

**Bye-Laws  
Of  
Imperial College Union**

## **A. Structure of the Union**

### **Union Council**

#### **Membership & Operation**

1. Membership of the Union Council shall be the following:
  - 1.1. The Officer Trustees
  - 1.2. The Council Chair
  - 1.3. The Constituent Union Presidents
  - 1.4. The Management Group Chairs
  - 1.5. The Union Liberation & Community Officers
  - 1.6. One Welfare Officer of each of the Constituent Unions
  - 1.7. One Academic Affairs Officer of each of the Constituent Unions
  - 1.8. Sixteen Representatives to Council Members elected by cross-campus ballot proportional to the students registered on courses
    - 1.8.1. These will be proportional to those courses that make up a particular Faculty and those courses that are not in a particular Faculty.
    - 1.8.2. Each Faculty must have both Undergraduate and Postgraduate Representatives to Council unless one of these level of study is not taught.
2. No member may hold more than one seat on Union Council at any time.
3. Members of the Union Council who do not attend two consecutive ordinary meetings (irrespective of apologies) shall be deemed to have resigned their seat on Union Council.
  - 3.1. Any ex-officio member of council may have their seat reinstated by a simple majority vote of Union Council.
4. Union Council shall meet at least every 4 weeks during term time.
5. Union Council may be called additionally by the President.
6. Union Council may be called additionally by the Council Chair upon receipt of a request by one of the following:
  - 6.1. The Board of Trustees
  - 6.2. A General Meeting

- 6.3. Ten Members of the Union Council
- 6.4. 100 Members of the Union
7. The Union will advertise the time and location of each meeting at least 5 clear College days before each meeting
8. Any Member of the Union may attend and speak at Union Council Meetings. Any Associate Member of the Union may attend but must request the Chair's permission to speak. Any other person must obtain permission from the meeting to attend and speak.
9. Only members of Union Council may vote in Council Meetings
10. The Council Chair may only cast a vote in the event of a tie.
11. All items for debate and discussion must be submitted at least 5 clear College days before the meeting.
  - 11.1. Any direct responses to items for debate and discussion must be submitted 2 clear College days before the meeting. At the discretion of the Chair, items of a time sensitive nature may be submitted at least 2 clear College days before the meeting.
12. All items for debate must have the declared support of two full members of the Union, known as the proposer and the seconder.
13. The Council Chair shall;
  - 13.1. Be any full member of the Union, elected by cross-campus secret ballot.
  - 13.2. Have a period of office until the end of the academic year.
  - 13.3. Declare any interest that they have in any debate or discussion, and relinquish the Chair during any debates in which they have an interest.
  - 13.4. Be responsible for ensuring that the Union Council is fulfilling its obligations set out in the Constitution & Bye-Laws.
  - 13.5. Be responsible for the development and implementation of Council's Standing Orders.
14. The Agenda must include:
  - 14.1. Apologies for absence
  - 14.2. The checking of previous minutes for accuracy
  - 14.3. Matters arising from the previous minutes
  - 14.4. Reports from Officer Trustees and sub-committees (followed by questions)

- 14.5. Any other Business
- 14.6. Time, date and place for next meeting.
- 15. All Union Council Meetings should be conducted according to the Meeting Bye-Laws.

## **Sub-Committees**

- 16. The Union Council may form and delegate powers to sub-committees of the Union Council. Such powers should be set out in the sub-committee's Standing Orders, amendable by Union Council only, and may not include powers requiring a two-thirds majority resolution.
- 17. Sub-Committees of the Union Council may not create policy that binds the whole Union, for that power is reserved only for the Union Council (and by extension the Board of Trustees).
- 18. A sub-committee of the Union Council must have Standing Orders, approved by the Union Council, that explicitly state its voting membership.
- 19. The sub-committees of the Union Council shall be:
  - 19.1. The Societies & Projects Board
  - 19.2. The Sports Hub Exec
  - 19.3. The Education & Representation Board
  - 19.4. The Community & Welfare Board
  - 19.5. The Services & Sustainability Board
  - 19.6. The Governance & Identity Board

## **Constituent Unions**

- 20. Constituent Unions shall be ultimately responsible to the President or the President's nominee for their operation and policies.
- 21. Constituent Unions shall operate within the Union's Constitution, Bye-Laws and Policies.
- 22. There shall be the following Constituent Unions:
  - 22.1. The Graduate Students' Union for postgraduate students.
  - 22.2. The City & Guilds College Union for the undergraduate students of the Faculty of Engineering, excluding students of the Earth Science Engineering and Materials Departments.
    - 22.2.1. Postgraduate students in the Faculty of Engineering, excluding those in Earth Science Engineering and Materials Departments,

are social members of the City & Guilds College Union

22.3. The Imperial College School of Medicine Students' Union for the undergraduate students of the Faculty of Medicine.

22.3.1. Postgraduate students in the Faculty of Medicine, are social members of the Imperial College School of Medicine Students' Union.

22.4. The Royal College of Science Union for the undergraduate students of the Faculty of Natural Sciences.

22.4.1. Postgraduate students in the Faculty of Natural Sciences, are social members of the Royal College of Science Union

22.5. The Royal School of Mines for the undergraduate students of the Earth Science Engineering and Materials Departments.

22.5.1. Postgraduate students in the Earth Science Engineering and Materials Departments, are social members of the Royal School of Mines Union

22.6. Silwood Park Students' Union for the students of Silwood Park Campus.

## **Management Groups**

23. Management Groups shall be ultimately responsible to the President or the President's nominee for their operation and policies.

24. Management Groups shall operate within the Union's Constitution, Bye-Laws and Policies.

25. Management Groups shall provide for the co-ordination and development of student activities within their constituent clubs, societies or projects, and within their central activities.

26. A Management Group must have Standing Orders, approved by the Clubs, Societies & Projects Board, that explicitly state its voting membership.

27. Each Management Group may have associated mini-Management Groups as defined by their standing orders and approved by the Clubs, Societies & Projects Board.

28. A Club, Society or Project must have a constitution, approved by its Management Group or Constituent Union's Executive Committee that explicitly states its voting membership.

29. There shall be the following Management Groups:

29.1. Arts

- 29.2. Community
- 29.3. Culture
- 29.4. Knowledge
- 29.5. Recreation
- 29.6. Sport

## **Union Liberation & Community Officers**

- 30. The Union Liberation & Community Officers shall be responsible to the Deputy President (Welfare) for their work.
- 31. The Union Liberation & Community Officers shall work within the Union's Constitution, Bye-Laws and Policies.
- 32. There shall be the following Union Liberation & Community Officers:
  - 32.1. Black & Minority Ethnic
  - 32.2. LGBTQ+
  - 32.3. Disabilities
  - 32.4. Mental Health
  - 32.5. Gender Equality
  - 32.6. Ethics & Environmental
  - 32.7. Interfaith
  - 32.8. International

## **B. Trustees**

### **Officer Trustees**

- 1. Up to five Officer Trustees shall be elected by secret ballot by the Members of the Union at an election to be held in accordance with the Bye-Laws. The Officer Trustees shall be elected to posts set out in the Bye-Laws.
- 2. The Officer Trustees shall remain in office for a term of one year commencing in accordance with the Bye-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 Bye-Laws, subject to

compliance with Imperial College London's rules on Sabbatical terms. An Officer Trustee's terms of office may be either consecutive or non-consecutive.

3. Each Officer Trustee must be a Student or an Officer Trustee at the time of his or her election. An Officer Trustee shall continue as, or 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, unless they return immediately to studying at Imperial College London.
4. The Officer Trustees shall be deemed to be "major union office holders" for the purposes of Section 22 of the Education Act.
5. At the same time as commencing the term of office as a Trustee, the Officer Trustee will enter into a contract of employment with the Union for a term to be determined in accordance with the Bye-Laws. The duties and method of remuneration of each Officer Trustee shall be as set out in the Bye-Laws.

### **Student Trustees**

6. Subject to the Constitution and Bye-Laws, up to two Student Trustees shall be elected by secret ballot by the Members at an election to be held in accordance with the Bye-Laws.
7. Each Student Trustee must be a Student at the time of their election (and must continue to be a Student for the duration of their term as a Student Trustee).
8. Elected Student Trustees shall remain in office for a term of one year commencing in accordance with the Bye-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.
9. An elected Student Trustee may serve a maximum of two consecutive terms or non-consecutive terms.
10. Up to two Student Trustees shall be appointed by a simple majority vote of the Board of Trustees, who will receive advice on the appointment from the Appointments and Remuneration Committee, provided that the appointment of each Student Trustee is ratified by a two thirds majority vote of the Union Council.
11. Unless their appointment is terminated in accordance with Clauses **Error! Reference source not found.** to 24 appointed Student Trustees shall remain in office for a term of one year.
12. Appointed Student Trustees may serve for a maximum of up to two terms which may be either consecutive or non-consecutive.

### **Alumni Trustees**

13. One Alumni Trustee shall be appointed by a simple majority vote of the Board of Trustees, who will receive advice on the appointment from the Appointments

and Remuneration Committee, provided that the appointment of each Alumni Trustee is ratified by a two thirds majority vote of the Union Council.

14. Unless their appointment is terminated in accordance with the Bye-Laws, Alumni Trustees shall remain in office for a term of up to three years.
15. Alumni Trustees may serve further terms of office, subject to the appointment process outlined in Clause 13.

### **External Trustees**

16. Up to five External Trustees shall be appointed by a simple majority vote of the Board of Trustees, who will receive advice on the appointment from the Appointments and Remuneration Committee, provided that the appointment of each External Trustee is ratified by a two thirds majority vote of the Union Council.
17. Unless their appointment is terminated in accordance with Clauses 22 to **Error! Reference source not found.**, External Trustees shall remain in office for a term of up to three years.
18. External Trustees may serve further terms of office, subject to the appointment process outlined in Clause 16.

### **Chair and Deputy Chair**

19. The Board of Trustees shall appoint an Alumni Trustee or External Trustee to act as Chair and may at any time remove them from office.
20. The Board of Trustees may appoint one of their number to act as Deputy Chair and may at any time remove them from office. The role of the Deputy Chair will be to support the Chair.
21. In the absence of the Chair and the Deputy Chair, another Trustee appointed by the Board of Trustees shall preside as chair of the meeting.

### **Disqualification, Resignation and Removal of Trustees**

22. The office of a Trustee shall be vacated if:
  - 22.1. they become prohibited by law from being a charity trustee;
  - 22.2. in the case of an Officer Trustee, they cease to be an employee of the Union;
  - 22.3. in the case of a Student Trustee, they cease to be a Student;
  - 22.4. they resign by notice to the Union (but only if at least four Trustees will remain in office when the notice of resignation is to take effect);



- 22.5. the Board of Trustees reasonably believe they are suffering from mental or physical disorder and are incapable of acting as a Trustee and the Board of Trustees resolve that they be removed from office;
  - 22.6. they fail to attend two consecutive meetings of the Board of Trustees and in the opinion of the Trustees there are no mitigating circumstances for that failure and the Trustees therefore resolve that he or she be removed for this reason; or
  - 22.7. they are removed from office under Clauses 23 to 24.
23. The office of a Trustee shall be vacated if:
- 23.1. a motion of no confidence in the Trustee is passed by a simple majority of the Members voting in a Referendum, provided that at least 10% of Members cast a vote in the Referendum. Such a motion shall only be triggered by a petition of no confidence signed by at least 10% of Members; or
  - 23.2. a motion of no confidence in the Trustee is passed by a two thirds majority in a vote of the Union Council.
24. The office of a Trustee shall be vacated 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 Clause 65.

### **Rights of Removed Trustee**

- 25. A resolution to remove a Trustee in accordance with Clause 23 and 24 shall not be passed unless the Trustee concerned has been given at least 10 clear College 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 making written representations to the Trustees.
- 26. A Trustee removed from office in accordance with Clause 23 and 24 shall be entitled to appeal the decision to remove them to an Appeals Panel within 10 clear College days of the resolution. The Appeals Panel shall be made up of a nominee of Imperial College London, one independent person and an officer of another students' union. The independent person shall be a Member who is not a Trustee or a member of the Union Council.

### **Replacement of Trustees**

- 27. If an Officer Trustee resigns, is disqualified or 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 Bye-Laws.

28. If an Officer Trustee resigns, is disqualified or removed from office after the commencement of the Academic Year the vacancy shall remain until the next elections are held.
29. If an elected Student Trustee resigns, is disqualified or removed from office, a Student Trustee may be elected to the vacancy in accordance with the Bye-Laws.
30. If an Appointed Student Trustee, an Alumni Trustee or an External Trustee resigns, is disqualified or removed from office, a replacement shall be appointed to the vacancy in accordance with the Bye-Laws.

### **Powers of the Board of Trustees**

31. The Board of Trustees shall be the sovereign and governing body of the Union and (subject to the Education Act, the Constitution and Bye-Laws) shall exercise all the powers of the Union. A meeting of the Board of Trustees at which a quorum is present may exercise all powers exercisable by the Board of Trustees.
32. The Board of Trustees shall further the aims and objects of the Union with the assistance of the Union Council.
33. No alteration of these Bye-Laws or the Bye-Laws shall invalidate any prior act of the Board of Trustees which would have been valid if that alteration had not been made.
34. The Board's powers under Clause 31 shall include but not be limited to responsibility for:
  - 34.1. the governance of the Union;
  - 34.2. the budget of the Union; and
  - 34.3. the strategy of the Union.
35. The Board of Trustees may override any decision and Policy made by the Members in a general meeting or Referendum or by the Union Council which the Board of Trustees considers (at their absolute discretion):
  - 35.1. has or may have financial implications for the Union;
  - 35.2. 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);
  - 35.3. is not or may not be in the best interests of the Union or all or any of its charitable objects; or
  - 35.4. will or may otherwise affect the discharge of any or all of the responsibilities referred to in Clause 34.

36. The continuing Trustees or a sole continuing Trustee may act notwithstanding any vacancies in their number. However, if and so long as the number of Trustees is less than the number fixed as the quorum in Clause 65, the Trustees may only act to increase the number of Trustees (including by arranging an election) so that there is a quorum.
37. All acts done by a meeting of the Board of Trustees, or of a committee of the Board of Trustees, shall be valid, even if it is later discovered that any Trustee who participated in the vote:
  - 37.1. was not properly appointed;
  - 37.2. was disqualified from holding office;
  - 37.3. had vacated office; or
  - 37.4. was not entitled to vote.

#### **Delegation of Trustees' powers**

38. The Board of Trustees may, by power of attorney or otherwise, appoint any person to be the agent of the Union for such purposes and on such conditions as they determine.
39. The Board of Trustees may delegate some of their powers or functions to any committee or the implementation of any of their resolutions and day-to-day management of the affairs of the Union to any person or committee in accordance with the conditions set out in these Bye-Laws.

#### **Delegation to committees**

40. In the case of delegation to committees:
  - 40.1. the resolution making the 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);
  - 40.2. subject to Clause 58**Error! Reference source not found.**, the composition of any such committee shall be entirely in the discretion of the Board of Trustees, except that the membership of each committee should contain at least one Student Trustee and one External Trustee and may otherwise comprise such of their number (if any) as the resolution may specify;
  - 40.3. the deliberations of any such committee shall be reported regularly to the Board of Trustees and any resolution passed or decision taken by any such committee shall be reported forthwith to the Board of Trustees and for that purpose every committee shall appoint a secretary;
  - 40.4. all delegations under this Clause shall be revocable at any time; and

- 40.5. the Board of Trustees 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.
41. The Board of Trustees shall establish the following subcommittees (which is a non-exhaustive list) in accordance with their powers under Clauses 38 and 39:
- 41.1. Management Committee
- 41.1.1. Lead on the development and delivery of the annual planning, budgeting and monitoring rounds.
- 41.1.2. Approve operational policies and procedures related to the services and activities of the Union.
- 41.1.3. Approve plans for major projects that affect all areas of the Union.
- 41.1.4. Lead the development of and propose items for consideration by the full Board.
- 41.2. Finance, Audit & Risk
- 41.2.1. Lead the development, approval and scrutiny of the Union's annual budgeting round and associated management account reporting.
- 41.2.2. Oversee and ratify the allocation process of grant funding for student groups.
- 41.2.3. Lead the development, approval and scrutiny of the Union's strategic risk register and associated policies and procedures.
- 41.2.4. Receive the annual audit findings report (AFR) and College's internal audit report (IFR) and provide scrutiny over appropriate actions.
- 41.2.5. Undertake detailed scrutiny of significant expenditure and contract items.
- 41.3. Governance & Membership
- 41.3.1. Approve the Union's election rules and regulations and recommend the appointment of an External Returning Officer to the Board.
- 41.3.2. Lead the development, approval and operation of the Union's various membership disciplinary policies and procedures.

**Delegation of day-to-day management powers to Union President and Managing Director**

42. The Union President shall be the Chief Executive of the Union.
43. The Union President will manage the Managing Director with the support of the Chair of the Board.

44. In the case of delegation of the day-to-day management of the Union to the Managing Director;
- 44.1. the delegated power shall be to manage the Union by implementing the policy and strategy adopted by and within a budget approved by the Board of Trustees and if applicable to advise the Board of Trustees in relation to such policy, strategy and budget;
  - 44.2. the Board of Trustees shall provide the Managing Director with a description of their role and the extent of their authority;
  - 44.3. the Managing Director shall report regularly to the Board of 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
  - 44.4. the Board of Trustees shall provide the Managing Director with a performance management structure to aid their work plan and development.

### **Bank Account**

45. For the avoidance of doubt, the Board of Trustees may (in accordance with Clauses 38 and 39) delegate all financial matters to any committee provided that such committee shall include at least one Trustee. The Board of 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 expenditure above a certain amount as set out in Board of Trustee Policy.

### **Financial Procedures**

46. The Union and all constituent parts thereof, its Members and Associate Members and all groups thereof, must abide by the Union's Financial Procedures, which are to be approved annually by the Board of Trustees and the Director of Finance of Imperial College London.

### **Irregularities**

47. The proceedings at any meeting 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 by reason of any business being considered which is not specified in the notice.

### **Minutes**

48. The Board of Trustees shall keep minutes of:
- 48.1. all proceedings at general meetings of the Union and of meetings of the Board of Trustees, and of committees of the Board of Trustees, including the names of the Trustees present at each such meeting; and

- 48.2. all resolutions of the Members and of the Board of Trustees
  - 48.3. and any such minute, if signed by the chair of the meeting at the next succeeding meeting, after approval by the succeeding meeting, shall, as against any Member or Trustee of the Union, be sufficient evidence of the proceedings or the resolution.
49. The minutes and papers of the meetings referred to in Clause 48 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.

### **Accounts and Reports**

50. The Board of Trustees shall comply with the requirements of the Education Act and the Charities Act 1993 as to keeping financial records, the audit or examinations of accounts.
51. The Members of the Union have the right to ask the Board of Trustees questions in writing about the content of any documents referred to in Clause 50.

### **Notices**

52. Subject to Clause 48, any notice to be given to or by any person pursuant to these Bye-Laws shall be in writing except that a notice calling a meeting of the Trustees need not be in writing.
53. The Union may give any notice to a Member either:
- 53.1. personally;
  - 53.2. by sending it by post in a prepaid envelope addressed to the Member at their address;
  - 53.3. by leaving it at the address of the Member held on record;
  - 53.4. by electronic communication to the Member's address; or
  - 53.5. by posting it on the Union's website.
54. A Member present 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.
55. Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent or in the case of a notice posted on the Union's website at the expiration of 48 hours after it was posted.

## **Indemnity**

56. 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.

## **Trustees' Indemnity Insurance**

57. The Board of Trustees shall have power to resolve pursuant to the Constitution to effect Trustees' indemnity insurance, despite their interest in such policy.

## **Proceedings of the Board of Trustees**

58. Subject to the provisions of the Constitution and these Bye-Laws, the Board of Trustees may regulate their proceedings as they see fit.

## **Board of Trustees meetings**

59. The Board of Trustees shall hold a minimum of four meetings in any Academic Year.
60. Two Trustees may, and the Union President at the request of two Trustees shall, call a meeting of the Board of Trustees.
61. Guests or observers can attend meetings of the Board of Trustees at the discretion of the Chair.

## **Length of notice**

62. A meeting of the Board of Trustees shall be called by at least 5 clear College days notice unless either:
  - 62.1. all the Trustees agree to shorter notice; or
  - 62.2. urgent circumstances require shorter notice.

## **Contents of notice**

63. Every notice calling a meeting of the Board of Trustees shall specify the place, day and time of the meeting and the general particulars of all business to be considered at such meeting.

### **Service of notice**

64. Notice of Board of Trustees meetings shall be sent to each Trustee by post or by electronic communication.

### **Quorum**

65. The quorum for meetings of the Board of Trustees shall be 50% of its membership and such quorum must include at least two Officer Trustees, at least two Student Trustees and either two External Trustees or both the Alumni Trustee and an External Trustee.

- 65.1. 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 eight.

### **Decision making by the Board of Trustees**

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

### **Virtual meetings**

67. A Board of Trustees may be held by telephone or by televisual or other electronic or virtual means agreed by resolution of the Trustees in which all participants may communicate simultaneously with all other participants.

### **Board of Trustees decisions without a meeting**

68. The Board of Trustees may take a unanimous decision without a Trustees' meeting by indicating to each other by any means, including without limitation by electronic communication, 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.

69. A Trustees' resolution which is made in accordance with Clause 68 shall be as valid and effectual as if it had been passed at a meeting of the Board of Trustees duly convened and held, provided the following conditions are complied with:

- 69.1. approval from each Trustee must be received by the Clerk to the Board;

- 69.2. following receipt of response from all of the Trustees, the Clerk to the Board shall communicate to the Board of Trustees by any means whether the resolution has been formally approved by the Trustees in accordance with this Clause;

- 69.3. the date of the decision shall be the date of the communication from the Clerk to the Board confirming formal approval; and



69.4. the Clerk to the Board prepares a minute of the decision in accordance with Clause 48.

### **Conflicts of Interest**

70. Whenever a matter is to be discussed at a meeting or decided in accordance with Clause 66 and a Trustee has a Personal Interest in respect of that matter then they must:
- 70.1. declare their interest to the Board of Trustees;
  - 70.2. remain only for such part of the meeting as in the view of the other Trustees is necessary to inform the debate;
  - 70.3. not be counted in the quorum for that part of the meeting (or decision-making process); and
  - 70.4. withdraw during the vote and have no vote on the matter.
71. If any question arises as to whether a Trustee has a Personal Interest, the question shall be decided by a majority decision of the other Trustees.
72. In particular, Clause 70 shall apply to any matter that may directly or indirectly relate to the position of an Officer Trustee who is or is to be remunerated as an employee by the Union.

## **C. Meetings**

1. These Bye-Laws shall apply to Meetings of the Union and all of its constituent parts except the Board of Trustees.
2. The Officer Trustees shall be members of all Meetings of the Union and its constituent parts, ex-officio.
3. A Meeting may only have Members of the Union as voting members of the Meeting.
4. All Committees' standing orders and Constituent Unions' constitutions must include any standard clauses determined by the Board of Trustees.
5. Voting shall normally be by the show of hands, unless the relevant procedural motion is passed. Voting Cards may be issued to members.
6. Multiple Choice votes will be conducted via the STV procedure outlined in the elections and referenda Bye-Laws.
7. Quorum for Meetings that have decision making powers shall be 50%+1 of voting members.

8. A Quorum check must take place at the start of each meeting with decision making powers.
9. If the meeting is found to be inquorate, the Chair of the Meeting may at their discretion dissolve the meeting.
10. Any decisions made whilst a Meeting is inquorate must be ratified by the next quorate Meeting, or, via an electronic vote before the next meeting.
11. In the case of a Meeting of the Union Council or one of its sub-committees, no decisions that require a two-thirds majority can be ratified via an electronic vote.
12. Decisions taken to an electronic vote must, for the avoidance of doubt, attain quorum and must be passed by at least a simple majority.
13. Accurate records of a Meeting must be kept by a nominee of the Chair.
14. In the case of a Meeting of Council or one of its sub-committees, minutes of a meeting should be published by the Union for all Members to see
  - 14.1. Minutes of a censure of motion of no confidence will be kept however only the outcome of a censure or no confidence motion will be published.
15. Meetings scheduled for more than 1 hour require a break every hour.
16. If in-person meetings of Council and its subcommittees are not possible due to extraordinary circumstances, they may be held by virtual means, in which all participants may communicate simultaneously with all other participants. In virtual Council meetings that meet these requirements, voting is not considered an 'electronic vote'.

### **General Meetings**

16. The Trustees or President may call a general meeting at any time. The Trustees shall call a general meeting on receiving a requisition to that effect, signed by at least 200 Members having the right to attend and vote at general meetings.

### **Location of Meetings**

17. General meetings may be carried out at one single venue or simultaneously with a video, audio or other real-time link between all of the venues. At the start of such meetings, each venue must indicate by majority vote that they are satisfied with the meeting set-up and technology.

### **Length of Notice**

18. A general meeting shall be called by at least 10 clear College days' written notice.

### **Contents of Notice**

19. Every notice calling a general meeting shall specify the place, day and time of the meeting and the general nature of the business to be transacted.
20. Notice of general meetings shall be given to every Member and to the Trustees of the Union.

### **Quorum**

21. No business shall be transacted at any general meeting unless a quorum is present. 200 persons entitled to vote upon the business to be transacted, each being a Member (but excluding Trustees), shall be a quorum.
22. If such 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.

### **Chair**

23. The chair of Union Council shall preside as chair of the meeting. In the absence of the chair of Union Council, the Members present and entitled to vote shall choose one of their number, other than the Officer Trustees, to be chair.

### **Attendance**

24. A Trustee may, even if not a Member, attend and speak at any general meeting.

### **Adjournment**

25. 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, but no business shall be transacted at an adjourned meeting other than business which might properly have been transacted at the meeting had the adjournment not taken place. When a meeting is adjourned for 10 clear College days or more, at least 5 clear College days' notice shall be given specifying the time and place of the adjourned meeting and the general nature of the business to be transacted. Otherwise it shall not be necessary to give any such notice.

### **Votes of Members at General Meetings**

26. Every Member has the right to attend general meetings and the right to vote. A resolution put to the vote of a general meeting shall be decided on a show of hands, and every Member shall have one vote.
27. Every resolution put to the vote of a general meeting shall be decided by a simple majority of the votes cast unless these Bye-Laws provides otherwise.

## **D. Policy**

1. Union Council, General Meetings, and Referenda have the power to create, amend, and annul Union Policy.
2. Policy can be overruled by a body of higher status, whereby the Board of Trustees is the highest body.
3. Policy cannot be passed if it contravenes an existing policy made by a higher Union body.
4. Amendments to this Constitution and Bye-Laws are not classed as policy and serve until amended in accordance with the Constitution.
5. Union Policy, as set by Union Council and its subcommittees, General Meetings or Referenda will be valid for three academic years, and after this time will automatically 'lapse'.
6. The Council Chair will inform Union Council of upcoming lapses of policy in the first and second Council meeting of the year, and give the option of renewing the policy.
7. Renewals or Amendments must follow a debate, held in the normal manner.
8. The Union will publish a record of active policy.

## **E. Referenda**

1. A Referendum may be called on any issue by:
  - 1.1. a resolution of the Trustees;
  - 1.2. The Union President,
  - 1.3. a vote of the Union Council; or
  - 1.4. a petition signed by at least 10% of Members
2. Subject to Clause **Error! Reference source not found.**, a resolution may only be passed by Referendum if at least 10% of Members cast a vote in the Referendum and a majority of the votes cast are in favour of the resolution.
3. Referenda shall be conducted in accordance with the Constitution and the Bye-Laws.
4. Subject to Clause 35 (Powers of the Board of Trustees), the Members may set Policy by Referenda. Policy set by Referenda will overturn Policy set either by the Members in general meeting or by the Union Council.

## **F. Officers of the Union**

1. The Officers of the Union shall be the:

- 1.1. Officer Trustees:
  - 1.1.1. President,
  - 1.1.2. Deputy President (Clubs & Societies),
  - 1.1.3. Deputy President (Education),
  - 1.1.4. Deputy President (Finance & Services),
  - 1.1.5. Deputy President (Welfare),
- 1.2. Council Chair,
- 1.3. Constituent Union Presidents
- 1.4. Constituent Union Welfare Officers
- 1.5. Constituent Union Academic Affairs Officers
- 1.6. Management Group Chairs
- 1.7. Union Liberation & Community Officers
- 1.8. The Felix Editor

### **Register of Interests**

- 2. A Register of Interests shall be kept for Trustees, Officers of the Union and any other person at the discretion of the Board of Trustees or Union Council.
- 3. The Register shall be available to all Members and Trustees.
- 4. The Register shall contain
  - 4.1. any current part-time external employment,
  - 4.2. directorships and direct shareholdings,
  - 4.3. the Officer's department/division and year
  - 4.4. gifts, hospitality, and free or discounted tickets received in connection with Union business,
  - 4.5. sponsorship by any firm in connection with a course of study or Union business,
  - 4.6. positions of office held within the Union or any constituent part,
- 5. The Register shall contain any matter not falling in the above categories which could provide information of any pecuniary interest or other material benefit which an Officer receives which might reasonably be thought by others to influence his or her actions, speeches, or votes in committees, or actions taken

in his or her capacity as an Officer.

6. Union Officers shall be required to sign the Register as an accurate record of their interests as a requirement of taking office.
7. The Register shall be kept and maintained by the President, who shall be responsible for notifying Officers of the responsibilities and requiring Officers to register.

## **Job Descriptions for the Officer Trustees**

8. All Officer Trustees shall;
  - 8.1. Act as a Trustee ex-officio,
  - 8.2. Fulfil all Presidential and constitutional responsibilities,
  - 8.3. Execute and develop policy and further the aims and objectives of the Union,
  - 8.4. Ensure that all members of the Union are equally represented,
  - 8.5. Chair relevant Union Committees,
  - 8.6. Liaise with Union and College staff as appropriate,
  - 8.7. Represent the Union on external committees as appropriate,
  - 8.8. Report to Union committees as appropriate,
  - 8.9. Establish extra duties with the President where appropriate,
  - 8.10. Coordinate the work of the non-Trustee officers of the Union,
  - 8.11. Deliver the Union's strategic aims and uphold the Union's values,
  - 8.12. Ensure that the Union provides relevant and sustainable events and services that meet the demands of its members,
  - 8.13. Campaign where appropriate on issues relevant to the membership.

## **President**

9. The President shall;
  - 9.1. Be the chief executive officer of the Union,
  - 9.2. Be the ultimate representative of the Union,
  - 9.3. Be ultimately responsible for the whole Union, its Constituent parts, and its activities and governance,
  - 9.4. Be ultimately responsible for the finances of the Union,
  - 9.5. Be ultimately responsible for staffing and discipline issues,
  - 9.6. Be responsible for the Union's marketing and communications to the membership, College and external organisations,

- 9.7. Be responsible for constitutional development and preliminary interpretation,
- 9.8. Ensure the adherence to the Complaints and Discipline procedures set out in Section G of the Bye-Laws,
- 9.9. Be responsible for the Managing Director,
- 9.10. Be the manager of the other Officer Trustees in their role as employees and coordinate their work and that of the non-sabbatical Officers of the Union,
- 9.11. Delegate the duties and responsibilities of Officers in the case of vacancies or if any Officer is unable to carry out their duties.

#### **Deputy President (Clubs & Societies)**

10. The Deputy President (Clubs & Societies) shall:
  - 10.1. Take on Presidential duties as appropriate,
  - 10.2. Be jointly responsible with Deputy President (Finance & Services) for the training, support and recognition of Clubs, Societies & Projects (CSP) volunteers, in conjunction with the relevant Union committees,
  - 10.3. Liaise with Union staff to ensure that appropriate support is being given to all Clubs, Societies & Projects,
  - 10.4. Be responsible for reporting student opinion on and needs of CSPs to the College and external bodies, suggesting areas for development and enhancing the student experience and provision for students, in conjunction with the relevant Union committees and staff,
  - 10.5. Be jointly responsible with Deputy President (Finance & Services) for overseeing support on financial matters to Clubs, Societies & Projects,
  - 10.6. Be responsible for overseeing the effective organisation of Freshers' Fair.

#### **Deputy President (Education)**

11. The Deputy President (Education) shall:
  - 11.1. Take on Presidential duties as appropriate,
  - 11.2. Be responsible for reporting student opinion on academic affairs to the College, suggesting areas for development and enhancing the student

experience and provision for students, in conjunction with the relevant Union committees,

- 11.3. Be responsible for the training, support and recognition of a Representation Network for the Academic Representatives of the Constituent Unions, in conjunction with the relevant Union committees and staff,
- 11.4. Liaise with the Constituent Unions on all academic matters concerning students,
- 11.5. Support student and staff led educational innovation within the College.

### **Deputy President (Finance & Services)**

12. The Deputy President (Finance & Services) shall:

- 12.1. Take on Presidential duties as appropriate,
- 12.2. Be responsible for reporting students' interests on health and safety to the College and external bodies, suggesting areas for development, in conjunction with the relevant Union committees and staff,
- 12.3. Be jointly responsible with Deputy President (Clubs & Societies) for the training, support and recognition of Clubs, Societies & Projects (CSPs) volunteers, in conjunction with the relevant Union committees and staff,
- 12.4. Be jointly responsible with Deputy President (Clubs & Societies) for overseeing support on financial matters to Clubs, Societies & Projects,
- 12.5. Be responsible for reporting students' interests on financial procedures that impact students, suggesting areas for development, in conjunction with the Finance & Risk sub-committee of the Board of Trustees, where the Deputy President (Finance & Services) will be a member,
- 12.6. Be responsible for ensuring students' interests are accounted for in the delivery of the Union services provided at all campuses, including but not limited to conferencing, retail and licensed trade services,
- 12.7. Be responsible for the sponsorship of the Union,
- 12.8. Be responsible for ensuring students' interests are considered in the training, support and recognition of all student staff, in conjunction with the relevant Union committees and staff,



- 12.9. Be responsible for ensuring students' interests are the key driving factor behind Union events, in conjunction with the relevant Union committees, volunteers and staff,
- 12.10. Be responsible for reporting students' interests on matters of sustainability – environmental, financial, and social – to both the College and the Union, suggesting areas for development, in conjunction with the relevant Union committees, volunteers and staff.

### **Deputy President (Welfare)**

13. The Deputy President (Welfare) shall:
  - 13.1. Take on Presidential duties as appropriate,
  - 13.2. Be responsible for reporting student opinion on liberation and welfare issues to the College and external bodies, suggesting areas for development and enhancing the support provision for students, in conjunction with the relevant Union committees,
  - 13.3. Be responsible for representing the welfare needs of all students, especially minority or underrepresented groups to the College,
  - 13.4. Be responsible for the training, support and recognition of a Representation Network for the Wellbeing Representatives of the Constituent Unions, in conjunction with the relevant Union committees and staff,
  - 13.5. Be responsible for overseeing the support to student led campaigns.

## **Job Descriptions for other Union Officers**

### **The Council Chair**

14. The Council Chair shall:
  - 14.1. Act as a Trustee ex-officio,
  - 14.2. Chair Union Council and other relevant Union committees,
  - 14.3. Uphold the Constitution and Bye-Laws in Union Council,
  - 14.4. Be independent and impartial in all proceedings and duties as Council Chair,
  - 14.5. Carry out such duties and responsibilities as may, from time to time, be laid down by the Union Council.

## **The Management Group Chairs**

15. The Management Group Chairs shall fulfil their duties as set out in their respective Standing Orders.

## **The Union Liberation & Community Officers**

16. The Union Liberation & Community Officers shall be responsible to the President, through the Deputy President (Welfare) for representing the welfare interests of the members that affiliate with their remit,

17. The Liberation & Community Officers shall also:

17.1. Be the welfare representative to the Union and the College for the students that affiliate with their remit,

17.2. Co-ordinate the campaigns within their remit, taking into account the involvement of students based at non-South Kensington campuses and adjusting plans accordingly.

17.3. Carry out such duties as may, from time to time, be laid down by the Union Council or the Community & Welfare Board.

## **The Felix Editor**

18. *Felix* is the newspaper of the Imperial College student body. Its role is to inform, entertain, and hold the College and the Union to account.

19. The *Felix* editor shall:

19.1. Be ultimately responsible for all matters pertaining to the operation and publication of *Felix*, both online and in print.

19.2. Provide training and support to members of the *Felix* society.

19.3. Endeavour to ensure standards of good journalism are upheld.

19.4. Maintain and upkeep the *Felix* archive which they shall make accessible to students and the public.

19.5. Be responsible, with the assistance of the *Felix* society committee, for the social maintenance and health of the *Felix* society.

19.6. Be financially responsible for the *Felix* society.

19.7. Provide a termly report of their activities to the Union Council.

## **G. Complaints**

1. This bye-law exists to provide a clear and transparent set of procedures for the Union's dealings of complaints made to the Union regarding the Union.

2. The Union shall provide a complaints form on the official Union website to raise complaints against the Union.
3. Any member, associate member, or visiting user of the Union's services can make a complaint if they:
  - 3.1. Are dissatisfied in their dealings with the Union outside of the electoral process,
  - 3.2. Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union, or
  - 3.3. Are dissatisfied with the conduct or performance of the Union
4. Complaints against any individuals are not provided for by these procedures, but are instead provided for in the Disciplinary Procedures bye-law.
5. There are three stages in the Union complaints procedure:
  - 5.1. Stage one – Local Resolution
  - 5.2. Stage two – Formal Stage
  - 5.3. Stage three – Appeal

## **Stage One – Local Resolution**

6. A complaint should be resolved in stage one where the nature of the complaint is minor and/or pertains to a specific area of the Union. Such complaints are informal but should be logged on the Union's complaints system for reporting purposes.
7. The first step is for a member to raise a complaint, either by email or face to-face to with relevant staff in the department or service concerned.
8. Complaints at the local level should normally be provided with a response within 10 college days to report how the issue has been considered or to advise the member of how it will be resolved.
9. Where the local resolution stage has been completed and a member remains dissatisfied with the outcome, they can escalate their complaint to Stage 2.

## **Stage Two – Formal Stage**

10. If the complaint has not been resolved to the satisfaction of the complainant through the local stage, the complaint is of a serious enough nature, or if an individual wishes to raise a substantial complaint, a formal complaint should be submitted through the official complaints form within 10 college days following the outcome from stage one (if the issue was originally considered in stage one).
11. The individual will be required to provide details of the nature of their complaint on the formal complaint form, along with supporting documentary evidence. The complainant should also specify their desired outcome from this procedure.

12. Upon receipt of a formal complaint, an initial evaluation will be undertaken by the Complaints Officer, who shall be an appointed member of Union staff, to check that the complaint has been submitted under the correct procedures and within the deadline.
13. If the complaint has been submitted directly to the formal stage and it is considered that it could be reviewed at the local stage first, it will be referred to the complainant for this to be done. If the Union Complaints Officer or nominee does not consider that it is appropriate for the matter to be dealt with under the Union Complaints procedure, the complainant will be informed accordingly.
14. The Union will respond to the complainant within 10 days of receipt of the formal complaint.
15. Complaints received after the deadline will normally be rejected and the complainant advised accordingly. However, the Union may choose to investigate a complaint submitted after the deadline where the complainant is able to demonstrate valid reasons for being unable to submit the complaint within the appropriate timeframes.
16. The Union Governance and Membership Committee will annually appoint complaint handlers one (or more) of whom will be specified as the responsible authority to deal with the complaint, depending on its nature and origin. Complaint handlers must be Union staff members or Officer Trustees. The specified complaint handler must not be a person against whom the complaint is made.
17. If the complaint is regarding the Managing Director, the Chair of the Board will nominate a responsible authority for dealing with the complaint.
18. The responsible authority considering the complaint may conduct an investigation themselves or appoint another member of staff to investigate the complaint.
19. The responsible authority or their nominee will conduct a review of the supporting evidence provided by the complainant and may talk to the key people involved and collate additional items of evidence.
20. A report will be produced which outlines the process followed, the evidence considered, the conclusions drawn and any recommendations which emerge from the investigation. Appended to the report will be the evidence that has been considered in coming to the decision regarding the complaint.

### **Stage Three – Appeal**

21. If the complainant is dissatisfied with the outcome from the formal stage (Stage 2), they can request an appeal by writing formally to the Managing Director within 10 college days of receipt of the outcome of Stage 2.
22. The appeal can be made on the following grounds:
  - 22.1. That there is new material supporting evidence which, for valid reasons, the complainant was unable to provide during the formal stage of the

complaint;

- 22.2. That there has been material procedural irregularity in the conduct of the complaints procedure;
- 22.3. That the outcome of the formal stage was unreasonable.
23. The complainant must include details of why they remain dissatisfied and what resolution they are seeking and should include any relevant evidence which they wish to be taken into consideration in their request for a review.
24. The Managing Director (or nominee) will evaluate the request for the review to ensure that it falls within the grounds for review set out in this procedure and inform the complainant of this review within 5 college days of receipt of the appeal.
25. If the decision is to proceed with the review, the Managing Director (or nominee) will establish a Panel to meet the complainant, any individuals named in the complaint, and the responsible authority before concluding the review of the complaint.
26. The Panel will be drawn from a designated list of Complaints Appeal Members. The panel will comprise at least one Officer Trustee of the Union and one Senior Staff Member. The Complaints Appeal Panel composition will be decided by the Governance and Membership Committee Chair.
27. No member of the Complaints Appeal Panel can have been involved in any previous stages of the complaint.
28. A record should be kept of any such meetings. A complainant may be accompanied for moral support by either; a full member of the Union, or a current member of staff at the College. Complainants may not be accompanied by a solicitor or barrister acting in a professional capacity. In addition the member may be accompanied by a support, e.g. a sign language communicator, note taker or interpreter.
29. The Managing Director (or nominee) will normally provide a final written response to the complainant within 25 college days following receipt of the request for appeal. This response will give a clear explanation of their findings and, where there were proven grounds for review, an indication of how and when any remedy will be implemented.

## **H. Discipline**

1. This bye-law shall apply to all Members and Associate Members except:
  - 1.1. Trustees of the Union, acting in their capacity as a Trustee, shall be dealt with in accordance to bye-law B (Trustees). Complaints should be directed to the Chair of the Board of Trustees, or the President in the case of the Chair of the Board of Trustees.
  - 1.2. Members of the College staff who are also registered students of the College shall be dealt with under the relevant College disciplinary procedure for staff, and not this policy. The Managing Director may exclude such individuals from

Union premises and facilities pending College disciplinary action and shall inform their head of department if so doing.

- 1.3. Permanent Union staff shall be disciplined within the provisions of Imperial College HR policy and their contractual agreement. The Managing Director is responsible through the President to the Board of Trustees for staff discipline in the Union. The President and the Board of Trustees Chair are responsible to the Board of Trustees for the discipline of the Managing Director.
2. Outside of the electoral process, the Union may only discipline individual Members and Associate Members within the provisions of these bye-laws.
3. The Disciplinary Procedure does not provide for disciplinary action against Clubs, Societies & Projects. Disciplinary procedures related to Clubs, Societies & Projects are detailed in separate policies.
4. For matters related to the Union's licenced premises:
  - 4.1. The Designated Premises Supervisor (DPS) for the Union's licenced premises, or their appointed nominee, has the right to take whatever reasonable action necessary to uphold the Union's licence within the premises. This includes the right to warn or ban – temporarily or permanently – anyone from the Union's licenced premises.
  - 4.2. Any warning or ban from the DPS, or their appointed nominee, is separate from summary punishment and, therefore, cannot be appealed within the provisions of these bye-laws. Appeals should be made directly to the DPS.
  - 4.3. Members receiving summary punishment from the DPS may also be subject to disciplinary action within these bye-laws if there is a suspected breach of the Union's Code of Conduct. This may be instigated through or complaint against the member or the DPS may choose to refer a member for disciplinary action if they deem it necessary.
5. For disciplinary matters regarding severe misconduct, for example assault or sexual misconduct, or other matters that may be investigated by the police, the Union may instead refer the matter directly to the College Registry.
6. The Union shall provide a complaints form on the official Union website which members should use to raise allegations of misconduct of other members or associate members. A member who uses this form to raise a complaint shall be referred to as the 'reporting party', and those they have raised a complaint about the 'responding party'.
7. A case for disciplinary action shall exist if a Member or Associate Member is alleged to have breached the Union's Code of Conduct Bye Law.
8. Examples of misconduct pertaining to breaches of the Code of Conduct may be deemed to be either minor or major depending on the individual circumstances of the case. This will determine the application of the disciplinary procedure to the individual case.

9. Cases will be dealt with by a Union nominee, hereby referred to as the 'investigating officer', who shall be a member of the Union's Governance and Membership Committee.
10. The investigating officer shall make an initial judgement to proceed as either:
  - 10.1. No action needed
  - 10.2. Level 1 – Summary punishment
  - 10.3. Level 2 – Union disciplinary panel
  - 10.4. Level 3 – Referral to the College
11. Where the Union is made aware that the disciplinary matter is being investigated by the College and/or the Police, the Union shall suspend the disciplinary proceedings until the conclusion of a College and/or Police investigation.
12. In cases where a disciplinary matter is being investigated by the Police, the Union shall defer to the College's disciplinary procedures and inform them of such an investigation.
13. In cases of serious misconduct, where there is a safeguarding concern or there is police involvement, the Union Governance and Membership Committee can suspend member(s) concerned from all Union activities and spaces pending the conclusion of investigations.
14. The investigating officer shall inform the reporting party of any safeguarding measures that is directly necessary for them to know, within the bounds of confidentiality. This should be done as soon as possible after a decision to take a safeguarding measure is made, usually before the responding party is informed where possible and appropriate.
15. At the request of the College, the Union Governance and Membership Committee shall consider suspending members from all Union activities and venues pending the outcome of a College disciplinary investigation.

## **Level 1 - Summary Punishment**

16. Cases dealt with under the summary procedures shall normally be investigated by the investigating officer, or appropriate appointed nominee, who shall consider the original complaint and supporting evidence provided to them by the Complaints Officer.
17. In all cases dealt with under the Summary Procedures, the responding party must be provided with a written statement of the allegations being made against them, and then with an opportunity to respond to the allegation and state their case prior to any decision being reached.
18. The investigating officer shall normally conduct an interview with the responding party and, where appropriate, the reporting party; a full record of the discussions must be made, and those being interviewed given a chance to confirm they are an

accurate reflection of the discussions. The investigating officer may also interview or collect written statements from witnesses named by either responding or reporting parties.

19. The investigating officer shall consider all the evidence at hand and reach a decision of summary punishment. The reporting party should be informed of the outcome in writing within five college days of the decision, and of their right to appeal against the decision.
20. Where a member or associate member has been investigated on previous occasions and has received more than one penalty under the Summary Procedures, the investigating officer may decide that any further allegations of misconduct will be considered by a Union disciplinary panel.

## **Level 2 - Union Disciplinary Panel**

21. In the circumstance that the investigating officer decides a Union disciplinary panel is appropriate, either because a member has requested it or the matter in question is deemed to warrant an investigation, they will convene a disciplinary panel.
22. The panel will be drawn from a designated list of disciplinary panel members. The panel will comprise members of the Union's Board of Trustees, including at least one Officer Trustee, one student trustee, and one external trustee who will act as Chair.
23. The designated Disciplinary Panel members will be reviewed annually by the Union's Governance and Membership Committee.
24. No person who is part to or is a potential witness at a hearing before the panel shall be a member of the panel.
25. The Union Complaints Officer will be appointed clerk to the panel.
26. The responding party will be written to giving 10 college days' notice of the date, time and location of the hearing and be invited to submit any further documentation they wish to be considered within 5 college days.
27. The responding party may be accompanied for moral support by either a full member of the Union, an advisor from the Union or a current member of staff at the College. With agreement from the Chair of the Panel, this individual may speak on behalf of the responding party. Individuals may not be accompanied by a solicitor or barrister acting in a professional capacity. In addition, the member may be accompanied by a support, e.g. a sign language communicator, note taker or interpreter.
28. If the responding party is expected at the disciplinary hearing and fails to attend without good cause, the panel will normally continue with the hearing (providing it is satisfied that the member has been properly informed about the arrangements). If the hearing continues, anyone whom the member has chosen to accompany them shall remain for the hearing.



29. The proceedings of the panel meeting shall be determined by the Chair, but generally include: a levelling of the charge by the investigating officer, an opening statement by the responding party, questions from the panel to anyone present, and an opportunity for the responding party to provide a closing statement.
30. Once the meeting has adjourned, which shall happen at the discretion of the Chair, all parties apart from the panel members and clerk shall leave at which point the panel shall consider the evidence and reach a decision. The decision shall be to either fully or partially uphold the allegations, or to reject them. The panel may not find there have been other breaches of the code of conduct apart from those that have been alleged and presented by the investigating officer. The panel shall also determine which, if any, penalties are appropriate.
31. Following the panel decision, the responding party shall normally be informed, in writing, of this decision within 5 college days by the Complaints Officer. This correspondence shall include the minutes of the meeting proceedings, the details of the panel decision, details of any penalties, and information about the appeals process.
32. The reporting party shall be informed by the investigating officer, or a relevant supporter, of the completion of the investigation and whether complaints were upheld. They shall not normally be informed of the details of any penalties applied against the responding party unless it is directly necessary for them to know, within the bounds of confidentiality.

### **Level 3 - Referral to the University**

33. The investigating officer shall refer the case to the College at any point if it is deemed that the nature of the action is relevant to the College or a serious enough allegation that requires College intervention.
34. In such cases, the investigating officer shall inform all parties of this decision, explain the reasoning behind it, and refer them to relevant support.

### **Appeals**

35. A member or associate member penalised under the Member Disciplinary Procedure may lodge an appeal only on the grounds of:
  - 35.1. Procedural irregularity in the conduct of the Member Disciplinary procedure, or
  - 35.2. The availability of new evidence which could not reasonably have been expected to be presented prior to the consideration of the allegation and the application of the penalty.
36. An appeal, including a statement of the grounds on which the appeal is being made, must be submitted by the individual concerned to the Union in writing within 10 college days of the date on which the written notification of the decision is sent to the responding party. A request for an appeal received after this time will be considered only where there is a demonstrable valid reason.

37. An initial evaluation of the appeal will be made by the Union President, or nominee, within 5 college days to determine if there are valid grounds for the request for appeal to be considered. If there are no valid grounds, the responding party will be written to and advised that this is the case.
38. Appeals against a Summary Procedure will be considered by one of the Union's designated panel members who has had no previous involvement in the case.
39. Appeals against Union Disciplinary Panel decisions shall be considered by an Appeals Panel. The Appeals Panel will be drawn from a designated list of appeal panel members. The panel will comprise members of the Union's Board of Trustees, including at least one Officer Trustee, one student trustee, and one external trustee who will act as Chair.
40. The designated Appeal Panel members will be reviewed annually by the Union's Governance and Membership Committee.
41. The Union Complaints Officer will be appointed clerk to the panel.
42. The Appeals Panel will not consider the case afresh but shall consider whether the initial hearing and outcome were fair against the stated grounds of the appeal.
43. The Appeals Panel considering an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously applied, or, if new evidence that is material and substantial has been established through the appeal process, to refer the case back for consideration by a newly constituted Union Disciplinary Panel. The decision of the panel hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the Union.

## **Penalties**

44. If the breach of discipline is admitted by the responding party or is found to be proved, on the balance of probabilities, one or more of the following penalties may be imposed.
45. In respect of Summary Action:
  - 45.1. A written reprimand and a warning about future behaviour;
  - 45.2. A requirement upon the member to give an undertaking as to their future good conduct within the Union and College;
  - 45.3. A requirement upon the member to provide a written apology;
  - 45.4. A requirement upon the member to pay for any damage to property they may have caused or to recompense the Union and or College for any loss it may have suffered arising from the member's misconduct;
  - 45.5. A requirement on the member to undertake specified tasks or services for the benefit of the Union up to a maximum of forty hours;
  - 45.6. A revocation of or reduction in financial authority.

46. In respect of a Union Disciplinary Panel, any of the above and the following:
- 46.1. A charge to meet the cost in whole or in part of any funds lost through mismanagement;
  - 46.2. Expulsion or suspension from any part of the Union or its facilities for a fixed period;
  - 46.3. Permanent expulsion from any part of the Union's premises;
  - 46.4. Expulsion or suspension from membership of a club or society;
  - 46.5. Attendance at appropriate training (whether Union or external);
  - 46.6. Revocation of membership of the Union.
47. In cases of interpersonal violence, abuse, and sexual misconduct, that is deemed non-minor following an investigation, the following sanctions must be imposed: dismissal from all elected posts in the Union, permanent exclusion from holding elected roles, participating in all elections as a candidate, and volunteering positions that involve direct interaction with children (e.g. tutoring). These sanctions may only be overturned in the case of a successful appeal following the aforementioned process.

## **I. Motions of Censure and No Confidence**

1. The Union Council may censure or dismiss with a two-thirds voting majority any Member of the Union holding elected office within the jurisdiction of these bye-laws.
2. Motions of censure or no confidence shall be proposed to the Union Council by one of the following people and methods:
  - 2.1. By a Member of the Union, seconded by twenty Members of the Union. The petition shall include the signatures or College identification numbers ("CIDs") and printed names, departments and years of the petitioners,
  - 2.2. By the President, or
  - 2.3. By the Council Chair.
3. All motions of censure or no confidence must:
  - 3.1. Name individual officers or representatives,
  - 3.2. State clearly in writing the grounds of the complaints,
  - 3.3. State the nature and conclusions of any relevant investigations undertaken,

- 3.4. Include details of previous warnings,
- 3.5. Include details of any part of the Constitution, Bye-Laws or Policies alleged to have been breached,
- 3.6. Be presented with its supporting petition to the relevant authority, at least 5 clear College days before Union Council.
4. No motion of censure may lie against a person already censured.
5. Upon receipt of the motion of censure or no confidence the relevant authority will take all reasonable steps to inform the defendant of the grounds of the complaint, the procedures laid out in this document and the date of the meeting.
6. The vote upon the motion and any disputed amendment to it shall be held by secret ballot, and may not be proxied.
7. The motion of censure or no confidence must be approved by a two-thirds majority of those present and voting.
8. A motion of censure or no confidence which has been voted on and rejected may not later be reconsidered by the Union Council.
9. Minutes will be taken for a motion of censure or no confidence but will not be posted on the Union's website.
  - 9.1. Minutes for a motion of censure or no confidence will only be used in regards to an appeal to Board of Trustees. Minutes are to be retained for a minimum of 20 College days once an appeal has concluded.
10. A person dismissed from office by the Union Council by virtue of a motion of no confidence under these Bye-Laws may not be elected to or hold that office again.
11. The Union Council may remove this disqualification.

## **J. Major Elections**

### **Application**

1. These Bye-Laws shall apply for all elections conducted by cross-campus ballot, and for all elections of Officers of the Union other than
  - 1.1. Management Group Chairs and Treasurers.
  - 1.2. Representatives to Council

## **The Returning Officer**

2. The Governance Committee will, at least once per academic year, appoint an appropriately qualified person to act as the Returning Officer, who may not be a current Member of the Union and whose appointment must be ratified by the Board of Trustees.
3. The Returning Officer shall:
  - 3.1. Be the final interpreter of the Major Elections Bye-Laws.
  - 3.2. Appoint (and dismiss if necessary) deputy returning officers and other officials to ensure the good conduct and administration of the elections.
  - 3.3. Oversee the count and declare the results of the elections.
  - 3.4. Set rules, regulations and guidelines other than these election Bye-Laws to govern the conduct of the election.
  - 3.5. Seek legal advice if they believe that statements made or the contents of publicity could leave the Union open to legal action.
  - 3.6. Rule out of order any statement or the content of any publicity which in the Returning Officer's view is in breach of the constitution, the law or any other appropriate rules and guidelines.
  - 3.7. Be empowered to issue warnings to candidates in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.
  - 3.8. Be empowered to issue fines to candidates up to a maximum set by the Governance Committee, in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.
  - 3.9. Deliver, or ensure the delivery of, appropriate training to all election candidates.
  - 3.10. Make available an information pack to potential candidates for each election outlining relevant rules and procedures.
4. The following powers shall be reserved by the Governance Committee having taken advice from the Returning Officer:
  - 4.1. Disqualifying a candidate,
  - 4.2. Ordering a re-run, and
  - 4.3. Setting aside ballot papers.

## **Complaints**

5. The Returning Officer shall deal with complaints regarding the conduct of

candidates, their supporters and campaigns, and the administration of elections.

6. Complaints regarding the conduct of the Returning Officer shall be referred to the Board of Trustees. The onus is on the complainant to set out such complaints in writing for the Board of Trustees consideration. The Board of Trustees may order a re-run of the whole or part of the election should the complaint be upheld.
  - 6.1. Complaints regarding the conduct of the Returning Officer must be submitted within 10 College days of the close of voting.

### **The Process of Elections**

7. The Returning Officer shall produce an election timetable which shall outline:
  - 7.1. The process for nomination
  - 7.2. Details for the submission of manifestos
  - 7.3. Arrangements for the ballot
8. The Returning Officer shall produce details of the arrangements for balloting and for complaints procedures, and ensure that they are publicised to all Members eligible to stand, and or vote.
9. The election will be conducted in accordance with the rules outlined by the Electoral Reform Society for running elections by the Single Transferable Vote system for elections with more than one position available, and the Alternative Vote system for elections with one position available.
10. The Returning Officer shall ensure that any additional details, or amendments to the arrangements, are publicised to all students in a timely fashion.
11. The Returning Officer shall ensure that all candidates sign a statement of intent that they will take up the position, and that they are satisfied the election has been run fairly before the count.
12. No candidate may challenge the result of the election once the count has been held.

### **Nominations**

13. Nomination forms will be available to all Members eligible to stand.
14. It shall be the responsibility of nominees to ensure that nomination forms are completed accurately and submitted before the deadline.
15. Nomination forms shall require 1 seconder.
16. Any Member of the Union eligible to vote in the election may second a candidate.

17. The Returning Officer shall have the sole responsibility for declaring a submitted nomination form valid.
18. When the Returning Officer is satisfied, all valid nominations shall be confirmed with the candidates and published.

### **Manifestos**

19. Manifestos must be submitted by the date laid down in the election timetable and must comply with any format requirements stipulated by the Returning Officer.
20. The Returning Officer will ensure that manifestos are available to voters at the point of ballot.

### **Campaign Publicity**

21. The Returning Officer will determine the allowance for publicity available to each candidate for each election.
22. The Returning Officer shall stipulate a maximum amount that candidates may spend on their own election campaigns.
23. All candidates in each election shall have an equal publicity allowance.
24. The Returning Officer shall draw up regulations for the conduct of candidates' campaigns. Any breach of these regulations could lead to disqualification from the election.

### **Hustings**

25. The Returning Officer may arrange a hustings for the candidates in an election.
26. Candidates will be informed of the format of any hustings at the initial candidates' meeting.

### **Withdrawal**

27. Any candidate may withdraw from the election at any point by informing the Returning Officer.
28. If a candidate withdraws during the ballot, or after a point at which the ballots cannot be amended, the Returning Officer will ensure that the voters' next preferences are counted in accordance with the principles of the Electoral Reform Society.

### **Voting**

29. The Returning Officer will ensure that all eligible members of the Union can vote.
30. The Returning Officer shall decide the method of voting and publicise it

appropriately.

31. The Voters shall be able to express preferences for as few or as many candidates as they wish subject to the instructions on ballot papers.
32. Ballots shall bear the chosen name of each candidate, and of the position being contested.
33. The order of names on the ballot shall be decided by the drawing of lots or by using an electronic system which ensures the order of names on the ballot is chosen at random.
34. There will be a facility for voting for “Re-Open Nominations”.
  - 34.1. For positions which require more than one candidate to be elected, if Re-Open Nominations receives the most votes, nominations must be re-opened for all positions.
35. Voting shall be by secret ballot.

### **Declaration**

36. Results of the election shall be declared by the Returning Officer when the count for each post has been successfully completed.
37. A list of successful candidates will be published within 1 clear day of the declaration of the results.

### **By-Elections and Co-Options**

38. If any Union Office falls vacant, Governance Committee shall determine if and when a by-election should be called, except the Officer Trustees and elected Student Trustees, in which case the vacancy will be resolved in accordance with the Constitution & Bye-Laws. This timeline should be ratified by the Union Council.

## **K.Minor Elections**

### **Application**

1. These Bye-Laws shall apply for all elections not covered by the Major Elections Bye-Laws.

### **The Returning Officer (RO)**

2. The body holding an election will appoint an appropriately qualified person to act as the Returning Officer, who must be a Member of the Union.



3. The Returning Officer shall:
  - 3.1. Be the initial interpreter of the Minor Elections Bye-Laws and any election regulations
  - 3.2. Be responsible to the President, who shall be the final interpreter should dispute occur.
  - 3.3. Oversee the count and declare the results of the elections.
  - 3.4. Set rules, regulations and guidelines other than these Bye-Laws to govern the conduct of the election.
  - 3.5. Seek legal advice if they believe that statements made or the contents of publicity could leave the Union open to legal action.
  - 3.6. Rule out of order any statement or the content of any publicity which in the RO's view is in breach of the constitution, the law or any other appropriate rules and guidelines.
  - 3.7. Be empowered to issue warnings to candidates
  - 3.8. Be empowered to ask the President to remove candidates from the election at any point in accordance with these election Bye-Laws and any rules and regulations issued in accordance with the above.
  - 3.9. Be empowered to order recounts, or declare election processes null and void.

### **Complaints**

4. The President is the ultimate official means to deal with complaints regarding the conduct of candidates, their supporters and campaigns, and the administration of elections.
5. Complaints regarding the conduct of the Returning Officer shall be referred to the President. The onus is on the complainant to set out such complaints in writing for the President's consideration.
  - 5.1. Complaints regarding the conduct of the Returning Officer must be submitted within 10 College days of the declaration of results.

### **The Process of Elections**

6. The Returning Officer shall produce an election timetable, which shall outline:
  - 6.1. The process for nomination
  - 6.2. Details for the submission of manifestos
  - 6.3. Arrangements for the ballot

7. The Returning Officer shall produce details of the arrangements for balloting and for complaints procedures, and ensure that they are publicised to all Members of the Union who are eligible to vote in the election being held no less than 5 clear College days in advance of the nominations period opening.
8. The election will be conducted in accordance with the rules outlined by the Electoral Reform Society for running elections by the Single Transferable Vote system for elections with more than one position available, and the Alternative Vote system for elections with one position available.
9. The Returning Officer shall ensure that any additional details, or amendments to the arrangements, are publicised to all students in a timely fashion.
10. No candidate may challenge the result of the election once the count has been held.

### **Nominations**

11. Nomination forms will be available to all Members eligible to stand for election, in accordance with the body's constitution or standing orders.
12. It shall be the responsibility of nominees to ensure that nomination forms are completed accurately and submitted before the deadline.
13. The Returning Officer shall have the sole responsibility for declaring a submitted nomination form valid.

### **Manifestos**

14. Manifestos must be submitted by the date laid down in the election timetable and must comply with any format requirements stipulated by the Returning Officer.

### **Campaign Publicity**

15. No allowance will be made available to candidates for publicity.
16. The Returning Officer must stipulate an amount that candidates may also spend on their own election campaigns.
17. All candidates shall have an equal publicity allowance.
18. The Returning Officer shall draw up regulations for the conduct of candidates' campaigns. Any breach of these regulations could lead to disqualification from the election.

### **Withdrawal**

19. Any candidate may withdraw from the election at any point by informing the Returning Officer.

20. If a candidate withdraws during the ballot, or after a point at which the ballots cannot be amended, the Returning Officer will ensure that the voters' next preferences are counted in accordance with the principles of the Electoral Reform Society.

### **Voting**

21. The Returning Officer will ensure that all eligible members of the Union can vote.
22. The Returning Officer shall decide the method of voting and publicise it appropriately.
23. There will be a facility for voting for "Re-Open Nominations".
24. Voting shall be by secret ballot, unless unanimously agreed otherwise.

### **Declaration**

25. Results of the election shall be declared by the Returning Officer when the count for each post has been successfully completed.

### **By-Elections and Co-Options**

26. The President shall determine if and when a minor by-election should be called,
  - 26.1. If appropriate, By-Elections shall be held at an Extraordinary General Meeting and in accordance with these Bye-Laws as though they were ordinary Minor Elections.