

**LEICESTER UNIVERSITY STUDENTS' UNION**

# **CONSTITUTION**

July 2024

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## I ARTICLES OF ASSOCIATION

### PART 1 BACKGROUND

1. The University of Leicester Students' Union (the "Union") is a students' union within the meaning of the Education Act 1994. The Union is devoted to the educational interests and welfare of its Members.
2. The Union will seek at all times to:
  - 2.1 ensure that the diversity of its Membership is recognised and that equal access is available to all Members of whatever origin or orientation;
  - 2.2 pursue its aims and objectives independent of any political party or religious group; and
  - 2.3 pursue equal opportunities by taking positive action within the law to facilitate participation of groups discriminated against by society.
3. These Articles have been structured so as to give the Board of Trustees reasonable authority to manage the affairs of the Union in a professional manner. The Members enjoy the right, which must be exercised in accordance with charity law, to elect a proportion of the Trustees and to dismiss all of the Trustees. The Board of Trustees will give the most careful consideration to the views of Members.
4. Under the Education Act 1994, the University of Leicester has a statutory duty to ensure that the Union operates in a fair and democratic manner and is held to proper account for its finances. The Trustees therefore work alongside the University of Leicester in ensuring that the affairs of the Union are properly conducted and that the educational and welfare needs of the Union's Members are met. At the same time the University of Leicester recognises the importance of the independence of the Union and intends that nothing done by either the Union or the University should create a situation whereby the University has, or is seen to have, a controlling interest in the Union.

## **DEFINITIONS AND INTERPRETATION**

### **5. Defined terms**

5.1 In these Articles, unless the context requires otherwise, the following terms shall have the following meanings:

<b>Term</b>	<b>Meaning</b>
5.1.1 <b>“Academic Year”</b>	the period between 1 <sup>st</sup> August in one year to 31 <sup>st</sup> July in the next year. Each Academic Year is for the time being divided into two semesters;
5.1.2 <b>“address”</b>	includes a number or address used for the purpose of sending or receiving documents by electronic means;
5.1.3 <b>“Appeals Panel”</b>	<p>The panel established to hear appeals from Removed Trustees or members who have had their membership terminated. The Panel shall be made up of:</p> <ul style="list-style-type: none"><li>• a nominee of the University of Leicester,</li><li>• one independent person who shall be a Member who is not a Trustee or a Member of the Student Council.</li><li>• and a chief executive/general manager of another students’ union.</li></ul> <p>The selection of the members of the Appeals Panel and its procedures shall be set out in the By-Laws.</p>
5.1.4 <b>“Articles”</b>	these articles of association of the Union;
5.1.5 <b>“Board of Trustees” or “Board”</b>	the Board of Trustees of the Union;
5.1.6 <b>“By-Laws”</b>	the By-Laws setting out the working practices of the Union made from time to time in accordance with Article 14

- 5.1.7 **“Chair”** the chair of the Board of Trustees, who shall be the appointed External Trustee in accordance with Article 60.1;
- 5.1.8 **“chair of the meeting”** in the case of general meetings means the person chairing the meeting in accordance with Article 26 and in the case of Trustees’ meetings means the person chairing the meeting in accordance with Article 60;
- 5.1.9 **“Chief Executive”** the Chief Executive of the Union who is appointed by the Board of Trustees;
- 5.1.10 **“circulation date”** in relation to a written resolution, has the meaning given to it in the Companies Acts;
- 5.1.11 **“clear days”** in relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
- 5.1.12 **“Code of Practice”** the Code of Practice relating to the University of Leicester’s obligations under Section 22 of the Education Act;
- 5.1.13 **“Companies Acts”** means the Companies Acts (as defined in Section 2 of the Companies Act 2006), in so far as they apply to the Union;
- 5.1.14 **“Conflict of Interest”** any direct or indirect interest of a Trustee (whether personal, by virtue of a duty of loyalty to another organisation or otherwise) that conflicts, or might conflict with the interests of the Union;
- 5.1.15 **“Connected Person”** any person falling within one of the following categories and where payment to that person might result in the Trustee obtaining benefit: (a) any spouse, civil partner, parent, child, brother, sister, grandparent or grandchild of a Trustee; or (b) the spouse or civil partner of any person in (a); or (c) any person living with a Trustee or his or her partner; or (d) any company or LLP or firm of which a Trustee is a paid director, member, partner or employee, or

	shareholder holding more than 1% of the capital;
5.1.16 <b>“Deputy Chair”</b>	the deputy chair of the Board of Trustees, who shall be the Lead Officer Trustee in accordance with Article 60.2;
5.1.17 <b>“document”</b>	includes, unless otherwise specified, any document sent or supplied in electronic form;
5.1.18 <b>“Education Act”</b>	the Education Act 1994;
5.1.19 <b>“Effective Date”</b>	the date on which the undertaking previously carried on by the unincorporated charity known as The University of Leicester Students’ Union is transferred to the Union;
5.1.20 <b>“electronic form”</b>	has the meaning given in Section 1168 of the Companies Act 2006;
5.1.21 <b>“Executive Committee”</b>	the meeting of the Officer Trustees (and any other officers as defined by the Student Council) established to act as the Executive of the Council to co-ordinate the representative and campaigning functions of the Union;
5.1.22 <b>“External Trustee”</b>	a Trustee appointed in accordance with Article 40.1 who for the avoidance of doubt shall not be, or deemed to be either a major union office holder or a sabbatical union office holder for the purposes of Section 22 of the Education Act;
5.1.23 <b>“Finance Committee”</b>	the committee of the Board of Trustees formed to monitor progress against budgets; monitor investments and to investigate and monitor any other financial issues as required by the Board of Trustees;
5.1.24 <b>“financial expert”</b>	an individual, company or firm who is authorised to give investment advice under the Financial Services and Markets Act 2000;

- 5.1.25 **“hard copy” and “hard copy form”** have the meanings respectively given to them in the Companies Act 2006;
- 5.1.26 **“Honorary Officer”** means any person appointed by the Student Council as an unpaid volunteer to support and assist the Unions work, particularly in its relationships with the local community;
- 5.1.27 **“Hour”** any full period of an hour but not including any part of a day that is a Saturday, Sunday or Bank Holiday in England;
- 5.1.28 **“Lead Officer Trustee”** means the elected officer of the Students’ Union deemed to be the lead officer by the Trustees, and who shall be the Deputy Chair of the Board of Trustees.
- 5.1.29 **“Management Board”** the committee set up to co-ordinate the day-to-day operations of the Union under the direction of the Chief Executive;
- 5.1.30 **“Members”** members of the Union being Students at the University of Leicester as further defined in Article 15.1.1 and the Officer Trustees;
- 5.1.31 **“Nominations Committee”** the committee set up in accordance with the By-Laws that will include one external Trustee (who shall chair the Committee), two Officer Trustees, the Union Speaker, one Member of Student Council, the Chief Executive and a person nominated by the University of Leicester. Its remit shall include ensuring the correct balance of Trustees bringing the appropriate skills and attributes for the Charity to meet its objectives, particularly the matters set out in article 4;
- 5.1.32 **“Officer Trustee”** a Trustee elected in accordance with Article 38.1;
- 5.1.33 **“Policy”** representative and campaigning policy set by Referenda or the Student Council in accordance with Article 18 and Article 66 respectively;

- 5.1.34 **“RAG”** the raising and giving group which develops students by providing them with an opportunity to raise funds for charitable causes;
- 5.1.35 **“Referendum”** a ballot in which all Members of the Union are entitled to cast a vote, the protocol for which shall be set out in the By-Laws;
- 5.1.36 **“Remuneration and HR Committee”** the Committee set up in accordance with the Unions By-Laws to develop and recommend the Unions staffing policies; to agree the Chief Executives targets and pay; and to receives reports on any staffing matters that require monitoring;
- 5.1.37 **“Secure Petition”** a written request to the Union which shall be fixed in a pre-arranged place or places or held securely on-line;
- 5.1.38 **“Senior Staff”** means those members of the Unions staff defined as senior by the Chief Executive and the Trustee Board;
- 5.1.39 **“Special Resolution”** any resolution that requires a majority greater than the simple majority required for an ordinary Resolution. Those resolutions that require a greater majority are detailed by the prevailing Companies Act;
- 5.1.40 **“Student”** any individual who is formally registered for an approved programme of study provided by the University of Leicester. For the avoidance of doubt, the University of Leicester shall determine whether or not an individual has student status;
- 5.1.41 **“Student Council”** the Student body elected by and from Students constituted in accordance with these Articles and the By-Laws of the Union;
- 5.1.42 **“Student Trustee”** a Trustee elected in accordance with Article 39.1 who is a Student and who, for the avoidance of doubt, shall not be a major union office holder for the purposes of Section 22 of the Education Act;



- 5.1.43 **“Subsidiary Company”** any company in which the Union holds more than 50% of the shares, controls more than 50% of the voting rights attached to the shares or has the right to appoint a majority of the Board of the company;
- 5.1.44 **“Trustee” and “Trustees”** the Officer Trustees, the Student Trustees, and the External Trustees;
- 5.1.45 **“Union”** the University of Leicester Students’ Union;
- 5.1.46 **“Union Speaker”** the student elected by the members of the Union to chair the Student Council, members meetings and any committees as required by the Unions By-Laws, and who shall not hold any other position or office within the Union;
- 5.1.47 **“writing”** the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise; and
- 5.1.48 **“the University of Leicester”** the University of Leicester incorporated by Royal Charter in 1958, and, unless context dictates otherwise, its representative will be the University Registrar and Secretary.
- 5.2 Words importing the singular shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa.
- 5.3 Subject to Article 5.4, any reference in these Articles to an enactment includes a reference to that enactment as re-enacted or amended from time to time and to any subordinate legislation made under it.
- 5.4 Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Act 2006 as in force on the date when these Articles become binding on the Union.

## PART 2

### KEY CONSTITUTIONAL PROVISIONS

#### 6. **Definitions and Interpretation**

The meanings of any defined terms used in these Articles are set out in Part 1. If any dispute arises in relation to the interpretation of these Articles or any of the By-Laws, it shall be resolved by the Board of Trustees.

#### 7. **Name**

The name of the company is the University of Leicester Students' Union. In these Articles it is called "the Union".

#### 8. **Registered office**

The registered office of the Union is situated in England and Wales.

#### 9. **Objects**

The objects of the Union are the advancement of education of Students at the University of Leicester for the public benefit by:

- 9.1 promoting the interests and welfare of Students at the University of Leicester during their course of study and representing, supporting and advising Students;
- 9.2 being the recognised representative channel between Students and the University of Leicester and any other external bodies; and
- 9.3 providing social, cultural, sporting and recreational activities, and forums for discussions and debate for the personal development of its Students.

#### 10. **Powers**

To further its objects, but not to further any other purpose, the Union may:

- 10.1 provide services and facilities for Members;
- 10.2 establish, support, promote and operate a network of student activities for Members;
- 10.3 support any RAG or similar fundraising activities carried out by its Members for charitable causes, including the provision of administrative support, banking facilities and acting as a holding trustee of any funds raised;
- 10.4 alone or with other organisations:
  - (a) carry out campaigning activities;

- (b) seek to influence public opinion; and
- (c) make representations to, and seek to influence, governmental and other bodies and institutions

regarding the reform, development and implementation of appropriate policies, legislation and regulations, provided that all such activities shall be confined to the activities which an English and Welsh charity may properly undertake and provided that the Union complies with the Education Act and any guidance published by the Charity Commission;

- 10.5 write, make, commission, print, publish or distribute materials or information or assist in its activities;
- 10.6 promote, initiate, develop or carry out education and training and arrange, provide or assist with exhibitions, lectures, meetings, seminars, displays or classes;
- 10.7 promote, encourage, carry out or commission research, surveys, studies or other work and, where appropriate, publish results;
- 10.8 provide or appoint others to provide advice, guidance, representation and advocacy;
- 10.9 co-operate with other charities and bodies and exchange information and advice with them;
- 10.10 become a member, affiliate or associate of other charities and bodies;
- 10.11 support, set up or amalgamate with other charities with objects identical or similar to the Union's objects, and act as or appoint trustees, agents, nominees or delegates to control and manage such charities (including without limitation to act as trustee of any charitable trust of permanent endowment property held for any of the charitable purposes included in the Union's objects);
- 10.12 purchase or acquire all or any of the property, assets, liabilities and engagements of any charity with objects similar to the Union's objects;
- 10.13 pay out of the funds of the Union the costs of forming and registering the Union;
- 10.14 raise funds and invite and receive contributions from any person provided that the Union shall not carry out any taxable trading activities in raising funds;
- 10.15 borrow and raise money on such terms and security as the Union may think suitable including for the purposes of investment or of raising funds (but only in accordance with the restrictions imposed by the various Charities Acts);

- 10.16 purchase, lease, hire or receive property of any kind including land, buildings and equipment and maintain and equip it for use;
- 10.17 sell, manage, lease, mortgage, exchange, dispose of or deal with all or any of its property (but only in accordance with the restrictions imposed by the various Charities Acts);
- 10.18 make grants or loans of money and give guarantees;
- 10.19 set aside funds for special purposes or as reserves against future expenditure;
- 10.20 invest and deal with the Union's money not immediately required for its objects in any investments, securities, or property;
- 10.21 delegate the management of investments to an appropriately experienced and qualified financial expert provided that:
- (a) the investment policy is set down in writing for the financial expert by the Trustees;
  - (b) every transaction is reported promptly to the Trustees;
  - (c) the performance of the investments is reviewed regularly by the Trustees;
  - (d) the Trustees are entitled to cancel the delegation at any time;
  - (e) the investment policy and the delegation arrangements are reviewed at least once a year;
  - (f) all payments due to the financial expert are on a scale or at a level which is agreed in advance and are notified promptly to the Trustees once known; and
  - (g) the financial expert may not do anything outside the powers of the Trustees;
- 10.22 arrange for investments or other property of the Union to be held in the name of a nominee (being a company or a limited liability partnership registered or having an established place of business in England and Wales) under the control of the Trustees or a financial expert acting under their instructions and to pay any reasonable fee required;
- 10.23 lend money and give credit, take security for such loans or credit and guarantee or give security for the performance of contracts by any person or company;

- 10.24 open and operate banking accounts and other facilities for banking and draw, accept, endorse, negotiate, discount, issue or execute negotiable instruments such as promissory notes or bills of exchange;
- 10.25 trade in the course of carrying out any of its objects and carry on any other trade which is not expected to give rise to taxable profits;
- 10.26 establish or acquire subsidiary companies to carry on any trade;
- 10.27 subject to Article 11 (Limitation on private benefits), employ and pay employees and professionals or other advisers;
- 10.28 grant pensions and retirement benefits to employees of the Union and to their dependants and subscribe to funds or schemes for providing pensions and retirement benefits for employees of the Union and their dependants;
- 10.29 pay out of the funds of the Union the cost of any premium in respect of any indemnity insurance to cover the liability of the Trustees (or any of them) which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust or breach of duty of which they may be guilty in relation to the Union, including without limitation any liability to make a contribution to the Union's assets as specified in section 214 of the Insolvency Act 1986 (wrongful trading), provided that no such insurance shall extend to:
- (a) any claim arising from any liability incurred by the Trustees to pay a fine imposed in criminal proceedings or a sum payable to a regulatory authority by way of a penalty in respect of non-compliance with any requirement of a regulatory nature (however arising);
  - (b) any liability incurred by the Trustees in defending any criminal proceedings in which the Trustees are convicted of an offence arising out of any fraud or dishonesty, or wilful or reckless misconduct;
  - (c) any liability incurred by the Trustees to the Union that arises out of any conduct which the Trustees knew (or must reasonably be assumed to have known) was not in the interests of the Union or in the case of which they did not care whether it was in the best interests of the Union or not; or
  - (d) in relation to any liability to make a contribution to the Union's assets as specified in section 214 of the Insolvency Act 1986; any liability to make such a contribution where the basis of the Trustee's liability is his or her knowledge prior to the insolvent liquidation of the Union (or reckless failure to acquire that knowledge) that there was no reasonable prospect that the Union would avoid going into insolvent liquidation; and
- 10.30 do all such other lawful things as shall further the Union's objects.

**11. Limitation on private benefits**

11.1 The income and property of the Union shall be applied solely towards the promotion of its objects.

11.2 Except as provided below no part of the income and property of the Union may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any Member of the Union. This shall not prevent any payment in good faith by the Union of:

11.2.1 any payments made to any Member in their capacity as a beneficiary of the Union;

11.2.2 reasonable and proper remuneration to any Member for any goods or services supplied to the Union provided that if such Member is a Trustee Article 11.3 shall apply;

11.2.3 interest at a reasonable and proper rate on money lent by any Member to the Union; and

11.2.4 any reasonable and proper rent for premises let by any Member to the Union.

11.3 Except as provided below no Trustee may sell goods, services or any interest in land to the Union; be employed by, or receive any remuneration from, the Union; or receive any other financial benefit from the Union. This shall not prevent any payment in good faith by the Union of:

11.3.1 any payments made to any Trustee or Connected Person in their capacity as a beneficiary of the Union;

11.3.2 reasonable and proper out of pocket expenses of the Trustees;

11.3.3 reasonable and proper remuneration to any Officer Trustee or Connected Person for any goods or services supplied to the Union on the instructions of the Trustees provided that:

(a) for the avoidance of doubt, the authorisation under this provision shall extend to the remuneration of Officer Trustees and Connected Persons under contracts of employment with the Union;

(b) subject to Article 11.3.3(a), the authorisation under this provision shall not extend to the service of acting as Trustee;

(c) if the person being remunerated is a Trustee the procedure described in Article 63 (Conflicts of Interest) must be followed in considering the appointment of the Trustee and in relation to

any other decisions regarding the remuneration authorised by this provision;

- (d) if the person being remunerated is a Connected Person the procedure described in Article 63 (Conflicts of Interest) must be followed by the relevant Trustee in relation to any decisions regarding such Connected Person;
- (e) subject to Article 6.6, this provision may not apply to more than half of the Trustees in any financial year (and for these purposes such provision shall be treated as applying to a Trustee if it applies to a person who is a Connected Person in relation to that Trustee); and
- (f) at all times the provisions of the Education Act are complied with;

11.3.4 interest at a reasonable and proper rate on money lent by any Trustee or Connected Person to the Union;

11.3.5 any reasonable and proper rent for premises let by any Trustee or Connected Person to the Union;

11.3.6 reasonable and proper premiums in respect of indemnity insurance effected in accordance with Article 10.29;

11.3.7 any payments made to any Trustee or officer under the indemnity provisions set out at Article 76; and

11.3.8 any payments authorised in writing by the Charity Commission.

11.4 In Articles 11.2 and 11.3, references to the Union shall be read as references to the Union and/or any Subsidiary Company.

11.5 For any transaction authorised by Article 11.3 or Article 11.4, the Trustee's duty (arising under the Companies Act 2006) to avoid a conflict of interest with the Union shall be dis-applied provided the relevant provisions of Article 11.3 or Article 11.4 have been complied with.

11.6 Where a vacancy arises on the Board of Trustees with the result that Article 11.3.3 applies to more than half of the Trustees, the Union may continue to pay remuneration to its Officer Trustees and any Connected Persons receiving remuneration in accordance with Article 11.3.3 provided that the Union uses all reasonable endeavours to fill the vacancy as soon as possible.

## 12. **Liability of Members**

The liability of each Member is limited to £1, being the amount that each Member undertakes to contribute to the assets of the Union in the event of its

being wound up while they are a Member or within one year after they cease to be a Member, for:

- 12.1 payment of the Union's debts and liabilities contracted before they cease to be a Member;
- 12.2 payment of the costs, charges and expenses of winding up; and
- 12.3 adjustment of the rights of the contributories among themselves.

**13. Dissolution**

If any property remains after the Union has been wound up or dissolved and all debts and liabilities have been satisfied, it shall not be paid to or distributed among the Members of the Union. It shall instead be given or transferred to some other charitable institution or institutions having similar objects to those of the Union and which prohibits the distribution of its or their income and property among its or their members to an extent at least as great as these Articles impose upon the Union. The institution or institutions which are to benefit shall be chosen by the Trustees of the Union at or before the time of winding up or dissolution.

**14. Reviewing and Amending the Articles**

- 14.1 The University of Leicester shall review the provisions of the Union's Articles of Association at intervals of not more than five years, as required by the 1994 Education Act.
- 14.2 The approval of the University of Leicester shall be required for any amendments to the Union's Articles of Association.

**PART 2  
MEMBERS**

***BECOMING AND CEASING TO BE A MEMBER***

**15. Becoming a Member**

- 15.1 Until and including the Effective Date, the subscribers to the Memorandum shall be the Members of the Union. Thereafter, the Members of the Union shall be as follows:

- 15.1.1 each and every Student who has not opted out by notifying the University of Leicester that they wish not to be a Member of the Union other than a Student who has been expelled from membership in accordance with Article 16.4; and

- 15.1.2 the Officer Trustees of the Union.



15.2 The names of the Members of the Union shall be entered in the register of Members maintained by the Trustees.

15.3 Members of the Union shall be entitled to the benefits set out in the Code of Practice.

**16. Termination of Membership**

Membership shall not be transferable and shall cease on death. A Member shall cease to be a Member of the Union if:

16.1 they cease to be a registered Student of the University of Leicester;

16.2 they cease to be an Officer Trustee;

16.3 they opt out of membership by giving written notice to the University in accordance with the Unions By-Laws; or

16.4 in the case of Members other than the Officer Trustees, a resolution is passed at a meeting of the Trustees at which at least half of the Trustees are present resolving that the Member be expelled on the ground that their continued membership is harmful to or is likely to become harmful to the interests of the Union. Such a resolution shall not be passed unless the Member has been given at least 14 clear days' notice that the resolution is to be proposed, specifying the circumstances alleged to justify expulsion, and has been afforded a reasonable opportunity of being heard by or of making written representations to the Trustees.

16.5 In the event of a member being expelled from membership there will be an automatic right of appeal to the Appeals Panel.

**17. Associate members**

The Student Council may establish such classes of associate membership with such description and with such rights and obligations as they think fit and may admit and remove such associate members in accordance with the By-Laws provided that no such associate members shall be Members of the Union for the purposes of the Articles or the Companies Acts.

***REFERENDA***

**18. Referenda**

18.1 A Referendum may be called on any issue by:

18.1.1 a resolution of the Trustees;

18.1.2 a majority vote of the Student Council; or

18.1.3 a Secure Petition signed by at least 200 Members.

- 18.2 Subject to Article 46.3, a resolution may only be passed by Referendum if at least 5% or 1000, whichever is the greater of Members cast a vote in the Referendum and a majority of the votes cast are in favour of the resolution.
- 18.3 Referenda shall be conducted in accordance with these Articles and the By-Laws.
- 18.4 Subject to Article 46.3, the Members may set Policy by Referenda. Policy set by Referenda may overturn Policy set by the Student Council but not Policy set by the Members in general meeting.

### ***ANNUAL MEMBERS MEETING***

19. **Annual Members meeting**

The Union shall hold an annual Members' meeting once in each Academic Year which shall be called and held in accordance with the By-Laws. The annual Members' meeting shall be held at such time and place as the Trustees shall think suitable to allow the maximum number of Members to attend. Any annual Members' meeting held under this Article shall not be a general meeting of the Union for the purposes of the Companies Acts.

### ***ORGANISATION OF GENERAL MEETINGS***

20. **General meetings**

The Trustees may call a general meeting at any time. The Trustees must call a general meeting if:

- 20.1 requested to do so by the Members provided such request is signed by at least 10% of Members having the right to attend and vote at general meetings;
- 20.2 required to do so by the Members under the Companies Acts; or
- 20.3 requested to do so by the Student Council provided such request has been approved by a majority vote of the Student Council.

21. **Location of meetings**

All general meetings may be carried out at one single venue or simultaneously at a number of separate venues with a video, audio or other real-time link between all of the venues.

22. **Length of notice**

All general meetings shall be called by either:

- 22.1 at least 14 clear days' notice; or

22.2 shorter notice if it is so agreed by a majority in number of the Members having a right to attend and vote at that meeting. Any such majority shall together represent at least 95% of the total voting rights at that meeting of all the Members.

23. **Contents of notice**

23.1 Every notice calling a general meeting shall specify the place, date, day and time of the meeting, whether it is a general or an annual general meeting, and the general nature of the business to be transacted. If a special resolution is to be proposed, the notice shall include the proposed resolution and specify that it is proposed as a special resolution. In every notice calling a meeting of the Union there must appear with reasonable prominence a statement informing the Member of his or her rights to appoint another person as his or her proxy at a general meeting.

24. **Service of notice**

24.1 Notice of general meetings shall be given to every Member, to the Trustees, to any honorary officer(s) and to the auditors of the Union.

24.2 The proceedings at a meeting shall not be invalidated because a person who was entitled to receive notice of the meeting did not receive it because of an accidental omission by the Union.

25. **Quorum**

25.1 No business shall be transacted at any general meeting unless a quorum is present.

25.2 150 persons entitled to vote upon the business to be transacted (each being a Member or a proxy for a Member) shall be a quorum.

25.3 If a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such other day, time and place as the Trustees may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting those present and entitled to vote shall be a quorum.

26. **Chairing general meetings**

The Union Speaker shall preside as chair of the meeting. In their absence the Members present and entitled to vote shall choose one of their number to be chair of the meeting save that a proxy holder who is not a Member entitled to vote shall not be entitled to be appointed chair of the meeting.

**27. Attendance and speaking by Trustees and non-Members**

- 27.1 A Trustee may, even if not a Member, attend and speak at any general meeting.
- 27.2 An honorary officer may, even if not a Member, attend and speak at any general meeting.
- 27.3 The chair of the meeting may permit other persons who are not Members of the Union to attend and speak at any general meeting.
- 27.4 Trustees that are not members, honorary officers who are not members and any other invited persons who are not members may not vote at any general meeting.

**28. Adjournment**

- 28.1 The chair of the meeting may adjourn a general meeting at which a quorum is present if:
  - 28.1.1 the meeting consents to an adjournment; or
  - 28.1.2 it appears to the chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or to ensure that the business of the meeting is conducted in an orderly manner.
- 28.2 The chair of the meeting must adjourn a general meeting if directed to do so by the meeting.
- 28.3 When adjourning a general meeting, the chair of the meeting must:
  - 28.3.1 either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the Trustees; and
  - 28.3.2 have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- 28.4 If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the Union must give at least seven clear days' notice of it:
  - 28.4.1 to the same persons to whom notice of the Union's general meetings is required to be given; and
  - 28.4.2 containing the same information which such notice is required to contain.
- 28.5 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

## **VOTING AT GENERAL MEETINGS**

### **29. Voting: general**

A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the Articles.

### **30. Poll**

30.1 A poll on a resolution may be demanded:

30.1.1 in advance of the general meeting where it is to be put to the vote; or

30.1.2 at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.

30.2 A poll may be demanded by:

30.2.1 the chair of the meeting;

30.2.2 the Trustees;

30.2.3 two or more persons having the right to vote on the resolution;

30.2.4 any person who, by virtue of being appointed proxy for one or more Members having the right to vote at the meeting, holds two or more votes; or

30.2.5 a person or persons representing not less than one tenth of the total voting rights of all the Members having the right to vote on the resolution.

30.3 A demand for a poll may be withdrawn if:

30.3.1 the poll has not yet been taken; and

30.3.2 the chair of the meeting consents to the withdrawal.

30.4 Polls must be taken immediately and in such manner as the chair of the meeting directs.

### **31. Voting**

31.1 On a show of hands every person present and entitled to vote shall have a maximum of one vote. On a poll every Member present in person or by proxy shall have one vote.

31.2 In the case of an equality of votes, whether on a show of hands or on a poll, the chair of the meeting shall be entitled to a casting vote only.

**32. Errors and disputes**

- 32.1 No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid.
- 32.2 Any such objection must be referred to the chair of the meeting whose decision is final.

**33. Content of proxy notices**

- 33.1 Proxies may only validly be appointed by a notice in writing (a “proxy notice”) which:

- 33.1.1 states the name and address of the Member appointing the proxy;
- 33.1.2 identifies the person appointed to be that Member’s proxy and the general meeting in relation to which that person is appointed;
- 33.1.3 is signed by or on behalf of the Member appointing the proxy, or is authenticated in such manner as the Trustees may determine; and
- 33.1.4 is delivered to the Union in accordance with the Articles and any instructions contained in the notice of the general meeting to which they relate.

- 33.2 The Union may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

- 33.3 Proxy notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.

- 33.4 Unless a proxy notice indicates otherwise, it must be treated as:

- 33.4.1 allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
- 33.4.2 appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

**34. Amendments to resolutions**

- 34.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:

- 34.1.1 notice of the proposed amendment is given to the Union in writing by a person entitled to vote at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the chair of the meeting may determine); and

- 34.1.2 the proposed amendment does not, in the reasonable opinion of the chair of the meeting, materially alter the scope of the resolution.
- 34.2 A special resolution to be proposed at a general meeting may be amended by ordinary resolution, if:
- 34.2.1 the chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
- 34.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 34.3 If the chair of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the chair's error does not invalidate the vote on that resolution.

## **WRITTEN RESOLUTIONS**

### **35. Written Resolutions**

- 35.1 Subject to Article 35.5, a written resolution of the Union passed in accordance with this Article 35 shall have effect as if passed by the Union in general meeting.
- 35.2 A written resolution is passed as an ordinary resolution if it is passed by a simple majority of the total voting rights of eligible Members.
- 35.3 A written resolution is passed as a special resolution if it is passed by Members representing not less than 75% of the total voting rights of eligible Members. A written resolution is not a special resolution unless it states that it was proposed as special resolution.
- 35.4 In relation to a resolution proposed as a written resolution of the Union the eligible Members are the Members who would have been entitled to vote on the resolution on the circulation date of the resolution.
- 35.5 A Members' resolution under the Companies Acts removing a Trustee or an auditor before the expiration of his or her term of office may not be passed as a written resolution.
- 35.6 A copy of the written resolution must be sent to every Member together with a statement informing the Member how to signify their agreement to the resolution and the date by which the resolution must be passed if it is not to lapse. Communications in relation to written resolutions shall be sent to the Union's auditors in accordance with the Companies Acts.
- 35.7 A Member signifies their agreement to a proposed written resolution when the Union receives from them a authenticated document identifying the

resolution to which it relates and indicating his or her agreement to the resolution provided that:

35.7.1 if the document is sent to the Union in hard copy form, it is authenticated if it bears the Member's signature; and

35.7.2 if the document is sent to the Union by electronic means, it is authenticated if the identity of the Member is confirmed in a manner specified by the Trustees.

35.8 A written resolution is passed when the required majority of eligible Members have signified their agreement to it.

35.9 A proposed written resolution lapses if it is not passed within 48 days beginning with the circulation date.

### **PART 3**

#### **TRUSTEES**

##### ***APPOINTMENT AND RETIREMENT OF TRUSTEES***

#### **36. Composition of the Board of Trustees**

36.1 The overall composition of the Board shall be formed of Students and Members of the charity.

36.2 All vacancies of any category of Trustee shall be filled in accordance with these Articles and any related By-Laws and regulations and shall be filled at the earliest reasonable opportunity.

#### **37. Appointment of Trustees**

Those persons notified to the Registrar of Companies as the first directors of the Union shall be the first Trustees until and including the Effective Date. Thereafter, the Trustees shall be made up of the following persons:

37.1 not more than six Officer Trustees, elected in accordance with Article 38;

37.2 not more than one Student Trustee, elected in accordance with Article 39;

37.3 not more than five External Trustees, appointed in accordance with Article 40.

#### **38. Officer Trustees**

38.1 Up to six Officer Trustees shall be elected by secret ballot by the Members of the Union at an election to be held in accordance with the By-Laws. The Officer Trustees shall be elected to posts, one of whom shall be designated the Lead Officer Trustee, as set out in the By-Laws.



38.2 The Officer Trustees shall remain in office for a term of one year commencing in accordance with the By-Laws. The term of office may be shorter or longer on a transitional basis to coincide with an alteration of the year start or end. Subject to a transitional change in the year of office, an Officer Trustee may be re-elected for a maximum further term of one year by the Members of the Union at an election to be held in accordance with the By-Laws. For the avoidance of doubt, an Officer Trustee's terms of office may be either consecutive or non-consecutive.

38.3 Each Officer Trustee must be a Student or an Officer Trustee at the time of their election. An Officer Trustee shall become a Member of the Union on commencement of his or her appointment or re-appointment as an Officer Trustee. Such membership shall cease when the Officer Trustee ceases to be an Officer Trustee.

38.4 The Officer Trustees shall be deemed to be "major union office holders" for the purposes of Section 22 of the Education Act.

38.5 At the same time as commencing the term of office as a Trustee, an Officer Trustee will enter into a contract of employment with the Union for a term to be determined by the By-Laws. The duties and method of remuneration of each Officer Trustee shall be as set out in the By-Laws.

#### **39. Student Trustees**

39.1 Subject to Article 39.2 below, up to one Student Trustee shall be elected by a two thirds majority vote of the Student Council from such persons as have been nominated by the Nominations Committee.

39.2 A Student Trustee must be a Student at the time of his or her election (and shall continue to be a Student for the duration of their term as a Student Trustee) and may not hold any other offices or positions of responsibility within the Union and shall not be remunerated.

39.3 A Student Trustee shall remain in office for a term of one year commencing in accordance with the By-Laws. The term of office may be shorter or longer on a transitional basis to coincide with the alteration of the year start or end.

39.4 A Student Trustee may serve a maximum of two terms that may either be consecutive or non-consecutive.

#### **40. External Trustees**

40.1 Up to five External Trustees shall be appointed by a simple majority vote of the Nominations Committee provided that the appointment of each External Trustee is ratified by a two thirds majority vote of the Student Council. For the avoidance of doubt, such appointment shall not take effect until it has been ratified by the Student Council.

40.2 Unless their appointment is terminated in accordance with Articles 41 to 44, External Trustees shall remain in office for a term of up to four years commencing in accordance with the By-Laws.

40.3 External Trustees may serve for a maximum of two terms that may either be consecutive or non-consecutive.

**41. Disqualification, Resignation and Removal of Trustees**

The office of a Trustee shall be vacated if:

41.1 that person ceases to be a Trustee by virtue of any provision of the Companies Act 2006 or is prohibited from being a company director by law;

41.2 they become prohibited by law from being a charity trustee;

41.3 in the case of an Officer Trustee, they cease to be an employee of the Union;

41.4 in the case of a Student Trustee, they cease to be a Student;

41.5 they resign by notice to the Union (but only if at least five Trustees will remain in office when the notice of resignation is to take effect), and that resignation has been accepted by the remaining Trustees;

41.6 the Trustees reasonably believe that they are suffering from mental or physical disorder and is incapable of acting as a Trustee and they resolve that they be removed from office;

41.7 they fail to attend three consecutive meetings of the Trustees and in the opinion of the Trustees there are no mitigating circumstances for that failure and the Trustees therefore resolve that they be removed for this reason;

41.8 they are removed from office under Article 42 or 43; or

41.9 they are removed as a member under Article 16.4.

**42. Removal of Trustees by the Student Council**

42.1 The office of Trustee shall be vacated if a motion of no confidence in the Trustee is passed by a two-thirds majority in a vote of the Student Council.

**43. Suspension of Trustees by the Board**

43.1 The office of Trustee shall be suspended if a majority resolution of no confidence is passed by the Trustees. For the avoidance of doubt, the Trustee concerned and any Trustee who has a Conflict of Interest in relation to the matter shall not vote on this resolution and the quorum shall be adjusted accordingly in accordance with Article 59. The Trustees must, at all times, ensure such action is taken for reasonable causes.

43.2 The resolution of no confidence shall then be presented to the Student Council to consider a motion of no confidence, which, if passed, would cause the Trustee to be removed from office.

43.3 If the Student Council does not pass the vote of no confidence the Trustee will continue their role as a Trustee.

**44. Rights of Removed Trustee**

44.1 A resolution to remove a Trustee in accordance with Article 42 shall not be passed unless the Trustee concerned has been given at least 14 clear days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been afforded a reasonable opportunity of being heard by or, at the option of the Trustee concerned, of making written representations to the Trustees.

44.2 A Trustee removed from office in accordance with Article 42 shall be entitled to appeal the decision to remove them to the Appeals Panel within 14 days of the resolution.

**45. Replacement of Trustees**

45.1 If an Officer Trustee resigns, is disqualified or is removed from office at any time prior to the commencement of the Academic Year, the vacancy that results on the Board of Trustees shall be filled in accordance with the By-Laws.

45.2 If an Officer Trustee resigns, is disqualified or is removed from office after the commencement of the Academic Year the vacancy shall be filled in accordance with Article 38. Any person elected under this Article may be required to assume the responsibilities of the Officer Trustee.

45.3 If a Student Trustee resigns, is disqualified or is removed from office, a Student may be elected to the vacancy in accordance with Article 39.

45.4 If an External Trustee resigns, is disqualified or is removed from office, an External Trustee shall be appointed to the vacancy in accordance with Article 40.1.

***TRUSTEES' POWERS AND RESPONSIBILITIES***

**46. Trustees' general authority**

46.1 The Board of Trustees shall be ultimately responsible for the management and administration of the Union and (subject to the Education Act, these Articles and the By-Laws) may exercise all the powers of the Union.

- 46.2 The Board's powers under Article 46.1 shall include but not be limited to responsibility for:
- 46.2.1 the governance of the Union;
  - 46.2.2 the budget of the Union; and
  - 46.2.3 the strategy of the Union and its associated statements of operational policy.
- 46.3 The Board of Trustees may override any decision or Policy made by the Members by ordinary resolution in general meeting or by Referendum or by the Student Council which the Trustees consider (in their absolute discretion):
- 46.3.1 has or may have any potentially adverse financial implications for the Union;
  - 46.3.2 is or may be in breach of, contrary to or otherwise inconsistent with charity or education law or any other legal requirements (including ultra vires);
  - 46.3.3 is not or may not be in the best interests of the Union or all or any of its charitable objects; or
  - 46.3.4 will or may otherwise affect the discharge of any or all of the responsibilities referred to in Article 46.2.
- 46.4 No alteration of these Articles or the By-Laws shall invalidate any prior act of the Trustees which would have been valid if that alteration had not been made.
- 46.5 All acts done by a meeting of Trustees, or of a committee of the Trustees, shall be valid, even if it is later discovered that any Trustee who participated in the vote:
- 46.5.1 was not properly appointed;
  - 46.5.2 was disqualified from holding office;
  - 46.5.3 had vacated office; or
  - 46.5.4 was not entitled to vote.
47. **Trustees may delegate**
- 47.1 Subject to the Articles, the Trustees may delegate any of their powers or the implementation of any of their resolutions to to such person or committee; by such means (including by power of attorney); to such an extent;
- 47.1.1 in relation to such matters or territories; and

- 47.1.2 on such terms and conditions as they think fit
- 47.2 all delegations shall be revocable at any time.
- 47.3 If the Trustees so specify, any such delegation may authorise further delegation of the Trustees' powers by any person to whom they are delegated.
- 48. **Powers reserved to the Board**
  - 48.1 The following matters are reserved by the Board of Trustees and cannot be delegated:
    - 48.1.1 Approval of the appointment or removal of the Chief Executive
    - 48.1.2 Approval of the annual accounts
    - 48.1.3 Approval of accounting policies
    - 48.1.4 Approval of the strategic plan and annual plans
    - 48.1.5 All authority to delegate the powers or responsibilities of the Board.
- 49. **Committees**
  - 49.1 In the case of delegation to committees:
    - 49.1.1 the resolution making the delegation shall specify those who shall serve or be asked to serve on such committee (although the resolution may allow the committee to make co-options up to a specified number);
    - 49.1.2 subject to Article 49.3, the composition of any such committee shall be entirely in the discretion of the Trustees and may comprise such of their number (if any) as the resolution may specify;
    - 49.1.3 the deliberations of any such committee shall be reported regularly to the Trustees and any resolution passed or decision taken by any such committee shall be reported promptly to the Trustees and for that purpose every committee shall appoint a secretary;
    - 49.1.4 no committee shall knowingly incur expenditure or liability on behalf of the Union except where authorised by the Trustees or in accordance with a budget which has been approved by the Trustees.
  - 49.2 The Trustees shall establish the following committees (which is a non-exhaustive list) in accordance with their powers under Articles 47 and 49.1:
    - 49.2.1 Management Board (as further described in Article 51);
    - 49.2.2 Nominations Committee;

49.2.3 Finance Committee; and

49.2.4 Remuneration and HR Committee.

49.3 For the avoidance of doubt, the Trustees may (in accordance with Articles 47 and 49.1) delegate all financial matters to any committee provided that such committee shall include at least one Trustee. The Trustees may empower such committee to resolve upon the operation of any bank account according to such mandate as it shall think fit provided that the signature of at least one Trustee shall be required for cheques above a certain amount as set out in the By-Laws and provided always that no committee shall incur expenditure on behalf of the Union except in accordance with a budget which has been approved by the Trustees.

49.4 The meetings and proceedings of any committee shall be governed by the Articles regulating the meetings and proceedings of the Trustees so far as applicable and not superseded by any By-Laws.

50. **Delegation of day-to-day management powers to the Chief Executive**

In the case of delegation of the day-to-day management of the Union to the Chief Executive:

50.1 the delegated power shall be to manage the Union by implementing the policy and strategy adopted by and within a budget approved by the Trustees and if applicable to advise the Trustees in relation to such policy, strategy and budget;

50.2 the Trustees shall provide the Chief Executive with a description of his or her role and the extent of his or her authority;

50.3 the Chief Executive shall report regularly to the Trustees on the activities undertaken in managing the Union and provide them regularly with management accounts sufficient to explain the financial position of the Union; and

50.4 the Trustees shall provide the Chief Executive with a performance management structure to aid his or her work plan and development.

51. **Management Board**

51.1 Unless the Trustees determine otherwise, the Management Board shall include as full voting members:

51.1.1 the Officer Trustees;

51.1.2 the Senior Staff members of the Union (as agreed by the Trustees); and

51.1.3 other co-opted members as agreed by the Board of Trustees.

51.2 The Management Board's responsibility shall not include the duties of the Trustees as set out in Articles 46 and 48 but shall be responsible for the co-ordination of the Union's activity on a day-to-day basis and to assist the Chief Executive in the operational management of the Union.

51.3 The Management Board shall meet in accordance with the By-Laws.

### ***DECISION-MAKING BY TRUSTEES***

#### **52. Trustees to take decisions collectively**

Any decision of the Trustees must be either a majority decision at a meeting or a decision taken in accordance with Article 62.

#### **53. Meetings of the Trustees**

53.1 The Trustees shall hold a minimum of four meetings in any Academic Year.

53.2 Guests or observers can attend meetings of the Trustees at the discretion the meeting.

#### **54. Calling a Trustees' meeting**

Two Trustees may, and the Chief Executive at the request of two Trustees shall, call a Trustees' meeting.

#### **55. Length of Notice**

A Trustees' meeting shall be called by at least seven clear days' notice unless either:

55.1 all the Trustees agree; or

55.2 urgent circumstances require shorter notice.

#### **56. Contents of Notice**

Every notice calling a Trustees' meeting shall specify:

56.1 the place, date, day and time of the meeting;

56.2 the general particulars of all business to be considered at such meeting; and

56.3 if it is anticipated that Trustees participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

#### **57. Service of Notice**

Notice of Trustees' meetings shall be given to each Trustee, but need not be in writing. Notice of Trustees' meetings may be sent by electronic means to an address provided by the Trustee for the purpose.

**58. Participation in Trustees' meetings**

58.1 Subject to the Articles, Trustees participate in a Trustees' meeting, or part of a Trustees' meeting, when:

- (a) the meeting has been called and takes place in accordance with the Articles; and
- (b) they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.

58.2 In determining whether Trustees are participating in a Trustees' meeting, it is irrelevant where any Trustee is or how they communicate with each other.

58.3 If all the Trustees participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them are.

**59. Quorum for Trustees' meetings**

59.1 At a Trustees' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.

59.2 The quorum for Trustees' meetings until and including the Effective Date shall be three. Thereafter, the quorum for Trustees' meetings may be fixed from time to time by a decision of the Trustees, but it must never be less than five. Unless otherwise fixed, the quorum shall be five and such quorum must include at least two Officer Trustees, and at least two External Trustees (where two or more are appointed). 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.

59.3 If the total number of Trustees for the time being is less than the quorum required, the Trustees must not take any decision other than a decision to increase the number of Trustees including by calling for an election so as to enable the Members or the Student Council (as the case may be) to elect further Trustees, or for the Nominations Committee to vote on an appointment for ratification by the Student Council.

**60. Chair and Deputy Chair**

60.1 The Trustees shall appoint an External Trustee to be Chair of the Trustees and may at any time remove them from Office.



60.2 The Lead Officer Trustee shall be the Deputy Chair of the Trustees. The role of the Deputy Chair will be to support, guide and assist the Chair.

60.3 In the absence of the Chair and the Deputy Chair, another Trustee appointed by the Trustees present shall preside as chair of the meeting.

61. **Casting vote**

Questions arising at a Trustees' meeting shall be decided by consensus or a majority of votes. In the case of an equality of votes, the chair of the meeting shall be entitled to a casting vote in addition to any other vote they may have.

62. **Decisions without a meeting**

62.1 The Trustees may take a unanimous decision without a Trustees' meeting by indicating to each other by any means, including without limitation by electronic means, that they share a common view on a matter. Such a decision may, but need not, take the form of a resolution in writing, copies of which have been signed by each Trustee or to which each Trustee has otherwise indicated agreement in writing.

62.2 A decision which is made in accordance with Article 62.1 shall be as valid and effectual as if it had been passed at a meeting duly convened and held, provided the following conditions are complied with:

62.2.1 approval from each Trustee must be received by one person being either such person as all the Trustees have nominated in advance for that purpose or such other person as volunteers if necessary ("the Recipient"), which person may, for the avoidance of doubt, be one of the Trustees;

62.2.2 following receipt of responses from all of the Trustees, the Recipient shall communicate to all of the Trustees by any means whether the resolution has been formally approved by the Trustees in accordance with this Article;

62.2.3 the date of the decision shall be the date of the communication from the Recipient confirming formal approval; and

62.2.4 the Recipient must prepare a minute of the decision in accordance with Article 71.

63. **Conflicts of interest**

63.1 Whenever a Trustee finds themselves in a situation that is reasonably likely to give rise to a Conflict of Interest, they must declare their interest to the Trustees unless, or except to the extent that, the other Trustees are or ought reasonably to be aware of it already.

63.2 Whenever a matter is to be discussed at a meeting or decided in accordance with Article 62 and a Trustee has a Conflict of Interest in respect of that matter then, subject to Article 64, they must:

63.2.1 remain only for such part of the meeting as in the view of the other Trustees is necessary to inform the debate;

63.2.2 not be counted in the quorum for that part of the meeting ; and

63.2.3 withdraw during the vote and have no vote on the matter.

63.3 If any question arises as to whether a Trustee has a Conflict of Interest, the question shall be decided by a majority decision of the other Trustees.

63.4 When a Trustee has a Conflict of Interest which they have declared to the Trustees, they shall not be in breach of their duties to the Union by withholding confidential information from the Union if to disclose it would result in a breach of any other duty or obligation of confidence owed by them.

**64. Trustees' power to authorise a conflict of interest**

64.1 The Trustees may (subject to such terms as they may impose from time to time, and subject always to their right to vary or terminate such authorisation) authorise, to the fullest extent permitted by law:

64.1.1 any matter which would otherwise result in a Trustee infringing on their duty to avoid a situation in which they have a Conflict of Interest; and

64.1.2 the manner in which a Conflict of Interest arising out of any Trustee's office, employment or position may be dealt with and, for the avoidance of doubt, they can decide that the Trustee with a Conflict of Interest can participate in a vote on the matter and can be counted in the quorum

provided that when deciding to give such authorisation the provisions of Article 64 shall be complied with and provided that nothing in this Article shall have the effect of allowing the Trustees to authorise a benefit that is not permitted in accordance with the Articles.

64.2 If a matter, or office, employment or position, has been authorised by the Trustees in accordance with this Article then, even if they have been authorised to remain at the meeting by the other Trustees, the Trustee may absent themselves from meetings of the Trustees at which anything relating to that matter, or that office, employment or position, will or may be discussed.

64.3 A Trustee shall not be accountable to the Union for any benefit which they derive from any matter, or from any office, employment or position, which has

been authorised by the Trustees in accordance with this Article (subject to any limits or conditions to which such approval was subject).

**65. Register of Trustees' interests**

The Trustees shall cause a public register of Trustees' interests to be kept. A Trustee must declare the nature and extent of any interest, direct or indirect, which they have in a proposed transaction or arrangement with the Union or in any transaction or arrangement entered into by the Union which has not previously been declared.

**PART 4**

**STUDENT COUNCIL**

**66. Student Council**

66.1 The Student Council shall have the authority to:

66.1.1 represent the interests and opinions of the students at the University of Leicester both within the University and to the wider community;

66.1.2 subject to Article 46.3, set the Policy of the Union and refer Policy to Referenda of the Members (in accordance with the By-Laws);

66.1.3 establish and delegate functions to such other committees and working groups as may be required and to establish suitable by-laws for the management and terms of reference of such committees and working groups including an appropriate committee to ensure the efficient and democratic operation of the Charity, if required;

66.1.4 question its Executive Committee and other Committees on any issue

66.1.5 make, repeal and amend the By-Laws jointly with the Trustees in accordance with Article 14

66.1.6 receive a quarterly report from the Trustees; and

66.1.7 appoint associate members in accordance with Article 17 and the By-Laws.

66.2 The composition and proceedings of the Student Council shall be set out in the By-Laws. No Member may hold more than one seat on the Student Council at any one time.

66.3 The Union Speaker, who shall be elected by a cross campus ballot, shall chair Student Council.

66.4 Trustees of the Union may attend the Student Council but may not be voting members of it.

**67. Executive Committee of the Student Council**

67.1 The Officer Trustees of the Union shall meet in accordance with the By-Laws of the Union as the Executive Committee of Council.

67.2 The responsibility of the Executive Committee shall include:

67.2.1 Promoting the rights of the membership both with the University and in the wider community;

67.2.2 Campaigning on those issues that are relevant and important to the membership;

67.2.3 Co-ordinating the representational functions for the Union and ensuring the views of the membership are heard and understood.

67.2.4 Assuming the powers and duties of the Student Council and its other committees during the University vacations.

**PART 5**

**ADMINISTRATIVE ARRANGEMENTS AND MISCELLANEOUS PROVISIONS**

**68. By-Laws**

68.1 The Trustees and the Student Council shall have the power from time to time to jointly make, repeal or amend By-Laws as to the management of the Union and its working practices provided that such By-Laws shall not be inconsistent with these Articles.

68.2 These By-Laws will include:

68.2.1 The arrangements for the admission and classification of members of the Union, and the rights and privileges of such members.

68.2.2 The conduct of members of the Union in relation to one another, and to the Union's officers, servants and agents.

68.2.3 The procedure at General Meetings and meetings of the Trustees, management committees and Student Council meetings in so far as such procedure is not regulated by these Articles.

68.2.4 The conduct of elections in so far as such procedure is not regulated by these Articles.

68.2.5 And, generally, all such matters that are commonly the subject matter of Charity and Union rules.

68.3 The Student Council shall present any changes to By-Laws to the Board of Trustees who may refer the changes back to the Student Council for reconsideration. In the event of a dispute regarding the By-Laws the opinion of the Board of Trustees will prevail.

68.4 Those By-Laws that relate to elections and financial procedures will also require the approval of the University in order for it to fulfil its regulatory obligations under the 1994 Education Act.

68.5 The Unions By-Laws and constitution shall be subject to review by the Trustees on a continuing basis, and University at least once in every five years.

68.6 All changes to the By-Laws, once approved, shall have immediate effect.

**69. Communications by and to the Union**

69.1 Subject to the provisions of the Companies Acts and these Articles a document or information (including any notice) to be given, sent or supplied to any person may be given, sent or supplied in hard copy form, in electronic form or (in the case of communications by the Union) by making it available on a website, provided that:

69.1.1 a document or information (including any notice) may only be given, sent or supplied in electronic form where the recipient has agreed (generally or specifically) that the document or information may be sent in that form and has not revoked that agreement; and

69.1.2 a document or information (including any notice) may only be given, sent or supplied by being made available on a website if:

(a) the recipient has agreed (generally or specifically) that the document or information may be sent or supplied in that manner; or

(b) the recipient is deemed to have so agreed in accordance with the Companies Acts.

69.2 Any document or information (including any notice) sent to a Member under the Articles may be sent to the Member's postal address as shown in the Union's register of Members or (in the case of documents or information sent by electronic means) to an address specified for the purpose by the Member, provided that:

69.2.1 a Member whose registered address is not within the United Kingdom and who gives to the Union an address within the United Kingdom at which notices may be given to them, or an address to which notices may be sent by electronic means, shall be entitled to have notices given to them at that address, but otherwise no such Member shall be entitled to receive any notice from the Union; and

- 69.2.2 the Union is not required to send notice of a general meeting or a copy of its annual report and accounts to a Member for whom it no longer has a valid address.
- 69.3 Any document to be served on the Union by a Member under the Articles may be served:
- 69.3.1 in the case of documents in hard copy form, by sending or delivering them to the Union's registered office or delivering them personally to an officer or Trustee of the Union; or
- 69.3.2 in the case of documents in electronic form, by sending them by electronic means to an address notified to the Members for that purpose provided that the Trustees are satisfied as to the identity of the Member (and the Trustees have discretion to specify how such identity should be confirmed).
- 69.4 A Member present in person or by proxy at any meeting of the Union shall be deemed to have received notice of the meeting and, where requisite, of the purpose for which it was called.
- 69.5 Where any document or information is sent or supplied:
- 69.5.1 by post, service or delivery shall be deemed to be effected at the expiration of 72 hours after the envelope containing it was posted. In proving such service or delivery it shall be sufficient to prove that such envelope was properly addressed and posted;
- 69.5.2 by electronic means to an address specified for the purpose by the intended recipient, service or delivery shall be deemed to be effected on the same day on which it is sent or supplied. In proving such service it shall be sufficient to prove that it was properly addressed; and
- 69.5.3 by means of a website, service or delivery shall be deemed to be effected when:
- (a) the material is first made available on the website; or
- (b) (if later) when the recipient received or is deemed to have received notification of the fact that the material was available on the website.
- 69.6 Where any document or information has been sent or supplied by the Union by electronic means and the Union receives notice that the message is undeliverable:
- 69.6.1 if the document or information has been sent to a Member and is notice of a general meeting of the Union or a copy of the annual report and accounts of the Union, the Union is under no obligation to send a

hard copy of the document or information to the Member's postal address as shown in the Union's register of Members, but may in its discretion choose to do so; and

69.6.2 in all other cases, the Union will send a hard copy of the document or information to the Member's postal address as shown in the Union's register of Members, or in the case of a recipient who is not a Member, to the last known postal address for that person.

69.6.3 the date of service or delivery of the documents or information shall be the date on which the original electronic communication was sent, notwithstanding the subsequent sending of hard copies.

## 70. **Secretary/Chief Executive**

70.1 A Secretary may be appointed by the Trustees for such term at such remuneration and upon such conditions as they may think fit, and may be removed by them. Normally the role of Secretary will be assumed by the Chief Executive. If there is no Secretary/Chief Executive:

70.1.1 anything authorised or required to be given or sent to, or served on, the Union by being sent to its Secretary may be given or sent to, or served on, the Union itself, and if addressed to the Secretary shall be treated as addressed to the Union; and

70.1.2 anything else required or authorised to be done by or to the Secretary of the Union may be done by or to a Trustee, or a person authorised generally or specifically in that behalf by the Trustees.

70.2 The Secretary/Chief Executive shall report to the Lead Officer Trustee.

## 71. **Minutes**

71.1 The Trustees shall cause minutes to be made in books kept for the purpose:

71.1.1 of all appointments of officers made by the Trustees;

71.1.2 of all resolutions of the Union and of the Trustees; and

71.1.3 of all proceedings at meetings of the Union and of the Trustees, and of committees of Trustees, including the names of the Trustees present at each such meeting

and any such minute, if purported to be signed (or in the case of minutes of Trustees' meetings signed or authenticated) by the chair of the meeting at which the proceedings were had, or by the chair of the next succeeding meeting, shall, as against any Member or Trustee of the Union, be sufficient evidence of the proceedings.

71.2 The minutes referred to in Article 71.1 above must be kept for at least ten years from the date of the meeting, resolution or decision.

71.3 The minutes of the meetings referred to in Article 71.1 above shall normally be considered open and shall be available to the Members on the Union's website, except where those minutes relate to any reserved or confidential matters, including without limitation staff-related or disciplinary matters. Copies of the minutes shall also be kept in the Union's offices.

## 72. **Records and accounts**

72.1 The Trustees shall comply with the requirements of the Companies Acts and of the Charities Act 1993 as to maintaining a Members' register, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Charity Commission of:

72.1.1 annual reports;

72.1.2 annual returns; and

72.1.3 annual statements of account.

72.2 The Members of the Union have the right to ask the Trustees questions in writing about the content of any documents referred to in Article 72.1.

## 73. **Irregularities**

The proceedings at any meeting or on the taking of any poll or the passing of a written resolution or the making of any decision shall not be invalidated by reason of any accidental informality or irregularity (including any accidental omission to give or any non-receipt of notice) or any want of qualification in any of the persons present or voting or by reason of any business being considered which is not specified in the notice unless a provision of the Companies Acts specifies that such informality, irregularity or want of qualification shall invalidate it.

## 74. **Honorary Officers**

The Trustees may appoint and remove any individual(s) as Honorary Officer(s) of the Union and on such terms as they shall think fit. An honorary officer shall have the right to be given notice of, to attend and speak (but not vote) at any general meeting of the Union as if a Member and shall also have the right to receive accounts of the Union when available to Members.

## 75. **Exclusion of model articles**

The relevant model articles for a company limited by guarantee are hereby expressly excluded.



## ***TRUSTEES' INDEMNITY***

### **76. Indemnity**

Without prejudice to any indemnity to which a Trustee may otherwise be entitled, every Trustee shall and every other officer or auditor of the Union may be indemnified out of the assets of the Union against any liability incurred by them in defending any proceedings, whether civil or criminal, in which judgment is given in their favour or in which they are acquitted or in connection with any application in which relief is granted to them by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Union, and against all costs, charges, losses, expenses or liabilities incurred by them in the execution and discharge of their duties or in relation thereto.

## II MEMORANDUM OF ASSOCIATION OF THE UNIVERSITY OF LEICESTER STUDENTS' UNION

The Companies Act 2006

### Company Limited by Guarantee and not having a Share Capital

#### Memorandum of Association of the University of Leicester Students' Union

Each subscriber to this Memorandum of Association wishes to form a company under the Companies Act 2006 and agrees to become a Member of the company.

---

*Name of each subscriber*

*Authentication by each subscriber*

---

***Insert names of subscribers***

**Signature:**

WITNESS to above signature:

Signature:

Name:

Address:

---

Dated:

For the purpose of these By-Laws:

- University of Leicester Students' Union shall be referred to as 'Leicester Students' Union.
- Student Council Officers shall be referred to as Students' Union Representatives.
- Union Speaker shall be referred to as Student Council Chair.
- Management Board shall be referred to as Strategic Leadership Team

These By-Laws shall not be interpreted in any way to overrule the Memorandum and Articles of Association.

## **BY-LAWS OF THE UNION**

### **REFERENDA**

1. A Referendum may be called on any issue by a:
  - 1.1 Resolution of the Trustees
  - 1.2 Majority vote of Student Council, subject to notification being received at least four working days before the meeting.
  - 1.3 Secure petition signed by at least two hundred members
2. General
  - 2.1 Subject to Memorandum and Articles of Association, article 41.3, a resolution may only be passed by a Referendum if at least 5% or one thousand, whichever is the greater, of members cast a vote in the Referendum and a majority of the votes cast are in favour of the resolution.
  - 2.2 All Union Referendums shall be the responsibility of the Independent Returning Officer, this for the avoidance of doubt, can be the same person as who has overall responsibility for Union Elections.
  - 2.3 The Board of Trustees shall appoint a senior staff member as the Deputy Returning Officer to oversee the operation of Referendums.
  - 2.4 Scrutiny Committee shall agree the wording of the question, rules and timetables for the referendum subject to:-

- 2.4.1 At least five working days' notice to members that the referendum is been held, this period shall include the opportunity for students to join or form campaign teams
- 2.4.2 There shall be a period of at least seven working days between the submission deadline for referendum materials and their publication:-
- 2.4.3 During this period an independent fact checker (appointed by Scrutiny Committee) will:-
  - 2.4.3.1 Independently review all claims made within campaign materials, requesting all source material
  - 2.4.3.2 Investigate veracity of source material; working with any relevant third party bodies where they can assisted
  - 2.4.3.3 Highlight to campaign teams where claims may need retracting or clearly presenting as matters of opinion, rather than fact
- 2.4.4 Campaign team materials will not be published by the Students' Union until they have been approved by the Fact Checker.
- 2.4.5 An appeal is able to be submitted, with regard to a decision by the fact checker; this is required to be submitted in writing to the IRO, the deadline for the submission of an appeal is one hour after the close of voting. The IRO will review all relevant information in coming to a final decision on the matters raised within the appeal; to facilitate the investigation the IRO has the authority to, depending on the timing of the submission of the appeal, delay the publication of the referendum materials and the commencement of the voting period. The decision of the IRO shall be deemed as final.
- 2.4.6 Voting shall commence at least one working day after the publication of the referendum materials.
- 2.4.7 There shall include provisions for each campaign group to receive the opportunity for equal publicity.
- 2.5 Once the rules are approved they will form the basis on which the Referendum shall be run by the Deputy Returning Officer and Independent Returning Officer.

## **MEMBERSHIP**

- 1. Full membership is given to:
  - 1.1 All registered students at the University of Leicester.
  - 1.2 Executive Officers.
- 2. Full membership is voluntary and students shall have the right to opt out of Union membership under the provisions of the Education Act 1994 and according to Ordinance XV.
- 3. Associate membership is given to:
  - 3.1 Past full members of the Union, staff of the University of Leicester, staff of the Union and its wholly owned companies, upon the payment of an annual subscription as set by the Board of Trustees.

- 3.2 Conferences, short course students, exchange students and English Language students for the duration of their course, conference or residency in University of Leicester accommodation.
- 3.3 Students whose registration has been suspended.
- 3.4 Students registered with the University Library through the Sconal Scheme.
  
4. Honorary membership can be given as follows:
  - 4.1 Honorary membership can only be conferred on an individual by Student Council or the Board of Trustees.
  - 4.2 Student Council may grant honorary membership to individuals helping the Union or taking on specific roles for the Union, for a period of time to be specified by Student Council.
  - 4.3 Any full Union member may nominate an individual for honorary membership.
  
5. Reciprocal membership is given to those members of other establishments with who a reciprocal agreement is in force.
  
6. Full membership of the Union confers the following privileges:
  - 6.1 To vote in a Referendum, elections, at an Annual Members' meeting as provided for in these By-Laws.
  - 6.2 To attend and speak at meetings of the Union.
  - 6.3 To stand for election for posts within the Union, subject to these By-Laws.
  - 6.4 To stand for election for posts within the University of Leicester, subject to these By-Laws or University as appropriate.
  - 6.5 To take advantage of all of the facilities of the Union.
  - 6.6 To participate in activities arranged by the Union and its affiliated sub-organisations.
  - 6.7 Eligibility for membership of sub-organisations of the Union.
  - 6.8 Eligibility for election for posts within sub-organisations of the Union.
  - 6.9 To become a playing member of the University sports teams upon payment of the Sports Association subscriptions.
  
7. Associate and honorary members shall enjoy privileges 6.5, 6.6, 6.7 and 6.9.

## **ANNUAL MEMBERS' MEETING**

1. Members
  - 1.1 Voting

Full members of the Union

## 1.2 Non-Voting

Student Council Chair  
Scrutiny Committee  
Executive Officers

## 2. Quorum

Quorum shall be one hundred and fifty full members of the Union.

## 3. General

3.1 There will be one Annual Members' meeting in an Academic year.

3.2 The date of the Annual Members' meeting shall be set by the Executive Committee.

3.3 The agenda shall be as follows and could be in the form of a presentation.

Annual Accounts.

Budget for the forthcoming year.

Strategic Plan incorporating the Annual Plan.

Students' Union External Affiliations

3.4 All elected Officers/Representatives shall be responsible for publicising the Annual Members' meeting and Student Council.

3.5 The minutes of the Annual Members' meeting shall be approved by Student Council.

## **STUDENT COUNCIL**

### 1. Members

#### 1.1 Voting

Vice Chairs of Networks

Part Time Officers

Executive Officers

#### 1.2 Additional Voting Members

If in attendance, full members of the Union, other than those students within roles outlined in 1.3.

#### 1.3 Non-Voting

Student Council Chair

Scrutiny Committee (One member shall be Deputy Chair)

Executive Officers elect (unless already an elected Representative on Student Council)

## 2. Quorum

Quorum shall be 75 voting members.

## 3. Student Council shall:

- 3.1 Meet at least four times during each academic year.
- 3.2 Ensure the views of students are fully represented to the Union, University of Leicester and the wider community.
- 3.3 Discuss and have the ability to approve proposals and ideas. .
- 3.4 Be assisted by Scrutiny Committee and Scrutiny Panel in keeping elected Officers/Representatives to account.
- 3.5 Have the option to send proposals to a Referendum.
- 3.6 Approve the minutes of Scrutiny Committee and Scrutiny Panel Reports and be responsible for holding the Committee/Panel to account.

## 4. General

- 4.1 The rights of members of Student Council and the conduct of the meeting shall be regulated by the Standing Orders within these By-laws.
- 4.2 Members of Student Council elected from a defined constituency shall be responsible for full and regular consultation with the members of the constituency and be responsible for the distribution of publicity in their constituency.
- 4.3 Members of Student Council shall assist in the distribution of publicity on the main campus and may, if approved by Scrutiny Committee, be temporarily co-opted on to that Committee for Union elections. While co-opted they must remain impartial in all matters of the Union and shall not contest in an election run by the Committee.
- 4.4 Four clear days' notice shall be given of any meeting of Student Council, except in the case of an emergency meeting.
- 4.5 Meetings of Student Council cannot start until they reach quorum.
- 4.6 If quorum is successfully challenged, the Chair shall declare the meeting closed forthwith.
- 4.7 A detailed agenda and any relevant minutes and reports to be presented to Student Council shall be emailed to all members of Student Council and be available on the Union's website by 4pm, two working days prior to the meeting.
- 4.8 Availability of minutes of any meeting shall be displayed through all appropriate Union advertising methods.
- 4.9 Part Time or Executive Officers who fail to comply with Standing Orders, in particular with regard to attendance, are deemed to have ceased membership of Student Council will also be deemed to have resigned from all offices held under these By- Laws.
- 4.10 No one can hold more than one voting position on Student Council nor stand in an election for more than one voting position.

4.11 Student Council will approve the minutes from Scrutiny Committee, and Scrutiny Panel Reports.

5. Emergency Student Council

5.1 An emergency Student Council meeting will be summoned upon receipt by Scrutiny Committee of a written request signed by at least 75 voting members of Student Council or by order of the Executive Committee.

5.2 Criteria

5.2.1 The matter in question has arisen, or has become generally known since the last Student Council meeting.

5.2.2 The matter in question is of so urgent a nature that it cannot be referred to the next scheduled Student Council meeting and cannot be referred to a Committee.

5.2.3 A proposal stating the reason(s) for an Emergency Student Council must be submitted to Scrutiny Committee.

5.2.4 Scrutiny Committee will give a ruling as to whether or not the proposal fulfils the aforementioned criteria.

5.2.5 An Emergency Student Council meeting cannot deal with any other matter(s).

5.2.6 The quorum of an Emergency Student Council meeting shall be 75

5.2.7 Minutes of the meeting shall be subject to approval by the next ordinary meeting of Student Council.

## **COMMITTEES**

For the purpose of these By-Laws:

- Management Board shall be referred to as 'Strategic Leadership Team'
- Finance Committee shall be referred to as 'Finance and Audit Sub Committee'

1. General



- 1.1 Standing Committees shall submit a summary of their key decisions to Scrutiny Committee for their information.
- 1.2 Standing Committees are empowered to invite any person to their meetings. Such persons may speak at the meeting, at the discretion of the Chair, but cannot vote on any proceedings of the meeting.
- 1.3 The Chair of each Standing Committee shall ensure that all members receive reasonable notice of meetings.
- 1.4 Standing Committees shall be empowered to form sub-committees, as and when required.
- 1.5 In the absence of the Chair, the Committee shall elect a Chair.
- 1.6 All Standing Committees will be run in accordance with Standing Orders.
- 1.7 All Standing Committees shall be empowered to invite Union staff members to attend in a non-voting, advisory capacity as they see fit.
- 1.8 The Chair of each Standing Committee will be responsible for ensuring that all Committee members receive adequate training.

### **Executive Committee**

#### 1. Members

##### Executive Officers

#### 2. Quorum

Quorum shall be two thirds of the voting members.

#### 3. Terms of Reference

The Executive Committee shall:

- 3.1 Promote the rights of the membership both with the University and in the wider community.
- 3.2 Campaign on those issues that are relevant and important to the membership.
- 3.3 Co-ordinate the representational functions for the Union, ensuring the views of the membership are heard and understood.
- 3.4 Assume the powers and duties of Student Council and its other Committees during University vacations.
- 3.5 Should a policy issue of sufficient urgency arise which requires action before the next Student Council meeting and if it is impossible to hold an Emergency Student Council meeting, the Executive Committee may make a temporary decision on the issue.

- 3.6 Be responsible for drawing up, reviewing, updating and ensuring the implementation of the Union's Development Plan.
- 3.7 During the first term of each academic year approve a list of all the Union's external affiliations.
- 3.8 The President will be the Chair of the Executive Committee.
- 3.9 Meet at least twice a month.

**Representative Committee**

- 1. Members

Executive Officers (Chair – Officer on rotation)  
 Nine Part Time Officers

- 2. Quorum

Quorum shall be half, minus one of the voting members.

- 3. Terms of Reference:

Representative Committee shall:

- 3.1 Meet monthly during term time.
- 3.2 Develop and agree action plans of Union wide campaigns and projects.
- 3.3 Update on progress of campaigns and projects.
- 3.4 Review and co-ordinate the activities of Actioning Groups.

**General**

The agenda shall include:

Minutes from the previous meeting  
 Update on progress of campaigns and projects  
 Actioning Group Reports  
 Any other discussion items

**Actioning Group**

- 1. Members

Proposer/s or student who submitted idea (Chair)  
 An Executive Officer or/and Part Time Officer  
 Other interested students and leaders from the relevant part of the student community

- 2. Quorum

Quorum shall be two members

3. Terms of Reference:

Actioning Group shall:

- 3.1 Meet as and when required in order to complete the task.
- 3.2 Be responsible for carrying out the necessary actions in order to ensure that an idea is implemented.
- 3.3 Report to Student Council, Representative Committee and Scrutiny Committee on progress.
- 3.4 Declare the task complete, after which there will be no more meetings.

4. The Executive Officer/Part Time Officer shall:

- 4.1 Be the proposer/s main point of contact within the Union.
- 4.2 Offer support and guidance, explaining what is and is not available to the proposer/s.

**Scrutiny Committee**

1. Members

Voting

President of Students' Union  
Chair of Student Council  
Six Elected Officers

For Scrutiny Panels of Executive Officers

Chair of Student Council (Chair)  
2 Members of Scrutiny Committee  
One External Executive Officer from another Students' Union  
One relevant member of Student Council

For Scrutiny Panels of Part Time Officers

Chair of Student Council (Chair)  
2 Members of Scrutiny Committee  
One relevant member of Student Council

2. Quorum

Quorum shall be half the current voting members.

3. Terms of Reference

Scrutiny Committee, except the President shall be excluded from holding any other posts within Student Council.

Scrutiny Committee shall:

- 3.1 Ensure the effective operation of the democratic structures, including elections.
- 3.2 Set the rules for each election and handover responsibility for their implementation and application to the Independent Returning Officer.
- 3.3 Check all proposals prior to presentation to Student Council and, if necessary, recommend amendments to the proposer.
- 3.4 Monitor attendance at meetings and make rulings on apologies.
- 3.5 Be responsible for reviewing the By-Laws and producing copies upon request of Student Council.
- 3.6 Be empowered to form a Working Group to review the By-Laws and where necessary propose alterations to these.
- 3.7 Be responsible for the promotion of the Annual Members' meeting and all Student Council meetings and any policies relating to these.
- 3.8 Review and monitor the performance of the Executive Officers by the setting up of Executive Officer Scrutiny Panels:-
  - 3.8.1 Consider formal reports on the activities undertaken by the Officers, using relevant documentation such as Executive Committee minutes, manifestos, attendance records and timesheets.
  - 3.8.2 Identify relevant questions for each Officer, specific to their manifesto, key objectives, remit/portfolio and policy/campaigns.
  - 3.8.3 Provide the Officers with details of the topics to be discussed by the panel at least three working days before the date of the Panel.
  - 3.8.4 Interview the Officers individually.
  - 3.8.5 Produce a short report detailing strengths and weaknesses and an indication of overall performance.
- 3.9 Review and monitor the performance of the Part Time Officers by setting up of Part Time Officer Scrutiny Panels
  - 3.9.1 Consider formal reports, this could be in the form of a presentation, on the activities undertaken by the Officers, using relevant documentation such as Representative Committee minutes, manifestos and attendance records.
  - 3.9.2 Identify further questions where clarification may be required and consider the answers submitted by the Officers.
  - 3.9.3 Produce a short report detailing strengths and weaknesses and an indication of overall performance.
  - 3.9.4 Have the power to interview Part Time Officers.
- 3.10 Oversee complaints procedures for Executive and Part Time Officers.
- 3.11 Have the power, in exceptional circumstances, to make recommendations to Student Council for a proposal of censure or no confidence in an Officer/Representative.
- 3.12 Agree a system of recording the overall performance of all Officers/Representatives.
- 3.13 Ensure all non-confidential minutes and reports submitted to the Panel are made available to all full members of the Union.

## **Networks**

### **1. Members**

#### Liberation Networks

Chair (Part Time Officer/s)

Full members of the Union who self-identify within the relevant groups

#### Education Network

Chair (Education Officer)

Mature and Part Time Students' Officer

Distance Learning Officer

International Officer

Postgraduate Officer

Full Members of the Union

#### Student Experience Network

President

Full Members of the Union

### **2. Terms of Reference:**

Networks shall:

- 2.1 Be open for all students, for Liberation Networks students will be required to self-identify within the relevant group to join
- 2.2 Elect at least one Vice Chair from within the Network to oversee the operation of the Network.
- 2.3 Hold at least 4 meetings during the academic year.
- 2.4 Co-ordinate campaigns and events related to their titled areas.
- 2.5 Direct issues raised into the ideas system and help support and deliver relevant officer campaigns.
- 2.6 Have the power to set up sub-groups/working groups for specific projects/campaigns.
- 2.7 Implement relevant policies that have been passed through the ideas system.
- 2.8 Report to Student Council on at least a termly basis providing details of their objectives, activities and outcomes.

## **Complaints Committee**

### **1. Members**

One member of Scrutiny Panel.

One member of Student Council, chosen at random

One Executive Officer (if the complaint is regarding an Executive Officer, a Part Time Officer will be randomly chosen).

## 2. Quorum

Quorum shall be two members.

## 3. Terms of Reference

3.1 The Complaints Committee shall deal with complaints against Part Time and Executive Officers, complaints submitted against other volunteer elected positions shall be submitted to [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk) and investigated under the Students' Union Complaint Process.

3.2 Complaints against an elected Union Officer/Representative can be submitted to any member of Scrutiny Panel who will, depending on the nature of the issues raised and their complexity, either investigate internally or set up a Complaints Committee. Where a Complaints Committee is required, a member of Scrutiny Panel will be assigned the task of forming the Complaints Committee within three working days.

3.3 After full investigation of the case, the Committee shall be empowered to issue written warnings or present a suitable proposal to Scrutiny Panel to consider.

3.4 The minutes of the Complaints Committee will be presented to Scrutiny Committee for approval.

3.5 Members selected at random and not wishing to serve on the Complaints Committee will be replaced by members who are so willing.

3.6 The member of Scrutiny Panel responsible for forming the Complaints Committee will be the Chair.

## 4. Procedure

4.1 The Complaints Committee shall meet within three working days of being formed.

4.2 The Complaints Committee will investigate the complaint, notwithstanding the non-appearance of the alleged offender(s) unless an adequate reason for the absence has been given to the Chair.

4.3 The person(s) against whom the complaint has been made will be given the opportunity to make either a written or verbal statement to the Committee.

4.4 Witnesses may be called by either party or independently by the Committee and such witnesses shall be heard in private.

4.5 The decision of the Complaints Committee will be determined by a simple majority vote. The Committee's decision will be notified to the accused person(s) in writing.

4.6 No person other than those referred to above and the staff facilitator may be present at any Complaints Committee meeting.

4.7 The investigation of a complaint, whether through Scrutiny Panel, or Complaints Committee should be completed whenever possible within three term time weeks (excluding any examination period).

## **Disciplinary Process**

The President shall be responsible for ensuring that the Students' Union has appropriate Disciplinary procedures in place that will enable concerns to be brought forward regarding the conduct of a member of the Students' Union.

## **Disciplinary Code**

1. This disciplinary code shall relate to all classes of Union membership. Complaints against Union staff shall be dealt with by the separate staff disciplinary code.
2. The following actions and types of behaviour shall not be tolerated by the Union on its premises and may constitute an offence in the terms of this Disciplinary Code:
  - i) Wilful damage to Union property (including that held by student groups.
  - ii) Behaviour likely to cause damage to Union property.
  - iii) Physical or verbal intimidation of any member of the Union, their guests, or of Union staff.
  - iv) Any disorderly conduct, which has caused physical injury to any member of the Union, their guests, or Union staff.

Disorderly conduct, which brings Union into disrepute with the University and/or the wider community.

## **BOARD OF TRUSTEES**

### **Board of Trustees**

1. Members

President

Education Officer

Activities Officer

Wellbeing Officer

Liberation Officer

Sports Officer

Student Trustee

Five External Trustees

2. Quorum

Quorum of the Board shall be half plus one and include at least two Executive Officers and at least two External Trustees (where two or more are appointed). Where the

resolution or issue under discussion concerns a matter in respect of some or all of the Trustees who have a Conflict of Interest quorum shall be four.

### 3. Terms of Reference

3.1 The Board of Trustees are responsible, subject to the Memorandum and Articles for:

3.1.1 Approving the financial strategy of the organisation.

3.1.2 Approving the budget and subvention grant application.

3.1.3 Defining and approving essential features in respect of important procedures and financial systems.

3.1.4 Defining specific responsibilities placed on members of the Board, members of the Strategic Leadership Team, the Chief Executive and employees as set out in supporting documents.

3.2 Upon the advice of Student Council, the Strategic Leadership Team and other bodies within the Union, the Board of Trustees is responsible for:

3.2.1 Approving the membership and terms of reference of Student Council.

3.2.2 Approving the role descriptions of the office holders of the Board.

3.3 The Board has the responsibility to the University for ensuring:

3.3.1 The governing body of the parent institution are duly satisfied that the financial affairs of the Union have been properly conducted, and that the monitoring of expenditure has been reported to the board in accordance with the Education Act 1994, Part II, 22(g).

3.3.2 The governing body of the parent institution are duly satisfied that elections have been conducted in accordance with the Education Act 1994, Part II. 22(e).

3.3.3 A financial report of the Union is published at least every year and made available to the governing body and to all students – the report should include details of donations to external organisations.

3.4 The Board has the responsibility to Companies House for ensuring Directors comply with all relevant legislation

3.5 The Board has responsibility to the Charities Commission for ensuring

3.5.1 The Statements of Recommended Practice (SORP) in reporting activities, income, expenditure and the financial position in the annual report and accounts is adhered to.

3.5.2 That the charity does not exceed its charitable objectives.



## **Strategic Leadership Team**

### 1. Members

President (Chair)

Remaining Executive Officers

Senior members of Union staff as agreed by the Board of Trustees

Other co-opted as agreed by the Board of Trustees

### 2. Quorum

Quorum shall be two thirds of the voting members.

### 3. Terms of Reference

The Strategic Leadership Team shall be responsible for the co-ordination of the Union's activity on a day to day basis and assist the Chief Executive in the operational management of the Union.

## **Nominations Committee**

### 1. Members

(To be reviewed annually at the first meeting, this will take place after the Executive Officers commence their term of office.

External Trustee (Chair)

Two Executive Officers

Nominee of the Registrar and Secretary of the University

One member of Student Council

Student Council Chair

### 2. Quorum

Quorum shall be three, one of whom shall be an External Trustee.

### 3. Terms of Reference

#### 3.1 The Nominations Committee will have the delegated authority to:

3.1.1 Determine the process of recruitment for External Trustees of the Charity.

3.1.2 Make recommendations to the Board of Trustees and Student Council for the appointment of non-Executive Officers.

3.2 The Committee will advise the Board on:

3.2.1 All matters relating to the process for the appointment of Trustees.

3.2.2 The appointment of ordinary Student Trustees.

### **Finance and Audit Sub Committee**

1. Members

(To be reviewed annually at the first meeting, this will take place after the Executive Officers commence their term of office.

Two Executive Officers

Two External Trustees (one shall be Chair)

2. Quorum

Quorum shall be three, one of whom shall be an External Trustee.

3. Terms of Reference

3.1 The Finance and Audit Sub Committee of the Board of Trustees will have delegated authority to:

3.1.1 Address any significant problem arising from the reports of:

3.1.1.1 The external auditor

3.1.1.2 Any appointed accounting agency

3.1.1.3 The audit Committee of the board of governors; or

3.1.1.4 Any other matters which the Committee feel ought to be drawn to the attention of the Board.

3.1.2 Approve policy on risk management.

3.1.3 Approve policy relating to the safeguarding of the Union assets.

3.1.4 Approve policy relating to the financial strategy.

3.1.5 The establishment and dissolution of subsidiary companies and trusts of the Union.

3.1.6 Approve the financial framework and financial standing orders for the Union

3.1.7 Ensure there is an effective internal audit function established by the management that meets standards set by the University and provides appropriate independent assurance to the Finance and Audit Sub Committee, Chief Executive Officer and the Board.

- 3.1.8 Review and implement systems for financial reporting to the Finance and Audit Sub Committee and the Board, including those of budgetary control, subject to review as to completeness and accuracy of the information provided to the Board.
  - 3.1.9 Review financial and information systems, monitoring the integrity of the financial statements and reviewing significant financial reporting judgements.
  - 3.1.10 Review the establishment of an effective system of integrated governance, risk management and internal control, across the whole of the organisations activities that supports the achievements of the organisation's objectives.
  - 3.1.11 Monitor compliance with the FSOs and Financial Framework.
  - 3.1.12 Review schedules of debtors/creditors balances over six months old and over £5000, along with explanations and action plans.
  - 3.1.13 Review the annual report and financial statements prior to submission to the Board focussing particularly on:
    - 3.1.13.1 The wording in the documents relating to the Terms of Reference to the Committee.
    - 3.1.13.2 Changes in, and compliance with, accounting practices and policies.
    - 3.1.13.3 Unadjusted mi-statements in the financial statements.
    - 3.1.13.4 Major judgemental areas.
    - 3.1.13.5 Significant adjustments resulting from audit.
  - 3.1.14 Reviewing and approving the mechanism and levels of authority of spending.
- 3.2 The Finance and Audit Sub Committee will advise the Board on:
- 3.2.1 The annual financial statements, including:
    - 3.2.1.1 External audit option
    - 3.2.1.2 Statement of members responsibilities
    - 3.2.1.3 Statement of corporate governance and
    - 3.2.1.4 Effectiveness of internal controls.
  - 3.2.2 The medium term financial forecast and the annual financial plan (estimate of income and expenditure).
  - 3.2.3 The appointment, remuneration, performance, resignation and dismissal of the external auditors.
  - 3.2.4 The application and policies relating to reserves.
  - 3.2.5 The creation, monitoring and management of any subsidiary companies wholly owned by the Union.
  - 3.2.6 Policies relating to pensions and retirements benefits.
  - 3.2.7 Financial issues arising from the annual financial statements.

- 3.2.8 The business plan of and cyclical formulation of the subvention grant of the Union.
- 3.2.9 Monitor and evaluate the overall financial performance of the Union.
- 3.2.10 Ensure that the Union remains within the annual financial plan approved by the Board of Trustees.
- 3.2.11 Ensure that an effective framework for financial management is in place.
- 3.2.12 Ensure that there are effective procedures in place for procurement and approval of contracts.
- 3.2.13 Determine and review the Union's commercial services strategy.
- 3.2.14 Address the financial health and solvency of the Union.
- 3.2.15 The establishment and dissolution of subsidiary companies and trusts of the Union.
- 3.2.16 Be the Board of Directors for University of Leicester Students' Union Trading Limited.

### **Remuneration and HR Committee**

1. Members  
(To be reviewed annually at the first meeting, this will take place after the Executive Officers commence their term of office.

Chair of the Board  
Two Executive Officers, one shall be Chair  
One External Trustee

2. Quorum

Quorum shall be three, one of whom shall be an External Trustee.

3. Terms of Reference

- 3.1 The Remuneration and HR Committee of the Board of Trustees will have delegated authority to:

- 3.1.1 Approve strategy and policy in relation to diversity and equality of opportunity in employment.
- 3.1.2 Approve health, safety and wellbeing policy of the Union.
- 3.1.3 Monitor and evaluate the implementation of strategies and policies in respect of employment and staffing, diversity and equality of opportunity in employment and safety, health and wellbeing.
- 3.1.4 Approve the implementation and review of a system of staff development.
- 3.1.5 Approve policy relating to the health absence and sickness reporting procedures of the Union.

- 3.2 The Committee will advise the Board on:

- 3.2.1 The detailed procedures for the appointment, assignment, grading, appraisal, discipline, suspension and dismissal of staff.
- 3.2.2 Approve the framework for the pay, pensions and conditions of staff.
- 3.2.3 Monitoring compliance against legislation.
- 3.2.4 The remuneration package of the Chief Executive Officer.
- 3.2.5 The process of appointment, appraisal, discipline, suspension and dismissal of the Chief Executive Officer.
- 3.2.6 The employment and staffing strategy and policy.
- 3.2.7 The remuneration package of the Executive Officers.

### **Risk Management Sub Committee**

#### 1. Members

(To be reviewed annually at the first meeting, this will take place after the Executive Officers commence their term of office.

Two Executive Officers  
Two External Trustees (one shall be Chair)

#### 2. Quorum

Quorum shall be three, one of whom shall be an External Trustee

#### 3 Terms of Reference

##### 3.1 The Risk Management Sub Committee of the Board of Trustees will have the delegated authority to:

- 3.1.1 To monitor health, safety, environment, building maintenance and refurbishments in accordance with the Union and/or University's policies, procedures and regulations.
- 3.1.2 To monitor information management protocols, ensuring regulatory compliance and discharge of ICO.
- 3.1.3 To review health, safety, environmental and building maintenance systems, policies and procedure.
- 3.1.4 To set and monitor health, safety, environment and building maintenance business objectives.
- 3.1.5 To act as the Steering group for major building refurbishments
- 3.1.6 To monitor the organisations' s safeguarding policies and practices
- 3.1.7 To monitor regulatory compliance with the Charity Commission and Office for Students.
- 3.1.8 To proactively manage the Union's Risk Register.
- 3.1.9 To offer objective advice on issues concerning the risk, control and governance of the organisation and associated assurances provided by internal and external audit and other processes.
- 3.1.10 To oversee the production of the annual report and governance statement.

- 3.1.11 To monitor the adequacy of the organisation's assurance processes and how governance arrangements support achievement of organisational strategy and objectives.

## **Appeals Panel**

Upon receipt of an appeal from a removed Officer Trustee or members who have had their membership terminated, the Chief Executive Officer will form an Appeals Panel within fourteen days upon receipt of an Appeal.

### **1. Membership**

Nominee of the University of Leicester (Chair)

One full member, not an Officer Trustee or a member of Student Council  
Chief Executive Officer/General Manager of another institution.

### **2. Quorum**

Quorum shall be three members.

### **3. Procedure**

3.1 At such an appeal the appellant may be accompanied by a representative and may be present to hear all statements and evidence unless there is a need to protect a witness.

#### **3.2 The appellant:**

3.2.1 May submit relevant documentation upon which it is intended to rely, not later than three working days before the scheduled appeal.

3.2.2 Shall receive not later than three days before the date of the appeal details of the composition of the panel and of the time and place at which the appeal will take place.

3.2.3 May give evidence personally and may call and examine/cross-examine witnesses unless there is a need to protect witnesses.

3.2.4 Be accompanied by a colleague and be present to listen to all statements and evidence.

3.3 The panel shall conduct its business in a reasonable, fair and just way and panel members may question the parties and witnesses.

3.4 The appellant shall not be present while the panel considers its findings and reaches a decision. The panel may recall the appellant to clear points of uncertainty on evidence already given.

3.5 The panel shall prepare a brief report giving the final decision and the reasoning leading to that decision. A copy of this report will be forwarded to the appellant.

## **FORUMS**

### **1. Members**

Forums are open to all full members of the Union.

### **2. Quorum**

Five full members of the Union

### **3. Terms of Reference**

- 3.1 Forums will be created on an ad hoc basis by any member who is either part of Student Council and/or student group including associations. The member who sets up the forum shall Chair the forum
- 3.2 Forums are empowered to invite any person including Union staff members in a non-voting, advisory capacity as they see fit. Such persons may speak to the meeting at the discretion of the Chair but may not vote upon any proceedings of the meeting.
- 3.3 Forums shall submit their minutes to Student Council for ratification, which reserves to right to overturn any decision made by the forum.
- 3.4 Student Council shall be able to dissolve any forum through a simple majority.
- 3.5 The Chair of each forum shall ensure that all members receive reasonable notice of meetings.
- 3.6 The Chair of the forum shall remain neutral in matters of the forum and, where possible, ensure that each member of the forum is given ample opportunity to speak on each topic debated.
- 3.7 The Chair of the forum shall not hold a vote except when they are called upon to make a casting vote.
- 3.8 Forums shall be empowered to form sub –forums as and when required.
- 3.9 In the absence of the Chair, the forum shall elect its own Chair.
- 3.10 Decisions shall be agreed by a simple majority of the voting members present.
- 3.11 All forums shall be run in accordance with Standing Orders of the Union for Committees and forums.
- 3.12 The Chair of each forum shall be responsible for ensuring that all forum members receive adequate training.

## **OFFICERS**

### **Executive Officers (Officer Trustees)**

A Trustee of the Charity and a Director as required:

### **1. General**

- 1.1 All Executive Officers have a responsibility to ensure under-represented groups are represented in each of their assigned remits, as well as within the University

community, ensuring their student experience is exceptional and advocating any issues that may be important to that group:

1.1.1 Postgraduate

1.1.2 Distance Learner

1.1.3 Part Time

1.2 Oversee and develop the Union's representational and democratic structures and systems to ensure as wide as possible student involvement.

1.3 Monitor and propose provision of equal opportunities to students, promote and campaign for equal opportunities within the Union and the wider community.

2. Representation

2.1 To be representatives of student views to the University and to external bodies.

2.2 To regularly talk and listen to the entire membership of the Union.

2.3 To complete the engagement circle by ensuring all activity and outcomes are fed back to the membership of the Union.

2.4 To be responsible for communication of the work of the Executive team to the entire membership of the Union.

2.5 To take collective responsibility of the Officer team.

2.6 To show an active engagement in all activities of other Officers/Representatives.

2.7 To promote and abide by the Union's motto of "an empowering, innovative and inclusive student-led Union".

2.8 To have an active involvement in the yearly calendar of events by the Union.

2.9 To work alongside Union staff to ensure an empowering, innovative and inclusive student-led Union for the benefit of students and to deliver the Union's charitable objectives.

2.10 To maintain and promote Union policies.

2.11 To remain accountable to Student Council.

2.12 To monitor key issues and problems affecting the student population and ensure the Union is acting on these.

2.13 To ensure that the Union enhances the student experience and effects real change to students' lives via effective representation and campaigning.

3. Trustee

3.1 To act as Trustees of the Union, ensuring that all of its services are relevant with positive effects on students.

3.2 To abide by the Trustees' Code of Conduct.

3.3 To abide by the laws of the United Kingdom and by the Union's Constitution.

3.4 To promote the purpose, vision, aims and objectives of the Union.

3.5 To actively commit to reducing the environmental impact of the Union, whilst highlighting the best ethical practice.

3.6 To carry out all duties with due regard to Health and Safety, Customer Care and Equal Opportunities Policies.



- 3.7 To be Directors of the Union and other appropriate subsidiary companies (where eligible in company law), having legal responsibility for its services.

### **President**

1. To be the primary representative of University of Leicester students.
2. To oversee Union campaigns, working closely with other Officers/ Representatives and staff to maximise impact.
3. To line manage the Chief Executive Officer and thus the objectives of the Union staff team.
4. To act as the Deputy Chair of the Board of Trustees.
5. To take the lead on, and regularly review the representational and democratic structures within the Union
6. To attend Student Council and Scrutiny Committee meetings.
7. To chair Executive Committee meetings.
8. To co-ordinate the strategy of the Union, ensuring regular reviews of both the strategy and actions.
9. To be the spokesperson to all external bodies and to act as the lead Officer to all public relations and press releases.
10. To be the primary contact for the National Union of Students' and act as the lead delegate for the National Union of Students' Conference.
11. To coordinate and provide an oversight of all services provided by the Union.
12. To lead and coordinate the activities of all other Executive and Part Time Officers.
13. To oversee the organisation of Freshers' fortnight.

### **Education Officer**

1. To be the primary Union representative and point of contact on all academic and educational issues to ensure students get the highest quality teaching, assessment and feedback.
2. To coordinate and develop the course representative system, including College and Department Representatives.
3. To oversee and develop the Union's educational services and policies and ensure that the relevant activities are undertaken to help improve the quality of education provided to students by the University.
4. To oversee the progress and development of the personal tutor system, including training and resources, and updating signposting document alongside the Wellbeing Officer.
5. To liaise with Union Support Services on academic policy matters.
6. To be the primary student representative on academic quality assurance: programme approval panels, periodic development reviews etc.
7. To responsibility for the Superstar Award.

### **Sports and Societies Officer**

1. To represent students for all sporting, arts and student group activity at the University of Leicester and external bodies.

2. To support and develop various student groups and sports clubs, enhancing the quality of their experience, helping them achieve their full potential and improving student engagement for all students.
3. To work to ensure barriers to participation in University sport are addressed, and that the University of Leicester and the Union offer an inclusive and accessible sporting environment as per Sport and Active Life's mission.
4. To oversee Student Welcome, including projects such as Freshers'/Refreshers' Fair and Give it a Go/Trails week.
5. To act as co-host of the Annual Sports Awards and the other SU awards.
6. To lead on Varsity, working with Sports and Active Life and DeMontfort University Sport.
7. To chair and lead the Sport and Societies related Council(s)
8. To ensure Sport and Societies related Council(s) publicise the process of rectifying student groups and the allocation of grant funding.
9. To work alongside Sports and Active Life to enhance and improve the current sporting provision within the Union and the University of Leicester, including, but not limited to Let's Do Leicester, campus league sport, gym, recreational sport and other exercise-based activity.
10. To sit on the Sports Governance Board, Chair the Sports Advisory Group and contribute to the development of the strategic direction of sport within the University of Leicester.
11. To work alongside the Attenborough Arts Centre to ensure student arts are not only visible but supported on campus, including, but not limited to: creative workshops, creative courses, performance spaces and other arts-related activity.
12. To sit on the Attenborough Arts Advisory Board and contribute to the development of arts and culture on campus.
13. To be the principal point of contact between the Students' Union and Sports and Active Life.
14. To be the principal point of contact between the Students' Union and the Attenborough Arts Centre.

### **Community and Wellbeing Officer**

1. To represent student views on matters affecting their wellbeing in the University locally and nationally, ensuring the welfare, safety and wellbeing of all students at the University of Leicester are protected.
2. To represent student views on Sustainability on campus and to develop student engagement with sustainability.
3. To actively support student volunteering, fundraising and other community projects on campus
4. To lead the Students Union on social wellbeing issues for students such as student housing, financial hardship and community kitchens.
5. To sit on the University Botanic Gardens Board and to work with the University to ensure student engagement with the gardens is supported.
6. To conduct employability related campaigns to develop the transferable skills of students and to improve employability provisions on campus

7. To be responsible for coordinating the environmental sustainability strategy of the Students' Union
8. To work with the Students' Union Activities Team to develop student volunteering and fundraising.
9. To work with the Students' Union Advice Team to develop their student support provisions.
10. To be the principal point of contact between the Students' Union and the University of Leicester Support Services.
11. To be the principal point of contact between the Students' Union and the Sustainability Team.
12. To be the principal point of contact between the Students' Union and the Careers and Employability Team.

### **Liberation Officer**

1. To be the primary Union representative and point of contact on all matters relating to liberation, providing full-time leadership on the five specified NUS liberation campaigns (Women, LGBT+, Trans, BAME and disabled students).
2. To work with the elected Part Time Officers acting as lead representative for the sections and liberation campaigns
3. To work with faith societies to ensure that their needs are fully catered for by the University.
4. To coordinate and organise the running of events and campaigns in relation to liberation including: Pride, , LGBT+ History Month Black History Month, Islamophobia Awareness Month, International Women's Day and International Day for Persons with Disabilities.
5. To be responsible for widening participation activities of the Union and be the point of contact for the University.
6. To co-lead the Educational Excellence's Inclusivity project.
7. To sit on the University's Equality Diversity and Inclusion Committee, University of Sanctuary steering group, and any other relevant committees.
8. Work with the Union's Part-Time Officers and Equality and Liberation Champions including helping to support the operation of the Liberation Networks.
9. Work in collaboration with the:-
  - i. Activities Officer and Sports Officer in promoting and monitoring liberation within sports and student groups.
  - ii. Wellbeing Officer to identify areas for attention relating to liberation, tackling hate crime and discrimination, running campaigns and events where relevant.
  - iii. Education Officer and President on projects and campaigns such as Decolonising the Curriculum, Gender Pay Gap and tackling the BAME Awarding Gap.
10. To refer students to appropriate internal or external bodies to help resolve their issues. They shall not take on casework for which they are not qualified.

11. Liaise with the appropriate members of University staff in the library, central services and elsewhere to ensure that Union policy and campaigns are progressed.

### **Part Time Officers**

A Part Time Officer shall:-

1. Be a representative of student views to the University and to external bodies.
2. Support the Union on priority campaigns.
3. Regularly talk and listen to the specific demographics of membership of Leicester Students' Union.
4. Complete the engagement circle by ensuring all activity and outcomes are fed back to the membership of the Union.
5. Be responsible for communication of the Executive Officers to the entire membership of the Union.
6. Act collectively whilst taking collective responsibility as a Part Time Officer.
7. Show an active engagement in all activities of Officers/Representatives.
8. Promote and abide by the Union's motto of an "an empowering, innovative and inclusive student-led Union". Have an active involvement in the yearly calendar of events by the Union.
9. Work alongside Union staff to ensure an empowering, innovative and inclusive student-led Union for the benefit of students and to deliver the Union's charitable objectives.
10. Maintain and promote Union policies.
11. Remain accountable to Student Council through submission of reports to Scrutiny Panel.
12. Attend regular Representative Committee meetings.
13. Sit on Student Council as a voting member.

### **Ethnic Equality Officer**

1. Be a Liberation Officer of Leicester Students' Union and represent the needs and opinions of Black, Asian and ethnically diverse students to the Executive and to the University where necessary.
2. Be the key point of contact for Black, Asian and ethnically diverse students within the Union and provide them with information, advice and about discrimination and racism, and campaigns against racism and under-representation; - work with the NUS Black Students' Campaign and organisations like the TUC, the National Assembly against Racism (NAAR) and the 1990 Trust to support national initiatives.
3. Act as the lead delegate for NUS Black Students' Conference and ensure the Union fully engages in the democratic processes of the NUS Black Students' Campaign, e.g. submitting motions and sending delegates to conferences.
4. Run appropriate campaigns specific to Black, Asian and ethnically diverse students.

5. Co-ordinate with the University where applicable.
6. Hold regular forums, online and/or offline, to gather the opinions of Black, Asian and ethnically diverse students.

### **Accessibility Officer**

1. Be a Liberation Officer of Leicester Students' Union and represent the needs and opinions of relevant students to the Executive and to the University where necessary.
2. Be the key point of contact for students with Accessibility needs within the Union and provide them with information, advice and referrals where necessary.
3. Scrutinise both the Union's and the University's equal opportunities policies to ensure they protect the rights of, and promote the involvement of Disabled students, ensuring that the equal opportunities policy is properly implemented at all times.
4. Work with the Executive in producing materials and resources to inform and educate all students about the nature of discrimination against the Disabled.
5. Work to ensure that the Union is accessible to all Disabled students and lobby the institution to fight for access for all.
6. Act as the lead delegate for NUS Disabled Students' Conference and ensure that the Union fully engages in the democratic processes of the NUS Disabled Students' Campaign, for example by submitting motions and sending delegates to Disabled Students' Conference.
7. Run campaigns appropriate to those students with Accessibility needs
8. Co-ordinate with the University where applicable.
9. Hold regular forums, online and/or offline, to gather the opinions of students with an Accessibility need.

### **Distance Learner Officer**

1. Represent the interests of all Distance Learner students.
2. Encourage the engagement of all Distance Learner students with Leicester Students' Union.
3. Co-ordinate campaigns for Distance Learner students' views.
4. Regularly talk and listen to Distance Learner students of the University of Leicester.
5. Complete the engagement circle by ensuring all activity and outcomes are fed back to Distance Learner students.
6. Be responsible for communication to Distance Learner students.
7. Maintain and promote Union policies to Distance Learner students.

### **International Officer**

1. Represent the interests of all International students and support their integration into University life and into Leicester.
2. Encourage the engagement of International students with Leicester Students' Union.

3. Co-ordinate campaigns for International students' views.
4. To regularly talk and listen to International students of the University of Leicester.
5. Complete the engagement circle by ensuring all activity and outcomes are fed back to International students.
6. Be responsible for communication to International students.
7. Maintain and promote Union policies to International students.

#### **LGBT+ Officer**

1. Be a Liberation Officer of Leicester Students' Union and represent the needs and opinions of LGBT students to the Executive and to the University where necessary.
2. Be the key point of contact for LGBT students within the Union and provide them with information, advice and referrals where necessary.
3. Co-ordinate with the LGBTQA and attend their events whenever necessary.
4. Scrutinise both the Union's and the University's equal opportunities policies to ensure that they protect the rights of, and promote the involvement of, LGBT students, ensuring that the equal opportunities policy is properly implemented at all times.
5. Work with the Executive in producing materials and resources to inform and educate all students about LGBT students' issues, particularly those surrounding discrimination; campaign on a local level against discrimination.
6. Work with the NUS LGBT Campaign and other organisations such as trade unions and relevant LGBT organisations.
7. Act as the lead delegate for NUS LGBT Conference and ensure that the Union fully engages in the democratic processes of the NUS LGBT Campaign, for example, submitting motions and sending delegates to conference.
8. Run appropriate campaigns specific to LGBT students.
9. Co-ordinate with the University where applicable, for instance the University's LGBT network.
10. Hold regular forums, online and/or offline, to gather the opinions of LGBT students.

#### **Mature and Part Time Students' Officer**

1. Represent the interests of all Mature and Part Time students.
2. Encourage the engagement of all Mature and Part Time students with Leicester Students' Union.
3. Co-ordinate campaigns for Mature and Part Time students' views.
4. Regularly talk and listen to Mature and Part Time students of the University of Leicester.
5. Complete the engagement circle by ensuring all activity and outcomes are fed back to Mature and Part Time students.
6. Be responsible for communication to Mature and Part Time students.
7. Maintain and promote Union policies to Mature and Part Time students.

### **Postgraduate Officer**

1. Represent the interests of all Postgraduate students.
2. Encourage the engagement of all Postgraduate students with Leicester Students' Union.
3. Co-ordinate campaigns for Postgraduate students' views.
4. Regularly talk and listen to Postgraduate students of the University of Leicester.
5. Complete the engagement circle by ensuring all activity and outcomes are fed back to Postgraduate students.
6. Be responsible for communication to Postgraduate students.
7. Maintain and promote Union policies to Postgraduate students.

### **Trans and Non Binary Officer**

1. Be a Liberation Officer of Leicester Students' Union and represent the needs and opinions of Trans and Non Binary students to the Executive and to the University where necessary.
2. Be the key point of contact for Trans and Non Binary students within the Union and provide them with information, advice and referrals where necessary.
3. Co-ordinate with the LGBTQA and attend their events whenever necessary.
4. Scrutinise both the Union's and the University's equal opportunities policies to ensure that they protect the rights of, and promote the involvement of, Trans and Non Binary students, ensuring that the equal opportunities policy is properly implemented at all times.
5. Work with the Executive in producing materials and resources to inform and educate all students about Trans and Non Binary students' issues, particularly those surrounding discrimination; campaign on a local level against discrimination.
6. Work with the NUS Trans and LGBT+ Campaign and other organisations such as trade unions and relevant LGBT+ organisations.
7. Act as the lead delegate for NUS Trans Conference and ensure that the Union fully engages in the democratic processes of the NUS Trans Campaign, for example, submitting motions and sending delegates to conference.
8. Run appropriate campaigns specific to Trans and Non Binary students.
9. Co-ordinate with the University where applicable, for instance the University's Trans network.
10. Hold regular forums, online and/or offline, to gather the opinions of Trans students.

### **Women's Officer**

1. Be a Liberation Officer of Leicester Students' Union and represent the needs and opinions of Women students to the Executive and to the University where necessary.
2. Be the key point of contact for Women within the Union and provide them with information, advice and referrals where necessary.

3. Scrutinise both the Union's and the University's equal opportunities policies to ensure they protect the rights of, and promote the involvement of women, ensuring that the equal opportunities policy is properly implemented at all times.
4. Work with the Executive in producing materials and resources to inform and educate all students about the nature of discrimination against Women.
5. Work with the NUS Women's Campaign and other organisations such as trade unions and relevant women's organisations.
6. Act as the lead delegate for NUS Women's Conference and ensure that the Union fully engages in the democratic processes of the NUS Women's Campaign, for example by submitting motions and sending delegates to Women's Conference.
7. Run appropriate campaigns specific to Women students.
8. Co-ordinate with the University where applicable.
9. Hold regular forums, online and/or offline, to gather the opinions of Women students.

### **Sustainability Officer**

1. Provide a platform in the Students' Union for students to raise issues and ideas around sustainability.
2. Conduct campaigns to lobby, promote and enhance sustainability within the Students' Union as well as coordinate with the University where appropriate.
3. Encourage students to engage with sustainability within Leicester Students' Union.
4. Be responsible for communication to students on matters concerning sustainability.
5. Maintain and promote Union policies around sustainability to students.
6. Support student groups related to sustainability in achieving campaigns and projects.
7. Support the Activities Officer by liaising with them on feedback from students on sustainability.
8. Represent students by consulting, discussing and voting on ideas and policies at Student Council.



## **Student Council Chair**

The Student Council Chair shall:

1. Chair all meetings of Student Council and the Annual Members' meeting according to Standing Orders.
2. Cede the Chair to the Deputy Chair, who will be a member of Scrutiny Committee, when conflict of interest arises including during any debate about elections where the Chair is running.
3. Chair the election debates for Officer Trustee elections. Where the Chair is standing in the election, to arrange for the Deputy Chair or another member of Scrutiny Committee or staff member Chair election debates.
4. Ensure that debates are conducted fairly in accordance with Standing Orders and, where appropriate, allow members sufficient opportunity to speak on the topic debated.
5. Be encouraged during the meeting to seek advice from Scrutiny Committee on constitutional issues and procedure, if necessary.
6. Be Impartial in all Union elections, apart from those in which they are running.

## **MEDIA GROUPS**

1. Leicester Students' Union shall have three media groups consisting of a:

- 1.1 Student publication.
- 1.2 Radio station.
- 1.3 Television station.

The Media Groups shall:

- 2.1 Remain neutral in all elections and matters concerning party politics, as well as being balanced when reporting Union politics. Including Union policies, Student Council, Referendum and political decisions.
- 2.2 Only Executive Officers can request output to be changed or removed, and the number of these requests must be published and made public at each session of Student Council.
- 2.3 Produce a constitution that will be approved by the Unions' Executive Committee, any constitutional changes shall also be subject to the approval of the Union's Executive Committee.
- 2.4 Be accountable to Student Council for their output and overall performance.
- 2.5 Be treated as a Union department and therefore abide by the Union's Financial Regulations.
- 2.6 Abide by all relevant Union policies and actively contribute where possible in Union led campaigns and other activities.

## **CONFIDENTIAL LISTENING SERVICE**

There will a service within Leicester Students' Union that shall provide a confidential listening and support service to all students free of charge.

## **FINANCE**

1. All matters of finance shall be administered by the Finance and Audit Sub Committee in accordance with Ordinance XV and all other University Regulations concerning Leicester Students' Union and the Memorandum and Articles of Association.
2. Finance and Audit Sub Committee shall produce a financial manual and present their minutes through the Board of Trustees to Student Council for their information.

## **UNION POLICY**

1. The Union's policy is contained in the resolutions of Referenda, Annual Members' meeting, Student Council and the Executive Committee.
2. Once a policy resolution has been carried, it shall remain in force for the remainder of the year in which it was carried and for three full years thereafter.
3. Policy to appoint Honorary President and Honorary Vice Presidents shall not lapse and can only be overturned by a proposal to Student Council.
4. Before the Annual Members' meeting, a notice shall be published informing the membership of the Union that at the Annual Members' meeting all Union Policy which is in its fourth year of validity shall be placed before the Annual Members' meeting for renewal, unless it is renewed this policy shall lapse.
5. In addition, a list giving the title and a brief description of each resolution shall be available from the Student Voice department and on the Union's website.
6. The agenda of the Student Council meeting before the Annual Members' meeting shall include an item which shall be entitled "Policy Lapse" attached to the agenda. The Student Council Chair shall make a brief statement explaining the process of policy lapse and renewal.
7. Any full member wishing to object to any item of policy lapse shall submit their objection in writing to the Student Voice department at least three working days before the meeting.
8. Any policy lapse to which there is no objection shall automatically lapse.
9. Any policy lapse to which there is an objection shall be debated according to Standing Orders and then the matter shall be put to the vote. If there is a simple majority for renewal, then the resolution shall be declared renewed and be valid for a further three years, including the year in which it was renewed.
10. Scrutiny Committee shall be responsible for the Union's policy files and for the execution of the annual process of policy lapse.
11. A list giving the title and a brief description of each resolution shall be:
  - 11.1 Distributed with the By-Laws.
  - 11.2 Be available on the Union's website which will include:

- 11.2.1 The policy renewal date (date it shall lapse)
  - 11.2.2 A direct link to the full policy
  - 11.2.3 An indication if the policy is enforced or if action is required to enforce the policy, this to be overseen by the Scrutiny Committee.
- 11.3 This list shall be updated at the end of each academic year.
- 11.4 The Executive Committee are responsible for communicating the policies and the relevant actions taken, to the general student body.
12. Any updates to Union policy shall be displayed on the Union's website.

## **STUDENT GROUPS**

1. A student group of the Union is a group of members of the Union whose aims and objectives are recognised as being in accordance with the Union Societies and Team Leicester Resource Centre requirements by providing something new for the student community.
2. The Union will provide and investigate ways to continually improve training provided to group Committee members, and ensure that appropriate staff support is available.
3. Any group, which is deemed to have disaffiliated from Leicester Students' Union and seeks re-affiliation, will be expected to follow the rules for affiliation of new student groups.
4. Student Group elections
  - 4.1 These elections shall be held during the spring term under the election framework produced by Scrutiny Committee unless a specific exemption has been passed by the Executive Committee.
  - 4.2 The newly elected Committee members must complete the relevant documents which must be submitted to Union Societies and Team Leicester Resource Centre. Failure to submit a signatory list and the relevant documents will result in the disaffiliation of the student group.
  - 4.3 The results of elections including any problems should be reported to the subsequent meeting of Scrutiny Committee.
  - 4.4 Scrutiny Committee shall be the final arbitrator for student group elections and will investigate related complaints.
  - 4.5 Failure to abide by the ruling of Scrutiny Committee will be reported to the Activities Officer who will have the authority to freeze support to the student groups concerned.
  - 4.6 Once the ruling has been met, support will resume.
  - 4.7 All student groups are bound by the Code of Conduct, which will be reviewed annually by the Activities Officer. The sanctions in the Code of Conduct will be upheld by the relevant person(s).

## 5. Use of Union Logo

Student groups that are officially affiliated to the Union shall adhere to branding guidelines which include the use of the Union's logo.

## 6. Allocation of Grants

- 2.1 Groups will be assessed against set criteria of quality outcomes, this process to be led by the Activities Officer.
- 2.2 Meeting the set criteria to an exceptional standard will enable student groups to receive outcome based support.
- 2.3 On receiving outcome based support, student groups are obliged to fulfil the agreed objectives. Failure to meet these standards following being granted support will have implications over the groups' ability to receive further support.
- 2.4 Groups also have an opportunity to gain a quality benchmark (such as STARS) set by Union Societies and Team Leicester Resource Centre, to enable student groups to continuously develop irrespective of the support they receive.

## 3. Suspension of financial support

- 3.1 The Activities Officer may, after a full investigation, suspend any support given by the Union to any affiliated group on evidence of one or more of the following:
  - 7.1.2 Financial mismanagement.
  - 7.1.3 Contravention of the Union's By-Laws or policies or any rule or policy made there under.
  - 7.1.4 Illegal activities.
  - 7.1.5 Contravention of the group's own constitution as held by the Executive Committee.
  - 7.1.6 Contravention of the Code of Conduct.

- 3.2 A group shall have the right of appeal against any suspension of support. The appeals procedure shall be a written submission to the Executive Committee.

## 4. Membership of student groups

- 4.1 Full membership of all student groups shall be open to all members of the Union.
- 4.2 Associate members as defined in these By-Laws, shall enjoy membership privileges of affiliated student groups. They shall not be eligible to stand in elections nor have voting rights.
- 4.3 The Committees of the student groups shall have such powers as may be prescribed in their own constitutions, functional when ratified by the Activities Officer.

## UNION ELECTIONS

1. Elections and by-elections for the following posts are the responsibility of Leicester Students' Union.
  - 1.1 Executive Officers and Part Time Officers
  - 1.2 Student Representatives on Union Committees as appropriate
  - 1.3 Referenda
2. Responsibility for Elections
  - 2.1 All Union elections shall be the responsibility of the Independent Returning Officer who shall not be a student or staff member of the Union. The Independent Returning Officer shall be approved by Student Council through Scrutiny Committee for the duration of the elections.
  - 2.2 The Board of Trustees shall appoint a senior staff member as the Deputy Returning Officer for all Union elections.
  - 2.3 The conduct of all Union elections shall be subject to inspection by a person appointed by University Council, who shall be satisfied that the elections have been conducted fairly.
3. Scrutiny Committee
  - 3.1 Scrutiny Committee shall set the rules for all Union elections which will be the basis on which the Independent Returning Officer will run and facilitate the election.
  - 3.2 No members of Scrutiny Committee may support a candidate in any Union election.
  - 3.3 Should any member of Scrutiny Committee wish to run in a Union election or run a Re Open Nomination campaign, they must declare an interest prior to the planning of the election. They shall play no part in the planning of the election and shall not be considered a member of Scrutiny Committee for the duration of the elections.
  - 3.4 Scrutiny Committee shall be responsible for the running of all cross campus referenda.
4. Executive Officers, Executive Officers elect, and Student Trustee.
  - 4.1 None may support a candidate in any Union election unless they have declared an interest in writing to the Chair of Council prior to the close of nominations for an election.
  - 4.2 No student may stand for or hold more than one Executive Officer or Part Time Officer position at a time.
  - 4.3 The above may be partial in the conduct of Referenda provided that they have declared an interest to the Student Council Chair.

## 5. Notification of Elections

There shall be at least ten clear days' notice prior to nominations for Executive Officer elections, at least five working days' notice prior to nominations for other scheduled elections and at least one working days' notice prior to any by election.

## 6. Nominations

6.1 Any full member of the Union shall be eligible to stand in a Union election subject to restrictions as laid out in these By-Laws, except for the Liberation Officer Executive Officer and Part Time Officers who are required to self-define within the relevant category.

6.2 Full members of the Union who are pursuing a year of study abroad at the time of elections or Distance Learners may seek assistance in the election process from Scrutiny Committee.

6.3 The method of nominations for all positions in the Union, apart from those elected at meetings, shall be through the completion of an online nomination form.

6.4 The nomination form shall require the following:

6.4.1 Name, mobile telephone number, student number and email address of person nominated.

6.5 All elections and by elections conducted by the Union shall contain "Re-open Nominations" (RON) on the ballot paper.

6.6 After the holding of the election, if there are still vacant places, Student Council may temporarily co-opt any full member to a post until a by election has been held.

6.7 No candidate may be nominated for more than one voting position on Student Council in the same set of elections.

## 7. Election Debates

7.1 Election debates shall be held at the discretion of the Scrutiny Committee with the timings, location and format been set by Scrutiny Committee

7.2 Either a senior staff member, the Student Council Chair or Deputy Chair shall Chair the election debates.

## 8. Manifestos

8.1 All candidates standing in Union elections shall be required to complete and submit a manifesto to the Deputy Returning Officer for publication online. Failure to do so may, at the discretion of the Independent Returning Officer, result in disqualification.

8.2 For the Executive Officer and Part Time Officer elections and by elections a manifesto handbook shall be produced under the supervision of the Deputy Returning Officer. Candidates are required to submit in writing to the Deputy Returning Officer, a manifesto as specified by Scrutiny Committee. Failure to do so may, at the discretion of the Independent Returning Officer, result in disqualification.

8.3 All candidates shall receive an equal amount of space in the manifesto booklet.

## 9. Campaigning

9.1 Campaigning shall commence at a time specified by Scrutiny Committee.

9.2 All Union media are required to remain neutral in all Union elections.

9.3 Campaigning to influence voters when they are in the process of voting or campaigning that is deemed as pressurising students to vote against their will, may, at the discretion of the Independent Returning Officer, result in disqualification.

## 10. Publicity

10.1 Candidates' election publicity shall be subject to the Union's publicity rules.

10.2 Any candidate caught defacing; removing or destroying another candidate's correctly displayed publicity may, at the discretion of the Independent Returning Officer, result in disqualification. Any person caught defacing, removing or destroying correctly displayed publicity in support of a cause in a referenda, shall be reported via the Union's Complaints Process by the Independent Returning Officer.

## 11. Budget for Campaign

11.1 Each candidate will have a limited budget and must, before noon on the final voting day, hand in all expenses (with receipts) to the Deputy Returning Officer.

11.2 No candidate in any election or by-election shall be supported financially by any club, student group, internal or external.

11.3 Candidates will be able to request the refunding of election expenses on at least two occasions during the election period, if a candidate is experiencing financial difficulty then further provisions can be made at the discretion of the Deputy Returning Officer

11.4 Scrutiny Committee shall decide the budget limit to apply to the various categories of elections and any subsidy provided.

Candidates exceeding the budget limit shall be penalised at the discretion of the Independent Returning Officer.

## 12. Voting

12.1 All voting shall be conducted using the single transferable voting system, under the direction of the Independent Returning Officer.

12.2 All full members of the Union shall be entitled to vote in elections except for:

12.2.1 Part Time Officers' election, where only students who fit the relevant criteria set by the Union will be able to vote.

12.2.2 Liberation Officers' election, where only students who self-define within the relevant category will be able to vote.

12.3 The location of the polling stations for all elections shall be at the discretion of Scrutiny Committee.

12.4 All elections shall be undertaken using a suitable method of electronic voting, unless circumstances dictate otherwise or, a dispensation from Scrutiny Committee has been granted.

12.5 Proxy voting shall be provided as appropriate by Scrutiny Committee.

### 13. Counting of Votes

13.1 The Independent Returning Officer or the Deputy Returning Officer shall be responsible for and oversee the count for all Union elections.

13.2 No count shall commence until:

13.2.1 The Independent Returning Officer or the Deputy Returning Officer is present.

13.2.2 All outstanding issues about the elections have been resolved to the satisfaction of the Independent Returning Officer.

13.2.3 A period of 30 minutes have passed following the closing of voting.

13.3 Counting of votes in all elections shall be carried out under the single transferable vote system.

13.4 When the count is finished, Scrutiny Committee shall publish the results of the poll, including the total number of votes cast and the number of spoilt papers.

13.5 Electronic based elections re-counts will automatically be held where the winning margin is less than 2% of the votes cast. For paper-based elections Re-counts may be called for by any candidate if the margin of votes is less than a fixed percentage of the total votes cast for that election. The relevant percentage of votes required shall be:

13.5.1 Up to 100 votes cast in total - 10%

13.5.2 101 – 500 votes cast in total - 5%

13.5.3 501 – 2000 votes cast in total - 3%

13.6 In the event of a tied vote in any Union election, the candidate with the greatest number of first preferences shall be deemed to be elected. If required, comparisons shall be made at second, third preferences etc. until one candidate has a majority. Should all rounds result in a tie the outcome will be decided by a toss of a coin.

13.7 In the event of RON receiving more votes than any candidate or candidates in an election, a by election shall be called for the place won by RON.

### 14. By election



- 14.1 Should a vacancy arise, Scrutiny Committee shall publish a list of the vacant positions available for by election.
- 14.2 The by election timetable, other than those for Executive Officer positions shall be at the discretion of Scrutiny Committee.
- 14.3 If a Student Council position still remains vacant then a full member of the Union can be co-opted into the position by Student Council.
- 14.4 For all Executive Officer and Part Time Officer positions there shall be only one by election. If a position remains vacant after the by election, the remaining Executive members shall present a proposal to Student Council outlining the steps they have taken to devolve the responsibilities of the vacant position.
- 14.5 For Executive Officer elections the timetable shall be as follows:
  - 14.5.1 Nominations shall open within a maximum of ten clear days of a position becoming vacant.
  - 14.5.2 Campaigning shall begin within five working term days after the close of nominations and last for a minimum of seven working term days.
  - 14.5.3 Voting shall take place for a minimum of one working day.

## 15. General

- 15.1 The election results, minutes of the relevant Committee meetings and a report from the Independent Returning Officer shall be presented to the first quorate meeting of Student Council following the election.
- 15.2 All election regulations shall meet the requirements of the Union's Equal Opportunities Policy.

## 16. Penalties

- 16.1 Should the election regulations be broken, the Independent Returning Officer shall have the power to:
  - 16.1.1 Suspend the start of balloting.
  - 16.1.2 Suspend the opening of the polling station and the counting of votes.
- 16.2 Disqualification or penalties to candidates:
  - 16.2.1 Only the Independent Returning Officer can rule to disqualify or penalise a candidate.
  - 16.2.2 Once the Independent Returning Officer has made such a ruling, they must arrange a meeting with the candidate before the start of the count to inform them of the decision. The candidate may bring a Union member to observe the meeting. The Deputy Returning Officer is also required to attend.
  - 16.2.3 The candidate shall have the right to appeal against this ruling by either requesting the Independent Returning Officer to reconsider their decision before the start of the count.

16.3 Following the declaration of a result, Scrutiny Committee may, on the advice of the Independent Returning Officer, submit a proposal to Student Council to nullify the result, should it consider that a previously un-investigated serious breach of election regulations has occurred. Such a proposal shall be decided by a two-thirds majority of core Student Council voting members present at a quorate meeting of Student Council

## 17. Election Timetables

17.1 The following group of elections shall occur in the first six weeks of the First Semester:

17.1.1 Scrutiny Committee

17.1.2 Postgraduate Officer

17.1.3 NUS Conference delegates

17.2 All other elections shall occur in the Second Semester.

17.3 The timetable for elections to University Committees and by elections shall be at the discretion of Scrutiny Committee.

## **STANDING ORDERS**

These Standing Orders shall not be interpreted in any way as to overrule the By-Laws.

### **Student Council**

#### 1. General

1.1 The Chair of Student Council and Annual Members' meeting shall be known as the Student Council Chair. In the event of the Student Council Chair being unable to attend, being removed or standing down, the Deputy Chair or another member of Scrutiny Committee shall be co-opted to replace the Student Council Chair as the Chair.

1.2 All agenda items, other than urgent items, shall be submitted at least four clear working days before the meeting.

1.3 A full agenda together with links to all the relevant documents shall be emailed to all members of Student Council two working days before the meeting.

1.4 Amendments to proposals submitted by the relevant deadline shall be emailed to all members two hours before the commencement of the meeting.

1.5 The maximum length of a Student Council meeting is set at one and a half hours. This may be extended by a majority vote of Student Council in periods of thirty minutes.

#### 2. Quorum

No meeting shall start until a properly constituted quorum is present.

### 3. Attendance at Union meetings (Student Council):

- 3.1 At the end of a meeting Officers/Representatives shall sign out using the attendance sheet. A signature shall be the only evidence of attendance that will be accepted and recorded in the minutes
- 3.2 Elected Officers/Representatives unable to attend a meeting that they are mandated to attend must email an apology to [suapologies@le.ac.uk](mailto:suapologies@le.ac.uk), stating the reason at least two hours before the start of the meeting.
- 3.3 If unable to attend a meeting, a member may, for a maximum of two consecutive Union meetings send a full member of the Union as a substitute (proxy). The proxy cannot be a full voting member of the Union meeting in question. A proxy can only represent one voting member at a time. The name of the proxy must be given in writing to the Scrutiny Committee.
- 3.4 If a member of a Union meeting fails to attend a total of three meetings to which they are mandated to attend, they may be deemed to have resigned their post and all other posts held within the Union.
  - 3.4.1 The following shall not be counted as absence:
    - 3.4.1.1 Meetings missed by Executive Officers due to work commitments, University meetings or while on annual leave.
    - 3.4.1.2 Meetings missed by other Officers/Representatives during vacation periods or due to academic commitments.
    - 3.4.1.3 Meetings missed due to mitigating circumstances. This shall be at the discretion of Scrutiny Committee.

At the end of each semester, a report on members' attendance of Union meetings shall be presented to Scrutiny Committee.

### 4. Order of Business

The order of business shall be:

Proposals/Ideas  
Student Council minutes, for discussion/approval  
Scrutiny Committee minutes, for discussion/approval  
Executive and Union Updates  
Proposals/Ideas

## 5. Student Council Chair

The Student Council Chair shall:

- 5.1 Be a non-voting member of Student Council.
- 5.2 Ensure that the will of the meeting is upheld in all matters within the constraints of these By-Laws.
- 5.3 Not participate in the debate, but ensure that all remarks are relevant to the debate.
- 5.4 Ensure that there is a reasonable debate.
- 5.5 Have the authority to extend or limit the length of the debate.
- 5.6 Have the authority to extend or limit the length of the speeches.
- 5.7 Ensure that as many different views as possible are heard.
- 5.8 Have neither a deliberative nor a casting vote.

## 6. Minutes

The minutes of the previous meeting shall be taken as read, and shall contain only the decisions of that meeting, including the result of a vote, and not the discussion. Questions regarding the minutes are to be submitted to the Student Voice department at least two hours before the start of Student Council.

## 7. Proposals

- 7.1 A full member of the Union may submit an idea, if the idea is a simple operational matter it will be actioned.
- 7.2 All other ideas will be presented online. If an idea receives a simple majority of students 'liking the idea', subject to it reaching twenty 'likes' within ten term time days, the idea will either be implemented through an Actioning Group or, if deemed to be a complicated idea that is likely to cause debate, policy based or requiring substantial resource, be presented to Student Council as a proposal.
- 7.3 The member bringing forward the idea may make amendments to their proposal until the start of the vote by Student Council on the proposal.
- 7.4 A full member of the Union may submit an amendment to a written proposal, in writing, to be received by Student Voice department at least two hours before the start of Student Council.
- 7.5 In exceptional circumstances the Student Council Chair may, in consultation with Scrutiny Committee, allow an amendment to be submitted during the meeting.
- 7.6 The Student Council Chair shall determine the order of proposals on the agenda, subject to their content and following the order of precedence below. When submitting a proposal the proposer may include a request for the item to be given priority on the agenda.

- 7.6.1 No-confidence
  - 7.6.2 Censure
  - 7.6.3 Constitutional Amendment
  - 7.6.4 The Union
- 7.7 Each proposal shall have a proposer.
- 7.8 A proposal or amendment to a proposal recommending expenditure of the Union's funds shall contain a statement as to the maximum sum to be authorised.
- 7.9 A proposal to create a new position shall state whether the officer is to be a full voting member, a non-voting member or not a member of Student Council.
- 7.10 Once policy has been created, by passing a proposal an Actioning Group will be formed to facilitate the policy.
8. Emergency Proposal
- 8.1 In order for a proposal to be included on the Student Council agenda as an urgent matter:
- 8.1.1 The matter shall have arisen, or become generally known after the deadline for submission of ideas for Student Council.
  - 8.1.2 The matter shall be of so urgent a nature that it cannot be referred to another Committee or the next Student Council meeting.
- 8.2 A written statement justifying the urgency of the matter shall be required in writing.
- 8.3 All papers associated with the urgent matter and the justification of the urgency shall be submitted to Scrutiny Committee before the start of Student Council. Scrutiny Committee shall make a ruling as to whether or not each urgent item fulfils the criteria given above and shall inform the Student Council Chair of their ruling. The Student Council Chair shall inform Student Council of any proposed urgent items, and of the ruling determined by Scrutiny Committee.
- 8.4 An urgent matter added to the agenda shall be debated after all other business on that section of the agenda.
9. Rules of Debate

All proposals and amendments put to a Union meeting shall be debated using the following procedure:

- 9.1 The maximum time allowed to present and debate a proposal will be fifteen minutes. This can be extended at the discretion of the Student Council Chair or by making an application to Scrutiny Committee when submitting the proposal.
- 9.2 The proposer or their representative shall have two minutes to present their proposal. If the proposer or their representative is not present at the meeting the proposal/amendment shall fail. A full member of the Union shall have two minutes to speak against the proposal.

- 9.3 When debating a proposal, the Student Council Chair shall outline any amendments to the proposal. These shall be taken sequentially in an order decided by the Student Council Chair. All amendments shall be debated by this procedure, however once proposed, if an amendment is acceptable to the proposer of the original proposal, the amendment shall be accepted and the main proposal shall be put forward as amended. If an amendment is debated and accepted, the proposer of the original proposal shall have the right to withdraw the proposal. After all amendments have been debated, the debate on the substantive proposal, possibly amended, shall continue.
- 9.4 The Chair shall ask if there is anyone present who wishes to hear a debate on the issue. If there is no debate, the proposal/amendment shall automatically pass.
- 9.5 Otherwise, members of the Union shall have the opportunity to make comments, ask questions and express views. There will be a time limit of one minute for each question/view. The Chair shall ensure that any person present to whom a question is directed has a right of reply.
- 9.6 The debate shall continue at the Student Council Chair's discretion, at which point the Chair shall ask if there is anyone present who wishes to oppose the proposal. If so, a vote shall be held. Otherwise the proposal/ amendment shall pass.
- 9.7 The Student Council Chair can, at their discretion, extend the length of speeches, questions and views expressed.

## 10. Procedural Motions

- 10.1 At any time during a debate, a member of the Union may propose a procedural motion. These shall be taken by the Chair in the order given below, who shall interrupt the meeting to debate the procedural motion and carry out any resulting action. The meeting shall then return to the appropriate point in the order of business.
- 10.2 The proposer of the procedural motion shall be given thirty seconds to present the motion. A full member of the Union shall be able to give a thirty second speech against the procedural motion. Following this, at the discretion of the Chair there may be a short period of debate on the procedural motion. For any procedural motion concerning the Chair, the Chair shall be ceded for the duration of the debate.

- (a) No-confidence in the Chair for the rest of the meeting.
- (b) A challenge to the Chair's ruling.
- (c) That the matter be referred to another Union meeting.
- (d) That the matter be put to a referendum.
- (e) That the matter be put to the vote.
- (f) That the vote be held by secret ballot.
- (g) That a recount be held.
- (h) That the matter be voted on in parts.

10.3 All procedural motions shall require a simple majority to be carried, except for a procedural motion of no confidence in the Chair, which shall require a two thirds majority.

## 11. Rulings from the Chair

11.1 At any point in the meeting the Chair may make a ruling on an issue.

11.2 Any member of the Union may at any point in the meeting ask the Chair to make a ruling. Such a demand must relate specifically to the conduct of debate at that time and must contain no argument.

11.3 Demands for a ruling from the Chair may not be made during the act of voting. Except if the issue directly relates to the conduct of the vote.

11.4 At all times demands for a ruling from the Chair shall have precedence over other business.

## 12. Voting

12.1 Voting shall be by a show of hands except:

- 12.1.1 When a procedural motion for a secret ballot or recorded ballot is carried.
- 12.1.2 If it is with regard to a procedure of censure or no confidence.

12.2 Scrutiny Committee shall be responsible for the counting of votes.

12.3 Unless stated elsewhere in these By-Laws all proposals, amendments and procedural motions shall pass if:

- 12.3.1 Less than 50% of those who are present abstain and
- 12.3.2 There are more votes in favour than against.

12.4 In all cases abstentions count as part of the number of votes cast.

### 13. Challenges to Quorum

- 13.1 Any member of the Union may at any point challenge the quorum of the meeting. Scrutiny Committee shall then count for quorum and declare the result. If not quorate the meeting shall be over.
- 13.2 At any time in a meeting when the Chair is of the opinion that the meeting, though quorate may soon become inquorate, in order to continue business, may propose homologation to the meeting.
- 13.3 If the meeting consents to homologation the following procedure shall apply:
  - 13.3.1 Only business on the agenda shall be taken and no other business at all shall be allowed.
  - 13.3.2 The meeting shall retain the right to debate items on the agenda, although it may not come to a decision.

### 14. Misconduct

- 14.1 Any person 'named' by the Chair for misconduct shall immediately leave the meeting; refusal to do so shall constitute an automatic referral to the Union's Disciplinary Committee, as shall a subsequent return to the meeting.
- 14.2 In the event of excessive misconduct the meeting can be closed at the discretion of the Chair.

### 15. Censure or No-Confidence of a Part Time or Executive Officer

- 15.1 A written proposal to a Union meeting may call for a person holding a post defined in these By-Laws to be censured or to receive a no-confidence. That person shall have the right to submit a written defence to the meeting in question.
- 15.2 A proposal of censure or no-confidence shall require a two thirds majority to be passed.
- 15.3 Should a proposal of censure or no-confidence be passed, the Chair shall write to the person concerned, conveying to them the decision of the meeting.
- 15.4 Should a proposal of no-confidence be passed, the person concerned shall be immediately removed from office and their position shall become vacant. Should the post be paid by the Union, pay shall cease with immediate effect. (Article 39: Rights of Removed Trustee).
- 15.5 A proposal of censure or no-confidence may not be put to an emergency meeting, shall not be considered as urgent business and may not be presented as an amendment or emergency proposal.

### **EQUAL OPPORTUNITY**

The Union is fully committed to equal opportunities and opposes all forms of discrimination as stated in these By-Laws and in Union Policy. Any breach of these policies or laws will be dealt with the most serious disciplinary procedures.



**Memorandum of Understanding**  
**University of Leicester**  
**and**  
**University of Leicester Students' Union**

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## **1. INTRODUCTION**

- 1.1 The University of Leicester Students' Union (hereinafter referred to as 'the Union') represents the students of the University of Leicester (hereinafter referred to as "the University") and seeks to serve their social, cultural, welfare, educational, political, sporting and developmental needs, to further their interests both inside and outside the University, and generally to enhance their well-being. "The University" shall be taken to mean the governing body of the University, normally the Council, or its senior representatives, including the President and Vice-Chancellor, the Registrar and Secretary, the Director of Finance, and the Director of Estates and Digital Services.
- 1.2 The University's Royal Charter (Article 12) establishes a Students' Union and the Statutes and Ordinances of the University further define the relationship between the Union and the University (reproduced in the appendices).
- 1.3 The aim of this Memorandum of Understanding is to set out, under a number of heads of agreement, issues of common interest to the Union and its subsidiary companies (University of Leicester Students' Union Trading), its elected officers and staff, and the University, so that a clear and positive working relationship between the two is established. It is the responsibility of the University, under the Education Act 1994, to ensure that the Students' Union complies with Section 22 of that Act. Specifically, the University must approve the Constitution and review it at least every five years.
- 1.4 The University last approved the current constitution of the Union in July 2015.
- 1.5 This Memorandum seeks to set out in one place all the documentation regarding the Union's relationship with the University and includes the Code of Practice (referred to in clause 2.3 below) required by the Education Act 1994.
- 1.6 In addition to this document the following documents relate to the Union's operation:
- 1.7 The Union's constitution in the form of its Company articles and memorandum;
- 1.8 The Union's rules and regulations that lay out the detailed operating practices of the various Union committees and bodies;
- 1.9 The Percy Gee lease between the University and the Union that sets out the legal arrangements for the safe and appropriate operation of the Union's premises, which are based in the Percy Gee building of the University campus.
- 1.10 The Union's Strategic Plan that lays out its long term aims and goals. The Union's annual objectives are shared with the University via a series of planning meetings. The post-pandemic strategy is currently being reviewed and is due to be launched for 2022/23. The final strategy will be hosted on the Union's website shortly thereafter.
- 1.11 The Union's annual budget and operating document that are established to clarify the Union's detailed plans for the current year.

## **2. THE STATUS AND RELATIONSHIP BETWEEN THE UNION AND THE UNIVERSITY**

- 2.1 The University affirms its commitment to the self-government and autonomy of the Union under its own constitution, consistent with the law and with the University's obligations.
- 2.2 The University and the Union trusts that this Memorandum of Understanding will contribute to maintaining the excellent relationship between the University and the

Union and between University officers and Union officers which is in the interests of the University and of its students.

- 2.3 In recognition of its responsibilities, in particular as a result of the Education Act 1994, Part II, the University has agreed this memorandum and the details within it should be read as the Code of Practice required by Section 22.3 of the Act. Attached as an appendix is a summary of the details of the Code of Practice that can be published to all students as required by section 22.4 of the Education Act 1994.

### **3. MANAGEMENT, ACCOUNTABILITY AND THE LAW**

- 3.1 In relation to the Union's affairs there will be designated a student officer to act as the prime student representative and the Chair of Trustees and the Lead Student Officer for all legal matters. Currently this is the President of the Union. The Lead Student Officer is assisted by the other sabbatical officers, other elected officer posts and by the Chief Executive Officer of the Union and his/her staff.
- 3.2 To assist the Union and in recognition of its responsibilities in particular areas of activity, the University has appointed a nominated officer from amongst the staff of the University, to advise the Union's Trustees on any matters that the Trustees should wish, but particularly on financial matters, and to act as the University's representative in such matters as may be deemed necessary. The President and Vice-Chancellor shall propose, and the Union Board of Trustees shall agree the choice of nominated officer.
- 3.3 The Union will comply with the requirements of the Health and Safety at Work Act, with the Chief Executive having the same responsibilities in this respect as those defined in the University's Health and Safety Policy for a Head of Department. The Chief Executive, or his or her nominated deputy, for reasons of continuity, will also be the Safety Officer for the Union, advising the Students' Union Trustees as appropriate. The University Safety Advisor will be the appointed person to advise the Union on Health and Safety matters.
- 3.4 The Students' Union is responsible for complying with all other laws relating to its operations and activities including Building Regulations, the Bribery Act, Food Safety, Data Protection, the Freedom of Information Act, Copyright, Environmental Protection, Charities, Licensing, Education, Employment, Equal Opportunities legislation and the Statutes, Ordinances and Regulations of the University, in the same way as an academic department. University Officers will provide advice necessary to facilitate compliance.
- 3.5 The Union will immediately inform the Registrar and Secretary of any legal proceedings taken or proposed against the Union or its officers.
- 3.6 The Council of the University will appoint an observer to the Sabbatical Officer Election count.
- 3.7 The Union is obliged to maintain a register of members in order to comply with Company and Charity Law. It is agreed that this register will be held on behalf of the Union's trustees by the University Registrar and Secretary who will enable appropriate access to the register by all and any authorised persons or organisations. The Union will also have access to the data held within the register for the purposes of communications with the Company members as and when required.

#### **4. PREMISES**

- 4.1 The Students' Union will be provided with certain premises for the purpose of furthering the social, recreational, cultural, welfare and sporting activities of the University's students so far as is reasonably practicable. The premises so provided are owned by the University and made available to the Union under the terms of a lease which shall establish tenant rights for and obligations on the Union and establishes a formula for the payment of rent and sets out responsibilities for the maintenance of the Building. The Union will not permit third parties to occupy space or facilities in any form that establishes any rights of occupancy without the permission of the University.
- 4.2 The Union and its clubs and societies will be permitted use of other areas in the University by agreement and in accordance with any statute, laid down procedures and subject to availability for social, recreational, educational, cultural and sporting activities, such areas remaining the management responsibility of the University.
- 4.3 Where the Union is allowing use of its premises to clubs, societies or to outside organisations, the requirements of the University's Regulations on Freedom of Speech, attached as an appendix to this Memorandum, will be met by the Union. In addition, the Union is responsible for implementing rules governing posters, notices, temporary signs and the distribution of literature on Union premises and where clubs and societies are using other University space.
- 4.6 The Union is required to inform the University of any activities that may cause disruption to the normal operations of the University, not less than 14 calendar days before the activity in writing to the Registrar and Secretary.

#### **5. FINANCE**

- 5.1 Subject to any constraints imposed by OfS, the University shall determine the level of grant to be paid annually to the Students' Union for the furtherance of its charitable objectives. The grant level will be agreed after a period of debate and consultation between the Union and the University that shall include the requirement for the Union to provide, for information, details of its proposed budget and its operating plans.
- 5.2 The Students' Union is responsible for maintaining its own bank account and financial records and preparing its own annual financial statements. The Students' Union may not borrow money from its bank or elsewhere, without approval from the Director of Finance.
- 5.3 All of the Union's charitable activities should be operated in a transparent manner and should encompass all of its operations including clubs and societies, sports teams and trading activities.
- 5.4 At year end, the Students' Union financial statements will be audited by an appropriately qualified firm of auditors and will be presented to the Finance and Infrastructure Committee for information.
- 5.5 In accordance with an agreement between the University and the Students' Union, the University's internal auditor shall have access to records, assets and personnel within the Students' Union in the same way as other areas of the University.
- 5.6 The Students' Union is responsible for maintaining their insurance arrangements. These must be declared to and agreed with the Director of Estates and Digital Services.

- 5.7 The University is required under the Education Act 1994 to take such steps as are reasonably practicable to secure that the Students' Union is accountable for its finances, and that the financial affairs of the Union are properly conducted, as well as ensuring that arrangements exist for the approval of the Union's budget and the monitoring of its expenditure by the University.
- 5.8 The regulation of the financial affairs of the Union is detailed in the Constitution. Responsibility is vested in the Board of Trustees of the Union (or any properly constituted Sub-committee). The Board of Trustees will forward an agreed provisional budget to be received by the University in time for consideration by the University Finance Committee, the final budget being determined after the final allocation of the Union's grant.
- 5.9 The Union may bid for additional capital to fund larger projects that the Union may wish to undertake.
- 5.10 The Union may not incur expenditure, or take any action, which is inconsistent with the law relating to charities. In general, expenditure is proper if it can be said to be appropriate for the purpose of representing and furthering the interests of students at the University in such a way as to assist in the educational aims of the University.
- 5.11 An Annual Report and Accounts of the Union will be published online annually, via the Charities Commission, Companies House and will be made available to students and the University. The Report will contain a list of external organisations to which donations have been made in the period to which the Report relates and details of those donations. The Report will be available for inspection in the Union office and the office of the Registrar and Secretary.
- 5.12 The Union will comply with the Financial Regulations in place, which are approved by the Board of Trustees of the Union, ratified by the Student Council and subject to approval by the University's Director of Finance.
- 5.13 The Union will comply with the detailed requirements of the Education Act concerning affiliations to external bodies, in particular giving due notice of any decision to affiliate, reporting on affiliations and reviewing them. The Union's Board of Trustees will review all external affiliations during the course of preparing its annual budget and make recommendations concerning continuation or otherwise of each affiliation for consideration by the Student Council.

## **6. INFORMATION SERVICES**

- 6.1 The Union will be provided with the same degree of service as other University departments in relation to information technology support.

## **7. STAFF MATTERS**

- 7.1 The Union has full responsibility for appointing and managing its staff and such staff will formally be employees of the Union. Union staff shall be employed on the terms and conditions of employment as deemed appropriate by the Board of Trustees, which should seek professional advice.
- 7.2 The Board of Trustees shall be responsible for all matters relating to the employment, appointment, supervision and dismissal of staff. The dismissal of permanent staff shall be the responsibility of the Union's Chief Executive (or in the case of the Chief Executive, the appropriate sub-committee of the Board of Trustees), and shall follow regulations laid out in the Union's employment handbook (located in the Union Office) and follow all legal requirements and current best practice.

- 7.3 The standards by which staff employed by the Union and how they shall conduct themselves in relation to each other are included in a Staff Student Protocol (employment handbook) agreed by the Board of Trustees.
- 7.4 The Union will consult with the University regarding any proposed change to its employees' pension arrangements. For so long as the University is required by USS to guarantee the Union's obligations to USS, the Union will in particular ensure that it remains in active membership of USS by having at least one member of staff in active membership, and taking such action as is necessary to avoid triggering a "Section 75" withdrawal from USS.
- 7.5 The University will be consulted regarding the terms, conditions and recruitment of the Union's most senior member of staff, normally the Chief Executive. The University will normally be invited by the Board of Trustees to add a member of its senior management team to any interview panel for the senior staff post in the Union.
- 7.6 Staff employed by the Union to work for more than 16 hours per week, on contracts of at least 12 months' duration, and who are not already full-time students of the University, shall be entitled to receive a fee discount on courses of part-time or distance learning study undertaken by them at the University. On this basis a fee discount which is the same as that which is offered to University staff will be applied to programmes of study. Individuals whose primary purpose in joining the University is to be a student shall not be eligible to receive such discounts.

## **8. COMPLAINTS AND DISCIPLINE**

- 8.1 The by-laws of the Union provide for a [complaints](#) procedure for use by students not satisfied in their dealings with the Union. Complainants not satisfied, having utilised in full the procedures internal to the Union, have a right to refer the matter to the Registrar and Secretary of the University for consideration under the University's Complaints Procedure.
- 8.2 Complainants not satisfied as a result of the above have the right of access to an independent person appointed by the University. The independent person will carry out appropriate enquiries and report to the complainant and to the University with conclusions and suggested remedies. All parties to any complaint will be informed of its nature and have the right to present written responses or representations, which will be considered.
- 8.3 Reports of complaints and of suggested remedies shall be made to the University. The University shall determine whether the remedies are appropriate and suggest action by the Union, the University or the complainant as a result. The Union undertakes to implement such remedies promptly and fully.
- 8.4 Serious offences will be reported by the Union to the Registrar and Secretary before Union action is considered or taken. Any University decision to proceed under the University Senate regulations governing student discipline will normally take precedence and any Union proceedings will cease.

## **9. WELFARE**

- 9.1 The University and the Union both attach great importance to the welfare of students and will co-operate fully in providing complementary services of quality, commensurate with available resources.

- 9.2 Representatives from the Union sit on relevant University Committees and on working parties with responsibilities for student welfare and student related matters. The University recognises and welcomes the representative function of the Union on these committees and commits to consult with the Union on any changes to the provision of welfare services.
- 9.3 The University recognises and welcomes the important role of independent advocacy provided by the Union in representing, advising and supporting students who are utilising the appeals and complaints procedure or who are the subject of disciplinary action.

## **10. MEDIA**

- 10.1 All features, articles, letters and advertisements published in publications, or content on the radio or TV stations are as a result of decisions made by the Editor/Station Manager liaising with the Executive Committee of the Union as appropriate. As such they are independent of the University and the University will accept no responsibility for anything so published. Material which is unlawful may not be published, and the Union is obliged to ensure this is so and will appoint a student officer to check student publications to ensure compliance with the law before it goes to print or is broadcast. The Union's Trustees shall ensure that there is in place an appropriate removal policy for all Union media.
- 10.2 All the Union's electronic communications (including its web site and any social network sites) will be moderated by a responsible officer or staff member of the Union, and any offensive or inappropriate material will be removed as soon as it is practical to do so.
- 10.3 The Union will normally liaise with the University press office if significant media publicity is being sought for any issue in order to maximise its impact and to reduce any potential clashes with the University press agenda.

## **11. LOCAL COMMUNITY**

- 11.1 The University and the Union are committed to improving links with the local community.
- 11.2 The University recognises the work done by the Union with volunteering through its various programmes and will support such initiatives for the good of students and the local community.

## **12. COMMUNICATION WITH THE UNIVERSITY ADMINISTRATION**

- 12.1 The formal channel of communication between the University and the Union will be via the President of the Union and the Registrar and Secretary of the University who will meet regularly for this purpose. However, in general, Union officers may access members of Corporate Services directly on any issue. The President and Vice-Chancellor will meet with officers of the Union from time to time or as necessary.

## **13. DISPUTE RESOLUTION**

- 14.1 In the event that there is a dispute between the Union and the University regarding any matter, both parties will seek a resolution through negotiations between senior officers and staff of the parties, who have authority to settle the same.
- 14.2 If the matter is not resolved by negotiation within a reasonable time, both parties shall attempt to resolve the dispute in good faith through the appointment of a

single mediator to be agreed between the parties, or failing agreement on an mediator, a mediator will be appointed by the Chair of University Council.

**15. REVIEW**

- 15.1 The University will formally review the Union’s constitution, and this Memorandum of Understanding (MoU), every five years. However, if the Union submits proposals for substantial amendments to the constitution or the Memorandum of Understanding to the University in any year, the next formal review will be held at least five years from the year in which the University approved those amendments. A copy of the MoU is included within the SU constitution and this was last reviewed earlier this year.
- 15.2 The rules and regulations of the Union can be amended by the Union (utilising the appropriate procedures) as required. However, they shall be presented to the University every five years along with the Union’s Constitution and this memorandum of Understanding for the five yearly review as required by the Education Act 1994.
- 15.3 Any disputes on the interpretation or application of this Memorandum of Understanding will be referred to a meeting of the Union’s Chair of Trustees, the Union’s Chief Executive, the University Registrar and Secretary and the Chair of the University Council.

SIGNED FOR THE UNIVERSITY:

.....

Vice-Chancellor

Date:.....

.....

SIGNED FOR THE STUDENTS’ UNION:

.....

Chair of the Board of Trustees

Date:  
.....



## **APPENDICES**

### **APPENDIX 1: UNIVERSITY CHARTER (EXTRACT)**

#### **Section 12**

There shall be an Alumni Association of the University and there shall also be a Students' Union. The Alumni Association and the Students' Union shall respectively have such and so many representatives on the Council and the Court and on such conditions as may be provided by the Statutes and Ordinances of the University.

**APPENDIX 2: UNIVERSITY STATUTES (EXTRACT)**

**Section 11: The Students' Union**

There shall be a Students' Union of the University and Ordinances shall prescribe the constitution, functions, privileges and other matters relating to such a Union.

### APPENDIX 3: UNIVERSITY ORDINANCES (EXTRACT)

#### **Ordinance 22: The Students' Union**

1. There shall be a Students' Union of the University (hereinafter called the Union) for the promotion of the general interests of students and to afford a recognised channel of communication between students and the University authorities.
2. The members of the Union shall be: (a) all registered students of the University; (b) such members of staff of the University as may elect to become Associate Members of the Union; - (c) such persons as the Union in accordance with its Regulations may from time to time admit or elect as Associate, Life, Honorary or External Members, provided that any registered student shall have the right not to be a member of the Union if he/she so wishes, and shall not be unfairly disadvantaged by reason of having exercised that right. Students wishing not to be members of the Union must indicate this wish in writing to the Registrar and Secretary (or such officer as he may designate for the purpose), and this decision will remain effective for the duration of their registered student membership of the University unless they take specific action to resume membership. Students who have opted out may not resume membership of the Union during the session in which they have opted out, but they may take up membership in any subsequent session, provided that they indicate a wish to do so in writing to the Registrar and Secretary or his designated officer.
3. Members under 2(b) and 2(c), other than Honorary Members, will be required to pay such subscription as may be required by the Regulations of the Union.
4. The Constitution of the Union shall consist of the provisions of the University's Statutes concerning the Students' Union, this Ordinance, any other Regulations of the University concerning the Union, the by-laws and Regulations of the Union prepared and approved in accordance with section (6) below, and the Articles and Memorandum of Incorporation. This Constitution shall comply with the terms of the Education (No. 2) Act 1986 and the Education Act 1994, and shall be presented to the Council of the University for review at least every five years. Copies of the Students' Union [Constitution](#) shall be made freely available for inspection by any member of the University in the offices of the Union, the office of the Registrar and Secretary, the Library of the University, and in such other places as the Executive Committee of the Union may designate.
5. The Union shall designate an officer or an employee who shall have overall responsibility for the implementation of the financial aspects of this Ordinance and of any Regulations of the University concerning the Union. This person shall also have a duty to advise the Union if at any time any action or policy under consideration by the Union appears to be in conflict with any statutory requirements, the terms of this Ordinance, the Regulations of the University, or any other agreement between the Union and the University. The designated person shall be required to inform the President and Vice-Chancellor in writing should the Union decide to proceed contrary to that advice.
6. Regulations shall be prepared by the Union for the furtherance of the objects of the Union which regulations and any alterations or abrogation thereof shall be of effect and binding on all members of the Union immediately upon receiving the approval of the Registrar and Secretary, whose decision in each case shall be reported to the Council of the University. The Regulations shall provide inter alia for the election of officers by secret ballot, for the conduct of all elections by democratic process, for the publication of an Annual Report and Accounts, for the appointment of a Union University, an Executive Committee, a Finance and Management Committee and

Standing Committees, for the affiliation of Students' Societies and Athletic Clubs to the Union, for the allocation of resources to affiliated societies and clubs, for the affiliation of the Union to external organisations, and for appropriate procedures governing these activities.

7. Students shall be permitted to participate in elections of the Union by postal ballot under such circumstances and according to such procedures as shall be defined in the Regulations of the Union.
8. The conduct of the elections of officers shall be subject to inspection by a person appointed by the University of the University, who shall be required to satisfy himself on behalf of the University that the elections have been fairly and properly conducted, and without whose certificate any election shall be void.
9. No person shall hold sabbatical office, or paid elected office, in the Union for more than two years in total.
10. The functions of the Executive Committee, subject to the Regulations of the Union, shall be to represent the Union in all matters affecting its interests.
11. The Board of Trustees shall be accountable for the administration of the finances of the Union. The accounts of the Union shall at the end of each financial year be audited by a public accountant in the active practice of his profession, and copies of the accounts, with the signed report of the auditor, shall be presented to the Student Council. The audited accounts shall also be presented to the Council of the University, through the University's Finance Committee, and copies shall be made freely available for inspection by any member of the University in the offices of the Union, the office of the Registrar and Secretary, the Library of the University, and in such other places as the Board of Trustees may designate.
12. The Annual Report and Accounts of the Union shall contain: (a) a list of any external organisations to which the Union has made donations in the period to which the report relates, and details of those donations; and (b) a list of any external organisations to which the Union has been affiliated in the period to which the report refers, and details of the subscriptions or fees paid to such organisations in the same period.
13. The budget of the Union for the forthcoming financial year shall be prepared in accordance with the Regulations of the Union, shall be subject to discussion with the Registrar and Secretary and other appropriate officers of the University, and shall be presented to the Council of the University, through the University's Finance Committee, for approval.
14. The Union shall make a quarterly report on its income and expenditure against the approved budget to the University's Finance Committee.
15. The Union shall incur no expenditure, and take no other action, which is inconsistent with the law relating to charities.
16. The Board of Trustees shall have the authority to affiliate the Union to outside organisations, subject to legislation, the provisions of Ordinances, and the Regulations of the Union. Any such new affiliation shall be announced by means of a notice stating the name of the organisation, and details of any subscriptions or donations made or proposed. The notice shall be prominently displayed in the Students' Union, and shall be made available for display in the University Library and the office of the Registrar and Secretary.
17. The Regulations of the Union shall include procedures for the review of affiliations to external organisations annually. Five per cent of the members of the Union under

clause 2 (a) of this Appendix 3 may, on provision of a signed requisition, call for a ballot of all members on the continuation of affiliation to a specified external organisation or organisations, provided that no organisation may be the subject of such a ballot more than once in any Academic Year.

18. The Regulations of the Union shall include procedures for the consideration of any complaints by students (whether members or not) who are dissatisfied in their dealings with the Union. Complainants shall have a right of appeal to an independent person appointed by the Council of the University. Students who, not being members of the Union, claim to have been unfairly disadvantaged as a consequence, may have their complaints considered by the Registrar and Secretary, and shall have a right of appeal thereafter to an independent person.

#### APPENDIX 4: STUDENTS' UNION CODE OF PRACTICE

The Education Act 1994 (Section 22(3)) requires universities to issue a Code of Practice, setting out the manner in which the requirements of section 22(1) and (2) of the Act, relating to the organisation and activities of the Students' Union, are to be put into effect.

The statutory Information for Students under Section 22(4)(b) of the Education Act is detailed below.

<b>The requirements of Section 22(2) in the wording of the Act</b>	<b>The steps taken by the University</b>
(a) The Union should have a written constitution	<p>The Memorandum and Articles of Incorporation were approved by Council in 2008.</p> <p>More detailed procedures of a constitutional nature are set out in the by-laws, agreed by the Unions Board of Trustees and Student Council, the first version of these being received by University Council on 29 March 2010 at the same time as the Memorandum and Articles of Incorporation.</p>
(b) The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years.	<p>See above. The constitution was last reviewed and minor changes approved by the University Council in March 2022.</p> <p>The next review will take place in the academic year 2026-27.</p>
(c) A student should have the right not to be a member of the union, or in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services of otherwise, by reason of their having done so.	<p>Article 15.1.1 of the Articles of Incorporation establishes the right of students to opt out of Union membership.</p> <p>The procedures for so doing are contained in the by-laws.</p>
(d) Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.	This is established by the Memorandum and Articles of Incorporation (Article 38).
(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.	According to the by-laws, the University shall appoint a representative to oversee the good conduct of the Students' Union's elections.
(f) A person should not hold sabbatical office, or paid elected union office, for more than two	This is established by the Articles of Incorporation (Article 38.2).

years in total at the establishment.	
(g) The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body.	<p>The Budget of the Students' Union is received by the University Finance Committee, which would thereby be enabled to draw the attention of the Students' Union to any problems it had identified.</p> <p>The Financial Regulations of the University and the Union provide for the approval of the audit arrangements of the Students' Union by the University.</p>
(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular, a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations.	<p>The Annual Financial Statements of the Students' Union are received by the University Finance Committee.</p> <p>Details of any donations would be contained in the Financial Statements.</p>
(i) The procedure for allocating resources to groups or clubs should be fair, and should be set down in writing and freely accessible to all students.	<p>The procedures are published by the Students' Union in the Clubs and Societies Handbooks, generally accessible to members, and on the Students' Union website.</p> <p>Revisions of the procedures must be approved by the University Director of Finance.</p>
(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students.	<p>If the Union decides to affiliate to an external organisation, it shall publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to Council and to all students.</p>
Where the union is affiliated to any external organisations, a report should be published annually or more frequently, containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions or similar fees paid, or donations made, to such organisations in the past year or	<p>An annual report shall be made to Council, normally in the Autumn term in conjunction with the Financial Statements of the Students' Union, containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions or similar fees paid, or</p>

<p>since the last report, and such reports should be made available to the governing body and to all students.</p>	<p>donations made, to such organisations since the last report. If there are no affiliations, Council shall be so informed. The content of the report to Council shall be made available to all students by the Students' Union.</p>
<p>(l) There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.</p>	<p>The Students' Union is required to conduct an annual review of its current list of affiliations, according to procedures to be approved by the Registrar and Secretary. The procedures shall be published by the Students' Union on its website.</p> <p>The by-laws provide that Members who are opposed to affiliation of the Union to a particular external organisation, or who wish to see the Union affiliated to a particular organisation may call for a secret ballot of all members. 5% of the full membership of the Union may call for such a ballot (in accordance with the Constitution), provided that no organisation may be subject to a ballot more than once in any one academic year.</p>
<p>(m) There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.</p> <p>(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p>Under the by-laws, the Trustees are required to provide for the internal handling of complaints in the Students' Union.</p> <p>The Students' Union is also required to publish on its website a complaints procedure for those dissatisfied with the outcome of the internal complaints procedure. This shall include provision for an independent person appointed by Council to investigate on complaints. The procedure shall be approved by the Registrar and Secretary of the University.</p>

### **Section 22(4)(b) - Information for students**

Under section 22(4)(b) of the Education Act 1994, the University is obliged to draw to the attention of students the restrictions imposed on the activities of the Students' Union by the law relating to charities.

Resources provided to the Union by the University should be used only for the charitable purposes of the Students' Union. The charitable purposes of the Students'



Union are defined by the Memorandum and Articles of Incorporation as:

1. The objects of the Union are the advancement of education of Students at the University of Leicester for the public benefit by:
  - a. promoting the interests and welfare of Students at the University of Leicester during their course of study and representing, supporting and advising Students;
  - b. being the recognised representative channel between Students and the University of Leicester any other external bodies; and
  - c. providing social, cultural, sporting and recreational activities, and forums for discussions and debate for the personal development of its students.

**APPENDIX 5: THE EDUCATION ACT 1994 (EXTRACT)**

**Part II – Students' Unions**

**20. Meaning of “students' union”**

1. In this Part a “students' union” means—
  - a. an association of the generality of students at an establishment to which this Part applies whose principal purposes include promoting the general interests of its members as students; or
  - b. a representative body (whether an association or not) whose principal purposes include representing the generality of students at an establishment to which this Part applies in academic, disciplinary or other matters relating to the government of the establishment.
2. References in this Part to a students' union include an association or body which would fall within subsection (1) if for the references to the generality of students at the establishment there were substituted a reference to—
  - a. the generality of undergraduate students, or graduate students, at the establishment; or
  - b. the generality of students at a particular hall of residence of the establishment.
3. References in this Part to a students' union include an association or body which consists wholly or mainly of—
  - a. constituent or affiliated associations or bodies which are themselves students' unions within subsection (1) or (2), or
  - b. representatives of such constituent or affiliated associations,  
and which fulfils the functions of a students' union within subsection (1) or (2) in relation to students at an establishment to which this Part applies.
4. An association or body may be a students' union within the meaning of this Part in relation to more than one establishment but not in relation to establishments generally in the United Kingdom or a part of the United Kingdom.
5. References in this section to an association of the generality of students, or of any description of students, include—
  - a. any association which the generality of students, or of students of that description, may join, whether or not it has in membership a majority of them, and
  - b. any association which would fall within paragraph (a) if the references there to students were confined to full-time students;and references to a representative body whose principal purposes include representing the generality of students, or of any description of students, shall be similarly construed.

## 21. Establishments to which Part II applies

1. The establishments in England and Wales to which this Part applies are—
  - a. any university receiving financial support under section 65 of the [1992 c. 13.] Further and Higher Education Act 1992;
  - b. any institution conducted by a higher education corporation or further education corporation within the meaning of that Act;
  - c. any institution designated under section 129 of the [1988 c. 40.] Education Reform Act 1988 as eligible to receive support from funds administered by a higher education funding council;
  - d. any institution designated under section 28 of the [1992 c. 13.] Further and Higher Education Act 1992 as eligible to receive support from funds administered by a further education funding council;
  - e. any institution substantially dependent on financial support under section 6(5) of that Act (certain institutions providing facilities for part-time, or adult, further education);
  - f. any institution designated, or of a description designated, by order of the Secretary of State;
  - g. any college, school or hall in an establishment within any of the above paragraphs.
2. The establishments in Scotland to which this Part applies are—
  - a. any institution within the higher education sector for the purposes of section 56(2) of the [1992 c. 37.] Further and Higher Education (Scotland) Act 1992;
  - b. any college of further education (within the meaning of section 36(1) of that Act), the board of management of which, or in respect of which an appropriate person, is in receipt of a grant, loan or other payment as mentioned in section 4(1) of that Act;
  - c. any central institution within the meaning of section 135(1) of the [1980 c. 44.] Education (Scotland) Act 1980;
  - d. any institution designated, or of a description designated, by order of the Secretary of State.
3. For the purposes of subsection (1)(e) an institution is substantially dependent on financial support under section 6(5) of the [1992 c. 13.] Further and Higher Education Act 1992 in any year in which such support amounts to 25 per cent. or more of its income.

For this purpose “year” means an accounting year of the institution, and “income” means receipts of any description, including capital receipts.
4. In subsection (1)(g) “college” includes any institution in the nature of a college.
5. References in this Part to the governing body of an establishment are to the executive governing body which has responsibility for the conduct of affairs of the establishment and the management and administration of its revenue and property.

## 22. Requirements to be observed in relation to students' unions

1. The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.
2. The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment—
  - a. the union should have a written constitution;
  - b. the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;
  - c. a student should have the right—
    - i. not to be a member of the union, or
    - II. In the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so;
  - d. appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;
  - e. the governing body should satisfy themselves that the elections are fairly and properly conducted;
  - f. a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;
  - g. the financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body;
  - h. financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular—
    - i. a list of the external organisations to which the union has made donations in the period to which the report relates, and
    - ii. details of those donations;
  - i. the procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students;
  - j. if the union decides to affiliate to an external organisation, it should publish notice of its decision stating—
    - i. the name of the organisation, and
    - ii. details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students;

- k. where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—
    - i. a list of the external organisations to which the union is currently affiliated, and
    - ii. details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students;
  - l. there should be procedures for the review of affiliations to external organisations under which—
    - i. the current list of affiliations is submitted for approval by members annually or more frequently, and
    - ii. at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent.) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;
  - m. there should be a complaints procedure available to all students or groups of students who—
    - i. are dissatisfied in their dealings with the union, or
    - ii. claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints;
  - n. complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.
3. The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.
  4. The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year—
    - a. the code of practice currently in force under subsection (3),
    - b. any restrictions imposed on the activities of the union by the law relating to charities, and
    - c. where the establishment is one to which section 43 of the [1986 c. 61.] Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union.
  5. The governing body of every establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in

any information which is generally made available to persons considering whether to become students at the establishment—

- a. information as to the right referred to in subsection (2)(c)(i) and (ii), and
  - b. details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.
6. In subsections (2), (4) and (5) the expression “all students” shall be construed as follows—
- a. in relation to an association or body which is a students' union by virtue of section 20(1), the reference is to all students at the establishment;
  - b. in relation to an association or body which is a students' union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;
  - c. in relation to an association or body which is a students' union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent or affiliated associations or bodies.
7. In this section the expression “members”, in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).
8. In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students' union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.
9. Subsection (2)(d) and (1)(ii) (elections and affiliations: requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.

## **APPENDIX 6: UNIVERSITY REGULATIONS CONCERNING FREEDOM OF SPEECH**

### **CODE OF PRACTICE CONCERNING FREEDOM OF SPEECH**

#### **Introduction**

1. The University regards it as a fundamental principle of its existence as an independent academic institution that freedom of speech within the law should be respected on its premises and in all its activities. No individual or body of persons shall be prevented from studying, or participating in any academic activity, or being invited to deliver a lecture, or delivering a lecture, or complying with a contract of employment with the University, solely on account of their political, religious or other opinions and beliefs. Equally, the University does not expect that any speaker will make requests or seek to impose conditions requiring the observance of their opinions or beliefs by the audience.

#### **Basis of Jurisdiction**

2. This Code is approved by the Council, in accordance with its authority under the Charter and Statutes of the University. It also constitutes the Code of Practice required by Section 43 of the Education (No 2) Act 1986, which states, inter alia, that every individual and body of persons concerned in the government of the University shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the University and for visiting speakers; and that the Council shall issue and keep up to date a code of practice setting out the procedures to be followed in connection with the organisation of meetings and other activities, and the conduct required in connection with any such meeting or activity.

#### **Scope of Authority**

3. The provisions of this Code, and of any procedures duly instituted in accordance with it, shall apply in full to all employees, students, honorary and visiting staff and any other members of the University within the meaning of Section 2 of the Statutes; to the Students' Union, its clubs and societies; and to all persons and associations occupying property of the University.
4. All persons to whom the Code applies are under an obligation to take no action which would hinder freedom of speech within the law, or which would prevent the University, the President and Vice-Chancellor or any of its Officers from discharging their duty to ensure freedom of speech so far as is reasonably practicable.
5. Ordinance 23(2) and the Regulations Governing Student Discipline provide that persons authorised by Senate for the purpose shall have the authority, and it shall be their duty to check disorderly or improper conduct or any breach of regulations occurring in any of the University buildings or their precincts or in public buildings or places.
6. This Code applies to informal or social activities and events as well as to any more formal meeting or lecture as may be subject to the specific and detailed special arrangements set out below. Examples of applicable events include visiting lecturers invited by academic staff; religious or political representatives speaking on campus; and events such as debates, speeches and conferences taking place in University facilities that have been organised by staff, students and external bodies.
7. Throughout this Code, its provisions will be deemed to apply both to events that are held face-to-face on University premises, and to events that are delivered online via a virtual/digital platform.

8. In the exercise of its duties under this Code, the University and its Officers will also take account of other obligations under the law which may require it to have regard to what is said on its premises. In particular, the rights conferred by this Code do not extend to any speaker who acts unlawfully by, for example, using threatening, abusive or insulting words or behaviour so as to run the risk of inciting violence or racial hatred; who invites support for a proscribed terrorist organisation; or whose activities, even if directed to lawful purposes, cease to be lawful when, for example, they break conditions imposed by the police, endanger the health and safety of others, or cause serious public disorder.

### **Procedures**

9. The President and Vice-Chancellor shall be responsible to the Council for the operation and enforcement of this Code. His or her authority for its administration shall be delegated to the Registrar and Secretary, who may further delegate authority in general or particular instances to other Officers of the University.
10. The Registrar and Secretary shall be authorised to compile such additional Administrative Procedures as he or she thinks necessary for the effective implementation of this Code, and such procedures shall have effect as if they formed part of this Code, and shall be interpreted in such a manner as not to conflict with the Code.
11. Such administrative procedures may include, but are not restricted to:
  - a. details of the arrangements required for booking rooms or arranging other activities on University premises;
  - b. appointing of Officers responsible for the receipt and management of event bookings;
  - c. explanation and elaboration of the categories of visiting speaker, and of subject matter for a meeting, and of other characteristics of an activity which at any given time is likely to be "designated" under the terms of paragraph 22 below.
12. Such Administrative Procedures shall be published by the Registrar and Secretary in an Appendix to this Code and, as far as is reasonably practicable, shall be circulated to all persons or organisations within the University concerned in the organisation of activities covered by this Code. Failure to receive such Administrative Procedures shall not exempt the organiser of any activity from liability to conform with the said procedures.

### **General Requirements**

13. Any meeting or activity taking place on the premises of the University, shall, whether it has been "designated" or not, comply with paragraphs 1 and 4 above, and with paragraphs 14 to 21 below.
14. The organisers of any meeting or activity held on University premises shall ensure that a single person is appointed as the principal organiser of the event. The principal organiser has a duty to see that nothing in the preparations for or conduct of that meeting or activity infringes the law, for example, by conduct likely to cause a breach of the peace or incitement to illegal acts.
15. The principal organiser or chair of the meeting has a duty so far as is possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of conduct which is or appears to be unlawful or in breach of this Code, the chair is required to give appropriate warning and, if necessary, to require the withdrawal or removal of persons concerned.



16. No article or objects capable of causing damage or injury may be taken inside a building where a meeting is taking place, or taken or used elsewhere on University premises, in circumstances likely to lead to damage or injury.
17. Premises used for meetings or activities must be left in a clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required.
18. The University's expectation is that any request to make a booking for an event to be held on University premises will normally be received at least two weeks before the event is due to take place. This notice period is required so that the University has sufficient time to undertake any review that it considers necessary of the details of the planned event. The University's expectation is that any such review will normally be completed within three working days of the receipt of the request. Any specific variations to these normal expectations are detailed in the Appendix.

#### **Gender Segregation at Events and Meetings**

19. The University has a legal duty to ensure that all students, employees and members of the public can enjoy access to events and meetings held on its premises without unlawful discrimination. Segregation of audiences according to gender is therefore not permitted at any conference, meeting, speech, lecture or other event organised for and attended by students, employees of the University or the Students' Union, or members of the public. This includes any such event held on University premises that takes place under the auspices of the Students' Union, its clubs, societies and associations, or any external organisation.
20. The University will decline any request received from an organising body or a visiting speaker, or from an individual attending or wishing to attend an event at the University, for the audience to be segregated according to gender.
21. Segregation according to gender is permissible during acts of collective religious worship as this is not subject to equality legislation. However, no segregation is permitted at any meeting or event at the University which precedes or follows on from an act of collective religious worship.

#### **Designated Events**

22. Any meeting or other activity where the Registrar and Secretary judges that the identity of the speaker and/or the subject matter of his or her speech will be regarded as controversial, such that there is a real likelihood that the speaker or participants may not be able to enter or leave the building safely and/or deliver his or her speech, will be classified by the Registrar and Secretary or (in each of clauses 24-30) his or her Appointed Officer as a Designated Event.
23. The fact that a meeting or activity has for any reason not been defined as a Designated Event shall in no way exempt the organisers or participants from their general responsibilities under this Code.
24. The principal organiser of a Designated Event will be required to provide to the Registrar and Secretary or his or her Appointed Officer, by a deadline which shall be specified by the University for that event, a written statement of the name of the speaker, the title and subject of the address and the precise times of the arrival and departure of the speaker. The University reserves the right to cancel the booking at any time for any event where the principal organiser does not provide the written statement by the due deadline.
25. Having given proper consideration to this written statement and all other information as he or she deems appropriate, in accordance with the general principles set out in paragraphs 1 and 2, the Registrar and Secretary shall issue to the principal organiser

a written statement which shall either grant or withhold permission for the use of University premises for the event. This shall normally be issued within three working days of the receipt of the written statement from the principal organiser, and it shall indicate that the principal organiser has the right to appeal against the decision of the Registrar and Secretary.

26. Permission for the use of University premises may be granted subject to such conditions as the Registrar and Secretary considers reasonably necessary to secure fulfilment of the University's responsibilities concerning the protection of free speech within the law.
27. The principal organiser must provide written confirmation that they and all other persons concerned with the organisation of, or speaking at, an event for which permission has been granted shall be required to comply with any and every condition laid down by the Registrar and Secretary. Such conditions may include a requirement that tickets must be issued for public meetings, events should conclude by a certain time and that an adequate number of named stewards should be available, as to whose suitability the Registrar and Secretary must be satisfied, in addition to any security staff that the Registrar and Secretary may feel should be present to maintain order.
28. The conditions prescribed by the Registrar and Secretary may include conditions concerning admission or exclusion of press, television or broadcasting personnel. Conditions may also exclude the audience being allowed to record some or any part of the event.
29. In addition to any conditions referred to above the Registrar and Secretary has discretion to lay down further conditions, if appropriate, after consultation with the police; and if not satisfied that adequate arrangements can be made to maintain good order and the health and safety of all individuals involved in the event the Registrar and Secretary may refuse or withdraw permission for the meeting or activity. This shall include the authority to withdraw permission at short notice, including immediately before or after an event has commenced if it becomes apparent that the University has not been notified of relevant details or material changes, such as a change of named speaker, which might otherwise have resulted in permission to hold the event not being granted.
30. Appeals against the rulings of the Registrar and Secretary may be made to the President and Vice-Chancellor whose decision shall be final but must be reported nomination the next meeting of the Council.

#### **Enforcement**

31. Any infringement of this Code by a student or a member of staff of the University shall be subject to the established disciplinary procedures of the University appropriate to the person or persons concerned. In respect of students, infringement may be classified as an offence within the terms of the regulations governing student discipline; and in respect of employees of the University, infringement may be regarded as a breach of contract of employment.
32. If any actions involve breaches of the law, the University will assist the prosecuting authorities to implement the process of law and may suspend any internal disciplinary proceedings pending the outcome of any such processes.