



# Students' Union at Bournemouth University

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## By-laws

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## INTRODUCTION

Under provisions made in the Articles of Government for Bournemouth University Higher Education Corporation, a Students' Union shall conduct and manage its own affairs and funds in accordance with the By-laws set out below, its constitution (the Constitution) and in accordance with the Charities Act 2011 and the Education Act 1994 (together, hereinafter referred to as the Acts).

Bournemouth University Higher Education Corporation is referred to in these By-laws as the "University" or "BU". Other capitalised terms used in these By-laws but are not defined, have the same meaning as in the Constitution.

### **1. NAME**

There shall be a Students' Union, the name of which is the "**STUDENTS' UNION AT BOURNEMOUTH UNIVERSITY**" (hereinafter referred to as the "Union").

### **2. AIMS AND OBJECTS**

The objects of the Union as a registered charity are in clause 3 of the Constitution.

### **3. REPRESENTATION**

- 3.1. The Union is the only officially recognised students' union at BU.
- 3.2. The Union shall comply with its responsibilities regarding student representation set out in Schedule 11 and the relevant BU policies and procedures from time to time.
- 3.3. The Union shall represent BU students on University Committees in accordance with the terms of reference of those committees.

### **4. FULL MEMBERSHIP**

- 4.1. All students shall, when they register on a BU programme of study (including those studying a BU franchised programme at a franchise partner institution) automatically become full members, subject to payment of the membership fee referred to below.
- 4.2. Any student may choose at any time to opt out of Union membership as described in paragraph 5 below.
- 4.3. If there is any dispute or it is not clear in any case, determination of whether an individual is a student registered with BU shall rest with the University.
- 4.4. All students wishing to become full members of the Union shall pay the membership fee or have it paid on their behalf. The Executive Committee shall determine the membership fee from time to time.
- 4.5. Full members are entitled (subject to disciplinary action taken under Schedule 8) to:
  - (a) use Union facilities;
  - (b) be members of all Recognised Union Clubs and Societies (see Schedule 10);
  - (c) speak and vote at all General Meetings of the Union (see Schedule 7);
  - (d) stand for election as an Officer under Schedule 4; and
  - (e) stand for appointment as a Student Trustee under Schedule 1.

### **5. OPTED OUT STUDENTS**

- 5.1. Any student wishing to opt out of Union membership at the time of registration at BU may do so by selecting the relevant option on the registration form. In such cases, the University will provide a separate BU student card that does not refer to Union membership.

- 5.2. Any student wishing to opt out of Union membership after they have registered at BU may do so at any time by notifying the Union President in writing of their wish to opt out. The Union will liaise with the University to provide the student with a separate BU student card that does not refer to Union membership.
- 5.3. Students who have opted out of Union membership are entitled (subject to disciplinary action taken under Schedule 8) to:
  - (a) use Union facilities;
  - (b) be members of all Recognised Union Clubs and Societies (see Schedule 10); and
  - (c) attend General Meetings of the Union as observers in accordance with Schedule 7.
- 5.4. Opted out students may be members of the governing body of a Recognised Club or Society provided that the majority of the governing body are full members of the Union.
- 5.5. Opted out students do not have any speaking or voting rights, nor can they stand for election as Union Officers or as members of any Board Committee or sub-committee.
- 5.6. Students who have opted out of Union membership and who feel that they have been unfairly disadvantaged with regard to the provision of services or otherwise may register a formal complaint by following the University complaints procedure.
- 5.7. A student who has opted out of Union membership may join the Union at any time:
  - (a) the student must be registered on a BU programme of study and pay any membership fees which apply under paragraph 4.4;
  - (b) the student should by notify the Union President in writing of their wish to opt in; and
  - (c) the Union will liaise with the University to provide the student with an updated BU student card.

## **6. ASSOCIATE MEMBERS**

- 6.1. Staff of the Union, BU staff, BU alumni, and members of Students' Unions with which the Union has current reciprocal agreements, and students registered on a BU validated programme at a validated partner institution may become associate members of the Union upon payment of the membership fee determined from time to time by the Executive Committee.
- 6.2. Associate members are entitled (subject to disciplinary action taken under Schedule 8) to:
  - (a) use Union facilities as determined by the Executive Committee;
  - (b) be members of all Recognised Union Clubs and Societies (see Schedule 10); and
  - (c) attend General Meetings of the Union as observers in accordance with Schedule 7.
- 6.3. Associate members do not have any speaking or voting rights, nor can they stand for election as Union Officers or as members of any Board Committee or sub-committee.
- 6.4. Associate members may be members of the governing body of a Recognised Club or Society provided that the majority of the governing body are full members of the Union.
- 6.5. A separate associate member card will be issued on request.

## **7. LIFE MEMBERS**

- 7.1. Members or ex-members of the Union may be granted life membership in recognition of service to the Union. Sabbatical Officers, Non-Sabbatical Officers and Student Trustees will be granted life membership automatically at the end of their period of office, unless this is challenged by a 2/3 majority of the Executive Committee and/or Board of Trustees. Selection for life membership for all other persons will be made by the Executive Committee subject to challenge by a 2/3 majority of the Board of Trustees.

- 7.2. Life members are entitled to (subject to disciplinary action taken under Schedule 8):
- (a) use Union facilities;
  - (b) be members of all Union Clubs and Societies (see Schedule 10); and
  - (c) speak and vote at all General Meetings of the Union in accordance with Schedule 7, once 4 years have passed since they left the Union.
- 7.3. Life members may not stand for election as Union Officers or as members of any committee or sub-committee of the Board of Trustees. However, former elected officers may, once 4 years have passed since they left the Union, be considered for membership of the Board of Trustees.
- 7.4. Life members may be members of the governing body of a Recognised Club or Society provided that the majority of the governing body are full members of the Union.

## **8. CEASING TO BE A MEMBER**

- 8.1. A full member shall cease to be a member of the Union if they:
- (a) cease to be a student registered on a BU programme of study;
  - (b) opt out of Union membership; or
  - (c) are removed from membership following disciplinary action as described in the Disciplinary Code set out in Schedule 8.
- 8.2. An associate member shall cease to be a member of the Union if they:
- (a) cease to be employed by the Union or BU (as appropriate) or to be members of Students' Unions with which the Union has current reciprocal agreements; or
  - (b) are removed from membership following disciplinary action as described in the Disciplinary Code set out in Schedule 8.
- 8.3. A life member shall cease to be a member of the Union if they are removed from membership following disciplinary action as described in the Disciplinary Code set out in Schedule 8.

## **9. DISCIPLINARY CODE**

- 9.1. The Union has adopted a disciplinary code, which is set out in Schedule 8. The Disciplinary Code applies to all members of the Union, including associate and life members, and to any opted out student or guest or other person using Union facilities or attending Union events.
- 9.2. The Union shall operate a Disciplinary Panel in accordance with Schedule 8.
- 9.3. The Union shall operate a Disciplinary Appeals Panel in accordance with Schedule 8A.

## **10. BOARD OF TRUSTEES**

- 10.1. The Union shall have a Board of Trustees which shall be constituted and operate in accordance with Schedule 1.
- 10.2. Trustees shall be appointed in accordance with Schedule 1.
- 10.3. Committees of the Board of Trustees shall be established in accordance with Schedule 2.

## **11. OFFICERS**

- 11.1. The roles and responsibilities of the Officers of the Union are set out in Schedule 4.
- 11.2. The Officers shall be appointed in accordance with the procedure set out in Schedule 5.

## **12. CONDUCT OF UNION AFFAIRS**

- 12.1. The Union shall conduct its financial affairs in accordance with Schedule 3.
- 12.2. Each officer, appointee, and member of staff of the Union shall act at all times in accordance with these By-laws, the Constitution and the Acts.
- 12.3. Each officer, appointee, and member of staff of the Union shall:
  - (a) act in accordance with Union policy as recorded in the Minutes of the General Meeting;  
and
  - (b) obey any specific mandate from a General Meeting;provided that such a policy or mandate is within the terms of these By-laws, the Constitution and the Acts and has not been overridden by the Board of Trustees in accordance with clause 70 of the Constitution.
- 12.4. Union staff shall be employed in accordance with Schedule 6.

## **13. UNION GENERAL MEETINGS**

- 13.1. General Meetings shall be conducted in accordance with Schedule 7 of these By-laws and clauses 101 to 105 of the Constitution.
- 13.2. As set out in clause 101 of the Constitution, the General Meeting shall have the authority to represent the voice of the students, set policy of the Union (subject to any decision of the Trustees) and refer policy to a referendum of the members (see paragraph 2 of Schedule 9).
- 13.3. The Trustees shall ensure that minutes are taken for all General Meetings and meetings of the Executive Committee and Board of Trustees. Subject to clauses 104 and 105 of the Constitution, after the minutes have been signed by the chair of the relevant meeting or by the chair at the next meeting, they shall be made available to all students and to all members of the Union via the Union website (or in an alternative format on request).

## **14. CONSTITUTION AND BY-LAWS**

- 14.1. Amendments to the Constitution shall be made in accordance with clauses 8-11 of the Constitution.
- 14.2. Amendments to the By-laws shall be made in accordance with clause 83 of the Constitution by either:
  - (a) a General Meeting of the Union; or
  - (b) the Executive Committee,subject in both cases to subsequent ratification by the Board of Trustees and the nominee of the University Board.
- 14.3. Policy passed by the Executive Committee (see Schedule 2) or General Meeting (see Schedule 7) or passed by a referendum in accordance with the Constitution (see Schedule 9) shall remain valid for two years from the date of the meeting at which it was passed, unless it is subsequently overridden or overturned in accordance with the Constitution. Should a policy lapse without being renewed or replaced then the matter shall be referred back to the forum that originally passed it to decide whether that policy should be retained.



- 14.4. If a question of interpretation of these By-laws arises in a General Meeting, the Chair of the General Meeting shall be responsible for interpreting the By-laws in the first instance. If such interpretation is challenged, the decision of a General Meeting (2/3 majority) shall be final.
- 14.5. In all other cases, the President shall be responsible for interpreting the By-laws in the first instance. If such interpretation is challenged, the decision of the Executive Committee (2/3 majority) shall be final.
- 14.6. If there is any conflict between the provisions of these By-laws and those of the Constitution, the provisions of the Constitution shall prevail.

## SCHEDULE 1 - BOARD OF TRUSTEES

### 1. BOARD OF TRUSTEE RESPONSIBILITIES

The Union shall have a Board of Trustees, which shall be responsible for the operation and running of the Union in accordance with the objects of the Union as set out in clause 3 of the Constitution. Trustees shall comply with the Constitution in carrying out their duties and responsibilities as Trustees of the Union.

### 2. CONSTITUTION OF THE BOARD OF TRUSTEES

- 2.1. The Board of Trustees shall (in accordance with clause 40 of the Constitution) consist of:
  - (a) up to five Sabbatical Officer Trustees (including the Union President);
  - (b) up to two Executive Committee Trustees;
  - (c) up to six Student Trustees;
  - (d) one Union Staff Trustee; and
  - (e) up to four External Trustees.
- 2.2. The Union President (as a Sabbatical Officer Trustee) shall usually act as chair of the Board of Trustees.
- 2.3. A meeting of the Trustees at which a quorum is present may exercise all the powers of the Trustees, as set out in clauses 69 to 72 of the Constitution, and these powers may be delegated in accordance with clauses 73 to 76.
- 2.4. Trustees who are not full members of the Union shall have no voting rights at Union General Meetings but shall have speaking rights at all General Meetings.
- 2.5. The Union may indemnify its Trustees in accordance with the relevant provisions of the Constitution and in accordance with the Acts.

### 3. APPOINTMENT OF TRUSTEES

- 3.1. Sabbatical Officer Trustees shall be appointed as follows:
  - (a) to be eligible, a candidate must be a Sabbatical Officer appointed in accordance with Schedule 5 and not prohibited by law from being a charity trustee;
  - (b) the Trustees shall appoint the Sabbatical Officer Trustees;
  - (c) Sabbatical Officer Trustees shall usually be appointed for a term of one year, subject to the terms of clause 44 of the Constitution, and in no circumstances shall a Sabbatical Officer Trustee serve for a period of more than 2 years (whether consecutive or not); and
  - (d) normally only the President (and no other Sabbatical Officer) shall sit on the Board of Trustees unless otherwise approved by the Trustees under clause 43 of the Constitution.
- 3.2. Executive Committee Trustees shall be appointed as follows:
  - (a) a candidate must be:
    - (i) a full member of the Union;
    - (ii) an elected member of the Executive Committee; and
    - (iii) not prohibited by law from being a charity trustee;
  - (b) normally only one Executive Committee member (in addition to the Sabbatical Officer Trustee(s)) shall sit on the Board of Trustees unless otherwise approved by the Trustees under clause 43 of the Constitution;
  - (c) the Executive Committee shall appoint the Executive Committee Trustee(s) in accordance with paragraph 1.6 of Schedule 2; and

- (d) Executive Committee Trustees shall usually remain in office for a term of up to one year subject to the terms of clause 44 of the Constitution, and in no circumstances shall an Executive Committee Trustee serve for a period of more than 2 years (whether consecutive or not).

### 3.3. Eligibility requirements

- (a) To be eligible to be a Student Trustee, a candidate must be:
  - (i) a student registered on a BU programme of study;
  - (ii) a full member of the Union;
  - (iii) not a member of the Executive Committee; and
  - (iv) not prohibited by law from being a charity trustee.
- (b) To be eligible to be a Staff Trustee, a candidate must be:
  - (i) a permanent employee of the Union; and
  - (ii) not prohibited by law from being a charity trustee.
- (c) To be eligible to be an External Trustee, a candidate must be a member of the general public who:
  - (i) is not registered on a BU programme of study (or a BU franchised programme at a franchise partner institution);
  - (ii) is not a member of staff at BU or any of its partner institutions (ie those institutions delivering BU programmes via a franchise, validated or other partnership arrangement);
  - (iii) in the case of a candidate who was formerly a Union Officer, left the Union not less than 4 years previously; and
  - (iv) is not prohibited by law from being a charity trustee.

### 3.4. The appointment process for Student Trustees, External Trustees, and Staff Trustees shall be as follows:

- (a) The Appointments Committee shall advertise the position as appropriate for the type of role, indicating the type of role available and the period for nominations.
- (b) Eligible candidates wishing to be considered for a vacant Trustee role should notify their interest to the Appointments Committee as specified in the advertisement.
- (c) The Appointments Committee shall review all the valid applications received during the nominations period and shall follow the following process to make appointments.
- (d) In the case of applicants for a Staff Trustee position, the appointment shall be made by a secret ballot of the staff of the Union, which shall be administered by the Appointments Committee.
- (e) In the case of applicants for Student Trustee and External Trustee positions:
  - (i) the Appointments Committee shall shortlist potential candidates for interview;
  - (ii) the Appointments Committee will notify the candidates of the dates and times for the interviews and will interview the candidates;
  - (iii) the Appointments Committee shall reach a decision by simple majority;
  - (iv) in the case of a Student Trustee appointment, the Appointments Committee shall notify all the candidates of their decision and in the case of the successful candidates, the offer to assume the post of Student Trustee and the date on which the post shall start and end; and
  - (v) in the case of an External Trustee appointment, the Appointments Committee shall seek ratification by two thirds of Executive Committee. If the appointment is ratified, the Appointments Committee shall notify all the candidates of their

decision and send the successful candidates the offer to assume the post of External Trustee, which shall specify the date on which the post shall start and end in accordance with clause 57 of the Constitution.

#### **4. RULES APPLICABLE TO TRUSTEES**

##### **4.1. Student Trustees:**

- (a) shall usually remain in office for a term of up to two years subject to clauses 51 to 53 of the Constitution; and
- (b) shall not serve for a period of more than four years.

In order to comply with the Charities Act 2011, the Union may from time to time restrict employees of the Union from becoming Student Trustees; this will depend on the composition of the Board of Trustees from time to time.

##### **4.2. Staff Trustees:**

- (a) shall usually be appointed for a term of up to three years; and
- (b) shall not serve more than two terms, which may be consecutive or non-consecutive.

##### **4.3. External Trustees:**

- (a) shall usually be appointed for a term of up to three years; and
- (b) shall not serve more than two terms, which may be consecutive or non-consecutive.

#### **5. CEASING TO BE A TRUSTEE**

##### **5.1. Trustees shall cease to be trustees in accordance with clauses 60 to 62 of the Constitution, and in particular as set out below.**

##### **5.2. Trustees:**

- (a) may resign at any time by notice in writing to the Chair;
- (b) shall cease to be a Trustee if they are prohibited by law from being a charity trustee;
- (c) shall cease to be a Trustee if they are removed from membership of the Union as a result of action taken under the Disciplinary Code in Schedule 8; and
- (d) shall cease to be a Trustee if a motion of no confidence is passed by a General Meeting (see paragraph 9 of Schedule 7).

##### **5.3. An Executive Committee Trustee will cease to be a Trustee if:**

- (a) they cease to be a member of the Executive Committee for any reason; or
- (b) they resign from the Union.

##### **5.4. A Student Trustee will cease to be a Trustee if they resign from the Union or ceases to be a student registered on a BU programme of study.**

##### **5.5. A Sabbatical Officer or Staff Trustee will cease to be a Trustee if their employment with the Union ceases at any time.**

##### **5.6. An External Trustee will cease to be a Trustee if the Trustees pass a majority resolution of no confidence in that Trustee (as provided in clause 62 of the Constitution).**

#### **6. MEETINGS**

##### **6.1. The Board of Trustees shall have meetings in accordance with clauses 85 to 100 of the Constitution.**

##### **6.2. The Trustees shall have at least three meetings per academic year.**

##### **6.3. Guests or observers may attend at the discretion of the Chair.**

- 6.4. The quorum is 6, including at least one Sabbatical Officer Trustee, one External Trustee and one Student Trustee, except where there is a conflict of interest concerning any Trustees, in which case the quorum is four. Conflicts of interest must be dealt with in accordance with clause 98 of the Constitution.
- 6.5. The President shall normally be the Chair, and the Trustees shall appoint an External Trustee to be Deputy Chair, who shall support the Chair, and act as Chair in the absence of the Chair. If the Chair and the Deputy Chair are not present, the Trustees who are present shall appoint one of their number to act as Chair.
- 6.6. Decisions shall be made by a majority vote, and the Chair shall have an additional casting vote if there is no majority.
- 6.7. In some cases, decisions may be made without a meeting, as set out in clause 97 of the Constitution.

## SCHEDULE 2 -COMMITTEES

### **1. EXECUTIVE COMMITTEE**

- 1.1. There shall be an Executive Committee of the Union.
- 1.2. The terms of reference of the Executive Committee are:
  - (a) to manage the day to day affairs of the Union and to implement Union policy as decided by General Meetings and Referenda, within the budget approved by the Board of Trustees and the powers of the Union as set out in clause 4 of the Constitution;
  - (b) to advise the Board of Trustees in relation to policy, strategy and budget;
  - (c) to ensure that the objects and strategic plans of the Union are carried out;
  - (d) to decide policy on matters which have not been decided by a General Meeting or a Referendum, within the framework of the Constitution and By-laws;
  - (e) to agree detailed financial regulations for all Union financial matters;
  - (f) to oversee and co-ordinate the work of the student councils, other student led committees and the Clubs and Societies Committee;
  - (g) to appoint the Executive Committee Trustee(s) in accordance with Schedule 1;
  - (h) to set membership fees from time to time; and
  - (i) to ensure that the Union has taken out and maintains appropriate insurances to cover all of its activities to the satisfaction of the University.
- 1.3. The Executive Committee is accountable to the members of the Union (via General Meetings and Referendums) and the Board of Trustees.
- 1.4. Out of term time and on occasions when the Executive Committee is not quorate, the powers of the Executive Committee are delegated to the Sabbatical Officers who shall carry out the activities set out at paragraph 1.2 above subject to oversight and challenge by the Executive Committee when they next have a quorate meeting.
- 1.5. The Executive Committee shall be constituted as follows unless the Trustees determine otherwise:
  - (a) a Sabbatical Officer Trustee, normally the President;
  - (b) the Executive Committee Trustee; and
  - (c) the Sabbatical and Non-Sabbatical Officers of the Union.
- 1.6. **Procedures:**
  - (a) the Chair of the Executive Committee shall normally be taken by the President of the Union but the Executive Committee may elect another member as its Chair from time to time;
  - (b) the Executive Committee shall, by secret ballot, appoint up to two of their number to act as Executive Committee Trustees;
  - (c) the Executive Committee shall appoint a secretary;
  - (d) the General Manager or nominee shall attend in a non-voting capacity; and
  - (e) the Executive Committee shall meet at least once weekly, during undergraduate term time.
- 1.7. The quorum is 50% of the member of the Executive Committee, at least one of whom is a Sabbatical Officer.
- 1.8. Each year as described in paragraph 3 of Schedule 4, the Executive Committee shall review the structure of the Executive Committee and the roles of the Sabbatical and Non-Sabbatical Officers for the following year.

- 1.9. Trustees, full members, associate members and life members have the right to attend meetings of the Executive Committee as observers.
- 1.10. During their term of office, any Executive Committee member may work in an employed capacity for the Union or its subsidiaries, subject to approval by the Executive Committee. The person concerned by such a decision shall not be present or vote on any decision regarding their terms and conditions of employment.

## **2. CLUBS AND SOCIETIES COMMITTEE**

2.1. There shall be a Clubs and Societies Committee of the Executive Committee of the Union.

2.2. The terms of reference of the Clubs and Societies Committee are:

- (a) to allocate the Clubs and Societies Budget on request from Clubs and Societies;
- (b) to recognise a Club or Society in accordance with Schedule 10;
- (c) to withdraw recognition of a Club or Society;
- (d) to monitor the Annual General Meetings held by Clubs and Societies;
- (e) to communicate the Minutes of the Clubs and Societies Committee;
- (f) to recommend to the Executive Committee the minimum subscription fee for Clubs and Societies before the end of the academic year;
- (g) to update the Clubs and Societies literature from time to time; and
- (h) to make recommendations to the Executive Committee regarding the purchase of assets over £500 for any Club or Society.

2.3. In addition, the Clubs and Societies Committee are responsible for the following:

- (a) to ensure that affiliation requirements have been met and to refer any affiliations to the Executive Committee as required by paragraph 2.6 of Schedule 3;
- (b) to manage any assets and equipment owned or used by the Club or Society; and
- (c) to ensure that safety controls are being met to a sufficient standard as laid down by the appropriate National Governing Body or other appointed Agency.

2.4. The Clubs and Societies Committee shall be appointed by the Executive Committee and shall be constituted as follows:

- (a) one or More Sabbatical Officers;
- (b) the Clubs and Societies Administrator;
- (c) one or more Non-Sabbatical Officers; and
- (d) the Clubs and Societies/Activities Manager.

2.5. The quorum is 50% of the members, provided that at least the following are present:

- (a) at least one elected Officer; and
- (b) the Clubs and Societies Administrator or Clubs and Societies/Activities Manager.

2.6. The Clubs and Societies Committee may refer any matter they deem appropriate to the Executive Committee.

2.7. The Clubs and Societies Committee are accountable to the Executive Committee.

2.8. The Clubs and Societies Committee shall appoint a secretary.

2.9. Trustees, full members and life members have the right to attend meetings of the Clubs and Societies Committee as observers.

## **3. APPOINTMENTS COMMITTEE**

3.1. There shall be an Appointments Committee of the Board of Trustees of the Union.

- 3.2. The Appointments Committee shall be responsible for the recruitment and appointment of External Trustees and Student Trustees in accordance with Schedule 1.
- 3.3. The Chair of the Appointments Committee shall be appointed by the Board of Trustees and shall usually be the Union President. The Chair of the Appointments Committee shall then appoint the remaining members. The Appointments Committee shall be overseen by the Board of Trustees.
- 3.4. For the recruitment of External Trustees, the Appointments Committee shall consist of:
  - (a) the nominated Chair (usually the Union President)
  - (b) one Member of the Executive Committee;
  - (c) two members of the Board of Trustees; and
  - (d) a non-voting member of Union Staff, normally the General Manager or their nominee, when required, to provide support and guidance to the Appointments Committee.
- 3.5. For the recruitment of Student Trustees, the Appointments Committee shall consist of:
  - (a) the nominated Chair (usually the Union President)
  - (b) three Members of the Executive Committee, at least one of whom is a Sabbatical Officer; and
  - (c) a non-voting member of Union staff, normally the General Manager, or their nominee, when required to provide support and guidance to the Appointments Committee.
- 3.6. A decision of the Appointments Committee shall be final on all matters relating to recruitment and appointment of External Trustees and Student Trustees.
- 3.7. The Appointments Committee shall appoint a secretary.
- 3.8. The Appointments Committee is accountable to the Board of Trustees.

#### **4. TRUSTEE BOARD ELECTIONS COMMITTEE**

- 4.1 There shall be a Trustee Board Elections Committee, as set out at 2.7 of Schedule 5 to the By-laws, which shall have functions in relation to Union elections as set out at Schedule 5 and the terms of reference of the Committee in force from time to time (the 'TOR').
- 4.2 The functions, processes and rules regulating proceedings of the Trustee Board Elections Committee shall be governed by the TOR.
- 4.3 The Trustee Board Elections Committee is accountable to the Board of Trustees.



## SCHEDULE 3 - FINANCIAL CONTROLS AND ADMINISTRATION

### **1. BUDGET AND REPORTING**

- 1.1. The annual block grant received by the Union from the University will be allocated according to an annual budget approved by the Board of Trustees.
- 1.2. The Union may not incur any expenditure unless it has been agreed under a Budget heading.
- 1.3. The Executive Committee and/or SUBU managers shall produce annually, estimates of all income and expenditure (the budget) for the financial year beginning on 1st August, for presentation to (at the latest) the next meeting of the Board of Trustees before commencement of the academic year.
- 1.4. The Accounts Manager shall produce financial regulations for the dispersal of all Union funds.
- 1.5. The Accounts Manager or General Manager are required to present a Statement of Accounts, showing the Union's current financial position, to the Executive Committee each month and present a statement of accounts to the University every year.
- 1.6. The President or nominated person shall present a report of the previous academic year's results at each AGM. This report must detail any affiliations and donations to external organisations made by the Union as required by the Education Act 1994. The Union shall make the report available to the University Board and to all students via the Union's website.

### **2. APPROVAL OF EXPENDITURE**

- 2.1. In accordance with clauses 75-76 of the Constitution, the Board of Trustees shall delegate the day-to-day control of Union funds to the Executive Committee and SUBU managers, who shall manage it in accordance with the approved budget and clause 5 of the Constitution.
- 2.2. Executive Committee approval is required for all expenditure of over £500 (other than cost of sales purchases) in the ordinary course of business for commercial Union services. Such purchases (e.g. catering, bar and shop supplies and FeelPrime Limited) must be authorised by the appropriate managers and are subject to their own budget approval process. The budgets for each department are approved by the Board of Trustees.
- 2.3. The Executive Committee may delegate responsibility for expenditure up to £500 to any Committee provided that in exercising their delegated responsibility the Committee may only incur expenditure in accordance with the budget approved by the Board of Trustees.
- 2.4. Subject to paragraph 2.5, cheques and other payment instructions drawn on the Union's account must be signed by two of the following:
  - (a) the President;
  - (b) the Vice Presidents (Sabbatical Officers);
  - (c) the General Manager; or
  - (d) the Commercial Services Manager.
- 2.5. In the case of expenditure over £15,000, a member of the Board of Trustees must countersign the cheque or payment instruction.
- 2.6. Any proposal that the Union should affiliate to any external organisation requires approval by the Executive Committee and in addition:
  - (a) any proposal that any Union Club or Society should affiliate to any external organisation requires approval by the Executive Committee;
  - (b) the Union shall promptly notify the University Board and all students via the Union's website if the Executive Committee approves any affiliation to any external organisation;

- (c) the notice shall state the name of the organisation, details of any subscription or similar fee paid or proposed, and any donation to the organisation, which has been made or proposed; and
  - (d) the list of external affiliations shall be reviewed by a general meeting at least once a year.
- 2.7.** The Union is empowered to give guarantees for its commercial activities and to enter into borrowing agreements with a bank or building society in accordance with the Constitution and the Acts. Any such security or agreement is to be executed by at least two of the authorized account signatories as described in paragraph 2.4 above and subject to approval by the Board of Trustees.

## SCHEDULE 4 - UNION OFFICERS

### **1. SABBATICAL OFFICERS**

- 1.1. The Union shall elect at least two but no more than five Sabbatical Officers, including the Union President. The other Sabbatical Officers shall also be known as Union Vice-Presidents.
- 1.2. Sabbatical Officers must be BU students or recently graduated students who will become full time employees of the Union.
- 1.3. The Sabbatical Officers are accountable to the Union membership through General Meetings and referendums and shall be members of the Executive Committee.
- 1.4. The duties of the Sabbatical Officers shall be detailed on their job profiles and descriptions.
  - (a) A job profile detailing knowledge, skills and competencies will be prepared for each Sabbatical Officer role.
  - (b) Job descriptions will be reviewed annually by the Executive Committee (see paragraph 3 below).
- 1.5. The Union President may also be required to serve as the Chair of the Board of Trustees in accordance with Schedule 1 and to serve as the Chair of General Meetings in accordance with Schedule 7.

### **2. NON-SABBATICAL OFFICERS**

- 2.1. The Union may elect not less than six Non-Sabbatical Officers who will be current students at BU and who will become part-time officers of the Union.
- 2.2. The Non-Sabbatical Officers are accountable to the membership through General Meetings and referendums and are members of the Executive Committee.
- 2.3. The duties of the Non-Sabbatical Officers shall be detailed on job descriptions.
  - (a) A job profile detailing knowledge, skills and competencies will be prepared for each Non Sabbatical Officer role.
  - (b) Job descriptions will be reviewed annually by the Executive Committee (see paragraph 3 below).

### **3. REVIEW OF ROLES**

- 3.1. During the first three weeks of the Spring academic term/semester, each Sabbatical Officer will present a report to the Executive Committee on their activities during the first term/semester.
  - (a) These reports will be discussed with the Executive Committee with a view to updating the job description for each Sabbatical Officer for the next academic year.
  - (b) By the end of week 5 of the Spring academic term/semester, the details of the Sabbatical Officer roles for the following academic year must be decided and the job descriptions and profiles must also be completed.
- 3.2. Between March and September in each academic year, the Non-Sabbatical Officers will discuss their roles and their activities so far with the Executive Committee at an Executive Committee meeting.
  - (a) This discussion will be held with a view to the updating the job description for each Non-Sabbatical Officer for the next period of office.
  - (b) Normally by the end of each academic year, the details of the role of the Non-Sabbatical Officers for the following period of office must be decided and the job descriptions and profiles must also be completed.

## **4. SABBATICAL OFFICER CONDITIONS OF SERVICE**

### **4.1. Sabbatical Officers:**

- (a) shall normally hold office for 54 or 55 weeks (to be determined from time to time by the Executive Committee);
- (b) are expected to suspend their course of study for the duration of their term of office;
- (c) are employed under a contract of employment with the Union, at a salary to be determined from time to time by the Executive Committee. The Contract of Employment shall also provide for sickness and holiday pay entitlement, notice required, grievance procedure and the employee disciplinary rules, procedures and general rules and regulations;
- (d) may be removed as described in Schedule 7;
- (e) are ex-officio members of all Committees and Sub-Committees of the Board of Trustees and Executive Committee; and
- (f) are ex-officio members of all Recognised Clubs and Societies.

### **4.2. Disciplinary matters:**

- (a) Sabbatical Officers are full members of the Union and are subject to the provisions of the Disciplinary Code set out in Schedule 8.
- (b) If an issue arises and a Sabbatical Officer is required to appear before a UDP, then during the time between the notification of a report until the procedures in Schedule 8 and, if appropriate, Schedule 8A have reached their conclusion, the Sabbatical Officer will be suspended from duty on full pay and not permitted to take part in any Union activities as an officer or member of the Union.
- (c) If the UDP find that a Sabbatical Officer has committed a breach of good conduct, then in addition to any other penalties open to the UDP under Schedule 8, the UDP shall instruct the Executive Committee to propose a motion of no confidence in respect of the Sabbatical Officer at the next General Meeting.
- (d) If the motion of “no confidence” is carried then the Sabbatical Officer will be informed in writing, within 5 days of the General Meeting, of the intention to pursue disciplinary action in relation to their employment at the Union.
- (e) If a Sabbatical Officer ceases to be a student of BU as described under clause 14.1 of the Constitution, then they shall cease to be a member of the Union and disciplinary action shall be taken in relation to their employment by the Union.
- (f) The disciplinary process to be followed will be as set out in the Officer’s contract of employment and subject to Union policies and procedures relating to employment. If following a disciplinary process an Officer’s employment is terminated then their appointment as an Officer of the Union shall end at the same time as their employment.

### **4.3. Vacancies:**

- (a) Should a vacancy arise in a Sabbatical role, either because of the termination of the Officer’s employment under paragraph 4.2, resignation or otherwise, then the Executive Committee shall decide, whether to hold a by-election for the position.
- (b) The Executive Committee of the Union shall decide how to manage the vacant position in the intervening period.
- (c) By-elections must be held in accordance with Schedule 5.

## 5. NON-SABBATICAL OFFICER CONDITIONS OF SERVICE

### 5.1. Non-Sabbatical Officers shall hold office:

- (a) in the case of Delegates and Observers to the NUS Conference, from the date of election until the close of the Union General Meeting following the NUS Conference; and
- (b) in the case of all other Officers, for 1 calendar year from the date stated in the election materials.

### 5.2. Non-Sabbatical Officers are subject to instant recall by either:

- (a) a resolution passed by a two thirds majority of those present and entitled to vote at the General Meeting, provided that the recall motion had been on the published Agenda for that meeting in accordance with Schedule 7; or
- (b) a referendum passed in accordance with the process set out in Schedule 9 by a 2/3 majority.

### 5.3. Any Officer recalled as set out in paragraph 5.2(a), is ineligible for election to any Union post for the remainder of that academic year. In the case of delegates or observers to NUS conference, such recall shall disqualify the individual from standing for any such post in the future.

### 5.4. Vacancies:

- (a) Should a vacancy arise in a Non-Sabbatical role, either because of a recall under paragraph 5.2, resignation or otherwise, then the Executive Committee shall decide, whether to hold a by-election for the position.
- (b) The Executive Committee of the Union shall decide how to manage the vacant position in the intervening period.
- (c) By-elections must be held in accordance with Schedule 5.

## SCHEDULE 5 - ELECTIONS FOR UNION OFFICERS

### 1. VOTING

Elections for all positions shall be by secret ballot using a transferable vote system.

### 2. APPOINTMENT OF RETURNING OFFICERS

- 2.1 The Executive Committee shall appoint a Returning Officer (**RO**) and one or more Deputy Returning Officers (**DRO**) (together, the 'Returning Officers') for each election to which this Schedule 5 applies, in accordance with the procedure set out at section 2.4.
- 2.2 It is essential that the Returning Officers and the Election Officers (as defined at section 4.11 below) are free from any conflicts of interest in relation to an applicable election and this shall be a condition of their appointment and of their continuing in that appointment.
- 2.3 If a conflict of interest should become apparent after the RO's appointment in relation to an election (for example, once the list of candidates for an election has been announced) then the Sabb DRO (defined at section 2.4.2) shall assume the role of the RO and the conflicted RO shall cease to act in relation to that election.
- 2.4 The Executive Committee shall invite recommendations for the individual(s) to be appointed under section 2.1 above from the General Manager or their nominee, who shall recommend individuals in accordance with the following requirements:
  - 2.4.1 the individual fulfilling the role of the RO shall be external to the Union. Current members of the Union, those who have been members of the Union within the last three academic years and members of Union staff shall not be eligible for the role of RO;
  - 2.4.2 in the first instance, the DRO should be a Sabbatical Officer (an individual who has been appointed under clause 38 of the Union Constitution) who is not standing in the relevant election(s) (the '**Sabb DRO**');
  - 2.4.3 thereafter, any further available DRO positions should be filled by members of Union staff; and
  - 2.4.4 if it is not possible to recommend individuals meeting the requirements set out at 2.4.2 and 2.4.3 then the General Manager or their nominee may recommend any other suitable individual (by reference to the suitability criteria within this Schedule 5) to DRO positions.
- 2.5 The recommended individual(s) under section 2.4 shall be appointed by the Executive Committee provided that it is satisfied that the individual(s) meet the criteria at section 2.2 and are otherwise suitably qualified for the position, by reference to the non-exhaustive list of suitability indicators at 2.6 below.
- 2.6 Suitable qualifications include:

- (i) experience of the administration of students' union elections;
- (ii) experience of the administration of elections generally;
- (iii) experience of students' union governance;
- (iv) experience of applying rules within a legal or governance context; and/or
- (v) experience of being a candidate in a students' union election.

- 2.7 If the Executive Committee is not satisfied with the suitability of the individual(s) recommended pursuant to section 2.4, they shall inform the General Manager or their nominee of their concerns and allow the General Manager or their nominee an opportunity to respond. If the Executive Committee remains unsatisfied the General Manager shall promptly make a further recommendation, in accordance with the procedure set out at section 2.4 and this section 2.7. If the Executive Committee remains unsatisfied with the suitability of an individual recommended pursuant to section 2.4 after two recommendations have been made by the General Manager or their nominee, then the matter shall be referred to the Trustee Board Elections Committee (being a committee of the Union Board of Trustees, the composition of which is to be determined by the Board of Trustees by reference to the Trustee Board Elections Committee terms of reference and conflict of interest criteria) who shall apply the criteria at section 2.5 2.4 and approve appointment of an individual meeting the criteria set out therein.
- 2.8 For the avoidance of doubt, a candidate running for office is not permitted to be one of the Returning Officers.
- 2.9 There shall be no right of appeal to the IEA regarding a decision of the Executive Committee to appoint or refuse to appoint one or more of the Returning Officers.
- 2.10 The Returning Officers shall set the rules for the election based on the template rules in force at that time and shall publish them together with the notice referred to in section 5.
- 2.11 The DRO(s), on behalf of the RO, shall present a report to the Board of Trustees within seven days of the final results of an election or elections being announced. The report shall include:
- (a) a summary of the election or elections if more than one that took place and their results;
  - (b) commentary as to the Union's compliance with the Education Act 1994 in relation to those elections;
  - (c) what if any referrals were made to the IEA and a summary of any decision taken by the IEA;
  - (d) confirming whether or not an EEA was appointed for the applicable election(s) and, if so:

- (i) the principal areas of advice given by the EEA; and
- (ii) the extent to which that advice was followed by the Returning Officers.

2.12 On approval by the Board of Trustees, the report will be sent to the Clerk to the University Board.

### 3. RETURNING OFFICERS' DUTIES AND POWERS

3.1 The RO shall be responsible for the good conduct of the election that they oversee and interpretation of the rules in relation to that election (including this Schedule 5). The RO shall ensure that the election is run fairly, democratically and in accordance with these and any other rules in place regulating that election.

3.2 The DROs shall assist the RO in the exercise of the RO's duties and powers and the RO may delegate any of their powers to any DRO, including day to day primary conduct of the election, provided that the RO remains principally responsible for the exercise of those powers. Any reference to a power of an RO or decision to be made by an RO within this Schedule 5 shall be a reference to a power exercisable by the RO or any DRO to whom that power has been delegated.

3.3 Where an External Elections Advisor (EEA) has been appointed, the RO shall seek advice from the EEA where necessary or desirable in discharging and exercising the RO's duties and powers, interpreting and applying the rules regulating the election in question and seeking to ensure the good conduct of the election. The RO shall give due consideration to the views of the EEA.

3.4 The RO shall have the power:

3.4.1 to delegate exercise of one of more of their powers to one or more DROs, provided that the RO remains ultimately responsible for exercise of any delegated power and the discharging of their duties and shall be kept informed of the decision taken or action taken by the DRO(s);

3.4.2 to interpret and apply the rules regulating an election that they oversee;

3.4.3 to provide guidance or directions to candidates/agents/members;

3.4.4 to exercise the powers of the RO set out in the rules regulating an election that they oversee;

3.4.5 to deal with complaints regarding a breach of these by-laws, the rules of the election, and the conduct of candidates and campaigns, in accordance with section 11 and the rules;

3.4.6 where the RO has identified a potential breach of the rules or risk to the good conduct of the election, to investigate the matter at the RO's own volition in accordance with section 3.5 below, without the requirement for a complaint first to be made by a third party complainant under section 11 of this Schedule 5; and



- 3.4.7 to declare the result of the count and order a re-count in the circumstances listed at section 8.

#### **Investigations at the RO's volition**

- 3.5 Where the RO has identified a potential breach of the rules or risk to the good conduct of the election, as per 3.4.6 above, the RO shall have the power to investigate and take action in relation to that potential breach in accordance with the procedure and powers set out at 11.23 to 11.26 below.
- 3.6 An individual sanctioned as a result of the RO's determination of an investigation under section 3.5 may appeal to the IEA, in which case section 12 shall apply.

### **4. EXTERNAL ELECTIONS APPOINTMENTS**

#### **External Elections Advisor**

- 4.1 The Union is committed to the fair and proper conduct of Union elections. So as to ensure an appropriate degree of impartial scrutiny of Union elections, the Executive Committee shall have the power to appoint an External Elections Advisor (EEA) to act in an advisory role to the Returning Officers for one or more particular elections, or to act in that role in relation to all of the elections within a particular academic year.
- 4.2 In determining whether or not to appoint an EEA for a given election (or for all elections within a particular academic year), the Executive Committee shall have due consideration of the views of the General Manager as to the need for an EEA for the election(s) in question, taking into account:
- 4.2.1 the complexity of the election(s) in question;
- 4.2.2 the profile of the election(s) in question; and
- 4.2.3 the extent to which the appointment of an EEA would be a reasonable and proportionate means of aiding the good conduct of the election(s) in question.
- 4.3 If the Executive Committee resolves to appoint an EEA under section 4.1, then they shall invite recommendations as to an appropriate appointee for the EEA from the General Manager or their nominee. The Executive Committee shall give effect to the recommendation of the General Manager or their nominee by appointing the recommended appointee, provided that the Executive Committee is satisfied that:
- 4.3.1 the conditions at section 2.2 above are satisfied in relation to the proposed appointee;
- 4.3.2 the individual is suitably qualified, in the opinion of the Executive Committee (by reference to the non-exhaustive list of suitability indicators at section 2.6); and

- 4.3.3 the EEA is not a full member of the Union, a member of Union staff or a Union officer (i.e. an individual elected under Schedule 4 of the by-laws -referred to as a **'Union Officer'** within this Schedule 5).
- 4.4 If the Executive Committee is not so satisfied then they shall inform the General Manager of their concerns and allow the General Manager an opportunity to respond to those concerns. If upon considering that response the Executive Committee remains unsatisfied, the General Manager or their nominee shall make further recommendations in accordance with this Schedule 5. If the Executive Committee remains unsatisfied with the suitability of an individual recommended pursuant to section 4.3 after two recommendations have been made by the General Manager or their nominee, then the matter shall be referred to the Trustee Board Elections Committee, who shall apply the criteria at sections 4.3.1 - 4.3.3 and approve appointment of an individual meeting the criteria set out therein.
- 4.5 The role of the EEA shall be to provide impartial guidance to the RO in the exercise of their powers and discharge of their duties and interpretation of the rules applying to that election, with a view to ensuring the good conduct of the election. The EEA may assist the RO in the exercise of any and all of their powers, if requested to do so by the RO.

#### **Independent Elections Adjudicator**

- 4.6 As a further measure to ensure the fairness of Union elections, the Executive Committee shall appoint an Independent Elections Adjudicator (**IEA**) whose role is set out at section 12.1.
- 4.7 An IEA may be appointed to this role for one or more particular elections or for all of the elections within a particular academic year.
- 4.8 In appointing an IEA, the Executive Committee shall invite recommendations as to an appropriate appointee for the IEA from the General Manager or their nominee (in good time taking into account the timeframe for appointment of an IEA set out at section 4.10 below). The Executive Committee shall give effect to the recommendation of the General Manager or their nominee by appointing the recommended appointee, provided that the Executive Committee is satisfied that:
- 4.8.1 the conditions at section 2.2 above are satisfied in relation to the proposed appointee;
- 4.8.2 the individual is suitably qualified, in the opinion of the Executive Committee (by reference to the non-exhaustive list of suitability indicators at section 2.6); and
- 4.8.3 the IEA is not a full member of the Union, a member of Union staff or a Union Officer.
- 4.9 If the Executive Committee is not so satisfied then they shall inform the General Manager of their concerns and allow the General Manager an opportunity to

respond to those concerns. If upon considering that response the Executive Committee remains unsatisfied, the General Manager shall make further recommendations in accordance with this Schedule 5. If the Executive Committee remains unsatisfied with the suitability of an individual recommended pursuant to section 4.8 after two recommendations have been made by the General Manager or their nominee, then the matter shall be referred to the Trustee Board Elections Committee, who shall apply the criteria at sections 4.8.1 - 4.8.3 and approve appointment of an individual meeting the criteria set out therein.

4.10 The Executive Committee shall appoint the IEA prior to the start of the campaigning period for that election.

4.11 Together, the IEA and any EEA shall be known as the 'Election Officers'.

## **5. NOTICE AND NOMINATIONS**

5.1 Notice of an election, including vacant positions, dates of the opening and closing of nominations, the date of the hustings meetings and the date of the election must be published when the period for nominations is opened.

5.2 The period for nominations must be open for at least two weeks during an undergraduate academic term and shall close at least one calendar week before the date of the election.

5.3 Prospective candidates must complete a nomination form specified by the Returning Officers and submit it to the Returning Officers during the specified nomination period. A nomination must include the signatures of a proposer and, in the case of an executive post, ten seconders, and for posts on other committees, two seconders. All signatories must be full members of the Union.

5.4 A member may propose or second no more than one candidate for any vacant single or multi position post.

5.5 Within seventy-two hours of the close of nominations, the Returning Officers shall publish:

- (a) a list of candidates, showing names of their proposers and seconders;
- (b) details of hustings;
- (c) voting times, dates and locations; and
- (d) the rules for the election.

## **6. CAMPAIGNING AND HUSTINGS**

6.1 Candidates shall conduct themselves in accordance with the election rules published in accordance with 5.5(d) and this Schedule 5, including as to campaigning.

- 6.2 Candidates are permitted to display a limited number of posters in permitted areas. Limits on the number of posters and provisions relating to permitted areas may be set in the election rules, and are in any event subject to the discretion of the Returning Officers.
- 6.3 No canvassing, posters or similar publicity is permitted within the vicinity (to be determined by the RO in each election) of the ballot box used for manual voting or the nominated voting computers (if applicable), or any other computer or computer room located within the University that may be used for voting.
- 6.4 All candidates will be asked to sign a fair play agreement after the election.
- 6.5 A hustings meeting shall be held between the close of nominations and the last day of voting, being at least one clear day away from both dates, so that candidates can speak and be questioned by members.
- (a) The RO shall normally chair the hustings meeting or may appoint a DRO to chair the meeting (the **Chair**).
  - (b) Candidates shall be called according to the post they are seeking election for, in the order they appear on the ballot paper.
  - (c) After all the candidates for each position have spoken, the Chair may take questions from the floor, provided they are addressed to all candidates.
  - (d) The order in which the candidates answer questions shall start in the reverse of the order in which the candidates spoke and shall rotate with each subsequent question.
  - (e) The Chair is empowered to set time limits on speeches and rule questions out of order.
  - (f) A ruling by the Chair under sub-paragraph (e) above may be challenged by a motion proposed, seconded, and carried by a simple majority of those members present at the hustings.
- 6.6 For the avoidance of doubt, current full time Union Officers and members of Union staff shall not endorse or campaign on the behalf of any of the candidates at any elections held under this Schedule 5.

## 7. POLLING

- 7.1 Polling shall take place over a period that is at least six hours long without interruption.
- 7.2 Manual voting (paper ballot) and e-voting (electronic ballot) are both permitted. Both manual and e-voting may be used in an election if so decided by the RO, provided that the systems are implemented in such a way as to ensure that each student can only vote once.
- 7.3 The manual voting (paper ballot) system shall operate as follows:
- (a) All full members of the Union are entitled to vote on production of a current Union Card. The ballot paper shall only be issued when the voter's Student ID number is captured or their Union Card is marked confirming that they have registered their vote.

- (b) Members unable to vote in person, including those on work placements, shall, upon the surrender of their University ID cards to the RO, be sent the appropriate ballot paper(s) to be returned by post. University ID cards so surrendered shall be endorsed in respect of that election and returned after the polling is closed.
  - (c) Paper ballot papers shall be counted and added to the electronic votes at the count.
  - (d) Counting will not start until all election material has been taken down in the vicinity.
  - (e) The RO shall check the ballot box and shall ensure that the ballot box is supervised at all times from the opening of the polling until the count is completed and the result announced. No candidate, proposer, seconder, or campaign team member may supervise the ballot box.
  - (f) Ballot papers shall be placed in sealed boxes, and these ballot boxes shall be opened only by the RO at the commencement of the count.
- 7.4 The e-voting (electronic ballot) system shall operate in the following manner:

- (a) All full members of the Union shall be entitled to vote provided they have a valid BU IT login.
- (b) The e-voting system shall permit members to cast their votes using the transferable voting system. Whilst polling is in progress members can re-enter the system and adjust their votes if they so wish, however only their last set of votes will count.
- (c) No candidate, proposer, seconder, or campaign team member may supervise the nominated voting computers.

## 8. COUNTING

- 8.1 The RO shall have discretion over when the count shall be run, provided that it is undertaken as soon as is practicable after the close of polling (taking into account any pending complaint or appeal under sections 11 and 12).
- 8.2 Candidates (or their appointed agents) may be present at the count; however, they may not have any communication with any person outside the count room prior to the results being announced by the RO, unless announcement of the results are delayed by more than 2 hours.
- 8.3 The RO shall announce the result of the count, generally by 8pm on the next working day after the close of voting (subject to any pending complaint or appeal under sections 11 or 12).
- 8.4 After the results have been announced, a candidate (or their agent) may request a re-count in person, in writing or by email to the RO, provided that the Returning Officers are in receipt of such a request within 30 minutes of the result being announced. A re-count shall then be undertaken by the Returning Officers. A request for a re-count of an electronic vote shall be dealt with in accordance with this section and section 8.8.
- 8.5 A candidate or agent requesting a re-count may also request details of votes cast and the final results round by round provided that any voting record provided shall not bear individual voters' personal details or otherwise provide information from which it would or might be possible to identify whether particular individual students have voted or for whom they have voted.

- 8.6 The result of any re-count shall be final.
- 8.7 All complaints relating to the conduct or administration of the election must be submitted in accordance with the rules and time frames set out at sections 11 and 12.
- 8.8 In the case of a request for a re-count of an electronic vote the candidate (or their appointed agents) may witness the RO's request for the e-voting system to count the votes again.
- 8.9 The RO shall then publish the result of the count (or any re-count) and the election result(s) as soon as practicable, generally within 72 hours of the count.

### **Suspended elections**

- 8.10 If an election for a particular position is suspended, all ballot boxes and access to electronic voting portals shall be suspended.
- 8.11 Ballot boxes shall remain sealed (and access to electronic voting portals suspended) while the election is suspended.
- 8.12 The maximum period an election may remain suspended is four working days.
- 8.13 The RO shall make all reasonable efforts to publicise to the membership when the election shall resume.
- 8.14 The RO may suspend announcement of the result of the election where a complaint or appeal under sections 11 or 12 of this Schedule 5 is pending.

## **9. CANDIDATES**

- 9.1 Where elections are for representatives of specific groups, only members in that group are entitled to stand for election unless special permission is granted by the Executive Committee e.g. Carers. However, candidates may be proposed, seconded, and/or voted for by any full member of the Union.
- 9.2 All ballot papers and e-voting systems shall include an option of "no suitable candidate" for each position.
- 9.3 If "no suitable candidate" receives the majority of the vote for any position, the election for that position will be held again in accordance with this Schedule.

## **10. DATES OF ELECTIONS**

- 10.1 Elections for Non-Sabbatical Officers shall be held:
- (a) in the case of Delegates/Observers to NUS Conference, not less than three days prior to the close of registration for the relevant conference; and
  - (b) in the case of all other Non-Sabbatical Officers, normally between March and November.

- 10.2 Elections for Sabbatical Officers shall normally be held between February and April.
- 10.3 If a position becomes vacant and the Executive Committee resolves to hold a by-election as described in section 4.3 or 5.4 of Schedule 4, the RO shall arrange for nominations to open to elect a replacement within two calendar weeks. The election will then be held in accordance with this Schedule.

## 11. COMPLAINTS

### Standing

- 11.1 The RO shall deal with all election complaints at first instance in accordance with this Schedule 5 and the election rules.
- 11.2 Any full member of the Union, including candidates and their agents, may complain to the RO regarding any aspect of the election, on the grounds of:
- (a) non-compliance with this Schedule 5 or the election rules regulating the election in question;
  - (b) non-compliance with the law; and/or
  - (c) dishonest, fraudulent, defamatory, harassing, abusive or intimidating behaviour by a candidate or campaign.

### Time limits

- 11.3 A complaint made under this section 11 must be received by the RO in writing or by email, must be accompanied by sufficient detail and evidence to support the grounds of complaint and must, subject to the alternative timeframes set out at sections 11.4 to 11.7, be received by the RO prior to voting closing.

### Late complaints

- 11.4 If a complaint is made to the RO after voting has closed, but at least eight hours before the election results are due to be announced under section 8.3, then the RO may exercise their discretion to accept that complaint for determination, provided that the complaint, if made out, would undermine the fairness and integrity of the election result.
- 11.5 A late complaint accepted for determination by the RO shall be determined in accordance with this section 11, except that the RO shall communicate their determination to the complainant and any person to be sanctioned as a result of the determination as soon as possible but in any event no later than six hours before the election results have been announced.
- 11.6 If a complaint is accepted for determination by the RO in accordance with 11.4, then the complainant or an individual sanctioned as a result of the RO's determination of the complaint shall have a right of appeal to the IEA to be

determined in accordance with section 12, except that the following timeframe will apply:

- 11.6.1 A complainant shall appeal to the IEA as soon as possible after receipt of the RO's determination and in any event no later than five hours before the results are due to be announced; and
- 11.6.2 The IEA shall aim to determine the appeal as soon as possible after receipt of the appeal, and in any event no later than two hours before the results are due to be announced. If the IEA cannot determine the appeal within that timeframe then the RO shall exercise their discretion to delay announcement of the results until such time that the IEA has made a determination, provided that the IEA determines the appeal as soon as is reasonably practicable.

### **Exceptional circumstances**

#### ***Initial assessment as to whether complaint meets the threshold for consideration***

- 11.7 A complaint received after the period set out at 11.4 will only be accepted for determination by the RO in exceptional circumstances, being that the complaint:
  - (a) is of a very serious nature;
  - (b) has a reasonable body of evidence to support it; and
  - (c) if made out, would undermine an election result(s) due to sustained or serious misconduct, impropriety or maladministration.
- 11.8 The RO will apply the criteria at 11.7 and decide whether to accept a complaint for consideration.

#### ***Review of RO's initial assessment***

- 11.9 The RO shall refer their decision under 11.8 to the Trustee Board Elections Committee.
- 11.10 The Trustee Board Elections Committee shall decide whether or not it agrees with the RO's decision, by reference to the criteria at 11.7.
- 11.11 Where the Trustee Board Elections Committee either:
  - (i) Agrees with a decision by the RO to accept a complaint; or
  - (ii) Disagrees with a decision by the RO to reject a complaint and determines the complaint should have been accepted,

then the Trustee Board Elections Committee shall refer the complaint for determination by the IEA in accordance with sections 11.15 to 11.16

- 11.12 Where the Trustee Board Elections Committee either:
  - (i) Agrees with a decision by the RO to reject a complaint; or



- (ii) Disagrees with a decision by the RO to accept a complaint and determines that the complaint should have been rejected,

then the Trustee Board Elections Committee shall inform the complainant(s) of their decision and brief reasons for that decision, in writing.

- 11.13 Where section 11.12 applies, the complainant(s) shall have the right to appeal the decision to the IEA on the grounds that the complaint does meet the threshold at section 11.7 and should have been accepted, provided that the appeal is received in writing by the IEA within 48 hours of the complainant being notified of the Trustee Board Elections Committee's decision.
- 11.14 The Trustee Board Elections Committee shall inform the complainant(s) of their right to appeal the Trustee Board Elections Committee's decision to the IEA.

#### ***Determination of accepted exceptional circumstance complaints by the IEA***

- 11.15 Where a complaint is referred to the IEA under section 11.11, the IEA shall make such enquiries as it sees fit and determine, on the basis of the information available to it, whether or not the complaint is made out on the balance of probabilities (a 'successful' complaint).
- 11.16 If the IEA determines that the complaint is successful, then they shall determine a reasonable and proportionate remedy in accordance with the IEA's powers set out at section 12.14 below.

#### ***Determination of appeals made under section 11.13 by the IEA***

- 11.17 Where a complainant appeals a decision by the Trustee Board Elections Committee under 11.13, the IEA shall first assess whether or not the Trustee Board Elections Committee was, in the IEA's opinion, right to conclude that the complaint does not meet the threshold for determination set out at section 11.7.
- 11.18 If the IEA concludes that the Trustee Board Elections Committee was right to determine that the complaint does not meet the threshold for determination set out at section 11.7, it shall inform the complainant(s) of its decision.
- 11.19 If the IEA concludes that the Trustee Board Elections Committee was not right to determine that the complaint does not meet the threshold for determination set out at section 11.7, it shall accept the complaint and make a determination in accordance with sections 11.15 and 11.16 above.
- 11.20 The Trustee Board Elections Committee shall, subject to their duties as charity trustees, give effect to the IEA's decision.

#### **Processing of complaints**

- 11.21 Except where an alternative timeframe is expressly provided within this Schedule 5 (for example, in relation to late complaints, exceptional circumstances and complaints at the RO's volition), the RO shall review, determine and

communicate the outcome of a complaint accepted for determination by the RO to the complainant and anyone to be sanctioned as a consequence:

- 11.21.1 by 5pm where the complaint request was accepted before 12pm on a working day; or
- 11.21.2 by 12pm the next working day where the appeal request is received after 12pm on a working day or received at any time on a non-working day;
- 11.22 The timeframe set out at sections 11.21.1 to 11.21.2 may be departed from only where overall requirements of fairness, taking into account all relevant factors necessitate a shorter timeframe, such as where the nature of a complaint warrants expedition of the RO's consideration.

### **Complaint outcomes**

- 11.23 When considering complaints, the RO must take into consideration this Schedule 5 of the by-laws and the rules specific to the election in question and any other policies applicable to that election in force at the time, including the overall requirements of fairness and good conduct of the election. In the event of any conflict between these by-laws and the rules specific to the election, these by-laws shall prevail.
- 11.24 A complaint shall be successful if the RO is satisfied on the basis of the information available to them that one or more of the complaint grounds are made out on the balance of probabilities. References in this Schedule 5 to a complaint which is "made out" are to a complaint which is successful as defined in this section 11.24 unless otherwise expressly provided for within this Schedule 5.
- 11.25 The RO may seek advice from the EEA (where one has been appointed) as to any complaint received.
- 11.26 The RO shall have discretion as to the appropriate course of action in relation to any complaint accepted for determination, provided that the decision taken by the RO is reasonable in the circumstances and is proportionate to the nature and seriousness of the complaint. In particular the RO may:
  - 11.26.1 take no further action;
  - 11.26.2 issue a warning to one or all candidates/campaigners;
  - 11.26.3 issue a clarification and/or guidance to one or all candidates/campaigners;
  - 11.26.4 disqualify a candidate from running in the election;
  - 11.26.5 suspend or re-run the election;
  - 11.26.6 void the election of a winning candidate;

- 11.26.7 suspend the count or announcement of the result of an election pending consideration of a complaint or appeal or upon evidence of an irregularity;
- 11.26.8 take any other action that is deemed appropriate to uphold the fairness of the election, which may include the elimination of a candidate from the e-voting site for a period of time or removing campaign materials;

provided in each case that any decision by the RO in relation to a complaint or matter investigated by the RO in accordance with section 3.5 shall not be effective until the period for appealing the decision has expired in accordance with the timeframe for an appeal set out within this Schedule 5, and:

- (i) if the candidate appeals within the timeframe provided within this Schedule 5, the decision shall not be effective until the outcome of that appeal is confirmed; and
- (ii) where the outcome of an appeal has not been confirmed by the time at which voting closes, then the count shall be suspended until the outcome of the appeal is decided.

## 12. APPEALS

### The Independent Election Adjudicator's role

- 12.1 The IEA's primary function shall be as an impartial, external appeals body adjudicating on decisions by the RO under this Schedule 5, as appointed in accordance with section 4.6. The IEA shall also have a function in relation to complaints made in exceptional circumstances as set out at sections 11.11 and 11.13.
- 12.2 A decision of the RO under section 11 of this Schedule 5 is subject to a right of appeal to the IEA on one or more of the appeal grounds, provided that:
- 12.2.1 where the RO's decision is communicated to the appellant before 12pm on a working day, the appellant's appeal request must be received by the IEA in writing or by email within twelve hours; or
  - 12.2.2 where the RO's decision is communicated to the appellant after 12pm on a working day, the appellant's appeal request must be received by the IEA in writing or by email within eighteen hours; or
  - 12.2.3 the appeal request is received by the IEA in writing or by email within such other period as is expressly provided for receipt of the appeal request in this Schedule 5.

(the Appeal Period).

### Appeal procedure

- 12.3 A complainant appealing a decision of the RO to the IEA shall be referred to as the 'Appellant' in this section 12.

- 12.4 The Appellant must identify the appeal grounds under which the appeal is being made in the appeal request and identify the decision of the RO being appealed.
- 12.5 The IEA must receive the appeal within the Appeal Period.
- 12.6 In exceptional circumstances only, to be determined by the IEA in its absolute discretion, where an appeal request is received by the IEA outside of the Appeal Period, the IEA may extend the timeframe for receipt provided there is an exceptional reason for the delay and the nature of the appeal is sufficiently serious, for example, where an Appellant has been disqualified from running as a candidate and believes this decision to have been disproportionate to the Appellant's conduct, but the Appellant suffers an accident or injury which does not allow them to comply with the Appeal timeframe.
- 12.7 Evidence that was not presented to the RO may not be presented to the IEA, unless exceptional circumstances warrant its inclusion, to be decided at the discretion of the IEA.
- 12.8 Upon receipt of an appeal request, unless an alternative timeframe is expressly provided for within this Schedule 5, the IEA shall aim to consider the appeal and inform the Appellant and any sanctioned party of the outcome by 5pm where the appeal request has been received before 12pm on a working day, or by 12pm the next working day where the appeal request is received after 12pm on a working day or received at any time on a non-working day.

#### **Appeal grounds**

- 12.9 The appeal grounds shall be:
- (a) that there was a material procedural irregularity or misinterpretation of the rules governing the election that led to the decision of the RO being unfair; and/or
  - (b) that the decision of the RO was inappropriate or disproportionate to the nature and seriousness of the complaint.

#### **Determination of appeals**

- 12.10 Where the IEA receives an appeal request:
- 12.10.1 if the appeal request complies with the formal requirements of sections 12.4 - 12.9, the IEA shall accept the appeal and determine whether the appeal grounds identified by the Appellant have been made out on the balance of probabilities on the basis of the information available to the IEA at the time of its consideration; or
- 12.10.2 if the appeal request does not comply with the formal requirements of sections 12.4 - 12.9 and the IEA chooses not to exercise its discretion set out at sections 12.6 and 12.7, then the IEA shall reject the appeal request and inform the Appellant of its reasons for doing so, provided that the IEA shall accept any subsequent appeal request by the Appellant that does comply with the procedural requirements set out at sections 12.4 -12.9.

- 12.11 Where the IEA determines, following consideration of the appeal, that the appeal grounds are not made out in relation to an appeal, the appeal shall be unsuccessful and the IEA shall uphold the RO's decision, providing the Appellant with a brief written statement of the reasons for its decision.
- 12.12 Where the IEA determines, following consideration of an appeal, that the appeal grounds are made out in relation to an appeal then the appeal shall be successful (a **Successful Appeal**) and 12.13 shall apply.

### Appeal outcomes

- 12.13 Where an appeal is successful under 12.12, the IEA shall determine the action to be taken in relation to the Successful Appeal. Such actions must be appropriate and proportionate having regard to:
- (i) the nature and seriousness of the complaint and the proportionality of the RO's decision to the nature and seriousness of that complaint; and
  - (ii) the extent to which the RO's course of action was reasonable in the circumstances.
- 12.14 Action taken by the IEA under 12.13 shall include one or more of the following:
- (a) taking no further action, leaving the RO's decision and penalties/sanctions in place;
  - (b) overturning the decision of the RO, removing any penalties/sanctions put in place by the RO;
  - (c) issuing a warning to one or all candidates/campaigners;
  - (d) issuing a clarification and/or guidance to one or all candidates/campaigners;
  - (e) disqualifying a candidate from running in the election;
  - (f) reinstating a candidate running in the election;
  - (g) confirming that the election should be re-run where there is serious maladministration and non-compliance with the rules governing the election or fraudulent activity;
  - (h) cancelling the suspension of an election and allow it to proceed;
  - (i) cancelling the suspension of a count and allow it to proceed;
  - (j) ordering a recount;
  - (k) voiding the election of a winning candidate;
  - (l) confirming the election of a winning candidate; and/or

- (m) taking any other action that is deemed appropriate and proportionate to the nature and seriousness of the complaint to uphold the fairness of the election.
- 12.15 The IEA shall provide a brief written statement of the reasons for its determination under 12.12 and choice of outcome under 12.14 above.
- 12.16 If there is a relevant IEA precedent for a decision under section 12.13 which relates to a successful appeal of a similar nature from a previous election, the IEA shall give due consideration to the previous outcome in deciding upon an appropriate and proportionate course of action under section 12.14.

### 13. **SUMMARY OF COMPLAINT AND APPEAL OUTCOMES**

Following the completion of an election process the RO shall ensure that a summary is produced detailing complaints received, decisions made, advice taken from the EEA if any and the extent to which that advice was followed and any appeals to the IEA and their outcome, which may be used as precedents for future elections.

## **SCHEDULE 6 - STAFF**

The Union shall comply with all employment law requirements in its employment of staff.

### **Conditions of Employment**

All staff employed by the Union shall:

- 1.1 be issued with a contract of employment in accordance with the relevant legislation;
- 1.2 be ultimately responsible to the Executive Committee and the Board of Trustees;
- 1.3 have the right to join a Trade Union; and
- 1.4 be subject to the Union's general rules and regulations regarding employment with the Union and its disciplinary and grievance procedures.

## **SCHEDULE 7 - STANDING ORDERS FOR THE CONDUCT OF GENERAL MEETINGS**

### **1. STANDING ORDERS**

- 1.1. The Standing Orders contained in this Schedule 7 shall apply to all General Meetings.
- 1.2. These Standing Orders may be suspended by a two-thirds majority on a vote taken of all those present and entitled to vote at a General Meeting. Standing Orders may not be suspended or waived retrospectively.
- 1.3. Speeches for and against suspension of Standing Orders shall be taken alternately, and be of maximum one minute duration each.
- 1.4. The Chair is the solely responsible for interpreting the Standing Orders.

### **2. SPEAKING, VOTING AND OBSERVING**

- 2.1. Full members shall have full speaking and voting rights at all General Meetings.
- 2.2. Associate members have no speaking or voting rights at General Meetings but shall have the right to attend as observers.
- 2.3. Provided that they left the Union not less than 4 years prior to the General Meeting, life members shall have full speaking and voting rights at all General Meetings.
- 2.4. Opted-out students have no speaking or voting rights at General Meetings but shall have the right to attend as observers.
- 2.5. Trustees who are not full members of the Union at the time of the meeting shall have no voting rights but shall have speaking rights at all General Meetings.
- 2.6. At the discretion of the Chair of any meeting, individuals otherwise excluded from speaking or observing may be permitted to attend as observers or given speaking rights for a part or the whole of that meeting.

### **3. TIMING OF GENERAL MEETINGS**

- 3.1. An Annual General Meeting shall be held during the Autumn/Spring Term, at which the audited accounts of the Union for the previous financial year shall be presented.
- 3.2. At least one ordinary General Meeting shall be held during each academic term, the date of which shall be fixed by the Executive Committee prior to the start of that term. This may be replaced in the Autumn or Spring Term by the Annual General Meeting.
- 3.3. The Board of Trustees may call a General Meeting at any time (pursuant to clause 26 of the Constitution).
- 3.4. At least ten clear working days' notice (exclusive of the dates of notice and of the meeting) shall be given for all General Meetings except Extraordinary General Meetings as defined below.
- 3.5. Notice of all General Meetings shall be placed in prominent positions at the Talbot Campus, the Lansdowne Campus and on the Union website and given to the Trustees.

### **4. EXTRAORDINARY GENERAL MEETINGS**

- 4.1. An Extraordinary General Meeting may be called by the Board of Trustees on receiving a requisition to that effect signed by at least 25 members of the Union having the right to attend and vote at General Meetings pursuant to clause 26.1 of the Constitution.
- 4.2. Unless a longer time is specified in the requisition, the Extraordinary General Meeting shall be held no later than the tenth working day after the date of the Board of Trustees' decision to call the meeting.
- 4.3. An Extraordinary General Meeting shall be called for a specific purpose and shall only consider the business for which it was called, and paragraph 5 shall not apply.

## **5. AGENDA**

- 5.1. Notice of Motions to be discussed at a General Meeting shall be submitted to the Executive Committee not less than four clear working days prior to the meeting.
- 5.2. For General Meetings, the final Agenda shall be published not less than three clear working days prior to the meeting.
- 5.3. The Agenda shall include the following:
  - (a) Ratification of the Minutes of the last meeting
  - (b) Matters arising therefrom
  - (c) Motions submitted
  - (d) Reports from Sabbatical Officers
  - (e) Report from the Executive Committee
  - (f) Report from the Trustee Board
  - (g) Matters arising from Reports
  - (h) Any other business
- 5.4. In the case of the Annual General Meeting, the agenda must include the items specified in clause 29 of the Constitution.
- 5.5. This paragraph 5 shall not apply to Extraordinary General Meetings.

## **6. RULES OF PROCEDURE**

### **6.1. The Chair**

- (a) The Chair shall usually be the President, but in the absence of the President, the Chair shall be appointed in accordance with clause 33 of the Constitution.
- (b) The Chair may participate in debate only by handing the chair to another suitable Officer, and shall then re-take the Chair when voting on that motion has been completed.
- (c) The Chair is responsible for keeping the meeting in order. The Chair may require any one behaving disruptively or using offensive language to withdraw from the meeting.
- (d) The Chair may adjourn the meeting in accordance with clause 35 of the Constitution.

### **6.2. Quorum**

- (a) The quorum for a General Meeting is 100 members of the Union entitled to vote upon the business to be transacted (but excluding Trustees).
- (b) If a General Meeting ceases to be quorate then the meeting shall be adjourned in accordance with clause 32 of the Constitution.

### **6.3. Speaking**

- (a) Persons wishing to speak shall indicate their desire to do so by raising one hand or by approaching the Chair or the steering committee, if one has been appointed by the General Meeting.
- (b) On acknowledgement by the Chair, persons wishing to speak shall identify themselves and address the Chair.
- (c) When a member has been called to speak, all persons in attendance shall remain silent, except to raise a point of information
- (d) No person may speak for more than five minutes on one issue.



- (e) No person shall speak more than once on the same motion, except:
  - (i) to answer or make a point of information or a point of order; or
  - (ii) to summarise a motion that they have proposed.

#### **6.4. Motions**

- (a) Each motion must have a formal proposer and seconder.
- (b) Provisions relating to motions of ‘no confidence’ are set out in paragraph 9 below.
- (c) After the first speaker on a motion, the Chair shall ask for amendments in accordance with paragraph 6.5.
- (d) In all debates, the Chair shall accept alternate speakers for and against where possible.
- (e) After no less than two rounds of speeches, taken up or waived, the Chair may stop the debate, request the proposer to sum up and then put the motion to the vote.
- (f) A summation speech shall not include information that has not been raised in the debate.

#### **6.5. Amendments**

- (a) Amendments to motions shall be taken from the floor after the proposing speech. An amendment must have a proposer and a seconder.
- (b) The proposer of the amendment shall state whether the amendment is intended to be a drafting amendment or is a substantive amendment.
- (c) A “drafting amendment” is one that changes or clarifies the wording of a motion but not the sense.
- (d) An amendment that changes the sense of the motion is a “substantive amendment”.
- (e) The ruling of the Chair as to the status of an amendment is final.
- (f) The meeting shall only consider one amendment at a time, and the Chair shall determine the order in which amendments shall be considered, if necessary.
- (g) Drafting amendments shall be put to the proposer of the motion. If accepted by the proposer there shall be no further discussion and the motion shall be put forward as amended. If the amendment is not accepted by the proposer, the amendment shall be put to the vote. If the amendment is passed the motion shall now belong to the proposer of the amendment who shall have right of summation as described in paragraph 6.4.
- (h) Substantive amendments shall be put to the meeting for discussion and then put to the vote. If the amendment is carried, the mover of the successful amendment shall be entitled to summarise the motion, as defined in paragraph 6.4. Further amendments may then be moved.

### **7. VOTING**

- 7.1. Voting rights at all General Meetings are set out in paragraph 2.
- 7.2. All motions require a simple majority to pass except where otherwise required by the Constitution (and some issues require ratification by the Board of Trustees and/or the University).
- 7.3. Voting shall be by show of hands.
- 7.4. The Chair shall have the casting vote if there is a tie.
- 7.5. The Chair may decide to appoint Tellers at their discretion, or if requested by any person with voting rights.
- 7.6. Once the debate on a motion (as described in paragraph 6 above) is concluded, the Chair shall call a vote.

- 7.7. After the Chair calls a vote until the time the result is finalised, no motions may be moved except a motion to challenge a ruling of the Chair or that the vote should be taken by secret ballot as described in paragraph 8 below.
- 7.8. If there is a close result, the Chair may call for a recount at their discretion, or shall do so if so requested in reasonable circumstances by any member of the Union.
- (a) when a recount is called no one may leave or enter the meeting;
  - (b) members shall be requested to vote as they did in the original count; and
  - (c) there shall be no more than two recounts for any vote.

## 8. PROCEDURAL MOTIONS

- 8.1. The following procedural motions may be moved in the following order of precedence and be dealt with as set out in the table below (see page 28).
- 8.2. Any procedural motion may be moved on a point of order. Procedural motions do not need to be seconded.
- 8.3. Points of Information may be raised by any person with speaking rights at the discretion of the Chair. Points of Information arise when information is offered to, or asked of a speaker.
- 8.4. Points of Order take precedence over any other business and may be raised by any person with speaking rights. Points of Order relate to a Procedural Motion or an alleged breach of Standing Orders, the Constitution, By-laws or statutory provisions, and the person raising the Point of Order shall specify their grounds for raising the Point of Order and they shall be put to a vote if the Chair deems that it is appropriate.

## 9. MOTIONS OF NO CONFIDENCE OR CENSURE

- 9.1. A motion of no confidence may be raised in relation to the actions, past or present, and/or stated intentions of Union Officers or Trustees.
- 9.2. If a petition is signed on-line by 25 students requiring a vote of no confidence in an Officer or a Trustee then the motion will be put to the next General Meeting as described in Schedule 9. Such a motion does not require a proposer and seconder.
- 9.3. For such a motion to be passed, a two-thirds majority of those present and entitled to vote at the General Meeting must vote in favour of it.
- 9.4. A motion of Censure shall relate to a specific incident in which a Union Officer has been involved and shall be recorded in the minutes.

	<b>Motion</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>
	That the meeting has no confidence in an Officer	Speech for	Speech against	Vote
	That the meeting censures an Officer in relation to a specific event	Speech for	Speech against	Vote

	Motion	Step 1	Step 2	Step 3	Step 4
1	That the meeting is not quorate;	Chair calls for a count	If the meeting is not quorate, the Chair will close it	All unfinished matters on the agenda shall, at the discretion of the proposers, be laid on the table until the next meeting	
2	That the meeting has no confidence in the Chair;	The Chair shall pass to another Officer whilst the motion is debated.	Speech for	Reply by Chair	Vote - if Procedural Motion 2 is carried the original Chair shall not retake the Chair
3	That the meeting challenges the Chair's ruling;	The Chair shall pass to another suitable Officer whilst the motion is debated.	Speech for	Reply by Chair	Vote
4	That the vote be taken by secret ballot;	Speech for	Speech against	Vote	
5	That the question be not put;	Speech for	Speech against	Vote	
6	That the question be put now;	Speech for	Speech against	Vote	The proposer of the original motion retains the right to summate
7	That the question be discussed further;	Speech for	Speech against	Vote	
8	That the question be referred elsewhere (including to a referendum);	Speech for	Speech against	Vote	
9	That the question be adjourned;	Speech for	Speech against	Vote	
10	That the question be put in parts;	Speech for	Speech against	Vote	
11	That the time-limit for speeches be changed;	Speech for	Ruling from the Chair		
12	That a Standing Order be suspended for a specific length of time;	Speech for (max 1 minute)	Speech against (max 1 minute)	Vote (note that a 2/3rds majority is required)	The suspension of Standing Orders shall apply only while the matter being discussed at the time of the suspension is still under discussion

13	That the meeting be closed	Vote			
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## SCHEDULE 8 - DISCIPLINARY CODE

### 1. CONDUCT

1.1. All users of Union facilities and those who attend Union activities shall:

- (a) comply with this Code at all times; and
- (b) at all times be responsible for the conduct of their guests.

1.2. The Union expects its members and other users of Union facilities to behave appropriately at all times. Breaches of this principle of good conduct are subject to disciplinary action under this Code, including any of the matters set out below:

- (a) threatening or violent behaviour;
- (b) wilful or negligent damage to property;
- (c) theft or attempted theft of property belonging to another;
- (d) conduct detrimental to the public reputation of the Union;
- (e) negligence or wilful conduct which causes, or could reasonably have been expected to have caused, a financial loss for the Union or members of the Union;
- (f) resale or attempted resale of a ticket for a Union social event at a price higher than the cover price as stated on that ticket;
- (g) abuse, harassment or discrimination other behaviour which contravenes the Equal Opportunities Policy of the Union;
- (h) failure to appear before the Union Disciplinary Panel when so requested; or
- (i) conduct detrimental to the reasonable enjoyment of Union facilities by others.

### 2. BREACHES OF GOOD CONDUCT

- 2.1. Any Union member, a person eligible to use the facilities or a member of the University staff may report an alleged breach of good conduct by submitting a written report to a Sabbatical Officer.
- 2.2. Any Officer who receives such a report shall take the matter to the Executive Committee, who shall decide whether the matter should be dealt with by the Union Disciplinary Panel (as described in paragraph 4 below) and shall keep the complainant informed.
- 2.3. Any person wishing to make a report as described above should ensure that it is made within two calendar weeks of the date of the alleged behaviour. The Executive Committee may, in exceptional circumstances, agree to consider matters raised outside this period.
- 2.4. The Executive Committee shall notify all those who are the subject of a disciplinary report of the nature of the allegations within one week of receipt of the initial report. Where those concerned are not Union members, the Executive Committee shall use reasonable efforts to contact them. If contact cannot be made, then the Executive Committee shall determine whether to continue with the procedure described in this Schedule 8.

### 3. CONDUCT IN PARTICULAR UNION FACILITIES

3.1. If a breach of good conduct takes place in the Old Fire Station or Dylan's Bar/the Loft, the Talbot Campus Commercial Manager or the Old Fire Station Venue Manager (as appropriate) is authorised to deal with the matter immediately by:

- (a) requiring compensation for damage caused;
- (b) requiring compensation for any financial loss incurred by the Union or an individual;
- (c) suspending rights to use the relevant facilities for a specific period of time; and/or
- (d) recommending to the Executive Committee that legal action or further disciplinary action under this Schedule 8 should be taken against that person.

3.2. A person affected by any action taken under this paragraph 3 is entitled to appeal any such decision by referring the matter as described in Schedule 8A.

#### **4. UNION DISCIPLINARY PANEL**

4.1. The Union Disciplinary Panel (the “UDP”), shall meet when called by the Executive Committee.

4.2. The Chair shall normally be taken by the President or another Sabbatical Officer appointed by the Executive Committee.

4.3. The UDP shall, before the UDP hearing, investigate the matter that has been raised.

4.4. The date of the hearing shall be set by the Executive Committee unless the Executive Committee delegates this to the Chair.

4.5. The UDP shall consist of:

(a) the Chair (normally the President or another nominated sabbatical officer)

(b) a further Sabbatical Officer selected by the Chair;

(c) a further member of the Executive Committee selected by the Chair who is not a Sabbatical Officer; and

(d) one member of the Executive Committee nominated by the person or persons who is/are required to appear before the UDP.

4.6. Should the breach of good conduct concern a Sabbatical or Non Sabbatical Officer of the Union the UDP shall consist of:

(a) the Chair (normally the President or another nominated Sabbatical Officer);

(b) a further Sabbatical Officer selected by the Chair; and

(c) one member of the Executive Committee nominated by the person required to appear before the UDP. If the nominated Union Officers decline to attend then further nominations of Union Officers from the Executive Committee may be made until the open positions are filled.

4.7. The person required to appear before the UDP is entitled to nominate a person to attend the UDP with them who is entitled to ask questions and make representations on behalf of the person appearing before the UDP:

(a) in the case of a Sabbatical or Non Sabbatical Officer of the Union, this person may be a Union employee, a friend or their trade union representative; and

(b) in all other cases, this must be a BU student.

4.8. The General Manager of the Union or their nominee will also attend all UDPs in an advisory role.

#### **5. UDP HEARINGS**

5.1. The Chair or their nominee shall notify the person required to appear before the UDP at least 14 calendar days prior to the date of the hearing:

(a) that they are required to appear before the UDP;

(b) the date, time, location of the hearing and the details of the alleged breach of good conduct;

(c) that they are requested to nominate members of the panel as set out in the By-laws. The Chair should be informed in writing of the nomination at least seven calendar days before the hearing.

(d) of their right to bring an additional person to the hearing as described in paragraph section 4.7 above; and

(e) that failure to appear before the UDP without adequate reasons is in itself a breach of good conduct and may lead to further disciplinary action, including suspension from membership of the Union or dismissal as a Union employee (if applicable).

- 5.2. At the hearing, the Chair shall set out the matter reported to the Executive Committee and the results of the investigation and hear representations from the person about whom the allegations have been made, or their representative.
- 5.3. The UDP shall discuss the matter in private and take a decision on the action to be taken.
- 5.4. Decisions shall be made by a show of hands. Decisions shall be made by a simple majority with the Chair having a single vote. If there is a tie then the Chair shall have a further casting vote.
- 5.5. The Chair or their nominee shall ensure that an accurate record of the UDP hearing is kept. If requested by the person required to appear before the UDP, the Chair shall issue a note of the hearing and the decisions taken.

## **6. PENALTIES AND APPEALS**

- 6.1. If the UDP concludes that a person has committed a breach of good conduct the UDP is empowered to impose the following penalties, at its discretion:
  - (a) compensation for damage caused;
  - (b) compensation for any financial loss incurred by the Union or an individual;
  - (c) suspension of rights to use specific Union facilities for a specific period of time;
  - (d) suspension of membership of the Union for a specified time period, during which all the person shall not be permitted access to Union facilities;
  - (e) to recommend to the Executive Committee that legal action be taken against that person;
  - (f) in the case of an employee of the Union, or an Officer of the Union, that the matter be referred to the Board of Trustees to consider further action against the employee or Officer for misconduct, including (in the case of an Officer) whether the matter should be referred to a General Meeting for a vote of confidence (see paragraph 9 of Schedule 7); and/or
  - (g) in the case of an officer of a Recognised Club or Society, removal from the position within the Club or Society.
- 6.2. Compensation may take the form of financial or some other appropriate compensation (e.g. volunteering time, charity fundraising) as agreed between the UDP and the person or persons required to appear before the UDP.
- 6.3. Schedule 8A sets out the appeals process in relation to decisions made pursuant to this Schedule 8.

## SCHEDULE 8A - DISCIPLINARY APPEALS PROCESS

### **A - APPEALS RELATING TO PENALTIES IMPOSED BY FACILITIES MANAGERS**

1. For appeals to penalties imposed by the Talbot Campus Commercial Manager/Old Fire Station Venue Manager under paragraph 3 of Schedule 8, the Union shall operate a Union Appeals Panel (the “UAP”).
2. A person may appeal against a penalty imposed on them by the Talbot Campus Commercial Manager/Old Fire Station Venue Manager by informing the President, in writing, within 14 calendar days of the penalty being notified to that person.
  - 2.1 On receipt of a notice requesting an appeal, the President shall convene the UAP.
  - 2.2 The UAP shall be made up of three members of the Executive Committee. The General Manager or their nominee shall attend UAP hearings in an advisory role.
  - 2.3 The Chair shall normally be taken by the President or another Sabbatical Officer appointed by the Executive Committee. The date of the hearing shall be set by the Chair.
3. The President or their nominee shall inform the person making the appeal in writing of the date, time, and venue of the UAP hearing at least one calendar week in advance of the hearing.
4. The UAP shall, before the UAP hearing, investigate the matter that has been raised.
5. At the hearing, the Chair shall set out the matter referred to the UAP and the results of the investigation and hear representations from the person making the appeal.
  - 5.1 The UAP shall discuss the matter in private and take a decision on the action to be taken in private.
  - 5.2 Decisions shall be made by a show of hands. Decisions shall be made by a simple majority with the Chair having a single vote. If there is a tie then the Chair shall have a further casting vote.
  - 5.3 The Chair shall ensure that an accurate record of the UAP hearing is kept. If requested by the person required to appear before the UAP, the Chair shall issue a note of the hearing and the decisions taken.
6. The Chair will be responsible for ensuring that the decision is communicated to the person within one week of the hearing.
7. Unless and until a decision is over-turned by the UAP. the original decision with regard to penalties will stand (e.g. if rights of access to any facilities have been suspended, they will remain suspended until a decision to over-turn them is issued).
8. There will be no further right of appeal once the UAP has made its decision.

### **B - APPEALS RELATING TO DECISIONS OF THE UDP**

1. A person may appeal against a decision of the UDP under paragraph 3.2 of Schedule 8 and/or a penalty imposed by the UDP under paragraph 6 of Schedule 8 by written notice to the Executive Committee of the Union.
2. A person may appeal against a penalty imposed on them by a UDP by informing the President, in writing, within 14 calendar days of the penalty being notified to that person.
3. The President shall inform the Executive Committee of any appeal. The Executive Committee shall refer the matter to the Board of Trustees for review.
4. The Board of Trustees shall consider how to handle the matter, which may include, if appropriate:
  - (a) a further hearing or a reference to a General Meeting; or



- (b) the Board of Trustees considering the matter itself, in which case it may uphold, vary or over-turn the decision; or
  - (c) referring it back to a further hearing of the UDP with directions on particular matters.
5. The quorum for the Board of Trustees (as set out in clause 91 of the Constitution) is six including at least one Sabbatical Officer, one External Trustee and one Student Trustee. If there is a conflict of interest (for example because the Sabbatical Officer is involved with the UDP process or for any other reason) then the quorum will be four Trustees, but should normally include at least one Student Trustee and one External Trustee.
6. A decision of the Board of Trustees is final.

## SCHEDULE 9 - E-DEMOCRACY

The Union shall operate an e-democracy system that shall allow BU students to submit a petition to the Union to hold a referendum of its members on a particular issue. This Schedule sets out details of the process for petitions and e-referenda. Such petitions are “**Secure Petitions**” as defined in the Constitution.

### **1. PETITIONS**

- 1.1. The Union e-democracy website shall be available for use by any BU student.
- 1.2. A list of current petitions shall be available for any person to view online.
- 1.3. To create a new petition, the creator must:
  - (a) enter their BU IT login information;
  - (b) select an appropriate category for their petition;
  - (c) enter the title of the petition;
  - (d) enter details regarding what their petition is about and what the intended outcome is; and
  - (e) enter the length of time they would like the petition to run for, which must be at least one month and not longer than an academic year.
- 1.4. Once a petition has been submitted, the Executive Committee shall review the submission within two calendar weeks and, if the Executive Committee approves the petition, it shall be made available on the system for other students to sign. The Executive Committee may request a student to amend a petition or refuse to approve a petition if it believes, for example, that it breaches University or Union policies, or is not sufficiently clear.
- 1.5. If a petition is signed on-line by 400 members, then an e-referendum will be held as set out in paragraph 2 below.
- 1.6. If a petition is signed on-line by 25 students requiring a vote of no confidence in an Officer or a Trustee then such a motion will be put to the next General Meeting (see paragraph 9 of Schedule 7). This process is not intended to be used in relation to matters of conduct, which should be dealt with as described in Schedules 1 and 4.
- 1.7. If a paper-based petition, signed by at least 400 students, is presented to the Executive Committee, an e-referendum will be held as set out in paragraph 2 below.
- 1.8. The creator of a petition is entitled to the same level of funding for the purpose of promoting the referendum that is available to a student standing in an election to be a Sabbatical Officer.

### **2. REFERENDUMS**

- 2.1. A referendum shall be held if:
  - (a) a petition is signed or endorsed electronically as described in paragraph 1 above by 400 students within the specified time;
  - (b) if required by a resolution of the Trustees or the Executive Committee as described in clause 21 of the Constitution; or
  - (c) on a requisition made by at least 5% of the members of the Union entitled to vote that the question of continued affiliation to any particular organisation be decided upon by secret ballot in which all members are entitled to vote (no more than one such requisition may be made in any one academic year).
- 2.2. An e-referendum shall be open for voting for at least 4 weeks (during an academic term).
- 2.3. A minimum of 5% of full members must vote on the referendum for it to be valid and counted.

- 2.4. Provided the requirement in paragraph 2.3 is met, and subject to the provisions of the Constitution, a simple majority is required to pass an e-referendum, except in the following circumstances:
- (a) amendments to the Constitution must be approved in accordance with clauses 8 - 11 of the Constitution; and
  - (b) motions of no confidence require a two thirds majority - see paragraph 9 of Schedule 7.

## SCHEDULE 10 - CLUBS AND SOCIETIES

### 1. RECOGNITION

- 1.1. Applications for recognition shall be made to the Clubs and Societies Committee by a submission in writing signed by at least 5 full members of the Union, attaching:
  - (a) a constitution as described in paragraph 2.3 below; and
  - (b) details of the proposed Officers of the Club or Society.
- 1.2. The Clubs and Societies Committee shall discuss any request for recognition, and may request changes to the constitution of the Club or Society or other details before approving any request. Decisions shall be notified in writing to the applicants.
- 1.3. Recognition may be withdrawn at any time by a resolution of the Clubs and Societies Committee. In that case, the Club or Society shall cease using “The Students’ Union at Bournemouth University” in its name, and shall no longer be entitled to any support or funding from the Union (even where this has previously been agreed or allocated).
- 1.4. The Executive Committee of the Union, on the recommendation of the Clubs and Societies Committee, shall determine the minimum level of membership fee to apply to all Clubs and Societies for each academic year before the start of the academic year.
- 1.5. The procedure for allocating resources to Clubs and Societies will be determined by the Clubs and Societies Committee. Any purchase by a Club or Society with a price in excess of £250 must be approved by the Clubs and Societies Committee unless otherwise determined by the Executive Committee.

### 2. REQUIREMENTS

- 2.1. Full members, associate members, opted out students and Life Members of the Union shall have the right to become members of any recognised Club or Society upon payment of such membership fee as are determined from time to time by the Committee of the Club or Society.
- 2.2. All Clubs and Societies:
  - (a) shall recognise the Union’s Constitution and By-laws;
  - (b) shall comply with Union policies; and
  - (c) are bound by any decisions of the Union,and their officers and members shall comply with the Constitution and By-laws.
- 2.3. The constitution of a Club or Society shall include:
  - (a) the name of the Club or Society which shall be in the form “The Students’ Union at Bournemouth University (NAME) Club or Society”;
  - (b) the aims and objectives of the Club or Society which shall not be contrary to the aims and objectives or any policy of the Union;
  - (c) provision for the election of a committee of officers;
  - (d) the duties and responsibilities of the officers (including a Treasurer, as described in paragraph 3.1 below);
  - (e) provision for general meetings for all members of that Club or Society in accordance with paragraph 4 below, including details of the required quorum and voting/speaking rights; and
  - (f) provision for an annual general meeting (AGM).
- 2.4. The officers of a Club or Society are responsible to the Clubs and Societies Committee for the administration of that Club or Society.

2.5. In order to be recognised, a majority of the committee of officers of the Club or Society must be BU students. The President and ALL cheque signatories must be full members of the Union.

2.6. The Sabbatical Officers of the Union are ex-officio members of each Recognised Club and Society.

### **3. TREASURY AND FINANCE**

3.1. All Clubs and Societies shall have a Treasurer whose duties shall include:

- (a) maintaining such financial records and inventories as the Clubs and Societies Committee deems appropriate from time to time;
- (b) presenting at the AGM of the Club or Society a statement of the financial position of the Club or Society; and
- (c) oversight of all expenditure of the Club or Society.

3.2. Each Club or Society is responsible to the Clubs and Societies Committee for the care and maintenance of all equipment or materials purchased by the Union for the Club or Society (which shall remain the property of the Union).

3.3. No Recognised Club or Society may hold any form of bank or building society account. Any such accounts shall be held and administered by the Union on behalf of the Club or Society. All income received by a Club or Society shall be paid into the Club/Society account held and administered by the Union.

3.4. Funds allocated to any Club or Society from the Union's Clubs and Societies Annual Budget may not normally be used to subsidise any form of social event, except where such an event and the allocation of the funds is approved by the Clubs and Societies Committee in advance.

### **4. GENERAL MEETINGS**

4.1. Each Club and Society shall hold at least one general meeting during the academic year, which may also be the AGM.

4.2. Recognition may be withdrawn if the Club or Society fails to hold a quorate AGM.

4.3. Each Recognised Club and Society shall give the Clubs and Societies Committee not less than seven clear days' written notice of any general meeting, including its AGM, stating the date, time and venue of that meeting. A nominee of the Clubs and Societies Committee may attend and speak (but not vote) at any such meeting.

4.4. Minutes of each AGM shall be provided to the Clubs and Societies Committee not less than seven days after the meeting.

### **5. COMPLAINTS**

5.1. If a formal complaint is made by any student against any officer(s) of a Club or Society or about the constitution or governance of the Club or Society, the matter shall be dealt with in accordance with the published Union complaints procedure.

5.2. Committee members must ensure that their actions do not adversely affect future viability of their Club or Society and are in keeping with good financial practice.

## SCHEDULE 11 - STUDENT REPRESENTATION

1. Under the Academic Regulations, Policies and Procedures of the University from time to time, Student Representatives will be elected to represent students. The Union speaks up for all students at the University representing all students across the institution as well as working in collaboration with Student Representatives. Elections for Student Representatives are run by the University.
2. The Union supports Student Representatives and has particular responsibilities set out the University Academic Regulations, Policies and Procedures from time to time, which include:
  - (a) providing information, training and support to Student Representatives and keeping records of Student Representatives who have been trained;
  - (b) providing tools and resources for Student Representatives;
  - (c) attending University and school Student Experience meetings;
  - (d) collating Student Representative feedback and producing reports for each school Academic Board; and
  - (e) liaising with the school Experience Champions and others in order to support the development of the Student Representative system across the University.