

# **PROPOSED BYE LAWS OF THE UNIVERSITY OF SUNDERLAND STUDENTS' UNION**

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## 100 Rights of Members

*This section outlines the benefits received by students by virtue of being members of the Union and the different types of members there are. Almost all students are Student Members.*

101 The Members of the Union shall be made up of the following categories:

- a) Student Members
- b) Company Law Members
- c) Associate Members
- d) Honorary Life Members

102 **Student Members** shall automatically comprise of each and every Student registered on a course or programme of study with the University who has not opted out by notifying the University or the Union of his or her wish not to be a member of the Union. Sabbatical Officers shall also be Student Members as set out in the Articles.

103 **Company Law Members** being the Trustees as described in the Articles.

104 **Associate Members** shall be available to University Staff, Students Union Staff, Sixth form students, Further or Higher Education students studying at a school or college within the City of Sunderland, other members of the local community and alumni of the University of Sunderland. For the avoidance of doubt these members do not have voting rights in any democratic or political forum. Applications to become an associate member shall be decided by the Trustee Board.

105 **Honorary Life Members** shall comprise of former Sabbatical Trustees and other persons whose services to the Union are deemed by Union Council to be so exceptional as to merit special recognition shall receive Honorary Life Membership. Such persons may be present Members, past Members, or non-members of the Union.

Honorary Life Membership shall be conferred by a two-thirds majority vote at Union Council.

106 Student Members shall have the right:

- 106.1 to use all services provided by the Union;
- 106.2 to engage in all activities of the Union, including joining Communities, Clubs and Societies of the Union/University and to participate in the decision making process of the Clubs and Societies of which they are members;
- 106.3 to represent the University/ Union within Communities, Clubs and Societies;
- 106.4 to start a new Community, Club or Society in accordance with the rules laid down by the Union/ University;
- 106.5 to be able to apply for casual employment with the Union;
- 106.6 to participate and vote in Union elections and decision making, subject to the provisions laid down in the Bye Laws of the Constitution;
- 106.7 to seek Union advice and representation where appropriate;
- 106.8 to attend and speak at all Union Meetings and to vote at all Student Members' Meetings of the Union;
- 106.9 to stand for election subject to the rules applying to eligibility of each post.

107. **Associate Members and Honorary Life Members** shall have the right:

- 107.1 to use all services provided by the Union including commercial services;
- 107.2 to engage in all activities (including those of Clubs and Societies) of the Union;
- 107.3 to any other rights of their membership status as specified within the Articles of Association and Byelaws

108 Associate Members and Honorary Life Members **do not** however, have the right to:

- 108.1 Attend or speak at any Union Meeting, with the exception of Union Staff, who may attend and speak in their official staff capacity, except where otherwise indicated in the Articles of Association
- 108.2 Vote at any Union Meeting, except where otherwise indicated in the Articles of Association;
- 108.3 Stand for office, nominate another, or vote in an election.

109 If Honorary Life Membership is granted to a current Student Member then the rights attached to the Student Membership will continue to apply until such time as the Honorary Life Member no longer qualifies for current Student Membership status. Thereafter the rights attached to Honorary Life Membership only will apply.

110 The Union is not under any obligation to guarantee the provision of any particular service at any time and any services that are offered are regularly reviewed and are naturally subject to change from time to time sometimes without notice to Members.

111 The Union may add to, vary or discontinue any of the services offered to Members as it sees fit in the best interests of the Union and its objects. Service provision is reviewed by the relevant committee with delegation from the Board of Trustees.

112 The duties of all Members of the Union shall be:

- 112.1 to uphold the good name of the Union;
- 112.2 to maintain good order and observe health and safety principles within the Union and the University;
- 112.3 to strive not to cause damage to Union and University property;
- 112.4 to uphold Union Policy when representing the Union;
- 112.5 to abide by the Articles, Bye-Laws and Policies of the Union;
- 112.6 any other duties stated in the Articles and Bye-Laws.

113 No changes to any class of membership as outlined in section 101 shall be made without consultation with that class of member.

## **200 Provision for opting out of membership**

*If you do not want to have the right of membership described in Bye-Law 1, you can opt out as described below.*

201 Under the Education Act 1994, all students have the right to opt out of membership of the Students' Union, without it affecting their right to use the Union facilities and services.

202 Students wishing to opt out must complete a form, available from the Union reception, and return it to the University within 10 days of their registration as a student in any academic year. The opt out shall be valid for that academic year only and students wishing to opt out in following academic years will need to complete the form again at the start of each academic year. Students choosing to opt out at the start of any academic year will be required to hand back to the Union any Union Card issued for membership up to the point of opt out.

203 The information from the student required to complete the opt out form shall be limited to:

203.1 name;

203.2 address;

203.3 course;

203.4 date of birth.

This information will be used solely for the purpose of identifying students who have opted out. The student will be required to sign the form to indicate that it is their wish to opt out of membership of the Union and that they understand the implications of opting out. The Union will receive completed forms from the University.

Opted-out Students may regain membership of the Union within sixty working days of membership being relinquished by notifying the University in writing of their wish to withdraw their decision to opt-out. Should this fall in a students' union election or referendum period after nominations have closed they will not be able to vote in that election or referendum.

204 The consequences for a student who opts out are:

204.1 Democracy - No right to participate in the Union's democratic procedures, which means:

a) no right of attendance at any Union meeting;

b) no right to vote in any election or referendum;

c) no right to stand for any elected position;

d) no right to propose, second or nominate any candidate standing for election.

204.2 Welfare - There shall be no distinction between opted out students and Student Members on matters of a welfare nature.

204.3 Catering, bars and other trading activities and services - There shall be no distinction between opted out students and Student Members on access to these Union activities and facilities with the exception of Union events where a Members only rule applies. Opted out students may be signed in as guests of Union members at such Union events.

204.4 Entertainment - Opted out students have a right of access to Union entertainment on payment of the appropriate fee.

## **300 Trustee Committees**

*The Board of Trustees delegate some of their duties to other committees. Who sits on these committees and what they do are described here.*

301 The terms of reference for the Board of Trustees is as given in the Union's Articles of Association. The titles and terms of reference for the Board of Trustees' Committees are as outlined below.

### **302 General principles of Trustee Committees**

- 302.1 For the avoidance of doubt all subcommittee business may be conducted remotely through electronic means if the Chair of the Committee deems such action appropriate to ensure the business can be carried out.
- 302.2 Unless otherwise noted in their specific Terms of Reference, the quorum of the meeting shall be three (3) members.
- 302.3 Unless otherwise noted in their specific Terms of Reference, the committee is responsible to and submits its minutes, reports and recommendations to the Board of Trustees.
- 302.4 Unless otherwise noted in their specific Terms of Reference, the committee shall meet once a term with additional meetings being called by the Chair, the Trustee Board or a simple majority of members.
- 302.5 Non-attendance by a member at three or more consecutive meetings of a Board of Trustees or one of its sub-committees will be grounds for a vote of no confidence in that member by that body.

### **303 Appointments Committee**

- 303.1 To keep under review the membership of the Board of Trustees and arrangements for filling vacancies that arise in the Trustee category, taking account of the need to maintain an appropriate mix of skills, knowledge, experience and diversity necessary for the discharge of the Board of Trustees' responsibilities, including the delivery of the Strategic Plan;
- 303.2 Determine the criteria for the short listing and selection of applicants and undertake the short listing of applicants, undertaking a skills, knowledge and diversity audit of the current board members;
- 303.3 Advertise the roles available through whichever means they feel suitable but which may include national and local media, targeted communication through the alumni office, approaching specific communities which are underrepresented on the board;
- 303.4 If appropriate, undertake interviews of candidates for these roles;
- 303.5 To recommend to the Board of Trustees suitable individuals for appointment as External and Student Trustees, who shall vote on each individual by a simple majority vote;
- 303.6 To oversee arrangements for the induction, training and development of members of the Board of Trustees;

- 303.7 To keep under review and advise the Board of Trustees on such Code of Conduct for Trustees as in force from time to time;
- 303.8 In exercising its responsibilities, Appointments Committee will keep under review the contribution and effectiveness of individual Trustees of the Board;
- 303.9 The membership of the Appointments Committee shall be as noted in the Articles;
- 303.10 The Appointments Committee shall normally meet at least once in each financial year;

#### **304 Governance Committee**

- 304.1 Advise the Board of Trustees on any Governance interpretations, proposed changes or other issues;
- 304.2 Consider and where appropriate make recommendations for approval to the Board of Trustees any proposals for amendment to the Constitution which have been submitted for consideration by Union Council;
- 304.3 Consider and where appropriate make recommendations for any proposal to increase democratic participation by student members in elections and policy setting;
- 304.4 Ensure any proposals for amendments to the Constitution comply with current legislation and are within the scope of the charitable objects of the Union;
- 304.5 The membership of the Governance Committee shall be the Deputy Chair of the Board of Trustees, the Chair of Union Council, a Sabbatical Trustee and a Student Trustee. The Sabbatical Trustee shall act as the Chair of the Governance Committee;
- 304.6 The Union's Chief Executive or his/her nominee shall attend as Clerk to the committee and in an advisory capacity only;
- 304.7 The Governance Committee will normally meet at least once in each financial year;

#### **305 Finance, Risk and Resources Committee**

- 305.1 General oversight of and provision of advice to the Board of Trustees in relation to the effective and efficient use of the Union's resources (including any Union Council proposals), the solvency of the Union and arrangements for the management and safeguarding of Union assets in accordance with its charitable objects;
- 305.2 Consider and, if thought fit, approve for submission to the Board of Trustees the draft annual budget of the Union, including any block grant proposals, prepared by or under the direction of the Chief Executive;
- 305.3 Lead the development and implementation of all the Union's Finance and Human Resources strategies and Procedures including, but not confined to
  - 305.3.1 The Procurement Strategy
  - 305.3.2 The Financial Regulations
  - 305.3.3 The Risk Policy
  - 305.3.4 Insurance provision
  - 305.3.5 Employee consultation procedures, including recognition of staff unions
  - 305.3.6 Any Equality and Diversity Policies

- 305.3.7 Health and Safety
- 305.3.8 Recruitment of staff, training & development
- 305.3.9 Staff disciplinary and grievances;
- 305.3.10 Staff terms and conditions including pay grading
- 305.3.11 A Union complaints policy
- 305.3.12 Payment of the Sabbatical Trustees
- 305.3.13 Any other such policies and strategies delegated to it by the Trustee Board
- 305.4 Monitor the performance of the Union against the approved budget and any relevant strategies including the corporate plan and report to the Board of Trustees at regular intervals, with any appropriate recommendations;
- 305.5 Approval of financial expenditure outside approved Union budget;
- 305.6 Ensure that annual financial statements are prepared and examined, including by the appropriate audit process and submitted for approval to the Board of Trustees;
- 305.7 Keep under review and advise the Board of Trustees on the appointment of the Union's bank and external auditors;
- 305.8 Consider and advise Board of Trustees on investment of Union funds, fundraising and sponsorship;
- 305.9 Consider and advise the Board of Trustees on Union affiliations;
- 305.10 Save for the post of Chief Executive (the direct responsibility for which remains with the Board of Trustees), the Board of Trustees shall delegate to the Chief Executive all responsibilities, within the framework set by the Finance Risk and Resources Committee, for the appointment, appraisal, suspension and dismissal of Union Staff and the determination of their pay and conditions of employment;
- 305.11 The discussions and decisions of the Finance Risk and Resources Committee where they relate to individual members of staff, or sensitive issues, will remain confidential, except where current legislation requires disclosure. Reports to the Board of Trustees shall maintain the confidential nature of the discussions;
- 305.12 The membership of the Finance, Risk & Resources Committee shall be 2 External Trustees, a Sabbatical Trustee and a Student Trustee. An External Trustee shall act as Chair of the Finance Committee;
- 305.13 The Union's Chief Executive shall act as Clerk to the committee and attend in an advisory capacity, along with the relevant senior staff members.

## 306 **Executive Committee**

- 306.1 To implement the decisions of Referenda, Student Members' Meetings, the Board of Trustees, and Union Council, and to carry out such other activities as it deems appropriate to further the objectives of the Union, within its constitutional aims and policies;
- 306.2 To represent the Union at all levels of the University system, and in particular, to attend all appropriate formal University meetings;

- 306.3 To present reports on the business of the committee and the Union to Union Council, Annual Student Members' Meeting and Board of Trustees;
- 306.4 To consider the reports of Union Council and its various Committees and present them to the Board of Trustees, through the Chair of the Trustee Board;
- 306.5 To review the Union's policies and to present those policies which are due to lapse during their term of office to the Board of Trustees and Union Council, in order that a new policy can be written on the issue in question, if necessary;
- 306.6 To be members of the Union Council and its committees, as specified by the Union's Articles of Association and the Union Council's committees' terms of reference;
- 306.7 To present and implement an Executive Committee plan for their year of office, including a campaign plan;
- 306.8 The membership of the committee shall be the elected Sabbatical and Part Time Officers. A Sabbatical Officer shall chair the Executive Committee;
- 306.9 The quorum of the committee shall be half the number of members of the committee plus one. (Note:- Half an odd number of Officers is rounded up. E.g. If there are 7 Officers, half is 3.5, so the quorum would be 4);
- 306.10 Voting shall be by simple majority. In the event of a tie, the Chair of the committee shall have a second or casting vote, which shall be always to maintain the status quo;
- 306.11 The Executive Committee shall recommend changes to the Constitution to Union Council, as may be necessary;
- 306.12 The Executive Committee shall appoint such Advisory Panels as may be required to assist it in its functions, and shall elect or ratify the membership and terms of reference of such Advisory Panels. The Executive Committee shall consider the recommendations of such Advisory Panels. If an Advisory Panel does not convene for one complete academic year, it ceases to exist;
- 306.13 The decisions of the Executive Committee shall be made by a simple majority of those entitled to attend and vote at meetings and who actually attend and vote, except where otherwise mentioned in the Constitution. Such decisions shall be binding, subject to the proviso that the decisions of the Executive Committee shall be subordinate to those of Union Council, the Board of Trustees, a Union Student Members' Meeting or a Referendum of Student Members;

### **307 Disciplinary Committee**

- 307.1 Ensure that the Student Members of the Union uphold the good name and reputation of the Union, both within the Union/University and externally;
- 307.2 Prevent unacceptable standards of conduct or behaviour contrary to the established policies and procedures of the Union;
- 307.3 Ensure that Student Members are fully aware of and in compliance with their duties and responsibilities, as stated in the Union's Articles of Association and Byelaws;
- 307.4 Ensure fair and consistent Student Members' Disciplinary procedures and guidelines are in place, implemented and promoted effectively to Student Members of the Union;



- 307.5 Oversee the arrangements for Student Member disciplinary panels to ensure they comply with relevant legislation, the Union's Articles of Association, Byelaws and disciplinary procedures;
- 307.6 Provide advice and recommendations to the Board of Trustees;
- 307.7 Review the Union's procedures relating to the discipline of its members and make recommendations to Union Council on any procedural improvement;
- 307.8 The membership of the Disciplinary Committee shall be the Chair of Union Council, an External Trustee and up to two members of the Executive Committee. The External Trustee shall be the Chair.
- 307.9 If any of the above are personally involved with any disciplinary issue being considered, they must state conflict of interest and the Union Council will decide on their replacement;
- 307.10 The Union's Chief Executive (or their nominee) shall act as Clerk to the Disciplinary Committee and attend in an advisory capacity only;
- 307.11 The quorum of the committee shall be three members, to include the Chair;
- 307.12 The Disciplinary Committee will normally meet at least twice (2) times in each academic year, the Chair will call additional meetings as necessary to consider disciplinary cases;
- 307.13 The Disciplinary Committee is responsible to and submits its minutes, reports and recommendations to Union Council.

## **400 Student Members' Meetings**

401 In addition to the requirements set out in the articles for Student Members' Meetings the following shall be observed.

### **Notice**

402 The minimum periods of notice required to hold a Student Members' Meeting of the Union shall be twenty-one clear days.

403 A Student Members' Meeting may be called by shorter notice if it is so agreed by a majority in number of members having a right to attend and vote at the meeting, being a majority who together hold not less than 80 percent of the total voting rights.

404 The notice must be given to all the Student Members and to the Trustees (by the Chief Executive or their designate). Publishing the notice on the website shall be considered delivery of notice as noted in the Articles.

405 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.

### **Place and Quorum**

406 All Student Members' Meetings shall be held at such time and place as the Trustees shall think suitable to allow the required number of Student Members to constitute a quorum to attend.

407 No business shall be transacted at any Student Members' Meeting unless a quorum is present.

408 A quorum is 100 Student members and two Trustees present in person and entitled to vote upon the business to be conducted at the meeting. All Student Trustees and Sabbatical Trustees will be expected to attend Student Members' Meetings

409 If:

(a) a quorum is not present within half an hour from the time appointed for the meeting;  
or

(b) during a meeting a quorum ceases to be present;

the meeting shall be adjourned to such time and place as the Trustees shall determine.

410 The Trustees must reconvene the meeting and must give at least seven working days' notice of the reconvened meeting stating the date, time and place of the meeting.

411 If no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the members present in person at that time shall constitute the quorum for that meeting.

### **Proceedings**

412 Student Members' Meetings shall be chaired by the Union Chair.

413 If there is no such person or he or she is not present within fifteen minutes of the time appointed for the meeting a Trustee nominated by the Trustees present at the meeting shall chair the meeting.

414 If there is only one Trustee present and willing to act, he or she shall chair the meeting.

415 If no Trustee is present, or no Trustee is willing, to chair the meeting within fifteen minutes after the time appointed for holding it, the members present in person and entitled to vote must choose one of their number to chair the meeting.

416 At the start of each meeting, Members must declare any personal interest they have in any business to be transacted at that meeting. No Student Member may vote on any matter in which he or she is personally interested, or debate on such a matter without in either case the permission of the majority of the Student Members present in person at the meeting, such permission to be given or withheld without discussion. Membership of activity groups of the Union and any related benefit to such Members shall not constitute a personal interest for the purposes of this Bye-Law.

417 All Student Members' Meetings shall have the power, by a simple majority, to place items on the agenda for discussion at the following Board of Trustees' meeting.

### **Adjournment**

418 The Chair may, with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place.

419 The person who is chairing the meeting must decide the date, time and place at which the meeting is to be reconvened unless those details are specified in the resolution.

420 No business shall be conducted at a reconvened meeting unless it could properly have been conducted at the meeting had the adjournment not taken place.

421 If a meeting is adjourned for more than seven days, at least seven working days' notice shall be given of the reconvened meeting stating the date, time and place of the meeting and the general nature of the business to be transacted.

### **Votes of Members**

422 Every Student Member shall have one vote which must be cast in person.

423 The Chair of the Student Members' Meeting shall have a second or casting vote in addition to any other vote he or she may have in the event there is an equality of votes.

424 Any objection to the qualification of any voter must be raised at the meeting at which the vote is tendered and the decision of the person who is chairing the meeting shall be final

425 Any vote at a meeting shall be decided by a show of hands of Student Members present in person.

426 The declaration by the person who is chairing the meeting of the result of a vote shall be conclusive.

### **Interaction with the Trustees**

427 The Board of Trustees may override any decision or Policy made by a Student Members' Meeting, or by Referendum, or by Union Council, or any of its committees, which the Trustees consider (in their absolute discretion):

- i) has or may have any financial implications for the Union;

- ii) 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);
- iii) is not or may not be in the best interests of the Union or all or any of its charitable objects; or
- iv) will or may otherwise affect the discharge of any or all of the responsibilities referred to in the Union's articles or bye-laws

and any veto and the reason for it will be recorded in the minutes of the Board of Trustees meeting at which the decision to veto was taken and will be reported to the next Union Council.

## 500 Union Council

*Union Council is a representative meeting which decides on things which impact students' education and way of life. They delegate some of their duties to other committees. Who sits on these meetings and what they do are described here.*

501 The membership shall be the following, subject to the proviso that no Member shall hold more than one seat on Union Council at any one time.

501.1 The Sabbatical Trustees;

501.2 The Part Time Officers (appointed in accordance with the Bye-Laws);

501.3 At least ten (10) student members who hold academic representative positions, as notified to the Union in writing from time to time by the University. There shall be a maximum of three (3) members from any one course;

501.4 The Chairs, or other representative, of any Union Council sub committees as determined by the Union Council from time to time;

501.5 Up to five (5) members of Communities elected in accordance with a procedure set by Union Council from time to time.

50.6 Up to five (5) members of Sports or Societies elected in accordance with a procedure set by Union Council from time to time.

502 Individuals with rights to attend Union Council meetings and speak, but not vote, shall be:

502.1 any Student Member of the Union;

502.2 the Trustees, other than the Sabbatical Trustees;

502.3 the Chief Executive of the Union and/or such of his or her staff as he or she shall consider appropriate;

502.4 the Returning Officer for the Union elections.

503 The purpose of Union Council is:

503 1 To represent the voice of students

503.2 to consider matters affecting the interests of Members as Students of the University;

503.3 to formulate political and representative Policy; and,

503.4 to ensure that the Union operates in a fair and democratic manner, which includes having the responsibility to discipline Members in accordance with the policy and procedures for discipline of Members as set out in the Bye-Laws.

503.5 Amend the Bye-Laws subject to approval by the Trustee Board

503.5 Hold the Executive Committee to account for its representational & political work and direct them on which areas need prioritisation

503.6 Report to and receive reports from the Union's Board of Trustees, via the Chair of the Trustee Board of the Union

- 503.7 In exercising its responsibilities, the Union Council will keep under review the contribution and effectiveness of individual members of the Council.
- 503.8 establish such sub committees as it sees fit, subject to the approval of the Trustee Board and that their terms of reference and membership are entered into these bye-laws.
- 503.9 All other matters, including the financial, operational and commercial aspects of the Union, are the responsibility of the Board of Trustees and will not be considered by Union Council. In particular it is not the role of the Union Council to hold the staff of the union accountable. Complaints should be dealt under bye-law 900.
- 504 The quorum of Union Council meetings shall be five members of Union Council not counting any member who has resigned a position or any of the Sabbatical Trustees. Should quorum not be reached within 15 minutes of the start of the meeting, Union Council will be reconvened after at least 6 days and the quorum shall be any member in attendance who is not a Sabbatical Trustee or Member who has resigned a position.
- 505 The Union Council will normally meet twice a semester, during term time, with a third meeting to be scheduled in the middle of semesters, if deemed necessary.
- 506 The Union Council is responsible to and publishes its minutes, reports and recommendations to the Student Members of the Union and the Board of Trustees.
- 507 The Chief Executive (or his/her nominee) shall be Clerk to the Union Council.
- 508 Any member of a committee of Union Council may be dismissed from that committee by a two-thirds majority vote at a meeting of Union Council. Any Union Council or committee member who is absent from two consecutive Union Council or Union Council committee meetings (as applicable), unless adequate reasons are forthcoming, shall be deemed to have resigned subject to ratification by Union Council. This shall be regardless of whether Union Council or the committee meetings are quorate. This provision will apply to Union Council and all Union Council committees.

#### **DELEGATION OF UNION COUNCIL POWER**

- 509 Union Council may delegate any of its powers or the implementation of any of its resolutions to any committee in accordance with the following conditions:
- 509.1 the resolution making that delegation shall specify those who shall serve or be asked to serve on such committee (though the resolution may allow the committee to make co-options up to a specified number);and,
- 509.2 the composition of any such committee shall be entirely at the discretion of Union Council (subject to 510) and may comprise such of their number (if any) as the resolution may specify; and,
- 509.3 any resolution passed or decision taken by any such committee shall be reported to the next meeting of Union Council by the Chair of that committee; and,
- 509.4 all delegations under this Bye-Law shall be revocable at any time; and,

- 509.5 Union Council may make such regulations and impose such terms and conditions and give such mandates to any such committee or committees as they may from time to time think fit.
- 509.6 Union Council may overrule or question any decision made by any committee established providing that the resulting decision does not contravene the Articles, or any decision of the Board of Trustees, a Student Members' Meeting or a Referendum of Student Members.

## **ACCOUNTABILITY OF OFFICERS**

- 511 The Union Council is responsible for political and representative accountability of officers. It shall set rules to do this at the last meeting of the academic year to come into effect before the first meeting of the next academic year. Sabbatical Officers or Sabbatical Officers elect will not vote in setting this method or count as quorum for doing so.
- 512 These rules must include the following
- 512.1 A mechanism for consultation online as part of the process.
  - 512.2 A mechanism for prioritising political and representative work.
  - 512.3 A mechanism for officers to feedback their annual plan and progress against this and any policy set by Union Council.
  - 512.4 A mechanism for approving and rejecting an officer's report.
- 513 If Union Council fails to set such rules, the rules set by the previous Union Council will continue to apply until replaced.

## **600 Union Meetings Order of Business**

*Section 6 describes the order in which different items shall be discussed by key meetings within the Union.*

601 The order of business for A Student Members' meeting shall include:

- 601.1 Welcome and counting of quorum;
- 601.2 apologies for absence;
- 601.3 the order of business;
- 601.4 minutes of the previous Meeting & matters arising from the minutes;
- 601.5 the Board of Trustees' report;
- 601.6 questions to the Board of Trustees;
- 601.7 Executive Committee report;
- 601.8 questions to the Executive Committee;
- 601.9 presentation of financial statements;
- 601.10 questions on financial statements;
- 601.11 review of affiliations;
- 601.12 ordinary business;
- 601.13 emergency business;
- 601.14 date and time of next meeting.

602 The order of business for Union Council shall include –

- 602.1 Welcome and counting of quorum;
- 602.2 Apologies for absence;
- 602.3 The order of business;
- 602.4 Declarations of interest;
- 602.5 Minutes, action plan and decision table of previous Union Council;
- 602.6 Matters arising from the minutes/action plan/decision table;
- 602.7 Accountability of elected officers
- 602.8 Report from Board of Trustees & Questions
- 602.9 Reports from Union Council Committees, including the Executive Committee & Questions on committee reports;
- 602.10 Ordinary business;
- 602.11 Submitted Motions and debate;
- 602.12 Election of members to Union Council Committees, University representative; committees and external committees;
- 602.13 Any other business (as allowed by Union Council);
- 602.14 Time and date of next meeting.



603 The order of business for all other Union meetings shall be include:

- 603.1 counting of quorum;
- 603.2 apologies for absence;
- 603.3 declaration of interest;
- 603.4 minutes of previous meeting;
- 603.5 matters arising from the minutes;
- 603.6 ordinary business;
- 603.7 any other business;
- 603.8 time and date of next meeting.

## **700 Elections**

*University of Sunderland Students' Union is a democratic organisation led by students. These students must be elected in a fair, open way which these Bye-Laws explain.*

### **The Election Rules**

#### **Oversight of the Elections**

- 701 The Returning Officer for all cross-campus elections including Sabbatical and Part Time Officers will be an external expert who is chosen by the the Board of Trustees. They are ultimately responsible for ensuring that elections are conducted fairly and democratically. They will interpret these Elections Rules.
- 702 The Returning Officer will report on the success of all elections to the Executive Committee, Union Council, the Trustees and to the University Board of Governors.
- 703 The Returning Officer will publish Elections Guidance annually, which will detail the arrangements for conducting elections, and which will be binding over all candidates. The Chair of the Trustee Board will report the Elections Guidance to Union Council and to the Trustees.

#### **Conduct of the Elections and Referendums**

- 704 The Executive Officers are elected in a cross-campus secret ballot of all members, using the Alternative Transferable Vote (ATV) method. The ballot will be open for no less than two whole days.
- 705 Delegates to NUS National Conference will be elected in a cross-campus secret ballot of all members, using the Single Transferable Vote (STV) method.

#### **The Elections Guidance**

- 706 The Elections Guidance will make clear the Returning Officer's expectations of candidates and their campaigners. Specifically, the Elections Guidance will include:
  - 706.1 The Nomination Procedure. Nominations must be open for no less than ten days and may be reopened at the discretion of the Returning Officer.
  - 706.2 The Voting Procedure. The Returning Officer will review, annually, the most accessible and secure way for members to vote.
  - 706.3 The Complaints Procedure. Sunderland SU considers all elections complaints under the Elections Complaints Procedure only, and the Returning Officer's decision is final. The main Sunderland SU Complaints Procedure is only appropriate for use if complaints are in reference to the integrity of the elections as a whole, and not for any candidates' actions. The Returning Officer may, at their discretion, use the Complaints Procedure to caution, sanction or withdraw a candidate who does not meet reasonable expectations.

## **800 Referenda and indicative votes**

*A Referendum is a vote by all Student members on a specific issue. This section describes how they will be administered to ensure fairness and that lots of people can take part.*

- 801 A referendum of Student Members may be called on any issue
- 802 The Board of Trustees shall approve, and be bound by, decisions made by a Referendum of Student Members except where it considers the decision to fall under the conditions specified in the Union's Articles of Association, Article 28.3.
- 803 A referendum of Student Members may be called by the authorities specified in the Union's Articles of Association, Article 15.
- 804 Once called the procedure for the referendum will be outlined by the Returning Officer. Should the Returning Officer be conflicted by the possible outcome of the referendum the Trustee Board shall appoint a temporary Returning Officer for the sole purpose of this referendum.
- 805 The Returning Officer shall publish guidelines for the fair running of the referendum within 20 working days of the call for the referendum. The guidelines shall include
  - 805.1 The timetable for the ballot
  - 805.2 The specific wording of the motion
  - 805.3 How statements or other advertising for and against the motion shall be made
  - 805.4 The dates during which campaigning will begin and cease
  - 805.5 The dates during which voting will begin and cease
  - 805.6 The number of students required for the referendum to meet quorum, which shall not be more than 5% of the students registered at the University of Sunderland
  - 805.7 Arrangements for ballots to be cast
  - 805.8 Such other guidelines as they feel appropriate to ensure the fair running of the referendum
- 806 There shall be no more than one referendum on a particular affiliation or matter of business in any academic year.
- 807 A referendum shall take the form of a secret ballot by the Student Members of the Union, in which the Members are asked to vote either yes or no to a clearly defined question (s). The referendum may be conducted by paper ballot or by electronic means.
- 808 Once the result of a referendum is declared, the resolution will come into effect.
- 809 The Returning Officer will report to Board of Trustees and Union Council at the conclusion of a referendum, giving confirmation that the referendum has been conducted in accordance with the appropriate regulations.
- 810 The Returning Officer will ensure that the results of the referendum are published and available to the Student Members of the Union.

- 811 The Trustee Board may hold non-binding indicative votes as they wish, providing that clarity is made that these are not referenda. They should publish rules for such a vote using the guidelines for referendum described above.

## **900 Complaint Procedure**

*The Union provides services and support. Sometimes members may feel that we have got something wrong with the way we have done this. This section says that the Union will deal with them properly and outlines how that can happen.*

### **901 General – Union Commitment**

- 901.1 The University of Sunderland Students' Union are committed to providing the highest possible quality service to all its members and the general public.
- 901.2 All complaints will be dealt with quickly and fairly, through an accessible and straightforward procedure;
- 901.3 The Union will, whenever possible, strive to ensure that complaints are dealt with immediately, by the member of staff who is best able to deal with the complaint;
- 901.4 However, if the initial response is not satisfactory, this Complaint Procedure will enable complainants to know clearly how, where, when and to whom complaints should be made;
- 901.5 If a complaint is upheld, the Union will, wherever possible, offer an appropriate resolution. If a complaint is not upheld, then reasons for the decision will always be provided to the complainant in writing;
- 901.6 The Union will monitor this Complaint Procedure to ensure we maintain and continually improve our service and standards within our available resources.

### **902 Complainant Requirements**

- 902.1 All complainants are required to follow the procedure correctly;
- 902.2 All complainants are required to process their complaint within the specified timescales;
- 902.3 At all stages of the procedure, the complainant must provide all relevant information regarding their complaint;
- 902.4 Complainants should not make frivolous, vexatious or erroneous complaints.

- 903 The Union's Complaint Procedure is designed to ensure that, if anyone is dissatisfied in their dealings with the Union or claims to be unfairly disadvantaged by reason of exercising their right not to be a member of the Union, their complaint will receive timely and appropriate attention. We aim to ensure that all complaints are dealt with fairly, quickly and to the complainant's satisfaction.

## **904 Informal Complaints Procedure - Making an initial complaint**

- 904.1 A complainant should make their complaint to the person who they dealt with at the time of the incident giving grounds for complaint.
- 904.2 If this is not possible, the complainant should make their complaint to [ussu@sunderland.ac.uk](mailto:ussu@sunderland.ac.uk)
- 904.3 Complainants must make the complaint themselves, either verbally or in writing.
- 904.4 Your complaint will be passed to a Complaints Handler as soon as possible. Stage 1 should be completed within 5 working days of the complaint
- 904.5 You will be informed who your Complaints Handler is and provided with their contact details.

- 904.5.1 You will be invited to discuss your complaint with the Complaints Handler, in whatever way is most appropriate.
- 904.5.2 The Complaints Handler will keep a record of the meeting, telephone conversation and any correspondence.
- 904.5.3 The Complaints Handler will endeavour to resolve the matter.
- 904.5.4 The Complaints Handler will include details on how to escalate the matter to a formal stage.
- 904.6 If you remain dissatisfied then you should proceed to the formal stage.

## **905 Formal Complaints Stage**

- 905.1 The complainant should contact the Union's Head of Human Resources via [ussu@sunderland.ac.uk](mailto:ussu@sunderland.ac.uk) will help to progress their complaint. This must be done within 5 working days of the complainant receiving the initial response to their complaint.
- 905.2 The complaint will be passed to the relevant Students' Union Senior Manager, who will investigate the complaint and the initial response given to the complainant.
- 905.3 The complainant will be provided with a written response, no later than 10 working days following the date they lodged their formal complaint.
- 905.4 If the complaint is upheld, the complainant will be informed what action is to be taken to resolve their complaint.
- 905.5 If the complaint is not upheld, the complainant will be given the reasons for the decision and details on how to appeal the decision.
- 905.6 A record of the investigation of the complaint and the response given at this stage will be sent to the Union's Head of Human Resources.

## **906 Appeal Procedure**

- 906.1 The complainant should contact the Union's Chief Executive via [ussu@sunderland.ac.uk](mailto:ussu@sunderland.ac.uk). This must be done within 5 working days of the complainant receiving the response to their formal complaint
- 906.2 The appeal will be heard by the Union's Chief Executive or their designate who will investigate the complaint and the responses given to the complainant.
- 906.3 The complainant will be provided with a written response, no later than 10 working days following the date they lodged an appeal.
- 906.4 A complaint about the Chief Executive will be sent to the Trustee Board Chair.
- 906.5 If the appeal is upheld, the complainant will be informed what action is to be taken to resolve their complaint.
- 906.6 If the appeal is not upheld, the complainant will be given the reason for the decision.
- 906.7 A record of the investigation of the complaint and the response given at this stage will be sent to the Union's Human Resources department.
- 906.8 The decision of the Human Resources Committee will be final and will conclude the Students' Union's Complaint Procedure.

## **907 Independent Person**

- 907.1 Once the right of appeal has been exercised and the Students' Union's Complaint Procedure has been exhausted, the complainant will have the right to submit an appeal to the University.
- 907.2 The University shall appoint an independent person to consider the appeal, on procedural grounds only. The independent person will investigate the complaint and inform the complainant, the University and the Students' Union of their findings/recommendations.

## **1000 Discipline**

*Being a member of the Union means you agree to its rules and procedures, including showing respect for other members. This section outlines what happens when someone does not follow these rules.*

### **1001 Discipline of Union Members**

- i) As laid out in the Bye-Laws the Disciplinary Committee established by Union Council shall be responsible for disciplinary matters concerning the Student Members of the Union;
- ii) Discipline of the Student Members of the Union shall be in accordance with the procedures laid down in the Union's Student Member Disciplinary Procedures;
- iii) Termination of Membership of the Union shall be in accordance with the Union's Articles of Association.

### **1002 Discipline of Trustees**

- i) The Board of Trustees shall be responsible for disciplinary matters concerning Trustees;
- ii) Discipline of Trustees shall be in accordance with the procedures laid down in the Union's Trustee Disciplinary Procedures;
- iii) Disqualification, removal and retirement of Trustees shall be in accordance with the Union's Articles of Association.

### **1003 Executive Officers**

- i) The Trustee Board shall be responsible for disciplinary matters concerning members of the Executive Committee;
- ii) Discipline of members of the Executive Committee shall be in accordance with the procedures laid down by Union Council and approved by the Board of Trustees;
- iv) A Sabbatical Officer removed from office by a Student Meeting as approved by the Board of Trustees, shall be removed as a Sabbatical Trustee and Company Law Member provided that all necessary steps have first been taken in accordance with his/her contract of employment with the Union.

### **1004 Union Staff Members**

- i) Staff disciplinary matters shall be the responsibility of the Chief Executive and shall be carried out in accordance with the Union's Staff Disciplinary Procedures;
- ii) Staff disciplinary matters shall be reported to the Union's Finance, Risk and Resources Committee.
- iii) The Union's Finance, Risk and Resources Committee. shall be responsible for the handling of Staff Disciplinary Appeals Process.



## **1100 Financial Regulations and Procedures**

*The Union must be run in a proper financial manner by the Trustees so that current and future students can enjoy the rights offered by Union membership.*

- 1101 There shall be a set of Financial Regulations and Procedures.
- 1102 These regulations should be revised and re-communicated by the Finance, Risk & Resources Committee annually prior to the commencement of each academic year.
- 1103 The Finance Procedures are governed by the Union's Articles of Association and, in the event of any conflict; the Articles are the overriding document of authority unless Primary Legislation prevents this.
- 1104 The detailed procedures are available from the Students' Union's Chief Executive.
- 1105 More detailed procedures may be made available for appropriate staff detailing steps and stages in key actions.

## 1200 **REPRESENTATIVES TO NUS CONFERENCES**

*The Union is part of a National Union called NUS and can shape that organisation's leadership and policy by sending delegates to NUS conferences as described below.*

- 1201 At such times as the Union may be affiliated with the National Union of Students (NUS), the following provisions shall apply.
- 1202 The Sabbatical Trustees are automatically delegates to any NUS Regional Conference. In the event that a Sabbatical Trustee cannot attend the conference then Union Council shall decide on a replacement from the Part Time Officers.
- 1203 For the NUS Conference the rules set by the National Union of Students shall apply and shall be advertised as soon as made available to USSU.
- 1204 All delegates at NUS events must vote in line with Union Policy as clarified by the delegation leader.

## **1300 Voting Procedure for Company law**

*Trustees have extra responsibilities as Company Law Members. This section describes how they make decisions at their meetings.*

- 1301 Any vote at a Company Law Meeting shall be decided by a show of hands of Trustees present in person or by proxy unless before, or on the declaration of the result of, the show of hands a poll is demanded:
  - 1301.1 by the person chairing the meeting; or
  - 1301.2 by at least three Members present in person or by proxy and having the right to vote at the meeting; or
  - 1301.3 by Members present in person or by proxy representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting.
- 1302 The declaration by the person who is chairing the meeting of the result of a vote shall be conclusive unless a poll is demanded.
- 1303 The result of the vote must be recorded in the minutes of the Union but the number or proportion of votes cast need not be recorded.
- 1304 A demand for a poll may be withdrawn, before the poll is taken, but only with the consent of the person who is chairing the meeting.
- 1305 If the demand for a poll is withdrawn the demand shall not invalidate the result of a show of hands declared before the demand was made.
- 1306 A poll must be taken as the person who is chairing the meeting directs, who may appoint scrutineers (who need not be members) and who may fix a time and place for declaring the results of the poll.
- 1307 The result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- 1308 A poll demanded on the election of a person to chair a meeting or on a question of adjournment must be taken immediately.
- 1309 A poll demanded on any other question must be taken either immediately or at such time and place as the person who is chairing the meeting directs.
- 1310 The poll must be taken within thirty days after it has been demanded.
  - 1310.1 If the poll is not taken immediately at least seven clear days' notice shall be given specifying the time and place at which the poll is to be taken.
- 1310. If a poll is demanded the meeting may continue to deal with any other business that may be conducted at the meeting.

### **Proxies**

- 1311 Proxies may only validly be appointed for a Company Law Meeting only and by a notice in writing (a 'proxy notice') which –
  - 1311.1 states the name and address of the Company Law Member appointing the proxy;

- 1311.2 identifies the person appointed to be that Trustee's proxy and the Company Law Members' Meeting in relation to which that person is appointed;
  - 1311.3 is signed by or on behalf of the Company Law Member appointing the proxy, or is authenticated in such manner as the Trustees may determine; and
  - 1311.4 is delivered to the Union in accordance with the Articles and any instructions contained in the notice of the Company Law Members' Meeting to which they relate.
- 1312 The Union may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.
- 1313 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.
- 1314 Unless a proxy notice indicates otherwise, it must be treated as –
- (a) 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
  - (b) appointing that person as a proxy in relation to any adjournment of the Company Law Members' Meeting to which it relates as well as the meeting itself.
- 1315 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a Company Law Meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the Union by or on behalf of that person.
- 1316 An appointment under a proxy notice may be revoked by delivering to the Union a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.
- 1317 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.
- 1318 If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointer's behalf.

## **1400 Union Policy**

- 1401 Policy governing the Union shall be created by Executive Committee, Union Council, the Board of Trustees, General Meetings or a Referendum save that it may be vetoed by the Board of Trustees as noted under bye-law 427 and under the Articles of Association.
- 1402 Policy must be independent of any political party or religious group and must not be adopted where it is prejudicial to the interests of any student on the grounds of race, age, disability, gender, sexual orientation, marital status, religion or belief or any other discriminatory factor.
- 1403 Policy shall last for three years, at which time it will automatically lapse, unless rescinded earlier by a higher body. The Policy may be re-ratified after it has expired but only by the equivalent or higher body of that passing such Policy originally.
- 1404 Policy shall be binding on all Committees, Officers, Officials, Members or employees acting on behalf of the Union.
- 1405 Policy shall not contradict the Articles or any education law or charity law or other relevant legislation.

## **1500 Roles of Officers of the Union**

1501 The Sabbatical Officers shall be

- 1501.1 President Education
- 1501.2 President Wellbeing
- 1501.3 President Activities

1502 The part time officer titles shall be

- 1502.1 Chair of Union Council
- 1502.2 Equality and Diversity Officer
- 1502.3 International students Officer
- 1502.4 Mature and Postgraduate students Officer
- 1502.5 LGBT+ Officer
- 1502.6 London Campus Officer

1503. The following provisions shall apply to all officers

- 1503.1. They must attend Executive Committee and any Student Members meeting and Union Council
- 1503.2. They have collective responsibility for decisions made at Executive Committee
- 1503.3. They are accountable to the membership through the mechanisms decided under bye-laws 511 and 512
- 1503.4. Sabbatical Officers and the Chair of Union Council shall be elected in the spring term and shall hold office until the end of the next academic year.
- 1503.5. Other part time officers shall be elected in the autumn term and shall hold office until their successors are elected or they are no longer students of the University of Sunderland
- 1503.6. They must attend training and seek to develop their skills to enact their duties.

1504. The Chair of Union Council shall

- 1504.1. Chair any meetings of Union Council, seeking to ensure that attendees can understand the proceedings, hold other elected officials to account and engage in Union democracy
- 1504.2. Give due consideration that the officers follow up on actions mandated to them by the membership
- 1504.3. With the sabbatical officers, undertake projects to improve participation in Union democracy
- 1504.4. Where there is a position for more than one student governor on the University of Sunderland board to hold that position

1505. The Equality and Diversity Officer shall

- 1505.1. Seek to represent diverse groups of students, in particular those who are marginalised by society or their educational experience
- 1505.2. Following consultation with the students they represent they shall work with the Sabbatical Officers to run campaigns and projects to meet the needs of those students, being aware of the charitable aims of the organisation.
- 1505.3. Champion Equality and Diversity among all student groups and projects.
- 1506. The following provisions shall apply to the part time officers outlined in 1502.3-6
- 1506.1. They shall represent the voice of the students names in their title within the Union and, with consultation with Sabbatical Officers, within the University and local community.
- 1506.2. Following consultation with the students they represent they shall work with the Sabbatical Officers to run campaigns and projects to meet the needs of those students, being aware of the charitable aims of the organisation.
- 1506.3. They shall seek to engage the students they represent in any campaigns run by other members of the executive committee.

1507. The following provisions shall apply to all Sabbatical Officers

- 1507.1. Sabbatical Officers are employees of the Union and no Sabbatical Officer may continue in post should they have been dismissed as an employee of the organisation.
- 1507.2. Any case involving misconduct or gross misconduct by a Sabbatical Officer shall be handled in accordance with the relevant Union and/or disciplinary procedures for employees.
- 1507.3. Sabbatical Officer remuneration will be agreed once a year by the External Trustees and any Sabbatical Trustees who were not eligible to stand for election in that year, or by an appropriate subcommittee of the Board of Trustees.
- 1507.4. For the avoidance of doubt the Sabbatical Officers are "Major Officer Holders" as defined in the 1994 Education Act.
- 1507.5. The Sabbatical Officers shall elect from among themselves a representative to sit on the University of Sunderland Board of Governors before the start of each academic year.

1508. Roles and duties of the President (Education)

- 1508.1. To be the lead officer for students at the University of Sunderland on educational policy development. To have responsibility for communicating student views and interests and managing key relationships in this area. They will ensure students get the highest academic quality in areas including, but not limited to, teaching, feedback and assessment and timetabling.
- 1508.2. To be the lead campaigner on issues relevant to improving education issues within the University.
- 1508.3. To attend all relevant academic and education committees within the university.

- 1508.4. To gain feedback through various channels on all academic matters. To be the lead officer for liaison on academic projects and campaigns.
- 1508.5. To be the Full Time Officer link for Part-Time officers on Education matters and oversee any school or course representative network.
- 1508.6. To Respect the remit of the other Sabbatical Officers, consulting and working in conjunction with them when issues either cross remits, do not fit within any one officer's remit, or where action by the President Education may be advantageous for the goals of the Union

#### 1509.Roles and duties of the President (Wellbeing)

- 1509.1. To be the lead officer for students at the University of Sunderland on welfare and safety policy development. To have responsibility for communicating student views and interests and managing key relationships in this area. They will ensure students get the highest experience in areas including, but not limited to, Mental Health, crime prevention, quality and diversity and accommodation.
- 1509.2. To be the lead campaigner on issues relevant to improving wellbeing within the University and local area.
- 1509.3. To attend all relevant committees within the university.
- 1509.4. To gain feedback through various channels on all wellbeing matters. To be the lead officer for liaison on wellbeing projects and campaigns.
- 1509.5. To be the Full Time Officer link for Part-Time officers on wellbeing matters, in particular diversity and liberation.
- 1509.6. To Respect the remit of the other Sabbatical Officers, consulting and working in conjunction with them when issues either cross remits, do not fit within any one officer's remit, or where action by the President Wellbeing may be advantageous for the goals of the Union

#### 1510.Roles and duties of the President (Activities)

- 1510.1. To be the lead officer for students at the University of Sunderland on creating opportunities for non-academic development. To have responsibility for communicating student views and interests and managing key relationships in this area. They will ensure students get the highest experience in areas including, but not limited to, employability, community building, volunteering and provision of facilities.
- 1510.2. To be the lead campaigner on issues relevant to improving non-academic development opportunities issues within the University.
- 1510.3. To attend all relevant committees within the university with a specific remit to build relationships with the Institute of Sport to represent the student view.
- 1510.4. To gain feedback through various channels on all development matters. To be the lead officer for liaison on non-academic projects and campaigns.
- 1510.5. To be the Full Time Officer link for Part-Time officers on gaining skills through improved opportunities outside the academic experience.
- 1510.6. To be the main liaison with leaders of communities, volunteering groups, societies. Sports and any other group created for development opportunities.



- 1510.7. To Respect the remit of the other Sabbatical Officers, consulting and working in conjunction with them when issues either cross remits, do not fit within any one officer's remit, or where action by the President Activities may be advantageous for the goals of the Union.