

# Background

**Loughborough Students' Union (the 'Union') is a company limited by guarantee.**

- These Bye-Laws are made by the Trustees and Elected Student Body pursuant to the Articles of Association of the Union ('Articles').

## **Definitions and Interpretation**

- Words and phrases used in these Bye-Laws have the same meaning as ascribed to them in the Articles, unless the context requires otherwise.

## **Amendment powers under the Articles**

- Article 48 of the Articles provides that the Trustees may make, repeal or amend Bye-Laws as to the management of the Union and its working practices from time to time, provided that the Bye-Laws are not inconsistent with the Articles and that, where applicable, approval to those changes is given at an Elected Student Body meeting.

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# **BYE-LAW 1**

## **Membership of the Students' Union**

### **1.1. Conditions of membership**

1.1.1. The privileges of all categories of membership of the Union shall be subject always to the requirement that in exercising those privileges, members do so in a manner which is:

1.1.1.1. Consistent with the requirements of the Articles and any policies of the Union; and

1.1.1.2. In compliance with any additional conditions approved by the Trustees (and, where applicable, Elected Student Body meetings) from time to time.

1.1.2. The Executive and Disciplinary committee as prescribed in the Student Disciplinary Procedures Policy (available at [www.lsu.co.uk/yourunion/how-we-are-run/policies](http://www.lsu.co.uk/yourunion/how-we-are-run/policies)) shall have the power to suspend or to withdraw all or any of the privileges of membership in the event of a member failing to comply with the requirements and conditions of membership.

### **1.2. Classes of Membership**

1.2.1. In addition to the classes of membership detailed in the Articles, Trustees may admit to and remove from Associate Membership of the Union such persons as they deem appropriate. An application for Associate Membership shall be made in a form determined, and periodically reviewed, by the Trustees. Associate Membership shall be subject to such rights and obligations as the Trustees consider appropriate, provided always that such Associate Members shall not be Members for the purposes of the Articles or the Companies Acts and shall not be entitled to vote on any matter.

1.2.2. Associate Membership shall take the following forms:

1.2.2.1. Life Membership: Former students having successfully completed a full-time or part-time course at the University or College, on payment of the appropriate fee as determined by

the Executive and approved by the Trustees.

1.2.2.2. Executive Life Membership: Executive Committee and Section Heads who have successfully complete their term of office.

1.2.2.3. Honorary Life Membership: As granted to individuals who the Executive Committee and Section Heads consider having aided significantly the Union, or Students, during their time at the University or College and whose dedication deserves special reward and recognition.

1.2.3. Temporary Membership: The following persons are entitled to the privileges of temporary membership:

1.2.3.1. Members of other students' unions with which the Union has a current reciprocal membership agreement;

1.2.3.2. Persons attending a function or event on Union Premises;

1.2.3.3. External Members: any member of the community who is aged 18 years and over. Application for anyone 17 years and under must be made by a parent or guardian.

1.2.3.4. Coaches of sport teams and/or societies; and

1.2.3.5. Staff of the Union and University.

### 1.3. **Privileges of Membership**

1.3.1. The privileges of Full Membership of the Union (which, for the avoidance of doubt, does not include Associate Members of Temporary Members) shall be:

1.3.1.1. To have use of the social facilities administered by the Union;

1.3.1.2. To have access to the services and support facilities provided by the Union;

1.3.1.3. To be eligible to join clubs, societies and sections of the Union, subject to the conditions of membership of such clubs and societies;

1.3.1.4. To be eligible for participation in Union committees and the committees of clubs, societies and sections, subject always to their rules of governance;

1.3.1.5. To be eligible to vote in such elections and Referenda as are conducted by the Union, subject always to the regulations

governing the conduct of elections and Referenda set out in Bye-Laws 3 and 4 respectively; and

- 1.3.1.6. To be nominated as a candidate in Union elections, subject always to the rules governing the conduct of elections.
- 1.3.1.7. To act as a proposers or seconder for a candidate in Union elections, subject always to the rules governing the conduct of elections.

1.3.2. The privileges of Associate and Temporary Membership shall be:

- 1.3.2.1. To have use of the social facilities administered by the Union; and
- 1.3.2.2. To be eligible to join any club or society of the Union subject to approval by governing committee of such and on payment of annual section and club fees, providing that membership:
  - 1.3.2.2.1. Is not to the detriment of Full Members;
  - 1.3.2.2.2. brings specialist skills or experience; and/or
  - 1.3.2.2.3. Inclusion will enhance activities; and/or
  - 1.3.2.2.4. brings a valuable contribution.
- 1.3.2.3. Executive Life members are entitled to (on request only) guest list for themselves and two guests to Hey Ewe and FND for a period of up to 3 years on successfully completing their term of office.
- 1.3.2.4. All Associate and Temporary Memberships are limited by the period of membership, as defined at the time of joining, or by the entitling role, position or status.

1.3.3. The Restrictions of Associate and Temporary Membership shall be:

- 1.3.3.1. Associate Members can represent AU clubs but not take part in BUCS competition;
- 1.3.3.2. All Associate and Temporary Members are ineligible to take part in any democratic process of the Union.
- 1.3.3.3. Executive Life Members can represent AU clubs but not take part in BUCS competition unless they have returned to study and are also a Full Member.
- 1.3.3.4. Executive Life Members cannot vote or stand in any Union

elections unless they have returned to study and are also a Full Member.

- 1.3.3.5. Any Executive Officer who does not complete their term of office will be awarded Executive Life Membership only at the discretion of the Executive Committee, this decision will be referred to the Elected Student Body Committee.

#### 1.4. **Fees**

- 1.4.1. Trustees shall have the power to set membership fees in the case of Associate and Temporary Memberships. Such memberships fees shall be subject to annual review by the Trustees.

#### 1.5. **Opting Out.**

- 1.5.1. Students who have exercised their right not to be a member of the Union under Section 22(2)(c) of the Education Act 1994 shall, notwithstanding such opting out be entitled:
  - 1.5.1.1. To have use of the social facilities administered by the Union subject to any fee, which shall be decided by the Trustees/Executive Committee;
  - 1.5.1.2. To have access to the service and support facilities provided by the Union; and
  - 1.5.1.3. To be eligible to join any clubs and societies of the Union but not participate in any of the democratic processes of such, subject to the conditions of membership of such clubs and societies.
- 1.5.2. The exercise of the above entitlement shall be subject to the same conditions of conduct as apply to Full members of the Union. A complaint about any student will be subject to the Union's Complaints procedure. Disciplinary matters are subject to the Disciplinary Procedures Policy. The Executive Committee shall have the power to suspend or to withdraw any entitlement set out above in the event of a student failing to comply with such conditions of conduct.

## **BYE-LAW 2**

### **Powers and Duties of the Trustees**

#### **Definitions**

Words and phrases used in this Bye-Law have the same meaning as ascribed to them in the Articles, or in the Bye-Laws, unless the context otherwise requires.

#### **2.1. Trustees' Powers and Duties**

2.1.1. The Trustees will be responsible for the management and administration of the Union and (subject to the Education Act, these Articles and the Bye-Laws) may exercise all the powers of the Union.

2.1.2. The Trustees' powers as stated in Bye-Law 2.1 include, but are not limited to, responsibility for:

2.1.2.1. The governance of the Union;

2.1.2.2. The budget of the Union; and

2.1.2.3. The strategy of the Union.

#### **2.2. Composition of the Trustee Broad:**

2.2.1. No more than 5 (five) non-students to include the University nominee

2.2.2. No more than 5 (five) Executive Committee

2.2.3. No more than 5 (five) elected student members

#### **2.3. Order of Business at Trustees' Meetings**

2.3.1. The order of business at Trustees' meetings unless determined otherwise by the Trustees from time to time, will be as follows:

2.3.1.1. Apologies for absence;

2.3.1.2. Conflicts of interest;

2.3.1.3. Minutes of the previous Board meetings;

2.3.1.4. Matters arising, and actions points from those minutes;

2.3.1.5. Financial Report;

2.3.1.6. Executive Committee Report;

2.3.1.7. Chief Executive Officer Report;

2.3.1.8. Unapproved minutes from Sub-Committees;

- 2.3.1.9. Agenda items;
- 2.3.1.10. Any other business;
- 2.3.1.11. Date, time and venue of the next meeting.

2.3.2. Two Trustees may call a Trustees' meeting.

2.3.3. The Trustee Board will meet a minimum of 4 (four) times per calendar year at dates proposed by the Clerk to the Board. These dates are fixed when agreed by the Chair of the Board unless changes to the agreed dates are subsequently approved by the majority of the Trustees.

## 2.4. **Conduct of Business at Trustees' Meetings**

### 2.4.1. The Chair

2.4.1.1. The Chair shall be elected by the Board from amongst the non-student members (for the purposes of the Bye-Law the '**Chair**'). In the absence of the Chair the chair will be the Deputy Chair (as defined in Bye-Law 2.4.1.2).

2.4.1.2. A Deputy Chair will be appointed by the Trustees present and shall preside as chair of the meeting.

## 2.5. **Voting at Trustee's Meetings**

2.5.1. The quorum for the transaction of the business of the Trustees may be fixed by the Trustees and unless so fixed at any other number or ratio will be four, including two Executive Officer Trustees, one Non-Student Trustee and one Student Trustee. Where the resolution or issue under discussion concerns a matter in respect of which some or all of the Trustees have a conflict of interest, the quorum shall be four.

2.5.2. The Chair will call a vote by asking for a show of hands in favour, against, or abstaining on a particular item of business. A resolution will be carried by a simple majority of those present and entitled to vote unless otherwise stated in these Bye-laws.

2.5.3. In the case of a tied vote, the Chair will have a casting vote only.

## 2.6. **Procedure and other rules relating to Trustees' Meetings**

2.6.1. If a Student Trustee ceases to be a Student, then such Trustee will be deemed to have resigned their position with immediate effect.

2.6.2. Guest speakers may be invited to speak at Trustees' meetings at the

discretion of the Trustees.

- 2.6.3. The Chief Executive Officer and Chief Operating Officer will have full speaking rights at all Trustees meetings but will not be entitled to vote at such meetings.
- 2.6.4. At the discretion of the meeting, and with the approval of the Chief Executive Officer, any other member of the Union's staff may attend and speak, but not vote at Trustees' meetings.
- 2.6.5. Observers and guests, either individually or collectively, may be excluded from Trustees' meetings by a simple majority vote of the Trustees present and entitled to vote.
- 2.6.6. Trustee meetings will be open unless the Trustees determine to enter into a closed session, by a simple majority vote of those Trustees present and entitled to vote. Subject to Bye-Law 2.6.7, when it has been decided to continue a meeting in closed session, any non-Trustees present will be required to leave the meeting unless the Trustees determine otherwise by a simple majority vote of those Trustees present and entitled to vote.
- 2.6.7. Unless requested by the Trustees to leave, the Chief Executive Officer, Chief Operating Officer, the Clerk to the Board shall remain present for a closed session of the Board.
- 2.6.8. In the event of the Clerk not being present in a closed session, the minutes of a closed sessions will be taken by a Trustee.

## 2.7. **Sub-committees of the Board**

### 2.7.1. Finance and Risk

2.7.1.1. Will meet a minimum of 6 times per year and will consist of:

- 2.7.1.1.1. 2 (two) Student members
- 2.7.1.1.2. 2 (two) Non-student members
- 2.7.1.1.3. 1 (one) Executive Officer
- 2.7.1.1.4. The Head of Finance will be in attendance but will not have a vote.

### 2.7.2. HR and Remuneration

2.7.2.1. Will meet a minimum of 3 times per year and will consist of:

- 2.7.2.1.1. 2 (two) Student members



- 2.7.2.1.2. 2 (two) Non-student members
- 2.7.2.1.3. 1 (one) Executive Officer
- 2.7.2.1.4. A HR adviser will be in attendance but will not have a vote.

**2.8. Executive Officer Appointment to the Board.**

- 2.8.1. Up to 5 (five) Executive Officers shall be elected in accordance with Bye-Law 3, Elections, and each of these Elected Officers shall also hold office as an Executive Officer Trustee until they cease to be an Elected Officer.

**2.9. Student Trustees Appointment to the Board.**

- 2.9.1. Vacancies for Student Trustees positions shall be placed on the Website and those eligible will be able to nominate themselves for election via cross campus vote. Their appointment to office shall require ratification at the next meeting of the Board of Trustees.
- 2.9.2. Executive Officers and Non-student Trustees are not eligible to run for a Student Trustee position within 3 (three) full financial years of completing their term of office.

**2.10. Non-student Trustees Appointment to the Board**

- 2.10.1. Vacancies for Non-student Trustee will be advertised on the Website and placed with specialist recruitment agencies.
- 2.10.2. Applicants will be selected for interview by a panel of the Board. Their appointment to office shall require ratification at the next meeting of the Board of Trustees.
- 2.10.3. Executive Officers and Student Trustees are not eligible to run for a Non-student Trustee position within 3 (three) full financial years of completing their term of office.

## **BYE-LAW 3**

### **Elections**

#### **Definitions**

Words and phrases used in this Bye-Law have the same meaning as ascribed to them in the Articles, or in the Bye-Laws, unless the context otherwise requires.

#### **3.1. Returning Officer**

3.1.1. The will be a Returning Officer who will supervise the conduct of all elections to which this Bye-Law applies:

3.1.1.1. Executive Officers (Executive Officer Trustees)

3.1.1.2. Section Chairs

3.1.2. The Returning Officer will be appointed on an annual basis by the Vice President and approved by the Trustee Board. The appointed Returning Officer cannot be:

3.1.2.1. a member of the Students' Union;

3.1.2.2. a trustee of the Students' Union;

3.1.2.3. an employee of the Students' Union;

3.1.2.4. an alumnus of less than 5 years.

3.1.3. The Returning Officer shall have sole authority to interpret this Bye-Law 3 and such interpretations shall not be subject to challenge in any meeting of the Union. The Returning Officer will have authority to:

3.1.3.1. Order a recount;

3.1.3.2. Annul an election and order a new one in its place.

#### **3.2. Acting Returning Officer**

3.2.1. The Acting Returning Officer will be a member of Union staff appointed by the Trustees. The Acting Returning Officer may appoint other members of Union staff to be Assistant Returning Officers for the duration of an election, who may be delegated any of their functions or roles.

3.2.2. The Acting Returning Officer will issue Operational Guidelines to all Students' Union staff members involved in the administration of an election which will govern their conduct.

3.2.3. Notwithstanding Article 1 (Definitions and Interpretation), any question on the interpretation of this Bye-Law or issued guidelines will be resolved by the Returning Officer.

3.2.4. The Acting Returning Officer will have power to:

3.2.4.1. Disqualify or penalise candidates.

3.2.4.2. Give direction to candidates during an election.

### 3.3. **Election Planning Committee**

3.3.1. Chaired by the Union Vice President, the committee will include but not limited to:

3.3.1.1. Union Vice President;

3.3.1.2. Acting Returning Officer;

3.3.1.3. Elected Student Body Chair; and

3.3.1.4. Representatives from contributing departments.

3.3.2. Responsible for planning the structure of the Executive Election;

3.3.3. Improving the visibility of the Executive and their roles within the Union;

3.3.4. Create opportunity for students to become better informed and engaged in the Election process; and

3.3.5. Conduct a post-election review of the process and student engagement, making recommendation for change where necessary.

### 3.4. **Election Sub-Committee**

3.4.1. No more than 6 (six) representatives of the Elected Student Body will be nominated and will be responsible for:

3.4.2. Ensuring that the election is conducted in accordance with this Bye-Law and issued guidelines; and

3.4.3. Will assist the Acting Returning Officer in carrying out their duties.

### 3.5. **Conflict of Interest**

**Definition: A situation in which a candidate can gain advantage from an association with any person acting in an official capacity during an election.**

3.5.1. If a conflict of interest exists between any official and a candidate running, they must be declared to and documented by the Elections Sub-committee prior to candidate reveal.

- 3.5.2. The committee will implement a management plan mitigating any potential or perceived conflicts of interest that may arise immediately or in the foreseeable future.

### 3.6. **Election details and timings**

- 3.6.1. The Acting Returning Officer will publish election details at least 4 (four) term-weeks in advance of the opening of nominations and will include:
  - 3.6.1.1. The dates and time of the opening and closing of nominations;
  - 3.6.1.2. The dates and times of the opening and closing of the voting period;
  - 3.6.1.3. The positions that are to be contested in the election; and how candidates may submit their nominations.
- 3.6.2. The Returning Officer may, at the request of the Acting Returning Officer, alter any of the election details already published, provided that the revised details are published at least 2 (two) weeks in advance of the opening of nominations.
- 3.6.3. Voting will only take place during term-time as defined by the University calendar.
- 3.6.4. Nominations shall be open for at least one week, and voting will be open for at least 3 (three) days.

### 3.7. **3.5. Nominations**

- 3.7.1. Nominations will be submitted in accordance with guidelines issued by the Acting Returning Officer.
  - 3.7.1.1. All submitted nominations must include the full name and student number of the candidate; and
  - 3.7.1.2. Full name and student number or a proposer and seconder.
- 3.7.2. All nominees will have their eligibility to stand verified prior to announcement of their candidacy. These checks will include but not limited to:
  - 3.7.2.1. Student status of the proposed candidate;
  - 3.7.2.2. Student status of the proposer and seconder; and
  - 3.7.2.3. All current and prior Union and University disciplinary

sanctions.

- 3.7.3. By submitting a nomination form and being successfully elected, you are committing to attend all mandatory induction training.

### 3.8. **Voting**

- 3.8.1. Only members as defined in Article 10.1 (Members) who have not opted out of membership of the Students' Union may vote.
- 3.8.2. Candidates for Union Executive and Sections Chairs will be elected via a cross campus full members vote.
- 3.8.3. All elections will be conducted by secret ballot, where each voter has only one vote.
- 3.8.4. For single vacancy positions, the Single Transferable Vote system will be used.
- 3.8.5. For multiple vacancy positions, the Alternative Transferable Vote system will be used.
- 3.8.6. The option to Re-Open Nominations (RON) will be offered on all ballots, which will be treated as if it were a candidate for the purposes of counting.
- 3.8.7. If Re-Open Nominations is elected, the position will be declared vacant and a new election will be held at a time and date specified by the Acting Returning Officer.
- 3.8.8. The counting of votes will be conducted by the Head of Governance and witnessed by a member of Union staff. Results will only be considered valid once the Returning Officer has certified that the election has been conducted freely and fairly.
- 3.8.9. Votes will not be counted while there are outstanding complaints awaiting the decision of the Acting Return Officer.

### 3.9. **Communication**

- 3.9.1. The Vice President shall organise opportunities for students to ask questions of candidates.
- 3.9.2. The results of all Students' Union elections shall be certified by the Acting Returning Officer and communicated by the Vice President at the soonest opportunity after the conclusion of the count.
- 3.9.3. The Acting Returning Officer Shall report to the Trustees and University Senate on the outcome of the elections and recommendation for

improvements, along with any other pertinent matters.

**3.10. 3.8. Expenditure**

- 3.10.1. For an election, the Acting Returning Officer will set an expenditure limit. Candidates must not spend more than this limit during their campaign.
- 3.10.2. The Acting Returning Officer may at their discretion provide to candidates an allowance to spend on their campaigns.
- 3.10.3. All publicity used by a candidate (including by their campaign team) during the election must be declared and given a monetary value.
- 3.10.4. Prior to the voting period opening, candidates will submit to the Acting Returning Officer a statement of their expenditure.
- 3.10.5. Candidates must verify their statement of expenditure by providing receipts for all money spent during their campaign.

**3.11. Conduct in Elections**

- 3.11.1. Throughout an election, all candidates must adhere to the following principles of acceptable conduct:
  - 3.11.1.1. Do only what other candidates have an equal opportunity to do;
  - 3.11.1.2. Treat all students, candidates and staff members with respect.
  - 3.11.1.3. Unacceptable conduct during elections includes but is not limited to any of the following practices (including attempts):
    - 3.11.1.4. The use of Students' Union, or University resources to further the election of a candidate (except where explicitly permitted by the Acting Returning Officer);
    - 3.11.1.5. The defacement of or interference with a candidate's publicity;
    - 3.11.1.6. Bribery of voters or elections officials;
    - 3.11.1.7. Threatening behavior or harassment of voters, other candidates or election officials;
    - 3.11.1.8. Producing offensive or defamatory publicity;
    - 3.11.1.9. Preventing the free and confidential exercise of a vote by voters, including the improper use of mobile devices;
    - 3.11.1.10. Compromising or interfering with the integrity of the elections.
- 3.11.2. The Acting Returning Officer may issue penalties to candidates, including disqualification from the election, for breach of conduct guidelines.
- 3.11.3. Candidates may make use of campaigners who assist them during the

election. However, the candidates will remain responsible for the conduct of these campaigners and candidates must take all practicable steps to ensure campaigners comply with this Bye-Law and issued guidelines.

3.11.4. Breaches of this Bye-Law and issued guidelines that are committed by campaigners will be treated as if the candidate themselves breached this Bye-Law and issued guidelines.

3.11.5. For the purposes of an election, a campaigner is defined as someone who would be reasonably thought to be acting on behalf of a candidate to further the election of that candidate.

### 3.12. **Re-Open Nominations (R.O.N)**

3.12.1. Any full member of the Students' Union can register to run a Re-Open Nomination (R.O.N) campaign against a single post.

3.12.2. Re-Open Nomination (R.O.N) will be recognised as a candidate and as such will be subject to all election rules and budgeting criteria.

### 3.13. **Complaints**

3.13.1. Complaints that a candidate or a member of their campaign team has acted in contravention of this Bye-Law or issued guidelines will be accepted up until one hour prior to the close of voting.

3.13.2. Complaints must be submitted in writing in a format decided by the Acting Returning Officer.

3.13.3. If necessary, the Election Sub-committee will investigate the complaint to obtain further evidence and make penalty recommendations to the Acting Returning Office.

3.13.4. The Acting Returning Officer will rule upon the complaint and if necessary, issue penalties at their discretion.

### 3.14. **Appeals**

3.14.1. An appeal against a decision of the Acting Returning Officer may be made on the following grounds;

3.14.1.1. The interpretation of this Bye-Law or any of the issued guidelines used during the election is unreasonable;

3.14.1.2. The correct procedure set out in this Bye-Law or issued guidelines has not been followed;

- 3.14.1.3. The Acting Returning Officer has been prejudiced or biased;
  - 3.14.1.4. The Acting Returning Officer has failed to fully take into account the available evidence.
- 3.14.2. Appeals must be made no later than 12 noon on the day following notification of the Acting Returning Officer's ruling.
  - 3.14.3. If an appeal is made by a candidate, an appeals panel will be convened by a Students' Union staff member who has not been involved in the administration of that election.
  - 3.14.4. The appeals panel will consist of three independent staff members and will appoint a Chair from within its number.
  - 3.14.5. The appeals panel will hear the evidence from the Acting Returning Officer and any representations made by the appealing candidate before making its recommendation to the Returning Officer.
  - 3.14.6. The Returning Officer will rule upon the appeal and their decisions are final and cannot be appealed further.
  - 3.14.7. The Trustee Board will approve and revise from time-to-time terms of reference to govern the procedure of appeal panels.



## **BYE-LAW 4**

### **Rules Governing Referenda**

#### **4.1. Definitions**

Referendum voting shall take the form of a cross campus ballot in which all full Student Members are asked to vote either yes, no or refer to the Board of Trustees to a proposal or policy. All Referenda are to be conducted on the Website and are decided when quota is met (30% of students eligible to vote).

4.1.1. Referenda shall be held in the following circumstances:

4.1.1.1. If, through the module of ideas set out in Bye-Law 7.1.3, at least (50) members vote for a referendum to take place;

4.1.1.2. If, in accordance with Bye-Law (number) a majority vote at a Student Members' meeting approves a Proposal or policy should be put to a Referendum;

4.1.1.3. Upon a signed petition being received by the President from 3% of Student members;

4.1.1.4. If a majority vote at a Trustee meeting approves a Proposal or policy should be put to a Referendum.

4.1.2. The Referendum voting will take place a maximum of twenty (20) working days (if this falls outside term time then the referendum must take place during the first week of a new academic term) after:

4.1.2.1. The decision to hold a Referendum is passed in the case of Bye-Laws 4.1.1.1 and 4.1.1.2; or

4.1.2.2. A letter/petition is received in the case of Bye-Laws 4.1.1.3 and 4.1.1.4

4.1.3. Subject to Bye-Law 6, it shall be the responsibility of the Elected Student Body to enable Student members to debate the Proposal or policy before the beginning of voting. This may take the form of a physical meeting or be hosted online.

4.1.4. The quorum for a Referendum is 30% of Students Members who are eligible to vote.

4.1.5. Any decision of a Referendum is final and cannot be revoked, except by another Referendum. Any policy adopted as a result of a

referendum shall expire on the second anniversary of the date on which voting closed.

- 4.1.6. The Executive Committee will appoint a returning officer to oversee the Referendum (for the purpose of this Bye-Law 4, the 'Returning Officer'), selected from Union staff upon recommendation from the Chief Executive Officer.
- 4.1.7. The voting options for the referendum will be YES, NO or REFER to the Trustee Board.

## **BYE-LAW 5**

### **The Executive Committee**

#### **5.1. Constitution and Role**

- 5.1.1. The Executive Committee shall comprise of five (5) elected full-time officers who will also hold office as an Executive Officer Trustee:
  - 5.1.1.1. President
  - 5.1.1.2. Vice President
  - 5.1.1.3. Education Executive Officer
  - 5.1.1.4. Welfare and Diversity Executive Officer
  - 5.1.1.5. Sport Executive Officer
- 5.1.2. The Chief Executive Officer or nominee (who shall have no voting rights).
- 5.1.3. The Executive Committee is responsible for representing students' views and opinions on campus, locally and nationally, by
  - 5.1.3.1. Implementing the decisions made by the Board, as well as approved recommendations of Student Ideas and Referenda;
  - 5.1.3.2. Oversee the implementation of the Union's non-administrative policy;
  - 5.1.3.3. Act as a channel of communication between Student Members, Trustees, the University and other relevant institutions;
  - 5.1.3.4. Review and (if appropriate) authorise a vote on ideas proposed by Students on the Website in accordance with Bye-Law 7.1.4.3;
  - 5.1.3.5. Fulfil the responsibilities laid down in their role description; and
  - 5.1.3.6. Seek advice from the Chief Executive Officer or others, when required.
- 5.1.4. The Executive Committee are responsible for collating and coordinating the executive committee activities of the Union.
- 5.1.5. The Executive Committee will be paid a salary determined by the Trustees, in line with the Union's general pay scales. Each Executive Officer will be required to sign an employment contract and the Union's Code of Conduct.
- 5.1.6. The Executive Committee will be elected in accordance with the Election Regulations set out in Bye-Law 3

- 5.1.7. No person may serve for more than two terms of officer as an Executive Officer.
- 5.1.8. Trustees, in consultation with the Chief Executive Officer, will provide role descriptions and person specification for Executive Officers.
- 5.1.9. An Executive Officer shall be removed from officer with immediate effect if:
  - 5.1.9.1. They are found under the regulations set out in:
    - 5.1.9.1.1. Terms and Conditions of employment
    - 5.1.9.1.2. Executive Trustees Code of Conduct
    - To have committed an act of gross misconduct (whether or not they have been dismissed from employment with the Union); or
    - 5.1.9.1.3. They cease to be a Student for any reason.
  - 5.1.9.2. For the purpose of Bye-Law 5.1.9.1, gross misconduct may include, but is not limited to:
    - 5.1.9.2.1. Perverting, or attempting to pervert the democratic procedure of the Union;
    - 5.1.9.2.2. Acting in an intimidating manner towards other Officers, students, or staff of the Union or University;
    - 5.1.9.2.3. Behaviour that is in breach of the Union's polices;
    - 5.1.9.2.4. Defrauding or attempting to defraud the Union; and/or
    - 5.1.9.2.5. A breach of the Union's Policies.

## 5.2. **Executive Committee meetings**

- 5.2.1. Executive committee meetings should be held at the discretion of the President. A minimum of two (2) Executive Committee meetings should be held in a calendar month.
- 5.2.2. The order of business for Executive Committee meeting will be agreed prior to the meeting.

## 5.3. **Conduct of Business at Executive Committee meetings**

- 5.3.1. The Chair
  - 5.3.1.1. The Chair of the meeting of the Executive Committee (for the

Purposes of this Bye-Law 5, the 'Chair') will be the President. In the absence of the President, the Chair will be the Vice President.

- 5.3.1.2. The Chair of the Executive Committee shall be able use 'Chair Acts' to make business critical or time dependent decisions outside the Executive Committee meeting.
- 5.3.1.3. Chair's Acts may only be used on a recommendation from the Chief Executive Officer, for business critical or time dependent reasons as defined by the Chief Executive Officer.
- 5.3.1.4. Decisions made using Chair's Acts shall be reported to the Executive Committee at the next scheduled meeting.

### 5.3.2. Items for discussion

- 5.3.2.1. Under the guidance of the meeting but at the ultimate discretion of the Chair, the Chair may put an item into 'discussion'. Those wishing to speak on the item will indicate their wish to do so by raising their hand.
- 5.3.2.2. Under the guidance of the meeting but at the ultimate discretion of the Chair, the Chair may put an item into 'formal discussion'. Speeches will then be taken alternately for and against the item, follow by a summation from the original proposer before a vote is taken. The Chair will decide, under the guidance of the meeting and before commencement of the discussion, the number and length of speeches.
- 5.3.2.3. The Chair will at their discretion take speaker with precedence being given to those who first 'catch the eye' of the Chair.
- 5.3.2.4. All speakers will address the meeting through the Chair.

### 5.3.3. Voting

- 5.3.3.1. The quorum for a meeting of the Executive Committee will be three (3) voting members.
- 5.3.3.2. The Chair will call a vote by asking for a show of hands in favour, against or abstaining on a particular resolution. A resolution will be carried by a simple majority vote of those present and entitled to vote unless otherwise stated in these Bye-Laws.

5.3.3.3. In the event of a tied vote, the Chair will have a casting vote.

5.3.4. Minutes

5.3.4.1. Minutes of Executive Committee meetings will be taken by a Union staff member present at the meeting, as chosen by the Chief Executive Officer

5.3.4.2. Minutes will be approved at the next meeting; this will be evidence of the meeting having taken place.

5.3.4.3. The President shall ensure that minutes will be displayed on the website within two weeks of being confirmed.

## **BYE-LAW 6**

### **Elected Student Body**

#### **Constitution and Role**

##### **6.1. Elected Student Body**

- 6.1.1. The Elected Student Body (for the Purposes of this Bye-Law 6, Democracy and Representation Committee), shall be elected via a secret ballot by the Student Members of the Union at an election to held in accordance with Bye Law 3
- 6.1.2. Elected Student Body members must be a student at the time of nomination and must continue to be a student for the duration of their term.
- 6.1.3. An Elected Student Body member may be re-appointed for another term of up to one year by the student members of the Union at an election held in accordance with the Bye-Law 3 but may only serve a maximum of two terms.
- 6.1.4. The Elected Student Body have the responsibilities ascribed to them by the Articles of Association:
  - 6.1.4.1. Recommend changes to the Union's Bye Laws to ensure that they remain compliant with the 1994 Education Act and the Union's Articles of Association;
  - 6.1.4.2. Review the Union's non-administrative polices;
  - 6.1.4.3. Make recommendations to the Executive Committee on matters concerning the representation of student members;
  - 6.1.4.4. In accordance with Bye-Law 4, enable Student members to debate a referendum Proposal or policy before voting takes place; and
  - 6.1.4.5. Review and (if appropriate) action the Executive Committee to consider ideas proposed by students on the website in accordance with Bye-Law 7

##### **6.2. Section Student Representatives**

- 6.2.1. Ex-Officio representatives will be nominated by their sectional committee or group.

- 6.2.1.1. Section committees can nominate their representative from any of their committee or group positions.
- 6.2.1.2. The nominated person should remain in post for the duration of their term of office.
- 6.2.1.3. If a nominated person is unable to attend a single meeting, they can nominate an attendee from among their committee or group.
  
- 6.2.2. Section Student Representatives have full rights of discussion and voting on all motions and agenda points other than those ascribed to the Elected Student Body in clause 6.1.4.
- 6.2.3. Sections and number of attending representatives will be reviewed and approved for the following academic year by the elected Student Body in the June meeting.
- 6.2.4. The Democracy and Representation Committee shall comprise of:
  - 6.2.4.1. 15 (Fifteen) elected student members who will be the sole members of DRC sub-committees;
  - 6.2.4.2. No more than 14 (fourteen) Section Representatives.
  
- 6.2.5. In attendance without voting rights:
  - 6.2.5.1. President;
  - 6.2.5.2. Vice President;
  - 6.2.5.3. Education Officer (optional)
  - 6.2.5.4. Sport Executive Officer (optional)
  - 6.2.5.5. Welfare & Diversity Executive Officer (optional)
  - 6.2.5.6. Head of Governance and Clerk to the Trustee Board.
  
- 6.3. The Democracy and Representation Committee have a responsibility to:
  - 6.3.1. Effect positive change by channeling student opinion and feedback decisions of the committee.
  - 6.3.2. The Democracy and Representation Committee shall establish the following sub-committees:
    - 6.3.2.1. Performance Review
      - 6.3.2.1.1. No more than 6 (six) members of the Elected Student Body with full voting rights.



6.3.2.2. Ideas Forum

6.3.2.2.1. All members of DRC

6.3.2.2.2. Vice President.

6.3.2.2.3. DRC Chair

6.3.2.3. Elections

6.3.2.3.1. No more than 6 (six) of the Elected Student Body.

6.3.2.4. Discipline

6.3.2.4.1. All members of the Elected Student Body.

**6.4. Frequency and Business of the Democracy and Representation Committee**

6.4.1. Meetings shall take place at least twice per term. Meeting dates will be set at the beginning of the academic year by the Head of Governance.

6.4.2. Additional meetings can be called at the discretion of the Chair and/or the Vice President.

6.4.3. Following a simple majority vote, the committee may instruct the Head of Governance to call an emergency meeting, the attendees of which will be confirmed by the committee.

6.4.4. Notice will be at least four clear working days' notice. Notice shall be sent by electronic format to all Democracy and Representation Committee members and shall include the time, date, venue of the meeting, agenda and papers.

6.4.5. Papers relating to an item of business circulated after the agenda may be tabled at the meeting subject to the approval of the Chair. Items for any other business should be discussed with the Chair in advance of the meeting. The Chair should inform the meeting of the items to be discussed at the start of the meeting. New items may be added to any other business once the meeting has commenced at the discretion of the Chair

6.4.6. Meetings must be conducted in accordance with the powers outlined within the Articles of Association and regulations, the law, Union policies and procedures.

6.4.7. Decisions shall be made by majority vote, unless stated differently in the Articles of Association or bye-laws.

6.4.8. The Chair shall not have a vote in the meeting but may in the case of an

equal number of votes for and against have the casting vote.

- 6.4.9. Quoracy shall be fifty percent plus one of elected Democracy and Representation Committee.
- 6.4.10. Democracy and Representation Committee is subject to administrative oversight from the Board of Trustees.

**6.5. Standing Agenda for Democracy and Representation Committee:**

- 6.5.1. Welcome and apologies for absence;
- 6.5.2. Confirmation of matters for any other business;
- 6.5.3. Approve the minutes of the last meeting;
- 6.5.4. Note any matters arising from the minutes not covered on the agenda;
- 6.5.5. Note any conflicts of interest with the Chair;
- 6.5.6. Executive Report;
- 6.5.7. Section Report;
- 6.5.8. Unapproved minutes from sub-committees;
- 6.5.9. Agenda items/papers/policies to receive, consider, discuss and approve;
- 6.5.10. Note items for information;
- 6.5.11. Any other business;
- 6.5.12. Date, time and venue of the next meeting.

**6.6. Role of the Chair**

- 6.6.1. To ensure that Democracy and Representation Committee fulfils its responsibilities.
- 6.6.2. On behalf of Democracy and Representation Committee invite the Union's Chief Executive Officer or other Union staff member as agreed with the Chief Executive Officer to attend a Democracy and Representation Committee meeting.
- 6.6.3. To ensure arrangements are in place for minutes to be taken of the meeting by the Head of Governance or a member of Union staff.
- 6.6.4. To ensure arrangements are in place for the agreed minutes to be published and available to members
- 6.6.5. An acting chair will resume the role of Chair at a meeting of Democracy and Representation Committee if;
  - 6.6.5.1. the Chair is absent at a meeting of the committee;
  - 6.6.5.2. they have a conflict of interest of that item; or

6.6.5.3. the members of the meeting have removed the chair with a seventy-five percent majority vote.

6.6.6. The acting chair will not perform any of the responsibilities of Chair other than, that of chairing meetings of the Democracy and Representation Committee.

## **BYE-LAW 7**

### **The Delivery of Student Ideas Forum**

#### **7.1. Student Ideas**

7.1.1. The following ideas may be submitted to the Union by Students, requesting action in accordance with this Bye-Law 7:

7.1.1.1. Proposals for improvements which are to be made to the University experience for students;

7.1.1.2. Proposal to hold Referenda:

7.1.1.2.1. Submit policy recommendation to Trustee Board;

7.1.1.2.2. Gather student opinion on proposed changes to the student experience;

7.1.1.3. Proposals for petitions to demonstrate student opinion on an issue which affects students.

7.1.2. Any student member may submit an idea to request that it be voted upon the website. The details of all students who submit ideas shall not be published but their identity shall be recorded by the Union.

7.1.3. Publication of ideas

7.1.3.1. All ideas submitted by students shall require approval by the Vice President and Elected Student Body Chair, before they are placed on the website to be voted upon. The Vice President and Chair shall consider the matters set out in Bye-Law 7.1.3.4 in making their decision, seeking the input of the Chief Executive Officer if required.

7.1.3.2. If the Chair and Vice President disagree on whether an idea should or should not be posted, the Vice President shall refer the matter to the Executive Committee, declaring a conflict of interest and, where appropriate, invite the Chair to attend as an observer. The proposer of the idea shall be notified of the referral to the Executive Committee.

7.1.3.3. Within 14 days of the referral of the idea to Executive Committee in accordance with Bye-Law 7.1.3.2, the Vice President shall report back to the Chair with the decision of the

Executive Committee.

- 7.1.3.4. The Vice President and Chair, taking advice as appropriate from the Chief Executive Officer, shall be entitled to exercise their discretion when considering the suitability of proposed ideas for publication taking into account matters such as (but not limited to):
- 7.1.3.4.1. The reputation of the University and Union;
  - 7.1.3.4.2. The duties imposed on the Trustees in their capacity as charitable trustees of the Union and any other issues relating to the governance of the Union;
  - 7.1.3.4.3. Any issues relating to confidentiality of information and/or data protection which would prevent the publication of ideas; and
  - 7.1.3.4.4. The resource and cost implications of the implantation of the proposed idea.
- 7.1.3.5. If an idea is authorised by the Vice President and Chair, it shall become an “idea” for the purposes of this Bye-Law 7.
- 7.1.3.6. If an idea is rejected for the purposes of being voted upon under Bye-Law 7.1.4, the reasons for rejection shall be stated on the website. The Vice President may in their discretion give reasons to the proposer of an idea if it is deemed unsuitable for publication on the website.

#### 7.1.4. Voting on Ideas

- 7.1.4.1. All student members shall be able to vote on Ideas.
- 7.1.4.2. Any Idea shall need fifty (50) votes “For” with the period of one (1) calendar month from publication of the website in order to be passed. Any Ideas that do not receive the requisite number of “For” votes within such period shall be considered in accordance with 7.1.4.4.
- 7.1.4.3. Through a unanimous vote by the Executive Committee, an idea may be ‘fast-tracked’ (implemented without a vote being held). Fast-tracked ideas shall be highlighted on the Ideas platform.

- 7.1.4.4. Any Idea not reaching the requisite number of “For” votes but considered to be in the best interest of student members by the Elected Student Body will be considered passed.
- 7.1.4.5. Ideas to be voted upon may not be submitted for approval in accordance with Bye-Law 7.1.3 more than once in any academic term.
- 7.1.5. All campaigning activity for the purpose of gaining votes on an Idea shall take place in accordance with Bye-Law 4
- 7.1.6. Should an Idea be passed in accordance with Bye-Law 7.1.4.2, the Vice President shall within a reasonable period of time from the requisite number of votes being reached, assign the idea to the Executive Officer whom they consider most suitable to implement the Idea. The decision of the Vice President is final. Such Executive Officer shall:
  - 7.1.6.1. Within a reasonable period of time following their nomination, contact the proposer of the Idea to discuss actions to be taken in order to seek to implement the Idea, including input from Students;
  - 7.1.6.2. Provide updates at reasonable intervals regarding progress of the Idea, via the “Ideas module” on the website; and
  - 7.1.6.3. If completed, publicise such completion of the Idea via the “Ideas module” on the website.
- 7.1.7. If the proposed Idea relates to a Referendum the procedure in Bye-Law 4
- 7.1.8. No days falling outside of an academic term shall be included within any of the time periods set out in this Bye-Law 7.1 for the purposes of this Bye-Law 7.1.

## **BYE-LAW 8**

### **Elected Officer Accountability**

- 8.1. All Elected Officers are held accountable to the members of the Union through the Elected Student Body, the Board of Trustees and by any committee of the Union on which they hold a post.
  - 8.1.1. The Elected Student Body will elect from amongst its members a sub-committee of seven (7) who will periodically review the performance of the elected officers, holding them accountable.
  - 8.1.2. The Sub-committee's role is to ensure that those persons stated in the provision of this Bye-Law are performing successfully within their role as an elected student representative; emphasis should always be on providing support.
    - 8.1.2.1. Executive Committee; and
    - 8.1.2.2. Elected Section Chairs.
  - 8.1.3. The sub-committee will invite the elected officers to submit a statement of intent in October and January of each year, to be followed by a presentation. The statement of intent should include:
    - 8.1.3.1. The elected officers planned priorities;
    - 8.1.3.2. Expected timescales, short and long-term;
    - 8.1.3.3. Intended outcome and measurable key performance indicators; and
    - 8.1.3.4. Progress towards manifesto commitments
  - 8.1.4. The Sub-committee are empowered to seek advice if they believe that the priorities are to the detriment of the Union (financial, lawful or reputation).
  - 8.1.5. The statement of intent and presentation will be used to evaluate the Officer in the first week of December and March of each year.
- 8.2. Evaluating Performance
  - 8.2.1. Elected Officers failing to submit a statement of intent will be believed to be underperforming and will be invited to attend a meeting to discuss any additional support required.
  - 8.2.2. All Elected Officers will be reviewed against a competency framework, the

outcome of which will be shared with the Union President. In the case of the Union President, their review will be shared with the Chief Executive Officer.

- 8.2.3. The sub-committee will provide a feedback report for each Officer to include any recommendations for support and concerns regarding performance.
- 8.2.4. In the case where the Sub-committee decides that disciplinary action is required, it may propose a motion of either censure or no confidence.
- 8.2.5. In accordance with Article 28.2.2 'a motion of no confidence in the Elected Officer is passed by a two thirds majority in a vote of Student Members present and entitled to vote at an Elected Student Body Committee meeting'.

Providing that, in the case of a Sabbatical Officer, such removal shall be subject to the Union having first carried out any steps it is required to take under their contract of employment, and/or the applicable disciplinary procedure, and otherwise in accordance with good employment practice.

For the avoidance of doubt, all elected Sabbatical Officers are employees of the Union and are subject to the disciplinary and grievance procedures in accordance with the Union's policies and their contracts of employment.

### 8.3. Procedure for Disciplinary Action

- 8.3.1. Sabbatical Officers may be removed from their position on grounds of:
  - 8.3.1.1. A 'No Confidence' vote from the Elected Student Body, which will be a substantive reason for dismissal.
  - 8.3.1.2. Continued misconduct or Gross Misconduct in accordance with the Union Policy and contract of employment.
- 8.3.2. Democratic Accountability (No Confidence and Censure)
  - 8.3.2.1. All persons stated in the provision of this Bye-Law are accountable to students through the Elected Student Body processes of censure and no confidence.
  - 8.3.2.2. Censure can be motioned following a referral to the Elected Student Body from:
    - 8.3.2.2.1. Those stated in the provision of this Bye-Law.
    - 8.3.2.2.2. The Elected Student Body.



8.3.2.2.3. Any committee in which office is held by the Sabbatical Officer.

8.3.3. If a motion of Censure is passed, this shall be treated as a formal disciplinary written warning by the Union and shall be kept on file for a period of two years.

8.3.4. If a motion of 'No Confidence' is passed, in accordance with Article 28 this shall have the following consequences:

#### **Suspension**

8.3.4.1. All Sabbatical Officers may be suspended from work if the Chair of Trustees and President consider that this is necessary in order to conduct an appropriate investigation into his or her conduct or performance. Any suspension will be on full pay and may continue throughout the disciplinary proceedings. Details of any suspension will be notified in writing.

#### **Investigation**

8.3.4.2. No disciplinary action against a Sabbatical Officer will be taken until each case has been investigated by the Chair of Trustees and the Chief Executive Officer.

8.3.4.3. The Individual may be invited to attend an investigatory interview.

#### **Dismissal**

8.3.4.4. Following an investigation, the decision to dismiss a Sabbatical Officer will be taken by the President and the Remuneration and HR Committee of the Board of Trustees.

8.3.5. A vote of no confidence shall deem that person ineligible to stand in any future election.

### **8.4. Employment and misconduct**

8.4.1. All Sabbatical Officers are an employee of the Union, and therefore may not continue in post should they have been dismissed as an employee.

8.4.2. An Officer must be a member of the Union for the duration of their term of office. Consequently:

8.4.2.1. If through disciplinary action of the Union an Officer's status as a member of the Union is revoked, they shall be dismissed with immediate effect as if a vote of no confidence had been carried against them.

## **BYE-LAW 9**

### **Removal of Student Volunteers**

#### **9.1. Removal of Elected Committee Members and Appointed Leaders**

- 9.1.1. All volunteers holding office whether elected or appointed must be a student at the time of nomination or appointment and must continue to be a student for the duration of their term (for the avoidance of doubt, if the University revokes their student status they shall be instantly removed from their position).
- 9.1.2. All volunteers holding office whether elected or appointed will be removed from office immediately for breaching the Union's Code of Conduct.
- 9.1.3. All volunteers holding office whether elected or appointed will be removed from office immediately if, disciplinary action is taken against them in accordance with the Union Discipline Policy which removes privilege of membership.
- 9.1.4. All volunteers holding office whether elected or appointed will be held accountable by the Section Chair and the student body they represent.
- 9.1.5. Any persons covered by the provision of this Bye-Law (number) will be subject to performance review.
- 9.1.6. Any persons covered by the provision of this Bye-Law (number) believed to be underperforming will be offered additional support, which may include but not limited to:
  - 9.1.6.1. Set targets with achievable deadlines;
  - 9.1.6.2. Training and development opportunities
  - 9.1.6.3. Mentoring
  - 9.1.6.4. Regular and ongoing feedback
- 9.1.7. The failure of an elected committee member to meet agreed targets will result in a formal warning, continued underperformance will result in immediate suspension and removal by a motion of No Confidence at an Emergency General Meeting (EGM).
- 9.1.8. The failure of an appointed leader to meet agreed targets will result in a formal warning, continued underperformance will result in immediate removal from post.
- 9.1.9. Any elected volunteer member of a Union committee, appointed leader or

other body who fails to attend two consecutive meetings without offering a written explanation to the Chair and subsequently accepted by the meeting, shall normally be deemed to have resigned and there shall be a casual vacancy.

## 9.2. **Removal by a motion of No Confidence**

9.2.1. A motion of No Confidence may be called by the committee membership against any elected member of that committee.

9.2.1.1. For committees of 4 or more, a vote is required by at least 15% or 3 committee members (whichever is larger) is required before a motion can be carried.

9.2.1.2. For committees of less than 4, a vote of two-thirds is required before a motion can be carried.

9.2.2. A carried motion will result in the following:

9.2.2.1. An EGM being called within ten days;

9.2.2.2. Two-thirds of the voting members must be present to uphold the motion of No Confidence.

9.2.2.3. A vote of No Confidence can only be carried in a minuted meeting.

9.2.2.4. Where the vote of No Confidence is against the Chair, the committee will select from amongst its members an acting Chair.

9.2.2.5. The Chair or Acting Chair shall inform the Officer responsible for the section of the casual vacancy.