provisions relating to the office of Vice-President. It reiterates the provisions set out in the Constitution and Regulation has similar arrangements for dispatch of the Law Librarian as apply to the President. The Vice-President is to be invited to attend the Annual Conference (Clause 4.5) and offered travelling expenses (the Vice-Presidential spouse is not included in this invitation). Clause 4.6 states that the Secretary will invite the Vice-President to attend those Committee meetings in which the Vice-President expresses an interest and will keep the President informed.
12. In "A History of the British and Irish Association of Law Librarians 1969-1999" – Blake (2000) the following are recorded as having held the office of President of the Association.
 - Professor Owen Hood Philips 1972-1976
 - Lord Scarman (no term given)
 - Professor LCJ Gower (no term given)
 - Dr Kenneth Humphreys 1983-1985
 - Willi Steiner 1985-1988
 - Wallace Breem 1988-1990
 - Betty Moys 1990-1993
 - Mary Blake 1993-1999
 - Barbara Tearle 1999-

The following are recorded as having held the office of Vice-President of the Association:

- Wallace Breem 1980-1988
- Mary Blake 1987-1993
- Muriel Anderson 1991-1996
- Derek Way 1997-

Summary of views

It is clear that both the office of President and Vice-President are honorary ones without any executive function or officer role within the Association. In her initial discussion document, Barbara Tearle pointed out that the post of President was established when BIALL was set up with the aim of appointing someone who would take an interest but not an active part in the Association. This person would be a substantial figure if BIALL wanted to add weight to its lobbying or public pronouncements. As Barbara states, in effect BIALL wanted a figurehead to give the fledgling organisation respectability in the legal and library world. The question posed is whether the Association wishes to have such offices within its organisational structure.

Points for discussion

- The office of President/Vice-President is superfluous
- The office of President/Vice-President provides a patron and safeguard for the Association
- The office of President/Vice-President provides a means of honouring long serving members
- The office of President/Vice-President confuses non-members in their dealings with the Association
- The office of President/Vice-President undermines the status of the Chair as the principal officer of the Association.

Summary of Views

The following is a summary of views expressed in correspondence.

- The office should be abolished and the current office of Chair be retitled President (*Barbara Tearle*)
- A new designation should be established to recognise outstanding service to BIALL or law librarianship (*Barbara Tearle*)
- Title of BIALL Chair should be changed to that of BIALL President (*Mary Blake*)
- Position of Honorary President or Member Emeritus should be established (*Mary Blake*)
- Chief Executive Officer of the Association should be designated President (*Willi Steiner*)
- Impact on office of Vice-President must be considered (*Willi Steiner*)
- Member Emeritus or Honorary Membership should be established (*Willi Steiner*)
- System of symbolic head and an executive chair works well (*Derek Way*)

- Consider retaining the office with a "sympathetic outside figure" (*Derek Way*)
- Vice-President a "suitable mark of recognition to a long serving member" (*Derek Way*)
- Modernise nomenclature and bring into line with that of other professional bodies (*Muriel Anderson*)
- Abolish role of President in present form (*Muriel Anderson*)

John Furlong
Chair
British & Irish Association of Law Librarians
January 2001

APPENDIX 6

E-MAIL QUESTIONNAIRE OF 5 JANUARY 2006

I'm just in the process of putting together a draft of the above, which relates to the role of Council, its members and officers, and should be grateful if you could let me have any comments you may wish to make on your experience within your current role. Please feel free to make any comment on anything but I should be particularly interested in your considering the following areas:

- 1) what were your experiences on first taking up your post and should more have been done to prepare you for it?
- 2) how do you find Council meetings(please be honest!) and should the format, frequency or content be different?
- 3) should Council be concerned with matters other than those which now take up the bulk of our time?
- 4) should terms of office for officers(particularly chair) be extended?
- 5) could any offices be abolished, or the content of the role substantially altered?
- 6) should the size of Council be changed?

I think those should do to be going on with, but please add in comment on any other matters relating to Council that spring to mind.

Thanks, Roger.