

**Bye-Laws of  
University of West London Union**



UNIVERSITY OF WEST LONDON  
STUDENTS' UNION

**Approved by UWLSU Trustee  
Board: January 2016**

Company Limited by Guarantee and not having a Share Capital

# Table of contents

## Part 1: Compliance

FN	Financial Regulations	p. 3
NP	No Platform	p. 6
FI	Freedom of Information	p. 6
DPR	Data Protection	p. 6
CP	Code of Practice	p. 6
FM	Financial Memorandum	p. 6

## Part 2: Membership

MS	Membership	p. 7
SCP	Student Complaint Procedure	p. 7
CC	Code of Conduct	p. 10
SD	Student Disciplinary	p. 12

## Part 3: Democracy

EL	Elections	p. 22
RD	Referenda	p. 25
MM	Members' Meeting	p. 26

## Part 4: Governance

TR	Trustee Removal	p. 28
ULT	Union Leadership	p. 28
SP	Scrutiny Panel	p. 32
TT	The Test	p. 33

## **Part 1: Compliance**

### **Section FN: Finance Regulations Bye-Law**

**FN.1 The full financial regulations are set out in a financial procedures manual, which shall include the following provisions:**

FN1.1 the financial year of the Union shall be from 1 August to 31 July.

FN1.2 the President of the Union shall oversee all Union accounts and liaise with the relevant Senior Manager to monitor all Union finances subject to direction from the Trustees.

FN1.3 the relevant Senior Manager shall have the responsibility for the administration of the Union's financial affairs. The Trustees shall be ultimately accountable for the Union's financial management and control. Trustees, in the event of a conflict of interest, must act in the best interests of the Union, demonstrate a duty of care and due diligence to the Union, and act in accordance with the rules set out under the Staff Protocol Agreement.

### **FN.2 Book of Accounts**

FN2.1 the Union shall keep and maintain sufficient records of accounts.

FN2.2 recognised clubs and societies and other bodies of the Union shall not operate any accounts external to the Union of any description and every such body must direct its financial transactions through the appropriate Union accounts.

### **FN.3 Regulation**

FN3.1 the Union shall be registered with the Charities Commission and Companies House and its accounts will be regulated and compliant with the requirements as laid out by Charities and Company Law.

FN3.2 an external registered auditor shall audit the accounts of the Union on an annual basis. The final audited accounts shall be available to the Trustees for approval. Once approved the Trustees shall sign the final accounts, these will then be presented at the next Annual Members Meeting.

### **FN.4 Budgetary control**

FN4.1 the Trustees in conjunction with the senior managers shall be responsible for budgetary control.

FN4.2 all income and expenditure shall, on a monthly basis, be reconciled against those department/cost centres and monthly management accounts submitted to the Senior Management Team and the University of West London. The relevant Senior

Manager shall be responsible for monitoring performance against budget and reporting these results to the Trustees.

FN4.3 budgets shall be drawn up for all areas of proposed expenditure. These areas shall be determined by the Trustees through consultation with senior managers.

FN4.4 the approved budgets in the form of a budget proposal shall be presented, together with the previous year's expenditure figures, to the University's Board of Governors annually.

## **FN.5 Income**

FN5.1 all income received shall be processed in accordance with the Financial Procedures Manual.

## **FN.6 Expenditure**

FN6.1 expenditure may only be incurred against a department/cost centre by the person(s) accountable for the control of that department/cost centre.

FN6.2 any goods or services ordered under the Unions accounts must be carried out under the procedures as set out in the Financial Procedures Manual.

## **FN.7 Payments**

FN7.1 all payments are to be effected in accordance with the Financial Procedures Manual.

FN7.3 no payments may be made for party political purposes, but this shall not prevent affiliation to a recognised national student body by student groups as per the Articles.

## **FN.8 Union business expense reimbursements**

FN8.1 any expenses incurred by elected officers of the Union, Union staff, students or appointees which relate directly and wholly for Union business may be claimed, with the prior agreement of the relevant Senior Manager.

FN8.2 the Union has adopted a Travel and Subsistence Policy which allows for the reimbursement of any reasonable travel expenses incurred whilst carrying out the business of the Union, with the prior approval of the relevant Senior Manager, and must be made in accordance with the Financial Procedures Manual.

## **FN.9 Bank accounts**

FN9.1 the Unions bank accounts shall be held under the title of the West London Union

FN.9.2 the Bank Mandate shall require two authorizing signatories to approve any payment. Authorising signatories shall be two Sabbatical Officers, two senior managers and one Accountant. All cheque payments must be authorized by one Sabbatical Officer and one senior manager.

FN9.3 the Bank Mandate must be reviewed periodically in line with the period of office of the Sabbatical Trustees.

### **FN.10 Investments**

FN10.1 any Union cash surpluses may be invested in short term deposits. Funds may only be placed in secure, low risk opportunities outlined in an Investment policy in line with requirements of charity law

### **FN.11 Stock and Fixed Assets**

FN11.1 stock should be held at a minimum level, it should be kept secure and adequate records maintained. Regular stock counts should be performed.

FN11.2 items purchased above the value of £500, which have a long term usage will be capitalised under fixed assets

FN11.3 the relevant Senior Manager shall ensure an adequate register of the Unions' fixed assets is maintained, and that assets are kept secure.

### **FN.12 Loans**

FN12.1 the Union shall be empowered to raise loan finance subject to the prior approval of the Trustees, subject to the terms and conditions of the University's Financial Memorandum.

### **FN.13 Guarantees/indemnities and financial agreements**

FN13.1 the Trustees and senior managers of the Union shall be empowered to enter into financial agreements, guarantees or indemnities as may be required in the pursuit of the objects of the Union. Authorisation must be made in the form of two signatories; one must be by a Sabbatical Trustee, and the second by the relevant senior manager of the Union. Such agreements shall be entered into subject to the terms of the University's Financial Memorandum.

### **FN.14 Financial risk and insurance**

FN14.1 the Union must ensure that it has sound financial control systems in place.

FN14.2 the Union's financial risk shall be reviewed and monitored under the Union's Management Risk Register, and annually submitted to the Trustees, the University and any other body as required for regulatory purposes.

FN14.3 the relevant Senior Manager shall be responsible for ensuring that proper insurance cover is undertaken, including fire risks, theft, damage and loss of property, terrorism, staff indemnity, public liability and employee's liability.

FN14.4 any financial anomalies, irregularity or suspicion of fraud should be notified to the Trustees immediately, and actions taken will be determined by the trustees.

## **FN.15 Winding up**

FN15.1 in the event of the Union or other associated business, outlet or affiliated trading operation being closed or “wound up” for whatever reason, any remaining assets will be transferred to the successor or parent body.

## **FN.16 Breaches of Finance Regulations**

FN16.1 all members of the Union must comply with these financial regulations.

FN16.2 any breaches of the Finance Regulations Bye-Law may result in action under the appropriate Union Disciplinary Procedures (DP). The relevant senior manager must immediately report any instances to the University.

## **Section NP: No Platform Bye-Law**

NP 1.1 the Union has formally adopted the National Union of Students’ policy of ‘No Platform’

## **Section FI: Freedom of Information Bye-Law**

FI 1.1 at all meetings of the Union, minutes shall be taken which shall be circulated with any necessary corrections at the next appropriate and relevant meeting.

## **Section DPR: Data Protection Bye-Law**

DPR 1.1 the Union regards the lawful and correct treatment of personal information as important to successful operations, and to maintain confidence between those with whom we deal, and ourselves. To this end we are committed to the principles of data protection, as stated in the Data Protection Act 1998.

## **Section COP: Code of Practice**

COP 1.1 there will be a Code of Practice between the Union and the University.

## **Section FM: Financial Memorandum**

FM 1.1 there will be a Financial Memorandum between the Union and the University.

## **Part 2: Membership**

### **Section MS: Membership Opt-out**

- 1 Every member is able to relinquish their right of membership to the Students' Union.
- 2 A student who opts-out of the Students' Union shall continue to have the right to attend Students' Unions Events and participate in activities of Clubs and societies.
- 3 A student who opts-out of the Students' Union shall not be able to participate in the democratic and decision making function of the Students' Union. This includes not being able to stand for any officer, student trustee or representative position.
- 4 A student wishing to opt-out must write to president of the Students' Union within twenty one days of the enrolment or re-enrolment date, clearly stating their intention to opt-out.
- 5 All opt-out students shall be dealt with according to the published code of practice agreement between the Students' Union and the University.
- 6 The President will inform the University annually of the number of students who have exercised their right to opt-out of the Students' Union.

### **Section SCP: Student Complaints Procedure Bye-Law**

#### **SCP.1 The right to complain**

SCP1.1 a student or group of students shall have the right to complain and have that complaint dealt with promptly and fairly. The following are grounds for complaint:

(a) dissatisfaction in dealings with the Students' Union.

(b) a claim of unfair disadvantage by reason of having exercised the right to 'opt out' of membership of the Students' Union.

SCP1.2 the Students' Union shall take all necessary steps to try to put matters right if a student or group of students is dissatisfied with the service they have received.

SCP1.3 it should be noted however, that compliance with the law regarding

Licensed Club premises and Charity Law regarding the Students' Unions charitable funds are overriding duties. Therefore, a student who was dissatisfied with the Students' Union for carrying out its legal duties to the best of its ability, would not, and could not have that complaint upheld.

## **SCP.2 Informal procedures**

SCP2.1 it is anticipated that the majority of problems encountered by students will be resolved through informal talks with appropriate Students' Union officials.

SCP2.2 students are, therefore, encouraged to discuss matters of complaint in the first instance with a senior manager and/or the President or nominee. There may be occasions when this will not be the most appropriate route, and in those circumstances the matter will be referred to the Executive Committee instead and formal procedures adopted.

SCP2.3 during the informal stage, the facts of the complaint will be ascertained and every attempt made to resolve the problem routinely. If this cannot be achieved the student/students will be advised on whether formal procedures should be invoked.

## **SCP.3 Formal procedures**

SCP3.1 formal complaints must be made in writing by the student to the President or nominee. The complainant must make clear:

- (a) the substance of the complaint
- (b) the redress to be sought

This must take place within ten working days of the end of informal talks. The President or nominee shall be responsible for passing the complaint to a committee of Student Council.

SCP3.2 the President or nominee will convene a meeting of a Complaints Committee of Student Council to hear the case within five working days of receipt of a formal complaint. There shall be three members of the Committee in addition to the President or nominee.

The Complaints Committee shall have the authority to appoint a secretary to the Committee to prepare papers and minute the proceedings. The complainant will be informed in writing of the date, time and venue of the meeting and will be expected to attend. The complainant will have the right to be accompanied by a student of the University or member of Students' Union staff with responsibility for representation. The outcome of the hearing will be communicated to the complainant in writing within five working days of the hearing. This shall then be reported to the Trustee Board for information.



## **SCP.4 Right of Appeal**

SCP4.1 a student or group of students will have the right of appeal to an independent party or organisation outside the Students' Union.

SCP4.2 the right of appeal will be on the following grounds:

(a) that there was procedural irregularities as to how the Students' Union carried out the resolution of the complaint.

(b) that the decision of the Students' Union in the resolution of the complaint was manifestly perverse.

(c) that there is new evidence regarding the complaint that was not available at the time of the initial investigation.

SCP4.3 upon receipt of the written notification from the Chair of the Trustee Board to the complainant, there will be a period of ten working days in which a written request to the University Secretary as Clerk to the Board of Governors may be made by the complainant requesting an appeal to be heard by an independent arbitrator. The letter must contain detailed reasons for the request, the substance of the complaint and the redress sought. A copy of the letter should also be lodged with the Chair of the Trustee Board or nominee.

SCP4.4 in order to be eligible for an independent appeal, the written request must be received by the University Secretary as Clerk to the Board of Governors within the time limits stated otherwise the appeal will be rejected.

## **SCP.5 Independent Arbitrator**

SCP5.1 the Arbitrator shall be a person external to the University who shall be appointed by the Board of Governors as required by the Education Act 1994 Part II.

## **SCP.6 The complaint**

SCP6.1 all evidence in relation to the complainant shall be submitted in writing thus removing the need for students to present their evidence in person. The Arbitrator will come to a decision on the basis of the written evidence provided by both parties, and will report back to the Board of Governors.

## **SCP.7 Summary**

SCP7.1 one of the requirements of the Education Act 1994 Part II is that complaints are dealt with promptly. In order to achieve this, time limits shall be applicable to each stage. Students who fail to observe any of the time limits applicable at each stage of the Complaints Procedure shall relinquish the right to proceed any further in the process.

## **Section CC: Code of Conduct Bye- Law**

### **CC.1 Scope**

CC1.1 The Code of Conduct applies to all members of the Students' Union.

### **CC.2 Introduction**

CC2.1 the Students' Union aims to foster a community with an atmosphere of trust, harmony and respect. The Students' Union's priority is to work in the best interests of the membership by providing a safe environment within our designated premises and during all Students' Union activities on and off University premises. The Code of Conduct is designed to underpin this understanding.

### **CC.3 Policy**

CC3.1 members are expected to conduct themselves according to the guidelines laid out in the following University and Students' Union documents:

- (a) the University Student Code of Conduct
- (b) the Union Code of Conduct
- (c) the Union Club Rules relating to the Union's licensed premises
- (d) the Union's No Platform Policy Bye-Law (Section NP above)

CC3.2 members are obliged to read, understand and comply with the above documents.

CC3.3 full copies of the documents will be available via the Students' Unions website.

CC3.4 Members are also expected to:

- (a) carry their University identification card at all times and produce it when entering the Students' Union's buildings, and on request by a member of Students' Union staff, a Sabbatical Trustee or an outside security firm employed by the Students' Union or the University.
- (b) treat Students' Union property and materials with care and respect.
- (c) treat all Students' Union staff, students and visitors with courtesy and respect..

CC3.5 in support of its aims, the Union will take disciplinary action against any member committing a breach of this Code of Conduct.

## **CC.4 Geographical Limits of Jurisdiction**

CC4.1 the Code of Conduct covers activities and behaviour in all buildings and premises managed by the Students' Union.

CC4.2 in addition, the Policy may be invoked for activities and behaviour of members off Students' Union premises.

CC4.3 the following list gives examples where the Policy may be applied but should not be considered exhaustive:

- (a) car parks managed by the Students' Union
- (b) sports fields/grounds managed or hired by the Students' Union
- (c) sporting events held at other colleges or universities involving members of the Students' Union
- (d) sports tours involving members of the Students' Union
- (e) trips in this country and abroad arranged by the Students' Union for student groups
- (f) entertainment/balls held off campus by the Students' Union or recognised Clubs and Societies
- (g) Clubs and Societies events held off campus.

## **CC.5 Application**

CC5.1 the Code of Conduct applies to all members and in particular to the following categories of membership:

- (a) all members of the Students' Union.
- (b) all Opt-out students.
- (c) all Honorary members of the Students' Union.
- (d) all University and Students' Union staff on premises or engaged in Students' Union activities.

CC5.2 all areas of student membership are subject to the University's Student Code of Conduct demanding reasonable and considerate behaviour.

CC5.3 Clubs and Societies of the Union may also have disciplinary action applied against them as a whole.

CC5.4 honorary members who are not students at the University, and members of other Students' Unions affiliated to the National Union of Students (NUS) shall be the subject of standard discipline sanctions.

CC5.5 guests are the responsibility of the introducing student member and are not subject to disciplinary procedures but may be dealt with via agreed sanctions in force at that time.

CC5.6 in the event of a guest causing damage to property or breaching good order, the member who signed that guest in bears full responsibility for their guest's actions.

CC5.7 if a disciplinary hearing is necessary the introducing member will be the accountable party.

## **CC.6 Disciplinary action**

CC6.1 the Student Disciplinary Procedures in force at the time shall be invoked following a breach of the Code of Conduct.

CC6.2 the Students' Union reserves the right to request the University to take additional disciplinary action where necessary.

## **Section SD: Student Disciplinary Bye-Law**

### **SD.1 Scope**

SD1.1 the student Disciplinary Bye-Law shall apply to all categories of Students' Union membership.

### **SD.2 Introduction**

SD2.1 this Bye-Law provides the framework for dealing with disciplinary matters in regard to student members.

SD2.2 it shall be the responsibility of the Students' Union and its officers to ensure that disciplinary action is uniformly and fairly applied.

SD2.3 the overall aim of disciplinary action is to prevent unacceptable standards of conduct or behaviour, contrary to the established Code of Conduct Bye-Law of the Students' Union.

### **SD.3 Authority to Discipline**

SD3.1 the Students' Union derives its disciplinary authority from its contract with the individual student who has formally recognised their automatic membership by enrolling at the University.

SD3.2 it also derives its authority from being the recognised Students' Union of the University under the Articles of Government of the Higher Education Corporation, the University of West London.

#### **SD.4 Making a Complaint**

SD4.1 a complaint about the conduct or behaviour of any member of the Union may be made by any of the following persons:

- (a) any member of Students' Union staff.
- (b) a member of the Executive Committee.
- (c) any ordinary member.

SD4.2 the senior managers or their nominee(s) retains the right to take such temporary disciplinary action as is permitted under the Students' Union Registered Club Rules so as to maintain good order on Students' Union premises, pending further action.

#### **SD.5 Temporary action and the power to exclude**

SD5.1 the Students' Union has a duty of care to its members to ensure that they are protected from unnecessary risk.

SD5.2 where the element of risk is deemed to be unacceptable, key members of staff have the authority to exclude a person from remaining on Union premises or attending a function for the rest of the day where dangerous or unreasonable behaviour occurs.

SD5.3 the following have the power to immediately exclude:

- (a) Sabbatical Trustees of the Students' Union.
- (b) the senior managers or their nominee.
- (c) the Bar Manager/stewards.
- (d) security personnel.

SD5.4 they must inform the member that as a result of their behaviour disciplinary action may be taken at a later date and that the disciplinary procedure will be put into effect.

#### **SD.6 Procedure**

SD6.1 complaints accompanied with any statements, shall be addressed to the relevant senior manager of the Union or their nominee.

SD6.2 the senior manager or their nominee shall decide, in conjunction with the President or their nominee, whether there is a cause for complaint or discipline. Their

decision shall be final.

SD6.3 the President, or their nominee, and the relevant senior manager, or their nominee, have the authority to suspend a student member for up to four weeks.

SD6.4 the suspension shall then be reviewed at the end of this period, to determine whether continued suspension or further disciplinary action is appropriate.

SD6.5 the student who is the subject of the complaint may also request such a review at any time during the four weeks if they so wish.

SD6.6 the relevant senior manager or their nominee shall ensure that the offence is investigated and the due process initiated within five working days. The investigation will establish whether the offence is a minor offence to be dealt with under SD7 or a more serious offence to be dealt with under SD12.

SD6.7 the investigation will involve the member who is the subject of the complaint being told of the nature of the events complained about, and being asked to provide in writing their account of the matters complained about.

#### **SD.7 Minor offences**

SD7.1 once an offence has been investigated, the member who is the subject of the complaint shall be contacted by the staff member administering the system by letter, normally within five working days of the categorisation of the offence.

SD7.2 the letter shall state the following:

(a) the nature of the offence.

(b) the punishment levied.

(c) the member's right to appeal within five working days of the receipt of the letter to the relevant senior manager, or their nominee, for a summary hearing if they dispute the charge or wish to provide mitigation for their conduct.

SD7.3 upon receipt of the letter, the member shall settle any fine within five working days of receipt of the letter.

SD7.4 if the member is unable to pay the full amount within that time a staggered payment system can be arranged but the first repayment must occur within the five days.

SD7.5 failure by the member to settle the fine, or part of it, within the given time period may result in further penalties being incurred.

SD7.6 once the fine has been settled in full, the member shall be reinstated for use of Union facilities.

SD7.7 the member's details will be recorded onto a disciplinary database, following a proven case.

## **SD.8 Summary hearing procedure**

SD8.1 cases categorised as minor but not concluded under SD7, will be dealt with by a panel chaired by the relevant senior manager or their nominee, who shall write to the member who is the subject of the complaint, normally within five working days of the report.

SD8.2 The letter to the member shall contain the following information:

(a) nature of the allegation.

(b) date and time of hearing with the relevant senior manager, Chair of the panel or their nominee, plus one other member of the Executive Committee or Student Council.

(c) the member's right to be represented by a friend/colleague at the hearing, the friend/ colleague shall be an ordinary member of the Union, or a member of Union staff with responsibility for representation.

(d) the member's right to call witnesses to the alleged offence.

SD8.3 the letter shall be sent to the member's address registered with the University by first class post.

SD8.4 the hearing itself shall be held in private save that the member who is the subject of the complaint is entitled to be represented as per SD 8.2(c).

SD8.5 a confidential record shall be kept of all such hearings and for this purpose the relevant senior manager or their nominee may require the attendance of a staff member.

SD8.6 the panel and the member who is the subject of the complaint may, where appropriate, call witnesses to give evidence which relates to the matter.

SD8.7 if a minor case is proven, then the Chair of the panel shall inform the member of the penalty, normally within five working days of the conclusion of the hearing.

SD8.8 the letter to the member shall include the member's right to appeal to the President within ten working days of the letter being sent.

SD8.9 failure to comply with the penalty, or ignoring the procedure, shall be deemed to be an offence and dealt with accordingly.

SD8.10 a record of the outcome of the hearing will be recorded on a disciplinary database.

SD8.11 where a member is found to have committed offences on more than one occasion, the penalty for later offences may reflect the member's previous disciplinary record.

## **SD.9 Right of appeal**

SD9.1 a member may appeal against the decision of the summary hearing by giving written notice, which must contain their grounds for appeal, to the President within five working days of being sent the outcome of the hearing.

SD9.2 appeals can only be made on the following grounds:

(a) new and relevant evidence or information which was not available for consideration at the time of the disciplinary hearing has become available.

(b) the severity of the punishment imposed by the summary hearing was excessive for the offence committed.

(c) the panel failed to follow the Student Disciplinary Bye-Law correctly.

(d) the findings of the panel were manifestly perverse.

SD9.3 upon receipt of a valid written notice of Appeal, the President shall convene a hearing to review the case within five working days of the notice.

SD9.4 the President may nominate a member of staff to accompany them at the hearing.

SD9.5 the President's decision shall be final and will conclude the matter.

SD9.6 at all stages, reports and papers shall be made available to the member who is the subject of the complaint.

## **SD.10 Disciplinary Board**

SD10.1 cases that the relevant senior manager or their nominee deems to be of a more serious nature, and as such merit a more protracted investigation, shall come before the Disciplinary Board, or will be referred to the University.

## **SD.11 Membership of the Disciplinary Board**

SD11.1 the Disciplinary Board shall consist of three members, normally:

(a) Chairperson : a senior manager of the Students' Union or nominee.

(b) two members of the Executive Committee .

SD11.2 the senior manager or their nominee shall appoint a secretary from the Students' Union staff.



SD11.3 the senior manager or their nominee shall present the case on behalf of the Students' Union.

SD11.4 those chosen to sit on the Disciplinary Panel shall declare any vested interest in the case prior to the hearing taking place, including investigation of the case at an earlier stage, and will subsequently be disqualified from sitting on the panel.

SD11.5 the remainder of the Panel shall decide upon an impartial replacement.

SD11.6 if any member alleges that a member of the Panel has a vested interest in the case, or the hearing, then the Chair, whose decision is final, shall decide the matter.

SD11.7 if the Chair has, or is deemed to have an interest then another member of senior staff, not previously involved with the case, or the University Secretary as Clerk to the Board of Governors may be asked to nominate a member of University staff to act as Chair.

SD11.8 the Disciplinary Panel does not act as a court of law in such matters but ensures that the best interests of the membership as a whole are served.

## **SD.12 Disciplinary Hearing**

SD12.1 the Chair shall ensure that a letter is sent by first class post to the address of the member registered with the University, who is the subject of the complaint, normally five working days before the date of the hearing.

SD12.2 the letter shall include the following information:

(a) date, time and venue of the hearing.

(b) details of the alleged offence.

(c) all relevant references to the Student Disciplinary Bye-Law (SD) and the Code of Conduct Bye-Law (CC).

(d) any interim measures taken by the relevant senior manager or their nominee.

(e) the availability of the Chair, if required, to advise the member of procedure.

(f) the membership of the Disciplinary Panel.

(g) the member's right to be represented by a friend/colleague at the hearing, the representative shall be an ordinary member of the Students' Union or member of Students' Union staff with responsibility for representation.

(h) the member's right to have witnesses heard at the meeting.

(i) an invitation for the member to submit a written statement in advance of the hearing.

(j) notice that if they fail to attend without providing a valid reason in advance the hearing will proceed as stated in their absence.

SD12.3 the hearing shall, unless agreed otherwise by all parties concerned, be heard on a week day.

SD12.4 the member who is the subject of the complaint, and the complainant, will be heard in the same room except under exceptional circumstances where the panel feels a fair hearing could not be conducted with both parties appearing together. The safety of all parties will be paramount at all times.

SD12.5 the hearing shall follow the procedure laid out below:

(a) introductions.

(b) the nature of the offence is presented verbally.

(c) the senior manager or their nominee shall present the case against the member.

(d) the member shall then present their case and witnesses. Alternatively, the member's representative may present their case and the member may give evidence as a witness.

(e) witnesses shall be subject to examination, cross-examination and re-examination, and the senior manager or their nominee shall then finalise the presentation of their case once all questioning has been completed.

(f) the panel can question either, or both, of the two parties and any witnesses.

(g) the member or their representative shall have the right to address the panel as the final proceeding at the hearing of the case.

SD12.6 if the Chair decides that it is not reasonably possible for a witness to attend, a written statement shall be admissible as evidence but the weight of any such evidence which cannot be tested must be deemed accordingly.

SD12.7 the member or the complainant may challenge such a statement.

SD12.8 if the challenge to a statement is, in the opinion of the panel, substantiated, the statement shall not be admitted as evidence.

### **SD.13 Deliberation and Decision**

SD13.1 at this point the panel will ask all others to leave, and ask the member who is the subject of the complaint to wait in an appropriate location whilst the panel considers the matter.

SD13.2 where the panel is able to reach a majority decision, the member who is the subject of the complaint will be invited back into the hearing, together with their

representative, and told the decision reached, any sanctions imposed, the right of appeal and the procedure for appeal.

SD13.3 this decision will then be confirmed in writing and sent to the member who is the subject of the complaint by first class post, within five working days.

SD13.4 where the panel is unable to reach a majority decision on the day of the meeting, the member who is the subject of the complaint and any representative present, will be informed.

SD13.5 the member who is the subject of the complaint will be informed that the decision will be made and sent by first class post within five working days, to their registered University address.

SD13.6 the secretary appointed by the senior manager (Chair of the panel) or their nominee must keep a full set of confidential minutes. These minutes will be available to members of the panel and members of the Appeals Panel if one is called.

#### **SD.14 Powers of the Disciplinary Panel**

SD14.1 where the panel finds through the available evidence, that the offence has occurred, the panel has the power to:

(a) issue a formal warning (membership shall be reinstated but a permanent record of the warning is kept which shall be referred to if the member should re-offend).

(b) suspend the offender from using the Union and its facilities for a length of time deemed appropriate by the Disciplinary Panel (DP).

(c) require full recompense for all damage done or loss incurred as a result of the misdemeanour.

(d) impose a financial penalty on the member (membership is suspended until such a time as the penalty is paid).

(e) permanent ban from the Students' Union (expulsion).

SD14.2 such penalties may be used in conjunction with one another or as alternatives.

SD14.3 where appropriate, and particularly when the offence is of a serious nature, the Disciplinary Panel has the power to refer the case to the University Secretary for consideration under its own procedures.

#### **SD.15 Appeals**

SD15.1 a member may appeal against the decision of the Disciplinary Panel by giving written notice, which will contain their grounds for appeal, to the Trustee Board within ten working days of being sent the decision of the Disciplinary Panel.

SD16.2 appeals can only be made on the following grounds:

(a) new and relevant evidence or information which was not available for consideration at the time of the Disciplinary Hearing has become available.

(b) the severity of the punishment imposed by the disciplinary hearing was excessive for the offence committed.

(c) the panel failed to follow the Student Disciplinary Procedures Bye-Law correctly.

(d) the findings of the panel were manifestly perverse.

SD15.3 the Trustee Board shall consider the written appeal and decide whether there is a case to be heard.

SD15.4 if no case is to be heard, the Trustee Board shall inform the student in writing of this decision as soon as possible.

SD15.5 the Procedure for the appeals hearing shall be a paper-based appeal.

SD15.6 the Appeals Panel shall consist of three members, normally:

(a) a senior manager of the Students' Union or appointee, or a member of University staff as nominated by the University Secretary as Clerk to the Board of Governors.

(b) a member of the Trustee Board.

(c) an additional member of the Executive Committee.

SD15.7 those chosen to sit on an Appeals Panel shall declare any vested interest in the case prior to the commencement of the hearing, and would, therefore, be automatically disqualified from the proceedings. It would be for the remainder of the panel to decide on an impartial replacement.

SD15.8 the Appeals Panel has the power to overturn the original decision of the Disciplinary Panel, impose a different penalty, or increase or decrease the original penalty.

SD15.9 the decision of the Appeals Panel shall be communicated in the same way as a Disciplinary Panel hearing.

SD15.10 the decision of the Appeals Panel shall be final in all cases.

## **SD.16 Suspension**

SD16.1 if a member is suspended they lose the following privileges for the period of the suspension:

(a) use of Students' Union buildings and facilities.

- (b) participation in recognised Sports Clubs and Societies' events.
- (c) membership of any committee or sub committee of the Students' Union/Club.
- (d) voting at elections (if elections take place during the period of suspension).
- (e) ability to attend governance meetings of the Students' Union.

SD16.2 the Disciplinary Panel may also, at its discretion, permanently remove the member's rights to any or all of the following privileges:

- (a) use of Students' Union facilities.
- (b) attendance at Students' Union functions.
- (c) ability to sign in visitors/guests.
- (d) take part in Students' Union activities.

SD16.3 the member who has had their privileges removed or suspended shall not be entitled to a refund of any fees or subscription paid by them or on their behalf or to stand for any Students' Union Office.

SD16.4 failure to comply with these sanctions shall constitute a disciplinary matter.

SD16.5 the member shall, unless decided otherwise at the time of determining the penalty, remain suspended from the Union until such a time as they make good any damage caused or monies owed to the Students' Union.

### **SD.17 Students' rights to representation**

SD17.1 the member who is the subject of the complaint shall be entitled to bring to any hearings a friend or colleague to represent them or member of Students' Union staff with responsibility for representation.

SD17.2 this representative shall be an ordinary member of the Students' Union or a member of Students Union staff with responsibility for individual representation.

SD17.3 the representative can also present the case during the procedures if the member who is the subject of the complaint requests this.

SD17.4 if the relevant member of Students' Union staff feels that they are not in a position to represent the student member impartially they are entitled to refuse such a request.

## **Part 3: Democracy**

### **Section EL: Elections**

#### **EL.1 Scope**

EL1.1 these regulations refer to election for the Sabbatical Officer, Student Trustee and NUS Delegate positions.

EL1.2 all of these elections shall provide an opportunity to vote to Re-Open Nominations in place of one or more candidates.

EL1.3 all elections shall use transferrable voting and counting unless otherwise specified.

EL1.4 if insufficient nominations have been received at the close of nominations, the election shall proceed as normal. Any resultant vacancy will be filled through a by-election, unless not required by the Articles or Bye-Laws.

#### **EL.2 Eligibility Rules for Ordinary Members**

EL2.1 any registered students who have opted out of the Union, having signed a declaration to that effect, are ineligible to stand for any elected post within the Union.

EL2.2 any student, who has appeared before a Students' Union Student Disciplinary Panel and has been expelled from membership of the Union, shall be ineligible to stand for any Sabbatical Office or any other elected post within the Union.

EL2.3 Sabbatical Trustees automatically become trustees of the Union upon taking office. Ordinary members cannot, therefore, become a Sabbatical Trustee if they:

- (a) are under 18 years of age
- (b) are disqualified because of conviction of a criminal offence

EL2.4 Sabbatical Trustees automatically become members of the Bar(s) Committee of the Union's Registered Club so are automatically excluded from standing for office if they:

- (a) are under 18 years of age.
- (b) have a criminal record such as to prejudice the granting or retention of a licence in relation to the Registered Club.

EL2.5 upon receipt of a valid nomination the Union is obliged to make enquiries to ensure that a candidate meets the Eligibility Rules. This is carried out in conjunction with the Criminal Records Bureau in response to an application for disclosure. It is mandatory for all candidates to fill out the appropriate forms and co-operate fully in this matter.

EL2.6 no candidate shall be eligible to take office until the Returning Officer has certified that they have met the required criteria of the Eligibility Rules. In the event of the Returning Officer certifying that any elected candidate has failed to meet the required criteria of the Eligibility Rules then that candidate's election shall automatically become null and void and the candidate shall have no right to hold office. In such circumstances the Returning Officer shall then hold new elections for the post.

### **EL.3 Who Can stand in an Election**

EL3.1 ordinary members of the Union are eligible to stand for any position.

EL3.2 all ordinary members are eligible to propose another student in the election.

EL3.3 all ordinary members have the right to attend and participate in the hustings for the candidates.

EL3.4 all ordinary members have the right to information about the process of the election, the positions available and the candidates standing in the election.

EL3.5 all ordinary members have the right to vote by secret ballot in the elections.

### **EL.4 Roles and Responsibilities**

EL4.1 Union Leadership Team shall:

- (a) to appoint an independent Returning Officer.
- (b) publish a an annual time line for elections before the start of the first term.

EL4.2 Returning Officer shall and has the power to:

- (a) to certify to the students' union and the University that the result is an accurate outcome of a free and fair process which all students can participate in, and to declare the names of the person(s) elected to each position.
- (b) to appoint a Deputy Returning Officer.
- (c) to provide guidance and advice to the staff of the Students' Union regarding best practice to ensure the integrity of the election.
- (d) to approve the Election Rules and information for candidates including information on:
  - a. Voting process and System
  - b. Nominations
  - c. Manifesto

d. The Count

e. Publication of election results

- (e) to have final say on decision, complaint and rulings during the elections.
- (f) to hear appeals against decisions made by the Deputy Returning Officer.
- (g) to be responsible for appointing counting personnel as required and being responsible for the conduct of the election count.

EL4.3 Deputy Returning Officer shall:

- (a) to be the point of contact for candidates in the absence of the Returning Officer and to act as directed by the Returning Officer.
- (b) to produce information for candidates, which will include the rules and regulations in accordance with the guidance and advice given by the Returning Officer and to ensure that it is approved by the Returning Officer.
- (c) to ensure that the elections are effectively promoted.
- (d) to appoint polling station personnel.
- (e) to decide on any matter relating to the conduct of the election.

EL4.4 Candidates

- (a) candidacy for each election is defined in the Articles and appropriate Bye-Laws.
- (b) candidates must abide by the Election Rules, Union Code of Conduct and related Union policies, as well as with information provided by and decisions made by the Returning Officer and Deputy Returning Officer.

## **EL.5 Publicity and Information**

EL5.1 the Students' Union will publish details of the secret ballots to be held during the academic year, including:

- (a) the proposed dates for nomination of candidates and dates of voting will be published at the start of the academic year.
- (b) e-voting or other appropriate arrangements to enable ordinary members studying abroad or away from the main university campus to vote in the elections.
- (c) a list of all candidates standing in the elections will be published before the start of voting.

EL5.2 the Students' Union will publish information and guidance for candidates including:



- (a) nomination of a candidate, including trustee eligibility for Sabbatical Officer and Student Trustee positions.
- (b) all requirements relating to candidates in respect of canvassing and publicity.
- (c) the rules and sanctions relating to election candidates.
- (d) the process for election complaints and appeals against complaints.
- (e) timetable of key events.
- (f) any minor amendments required to the information and guidance to candidates during the election period will be approved by the Deputy Returning Officer with any challenges being heard by the Returning Officer. Any major changes including a change to declared dates will be agreed by the Returning Officer.

## **EL.6 Sports Club and Society elections**

EL6.1 all elections will be by show of hands unless a member requests a secret ballot.

## **Section RD: Referenda**

### **RD.1 Scope**

RD1.1 this bye-law sets out regulations in addition to those outlined in the Articles.

### **RD.2 Calling for a referendum**

RD2.1 where a referendum is called by a secure petition of 500 members, the business of the proposed referendum must first be debated at a Members Meeting called by the Union Leadership Team. This meeting shall allow ordinary members to suggest and approve amendments to the wording of the proposed referendum and will have no other content or purpose unless the Union Leadership Team see fit. This meeting must take place with 6 term-time weeks of receiving the petition and has a quorum of 50.

RD2.2 the proposed wording of a referendum must be published 7 clear days before the ballot to allow comment and proposed changes from ordinary members. The Union Leadership Team shall consider the comments and proposed changes, publishing notes of their decisions on any changes in the wording of the referendum.

### **RD.3 Conduct of the referendum**

RD3.1 no business can be taken to a referendum more than once in the same academic year.

RD3.2 the business of a referendum shall be restricted to the motion or business for which the referendum was called.

RD3.3 the Union Leadership Team shall appoint an independent Returning Officer who will not be a member, a Trustee or a staff member of the students' union, who has the power to appoint a Deputy Returning Officer, and who shall supervise the referendum.

RD3.4 the Returning Officer and Deputy Returning Officer have the same powers as outlined in the election bye law.

RD3.5 a referendum ballot must be held not more than twenty working, term-time days after the Members Meeting takes place.

RD3.6 a referendum shall take the form of a secret cross campus ballot in which members are asked to vote either yes or no in answer to a clearly defined question or questions. The referendum may be conducted by paper ballot or by electronic means.

RD3.7 voting for a referendum shall remain open for no less than six hours.

## **Section MM: Members Meeting Regulations**

### **MM.1 Scope and General Provisions**

MM1.1 these regulations refer to Members Meetings and Annual Members Meetings as described in the Articles. They do not refer to general meetings.

MM1.2 an Annual Members Meeting must take place once in each calendar year.

MM1.3 a Members Meeting may be called at any time.

### **MM.2 Calling of Meetings**

MM2.1 the Annual Members Meeting shall be called by the Trustees. Notice may be given to members via the students' union website.

MM2.2 a Members Meeting may be called as follows:

- (a) the Trustees can call a Members Meeting at any time.
- (b) the Union Leadership Team can vote to call a Members Meeting at any time.
- (c) the Trustees must call a Members Meeting on receiving a request to that effect signed by at least 50 ordinary members.

### **MM.3 Contents of Meetings**

MM3.1 contents for an Annual Members Meeting are detailed in the bye-laws.

MM3.2 the Members Meeting must give notice to specify the nature of the business to be transacted and in addition to the contents detailed in the Articles can call the Sabbatical Officers, NUS Delegates and Trustees to account.

MM3.3 the President shall be the Chair of Members Meetings.

MM3.4 ordinary members present may vote to remove the President from the position of Chair and to appoint a new Chair, who will be an ordinary member, an External Trustee or an Alumni Trustee.

MM3.5 ordinary members may call the Sabbatical Officers, NUS Delegates and Trustees to account as follows:

- (a) ordinary members may vote to mandate the postholders to take remedial action to address the issue(s) relating to their conduct or performance. Any vote of no confidence must be conducted in accordance with the Articles.
- (b) ordinary members may vote to refer matters pertaining to the conduct or performance of the postholders to the Trustee Board.
- (c) conduct or performance issues may relate to one or more postholders
- (d) the Members Meeting will have the power to call a Referendum with a vote to remove Sabbatical Officers, NUS Delegates or Trustees from office
- (e) voting will be by a show of hands unless the meeting agrees to a secret ballot on the issue

## **Part 4: Governance**

### **Section TR: Process for Removing Officers**

#### **TR.1 Scope**

### **Section ULT: Union Leadership Team**

#### **ULT.1 Scope**

ULT1.1 this Bye-Law sets out the collective purpose and responsibilities of the Union Leadership Team and the individual responsibilities of the Sabbatical Officers.

#### **ULT.2 Purpose**

ULT2.1 The purpose of the Union Leadership Team is to hold responsibility for and ensure that:

- (a) the union is run efficiently, effectively, legally, and that we achieve our strategic aims.
- (b) that the Unions activities are safe, legal, and in line with regulation.
- (c) that the Union has a high performing and highly satisfied staff team able to achieve targets.
- (d) to ensure that all union activity is driven by The Test.

#### **ULT.3 Membership**

ULT3.1 the Union Leadership Team members include:

- (a) the Union Chief Executive ( Chair)
- (b) Sabbatical Officers
- (c) the Senior Management Team, shall be invited and act as non-voting members.

ULT3.2 the President shall have a casting vote in the instance of a tie.

ULT3.3 the Union leadership team is responsible to the membership through the Trustee board.

#### **ULT.4 Team Purpose & Responsibilities**

ULT4.1 the Union Leadership Team shall be responsible for meeting at least annually to:

- (a) decide how Union Leadership team responsibilities will be managed within the Union
- (b) publish annual people, compliance and operating calendar to Trustee Board
- (c) review and publish criteria for associate and honorary memberships
- (d) publish annual reports on the achievement of this group
- (e) undertake any other area of work or policy as delegated by the Trustees or set out in the Bye-Laws.

#### **ULT.5 Sabbatical Officer Roles**

ULT5.1 all Sabbatical Trustees shall:

- (a) be responsible to the Union's Membership, through The Trustee Board, the Union Leadership Team, Referenda and General Meetings.
- (b) be members of the:
  - a. Trustee Board
  - b. Union Leadership Team
- (c) be responsible for co-ordinating the work of any committee(s) to which they act as Chair. Such responsibility shall include reviewing the attendance record of committee members and ensuring the accountability of the membership in terms of the Committees' Terms of Reference and the attendance requirements laid down in the Memorandum and Articles of Association.
- (d) represent the Students' Union on relevant University Committees.
- (e) present a Strategic Plan for the year at the Annual General Meeting (AGM).

- (f) determine who amongst the elected Sabbatical Trustees, shall be responsible for the roles below and those outlined in the Strategic Plan:
  - a. Priority Campaigns
  - b. Equal Opportunities
  - c. providing support for individual student leaders.
- (g) take no part in the organisation and administration of Union elections.
- (h) review the Strategic Plan in the summer term of each academic year.
- (i) hold office from for a period of 12 months in the following year.
- (j) the attendance regulations shall not apply to the Sabbatical Trustees –elect nor Sabbatical Officers - nor shall they be included in the membership of any committee for the purposes of determination of quorum.
- (k) be remunerated as per their conditions of employment outlined in their employment contract.

ULT5.2 The President shall:

- a) be responsible for ensuring that all Union activities are properly co-ordinated and executed. This is to be undertaken in conjunction with the Vice-President(s).
- b) Chair the Union Leadership Team meetings, General Meetings of the Union and the Trustee Board.
- c) be responsible for ensuring that the Strategic Plan, consisting of Priority Campaigns and a plan of action for the Union Leadership Team for the year, and subsequent updates, are prepared and presented to the appropriate Union Meetings.
- d) be responsible under the provisions of the Articles for Union staffing in conjunction with relevant senior managers.
- e) ensure the active representation of the Union at appropriate conferences.
- f) be responsible for leading the NUS Conference delegation from the Union.
- g) co-ordinate the submission of proposals for next academic year's priority campaigns to the Union Leadership Team.
- h) be responsible for developing and implementing the Union's Communications Strategy.

ULT5.3 The Vice-President Education shall:

- (a) be responsible for all matters concerning the Education, Quality Assurance, Welfare, individual representation interests of students and the Union's sustainability strategy and do so, when appropriate, in conjunction with the President and Vice-President Student Activities & Participation.
- (b) represent the Union on relevant University Committees.
- (c) be the Deputy President and take over the duties of the President in the absence of the President, either when authorised by the President or in the event of the President being absent for more than three consecutive working days.
- (d) be a higher education student at the point of standing for election.
- (e) develop academic representation through student representatives.
- (f) organise Education and Welfare campaigns throughout the year.
- (g) liaise with the University regarding education policy development, student representation, individually and collectively.
- (h) to Chair Student Representatives Forum/Conferences across the University and to feedback Student Representatives issues both back to Union Leadership Team, and to other University Committees.
- (i) to work with Union staff to ensure that there is training and support for student representatives.

ULT5.4 The Vice-President Student Activities & Participation shall:

- (a) be responsible for all matters concerning student activities and opportunities including Sport, student groups, Enterprise, Social, Community and recreational activities and do so, when appropriate, in conjunction with the President and Vice-President Education.
- (b) be responsible for student enterprise, employability, community organising and activism.
- (c) be responsible for the overseeing of, and development of, the student publication.
- (d) to specifically support student committees and student leaders within the wider remit of Student Activities & Participation.
- (e) represent the Union on relevant University Committees.
- (f) liaise with NUS on all issues relating to increasing student engagement with the Union.

- (g) liaise with the University regarding student development and extra-curricular activity.
- (h) be the Union's primary representative for all of the Union's sports and societies.
- (i) be specifically responsible to the Trustee Board for the grants allocated to sports and societies.
- (j) to promote and develop Sports Clubs, sports, and societies across the Union.

## **Section SP: Scrutiny Panel**

### **SP.1 Scope**

SP1.1 this bye-law sets out the purpose and processes of the Scrutiny Panel.

### **SP.2 Purpose**

SP2.1 the Scrutiny Panel has responsibility for:

- (a) scrutinising the work of the Students' Union by commissioning independent audits of the Students' Union's work to ensure the activity meets the standards outlined in the Test.
- (b) making recommendations to the Trustee Board and the Union Leadership Team

### **SP.3 Membership**

SP3.1 the Alumni Trustee shall be the Chair of the Scrutiny Panel unless determined otherwise by the Trustee Board.

SP3.2 the Chair shall have the power to appoint panel members for each audit.

SP3.3 the Trustee Board shall provide the Chair with guidance for the Scrutiny Panel membership and process.

SP3.4 the Officer Trustees may not be members of the Scrutiny Panel.

SP3.5 the Chief Executive may attend Scrutiny Panel meetings in a non-voting capacity.

### **SP.4 Power**

SP4.1 the Scrutiny Panel Chair may:

- (a) undertake audits of the Students' Union's work as requested by the Trustee Board.
- (b) request evidence, information or data from the Union Leadership Team as part of the audit process.



- (c) request meetings with members of the Union Leadership Team as part of the audit process.
- (d) observe or commission observation of any activity that is being audited.
- (e) undertake or commission any other reasonable activity or request to assist the completion of the audit.

SP4.2 the Scrutiny Panel Chair has the power to make specific recommendations arising from the audit to the Trustee Board and Union Leadership Team.

### **Section TT: The Test**

TT1.1 The Test is a set of criteria that the Scrutiny Panel shall use to audit the work of the students' union.

TT1.2 the criteria is as follows:

- (a) Is there a student demand for the work?
- (b) Does the work answer a genuine student need?
- (c) Are students involved in the design and delivery of the work?
- (d) Does the work meet benchmarked standards?