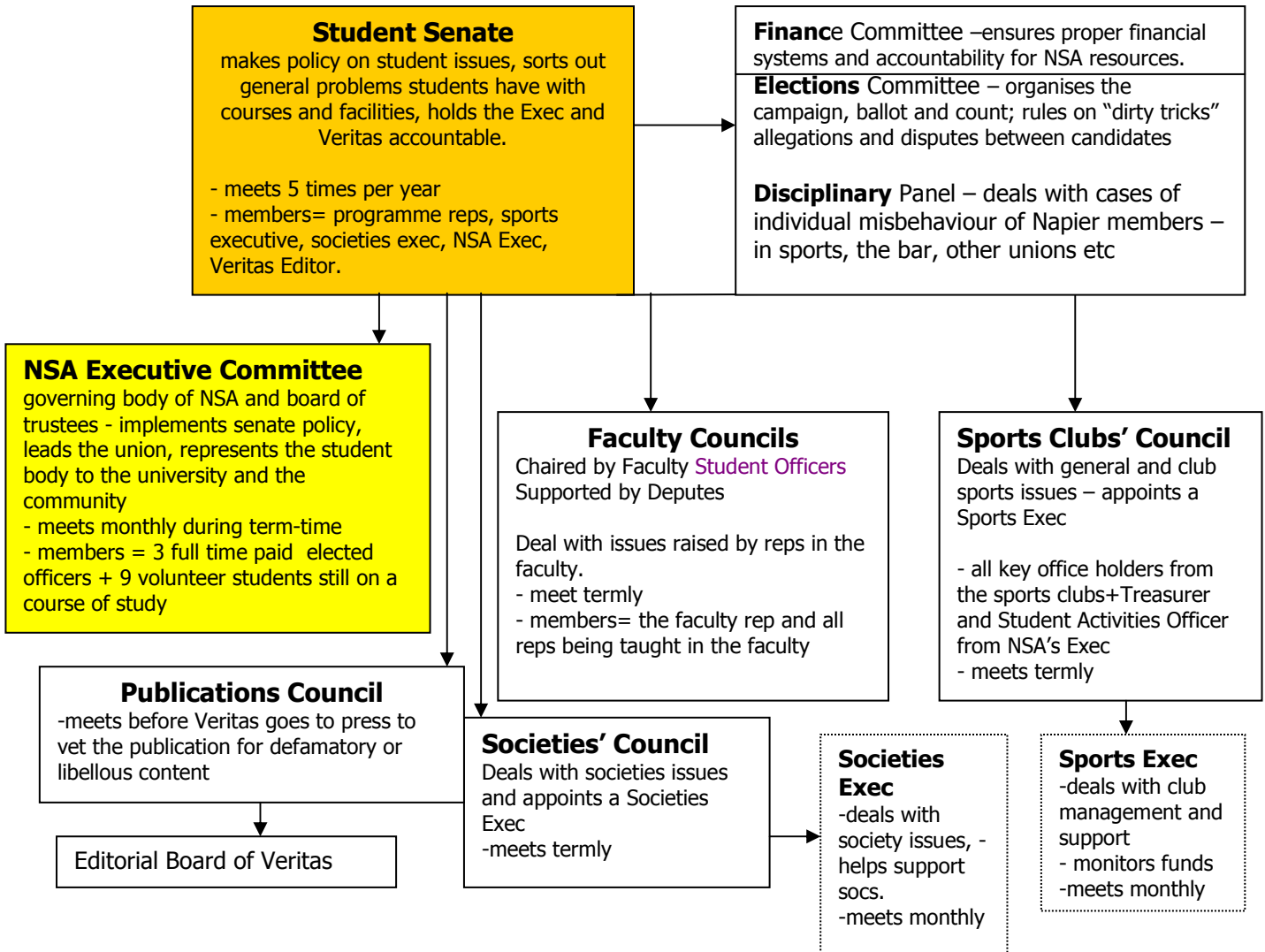


# Napier Students' Association Constitution 2009

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**NSA Structure:**



# NAPIER STUDENTS' ASSOCIATION CONSTITUTION 2009

**Part 1: Status, Membership, Objectives, General Powers, Specific Powers and Responsibilities** (constitutional, club registration, financial, employment). **pages 3-5**

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Senate Standing Committees, General Meetings, Referendums, Sports Union,

## PART I: STATUS, MEMBERSHIP, OBJECTIVES, POWERS AND RESPONSIBILITIES

### 1. NAME:

.1 The body to which this constitution relates shall be known as Napier Students' Association, hereinafter referred to as the Association or NSA.

### 2. STATUS:

#### NSA shall:

- .1 be an unincorporated association of members. Membership shall be defined under point 4 of this Constitution.
- .2 be a registered charity.
- .3 be a club registered with the Sheriff Clerk's Office.
- .4 be a non-profit-making organisation, any financial surpluses being re-invested in the Association.
- .5 have, constituted under its auspices and rule book, Napier University Sports Union and Napier students' societies.

### 3. OBJECTS OF NSA:

**NSA exists to promote and support the well-being of its members.**

#### The 6 core objectives of the Association are:

- .1 to represent the interests of Napier students within the University and within the wider community.
- .2 to provide advice and support to Napier students, collectively and individually, on issues affecting their education and welfare.
- .3 to provide safe social space and a range of services to cater to the needs of its members.
- .4 to facilitate regular communication between the Association and its membership, and between the Association, its members, the University and the wider community as and when appropriate.
- .5 to provide opportunities for personal and professional development for individual students, through participation in Association and University committee structures and activities, and in the activities of its Sports Union and student clubs and societies.
- .6 to foster a Napier student identity and culture within the University, across faculties and campuses, and in the wider community.

### 4. MEMBERSHIP:

**There will be 6 categories of club membership:**

- .1 full members
- .2 student officer sabbatical members
- .3 associate student members
- .4 associate members
- .5 honorary life members
- .6 day members

**.1 Full Members.** All current Napier students, part time and full time, other than those defined under Associate Student Members (see 4.3 below), and/or other than those who have opted out of membership under of the Education Act 1994, Part II, para 22 (c) (i) and (ii); and who satisfy both of the following criteria: they meet the matriculation requirements of the University Registry and are currently matriculated, **and** they are accepted by the School under which their programme/course of study is registered as being currently actively engaged on that programme of study and authorised by the School to be so.

Full members shall have the right to participate in NSA's decision making structures and processes (see Part II), to stand for elected office and vote in NSA elections, subject to any specific restrictions on eligibility stipulated by law or by this Constitution and Schedules for any particular Executive post; and to gain access to facilities and services.

**.2 Student Sabbatical Officer Members.** Those persons elected by the student body of Napier University to serve as full time student officers, either at the end of their programmes or taking time out of their programme of study to undertake full time elected office with NSA; shall be Student Sabbatical Officer Members for the duration of their term of elected office. Should they terminate their office before the end of their official term, or their term be otherwise discontinued, then their status as student sabbatical officer members shall terminate forthwith. These members may not vote in NSA elections but are entitled to stand for election to full time sabbatical office provided they have served no more than one term of office (see appendix 1, 1.6). They shall be permitted to use NSA social facilities and be student members of clubs and societies on the same basis as full members, except that they shall not be permitted to be a member of the editorial board of the student newspaper.

**.3 Associate Student Members.** These are students currently matriculated and actively engaged on a programme of study at an overseas campus of Napier University, or distance learners, or students on the non-taught part of a postgraduate programme. These students shall not have the same representative rights as full members but provision for their representation in NSA and the University shall be facilitated through the Programme Representative System and they shall be entitled to access NSA services at student rates.

**.4 Associate Members.** Persons who are not currently matriculated students of the University shall be permitted to be associate members to use NSA social facilities and be associate members of clubs and societies provided they have paid an annual fee set at a level determined annually by the Student Senate and the appropriate club. Associate members shall not normally be permitted to attend NSA meetings, shall not have any voting rights in NSA structures, and shall not be permitted to hold Association Office. Associate members who join clubs shall be liable to pay the full associate membership fee.

**.5 Honorary Life Members.** Senate may grant Honorary Life Membership to any person in recognition of services rendered to the Association. Honorary Life Members shall not normally be current Ordinary Members or current sabbatical officers or members of staff. Honorary Life Members shall not normally be permitted to attend NSA meetings, shall not have any voting rights in NSA structures, and shall not be permitted to hold Association Office. Honorary Life Members who join clubs shall be liable to pay the full associate membership fee.

**.6 Day Members.** Persons not included in the above membership categories shall be eligible for Day Membership upon advance payment of an entrance fee to the Association. This shall be set by Senate annually. Day Members shall not be permitted to sign in guests, nor attend Association meetings, shall have no voting or speaking rights, and may not hold Association Office.

**.7** The combined number of Honorary Life, Associate Members and Day Members shall not at any time exceed 40% (forty per cent) of the total membership.

## **5. GENERAL POWERS:**

**The Association shall have the power to do anything considered by Senate to be in furtherance of NSA's objects, or in pursuit of any of them in particular but without prejudice to the generality. It shall have the right to:**

- .1 open and conduct bank accounts in the name of the Association.
- .2 purchase, sell, lease or otherwise acquire or dispose of property, heritable or notable, for use by NSA and its Members.
- .3 employ staff and to do all things which may be deemed necessary in relation to such employment.
- .4 provide or promote the provision of social or other facilities.
- .5 undertake trading activities on the condition that these are self-financing and that any surpluses generated are used for the benefit of the membership.
- .6 create trading companies in cases where it would be financially advantageous to NSA to do so and on the condition that any surplus is used for the benefit of the collective membership as determined by its elected representatives.
- .7 write, publish, print and distribute, gratuitously or otherwise, posters, leaflets, papers, documents, reports or pamphlets, as and when required.
- .8 affiliate to charitable, educational, cultural, political or social organisations which promote the interest and welfare of students, subject to the approval of the student body, through the Executive Committee, and subject to the annual approval of Senate at its AGM.

Except, the Association shall not be authorised to affiliate, or give financial support, to political parties. Nor shall the Association be authorised to make any ex gratia financial donations from public monies to charitable, political, or social organisations

## **6. SPECIFIC POWERS AND RESPONSIBILITIES:**

### **(A) Constitutional Powers.**

**The Constitution is effectively the contract that the Association, and its elected officers who govern it, have with its membership. It details the structures, processes and procedures through which elected officers shall enact business. For the purpose of constitutional interpretation, guidance notes shall be an integral part of the Constitution.**

- .1 The Association shall act in accordance with Statute and other legislation, and its own Constitution and Schedules and with other agreed procedures and contracts into which it has entered.
- .2 Amendment to a part of the Constitution and Schedules shall normally be permissible only on the grounds that it forms part of a revision process of the whole constitution. The exception to this is when there is good reason for the part to be amended prior to the remainder of the whole Constitution (eg statutory changes, the requirements of University Court, amendment to elected officer job descriptions prior to the annual general election process for the Executive Committee over February/March). The appendices may be subject to discrete amendment, provided that the amendments do nothing to contradict or invalidate any part of the Constitution and Schedules. Where an appendix appears to be in conflict with the Constitution or its Schedules for anything other than legal reasons, the Constitution and Schedules shall take precedence over the appendices.
- .3 The Constitution and Schedules are normally reviewed at intervals not more frequently than 5 years apart and shall require the support of a minimum of two thirds of the voting members in attendance at a quorate Senate meeting. Appendices may be reviewed more frequently, but shall be subject to the same process as amendments to the Constitution and Schedules.
- .4 Amendments to the Constitution, Schedules and Appendices are required to be notified to the Chair of Senate at least 20 working days in advance of Senate, circulated to all Senate members at least 10 teaching days before the Senate at which it is to be discussed, except that proposals for moving preceding parts to the whole revision shall require to be circulated no less than a week prior to the Senate meeting.
- .5 Constitutional revisions shall subsequently be put before the University Court for ratification.
- .6 Interpretation of the Constitution and Schedules, and Standing orders shall be made through the President, who shall take advice where appropriate, and refer the matter for discussion and decision at the next Executive Committee. Where a request is made over the summer vacation period, the President will take advice and discuss and decide within the sabbatical team. The President will normally convey the decision in writing within a week of the decision being taken.
- .7 The Executive Committee's interpretation of the constitution may be overturned by a simple majority of a properly constituted Senate.

### **(B) Club Registration.**

**This section deals with the Association as a club registered for licensing purposes.**

- .1 As a registered club, the Association shall comply with the provisions of the Licensing [Scotland] Act 2005.
- .2 Club Management Committee. The Executive Committee shall act as the club management committee and shall meet regularly throughout the year. Executive Committee positions shall be open only to full club members and shall be subject to annual election by the student body. Any change in licensee and in the Executive Committee shall be notified to the appropriate bodies. The management committee shall appoint a Premises Officer to any licensed premises for which it is responsible. This shall normally be a member of the permanent staff.
- .3 Signing in Visitors. Ordinary, associate and life members may sign in visitors to Association club facilities. In compliance with the Licensing (Scotland) Act 2005, visitors shall not be supplied with alcoholic liquor in the club premises unless on the invitation and in the company of a member; and the member shall, upon the admission of such a visitor to the club premises, or immediately upon her/his being supplied with such liquor, enter her/his own name and the name and address of the visitor in the guest register which shall be kept for this purpose and which shall show the date of each visit.
- .4 Members shall normally be restricted to two signed in visitors per day, unless otherwise specified in advance, and the Association reserves the right to refuse entrance to visitors, to restrict their overall numbers at any venue on any given day, and to charge an entry fee as and when appropriate.
- .5 Members' Responsibility For Signed In Guests. Members shall be personally responsible for ensuring that their signed in guests remain in their company during their visit to the club and that they do not contravene licensing or club rules. This applies to normal trading hours and also on occasions where licensing hours are extended.
- .6 The club may take disciplinary action against any member who has committed an offence under Schedule 4 of this Constitution.
- .7 No club member, or elected officer, or any manager or member of staff employed by the club, shall have any personal interest in the sale of alcoholic liquor therein or in the profits from such sales.
- .8 No alcoholic liquor shall be sold or supplied in the club to any person under 18.
- .9 No alcoholic liquor shall be sold or supplied in the club premises for consumption off the premises.

### **(C) Financial.**

**This section deals with overall financial responsibilities, who deals with them and how they are processed.**

- .1 The Treasurer and Student Activities Officer shall be the official treasurer of the Association, with overall responsibility for the financial probity and systems of the Association. S/he shall chair the Finance Committee, be the sabbatical signatory to the externally audited annual accounts and shall present these to Senate and the Finance Committee.
- .2 There shall be a set of written financial procedures that must be read, understood and adhered to by all financial signatories (sabbatical officers, senior managers and finance office staff). Any amendment to these procedures shall be subject to prior authorisation of the Finance Committee.
- .3 NSA shall maintain accurate accounts which detail the financial affairs and intromissions of the Association.
- .4 The financial year of the Association shall commence on 1 August of each year, and terminate on the following 31 July.
- .5 An external audit shall be undertaken at the end of each financial year using professional accountants.

- .6 The external auditors shall be appointed annually by Senate at its Annual General Meeting at its Annual General Meeting. Proposals to put the audit out to tender shall be subject to the approval of a quorate Senate AGM.
- .7 The final authorised accounts shall be presented for the scrutiny and approval of the Senate AGM.
- .8 The Finance Committee shall receive projected annual revenue and expenditure accounts operations as part of the University's annual spending bids.
- .9 Association and trading income and expenditure accounts shall be monitored regularly by a duly convened and quorate Finance Committee, meeting regularly throughout the year. (See Schedule 3: Finance Committee).
- .10 All payments drawn on the Association's account shall be signed both by a sabbatical signatory and by an authorised member of the permanent staff.
- .11 All three sabbaticals shall be authorised financial signatories of cheques and cash payments. The counter signatories shall be members of the Finance Office staff. A signatory may not authorise payment in cases where s/he is also the payee.

**(D) Employment.**

**This section relates to the Association as an employer and the structures and processes important to staffing.**

- .1 The Association's Executive Committee shall act as the collective employer of Association staff. This role shall be dispensed through the Staffing Committee (policy-setting and new appointments) and Senior Managers (operations managers and advisers to elected officers). (See Schedule 8, Staffing Committee).
- .2 The President shall act as the agent of the Executive Committee in matters pertaining to staffing operations, and shall be the only elected officer with an operations role in staffing, acting through the senior managers.
- .3 Association staff are not accountable within the Constitution. Their accountability is through the established line management structure, and the relationship with the Association as an employer is defined in the contract of employment, job description, established protocol agreements, codes of practice and established staffing and working procedures and practices. In matters relating to terms and conditions of employment, the contract of employment shall be the primary authority.
- .4 Elected student sabbatical officers of the Association are classed as remunerated governors of the association and not as staff members. They are accountable through the Constitution.
- .5 As employers, NSA shall observe all relevant statutes in relation to the employment of staff, as well as other negotiated agreements and codes of practice relating to staffing.
- .6 Elected officers shall be expected to abide by the established and jointly negotiated elected officers and staff protocol agreement and to comply with the requirements detailed in the Staffing Schedule of the Constitution.

## **PART 2: STRUCTURES, PROCESSES AND DECISION MAKING**

### **1. MEETINGS OF THE ASSOCIATION:**

The meetings of the Association shall be run in accordance with standing orders unless otherwise stated in the main body of the Constitution or the Schedules. Where there appears to be any conflict between the requirements of the Constitution, Schedules and/or Standing Orders, the Constitution will take precedence, followed by the Schedules.

### **2. THE STUDENT REPRESENTATIVE SYSTEM:**

.1 The Student Representative system is operated jointly by the University and the Association.

.2 Each year of study of every programme at Napier University has the right to elect a student representative(s) from the students on the programme. All matriculated students currently engaged on a course of part-time or full-time study at the University are eligible for election to the position of programme representative.

.3 Postgraduate students currently engaged on the taught part of their programme shall be entitled to representation on the same basis as undergraduates on a programme of study. Postgraduates on research-based study shall be represented through University structures.

Postgraduates undertaking the research (or dissertation) element of a taught programme and distance learners will access representation as individuals through the NSA's full time elected officers. All students shall have access as individual clients to NSA's education and welfare advice service, ISAS.

.4 Napier students studying at overseas campuses of the University shall have the right to be represented through NSA's Campaigns and Representation Officer, who shall assist these members with the election of representative and class issues as and when appropriate.

.5 The Association shall, at the start of the autumn semester, request programme leaders to facilitate elections for student representatives and shall request that these be notified to the Association. This process will be repeated in February for new intakes at the start of the 2<sup>nd</sup> semester.

.6 Election of programme reps will normally take place within the first month of the semester. Student representative posts should be subject to election by all students on the year and programme. If a post is contested, election shall normally be by a show of hands vote, or, upon majority request, by a secret ballot involving the marking of a paper.

.7 Each programme has the right to be represented by its student representative at the appropriate University Staff Student Liaison Committee, the University Programme Board, the Association's Faculty Councils and Senate.

Except. Students who have opted out of Association membership under the University's procedures are ineligible to be members of Faculty Councils or Senate. Where, in the case of overseas campuses, these bodies do not exist, appropriate arrangements for representation will be made through the Campaigns and Representation Officer and the appropriate University personnel.

### **3. ASSOCIATION REPRESENTATION – FACULTY COUNCILS:**

.1 Every programme of study is assigned to a University faculty.

.2 Each faculty shall have a Faculty Council. These are Students' Association structures.

.3 All programme representatives from every year of every programme are entitled to attend, speak and vote at the appropriate Faculty Council under which their programme is registered, except for those who have opted out of membership under the Education Act 1994.

.4 The Faculty Council shall be chaired by the Faculty Student Officer. This shall be a student on a programme of study within that particular faculty who has been subject to election by the students in that faculty. S/he shall, ex officio, be a member of the Association's Senate and Executive Committee and the University's Faculty Board.

.5 Faculty Councils shall normally meet no less than termly. The Faculty Student Officer should seek to progress issues on behalf of the programme reps, referring to the Campaigns and Representation Officer where necessary.

.6 The Campaigns and Representation Officer shall have overall responsibility for the effective support for the programme rep system and for progressing collective issues referred through it and/or by Faculty Student Officers.

### **4. STUDENT SENATE:**

#### **(A) Remit**

.1 Senate shall be the Association's supreme policy-making body in areas affecting student well-being and welfare. This can be on a campus and university-wide or government policy level.

.2 Senate's broad policy decisions shall be binding on NSA office bearers and subordinate Association structures. Except (1), matters relating to the governance of the Association shall be referred to the Executive as NSA's governing body; (2), staffing issues, which shall be referred to the Executive Committee; (3), where to enact such a policy would be unlawful; (4) such a policy would be in contravention of the Association's Constitution.

.3 Senate policy shall run for 3 years unless amended, rescinded or renewed.

.4 Senate shall be responsible for approving NSA's Constitution and any proposals to change it. (For further information see Part I, point 6, page 2).

.5 Senate shall be responsible for holding the NSA Executive, Sports Union, Societies and the student newspaper to account. The NSA President, the Treasurer and Student Activities Officer and the newspaper Editor shall provide regular reports to Senate on their respective areas of responsibility.

.6 Where the Senate is dissatisfied with the performance or conduct of the Executive, Sports Union or Societies, or the newspaper, it may take disciplinary action against the elected officer concerned, by formally noting its concerns, or by issuing a formal caution or discipline against the elected officer responsible, and/or dismissing her/him from office (see Appendix 6).

.7 Senate shall deal with business referred to it from Faculty Councils, the Executive Committee and Senate sub-committees as well as from Senate's own voting members.

.8 Senate shall have the authority annually to re-appoint or re-tender the external auditors, to scrutinise and pass the audited accounts, to scrutinise and authorise financial procedures.

.9 Senate shall scrutinise and be required to approve annual affiliations to external organisations.

.10 Senate may confer honorary life membership on former students, elected officers, staff members and other individuals who have made a significant contribution to NSA or the student body.

.11 Senate shall decide the terms of any referendum, in terms of timing and wording, and shall deal with referrals from the Elections Committee.

#### **(B) Membership**

.1 All programme and CATS representatives notified to NSA.

.2 All members of the Sports Executive.

.3 All members of the Societies' Executive.

.4 All NSA Executive Members.

.5 The Editor of the student newspaper.

.6 The Chair of Senate shall be the Campaigns and Representation Officer.

.7 The Association Secretary shall attend and keep a record of business discussed. Other members of NSA's permanent staff may also be required to attend to provide advice and/or information. Association staff shall have no voting rights.

.8 Guest speakers may be invited to address Senate but shall not be present when the meeting enacts its business.

### **(C) Senate Meetings**

- .1 Senate shall meet twice in each of the autumn and spring terms, and once in the summer term.
- .2 It shall hold an AGM to approve accounts, affiliations and honorary life memberships in the 2<sup>nd</sup> semester.
- .3 Meetings shall be notified to members at least 2 weeks in advance (see exceptions for Constitutional change, Part 1, point 6, page 2) and business for the Senate shall normally be submitted to the Chair no fewer than 10 (ten) days in advance of the meeting, so that it can be put on the agenda and notified to members. Members shall be informed of business no less than 5 (five) working days in advance of the meeting and shall be sent an agenda and minutes from the last meeting.
- .4 The quorum required to enact business shall be 30 Senate Reps, at least 20 of whom must be programme representatives.
- .5 Business shall be passed by a simple majority of a quorate Senate, except where business relates to the amendment of the constitution (see Constitution Part 1, point 6, page 2), before it becomes binding on the Association; or where it refers to overturning an election result or decision, where motions shall require the support of three quarters of the members present.
- .6 Emergency meetings of Senate may be convened by the Chair within 48 hours by:
  - (a) the support of 75% (rounded up to the nearest whole number) of the full current membership of the Executive Committee, or;
  - (b) upon receipt of a request for such a meeting, signed by no fewer than 30 non-Executive voting members of Senate.
- .7 The business discussed at an Emergency Senate shall be confined solely to the matter specified in the requisition.

### **5. UNIVERSITY COMMITTEE AND REPRESENTATIVE STRUCTURES:**

- .1 The University encourages student participation, through elected representatives, on a range of formal committees and ad hoc consultative forums.
- .2 Members shall be encouraged to become members of University committees, representing the student body on these bodies. Where the number of nominations for positions exceeds the student places available, the Senate shall democratically determine who shall sit on the committees by a show of hands vote.

### **6. THE EXECUTIVE COMMITTEE:**

#### **(A) Status and Remit:**

- .1 It shall act as the Governing Body of the Students' Association and shall ensure that the Association as a whole, and its individual governors, comply with legal requirements and good standards of governance, defined as selflessness, honesty, integrity, transparency, objectivity, leadership and accountability.
- .2 Members shall be the official trustees of the Association as a charity; and shall hold Association resources and assets in trust and deploy them effectively, with due probity, and in compliance with the law and agreed procedures, for the collective benefit of the student body.
- .3 It shall be responsible for the strategic management of the Association, defining the mission, vision, cherished values and key objectives of the Association. It shall set the overall direction and priorities of the organisation. It shall work with staff managers to set challenging but realistic operational goals that are consistent with the Association's overall objectives, and engage in regular reviews of the Association's performance in relation to goals. It shall be responsible for maintaining the momentum of the organisation and monitoring its progress towards the achievement of its strategic goals and objectives.
- .4 It shall make decisions on the running of the Association, in terms of the services and support it provides, and the representations it makes, within the overall policy and constraints and guidelines established by the Constitution, Senate and the budgetary constraints established by the Finance Committee. It shall develop and implement representative policy in relation to issues affecting students and the university and shall make representations on behalf of NSA and its members.
- .5 It shall use the policy, recommendations, and guidelines from Senate to inform its policy development and representational work, including its campaigns with and on behalf of Napier students. In the absence of Senate policy guidelines, and between Senate meetings, the Executive Committee shall have the right to initiate new policy where appropriate. This shall be communicated to the next meeting of Senate for ratification, amendments shall be subject to a simple majority vote.
- .6 Members of the Executive Committee shall be responsible for chairing or attending specific Association committees of the Senate, and for the development and implementation of policy through the appropriate channels and means, including university committees and working groups.
- .7 The Executive Committee shall act collectively as the employer of Association staff and be liable as such. Policy and procedural issues concerning staff shall be devolved to the Staffing Committee and operational issues shall be dealt with through the office of President and the senior staff manager(s) in compliance with the Staff and Elected Officers' Protocol Agreement.
- .8 The President is the principal officer responsible for health and safety on behalf of the Executive Committee. Health and safety issues shall be devolved to the Health and Safety Committee and operational issues shall be dealt with through the office of President and the senior staff manager(s).
- .9 It shall be collectively responsible for club registration conditions and liquor licensing, leases, contracts and other legal matters.
- .10 It shall actively promote a positive profile for the Association and its representatives around campus. Members shall actively canvass student opinion and views on issues affecting their education and general welfare and these views shall inform representational and policy work.
- .11 It shall be collectively responsible for decisions relating to events, such as freshers' and other major events, although the detail of this may be delegated to full time officers and managers, especially over the summer period.
- .12 It shall collectively hold individual committee members accountable for their actions in the first instance. However, the ultimate accountability of the Executive Committee, collectively and individually, shall be through Senate and only Senate shall have the power to dismiss an Executive Member. The Executive may, however, formally caution one of its own members or pass a vote of no confidence in her/him (see Appendix 5).
- .13 In cases where four or more members of the Finance Committee, who are not also members of the Executive Committee, indicate that they will be unavailable to attend meetings and to enact Association financial business over the summer vacation, the work of the Finance Committee shall fall to the Executive Committee, which shall act as a holding committee when the Finance Committee does not sit. As a holding committee, it shall not take major financial initiatives or make changes in financial procedures.

#### **(B) Membership, Eligibility, Election:**

- .1 All full members of the Association defined in point page 2, Part I, 4.1 or Sabbatical Officer Members defined under 4.2 of this Constitution, serving either in her/his first term as a sabbatical, or in her/his second sabbatical term but returning to her/his course after the completion of that term of office, is eligible to be nominated for Executive Committee membership.

Except (1) that any student who does not satisfy legal criteria for trusteeship of a charity or management of a public or unincorporated body, shall not be eligible to be a member of the Executive Committee. Examples of those ineligible to take up office may fall into any of the following categories, although this list may not be exhaustive: students under 18 years of age; undischarged bankrupts under the Miscellaneous Provisions (Scotland) Act; those excluded under the Rehabilitation of Offenders Act 1974; those who have made compositions with their creditors and have not been discharged; persons disqualified from being a company director; or who have failed to make payments under the sheriffs, or county court administrator's orders; or who have at any time been removed by the Commissioners or by the Court in England, Wales or Scotland from being a trustee because of misconduct.

Except (2) that any sabbatical officer who is serving her/his second sabbatical term may be eligible to be nominated for a

part time Executive position, but not for a third sabbatical term of office.

Except (3) that any member under current expulsion or suspension from membership rights, for example, by the Membership Discipline Committee for a misdemeanor, shall not be eligible to run for election.

Except (4) Long term debtors to the Association, long term being defined as being 15 weeks after the date of due payment, shall not be eligible to run for election.

Except (5) that members nominated as Faculty Student Officers must be students currently on a programme of study registered to that particular faculty and those representing part time portfolio positions should themselves be members of that client group. For example, the international students' representative should be registered as an international student with the University Registry.

Except (6) that no student shall be permitted to hold Executive Office and simultaneously be a Member of the Editorial Board of the student publication.

Except (7) Persons who have opted out of students' association membership shall not be eligible to run for election to any NSA elected posts, or posts in bodies constituted under it.

.2 There shall be 4 categories of Executive Membership:

- (a) full time paid elected officers who shall be known as Sabbatical Officers (three) who shall be subject to cross campus ballot;
- (b) part time faculty student officers (one for each faculty). These representatives must be on a programmes being taught in the faculty, or on a CATS programme within the faculty they represent, and be elected by a faculty ballot of students registered to their respective particular faculty.
- (c) part time client group posts (3): the International Students Rep (non-EC); the Mature Students Rep (over 23 years on entry) and the Postgrad Rep (on the taught part of a Masters degree). These representatives must be socially representative – eg themselves members of the specific client groups they are elected to represent but shall be subject to a cross campus ballot of all students.
- (d) depute faculty student officers (one for each faculty), who shall be on programmes or be CATS students registered to the faculty they represent and be subject to election at Senate.

.3 The Elections Committee (as described under Schedule 2), shall, at the start of semester 2 each year, request nominations for category (B).2(a) – (c) Exec membership for an election to be held in March. The successful candidates in a cross campus ballot to take up office on 1 August until the following 31 July.

Except. Faculty Student Officers will be subject only to a ballot of the students within the particular named faculty only.

.4 The Elections Committee shall also take nominations for editorship of the student newspaper at this time for a cross campus ballot in March.

.5 The successful candidates in the election will take up office for one year from 1 August to the following 31 July, except the Depute Faculty Student Officers who shall be elected at the 1<sup>st</sup> Senate of the following session.

.6 All positions decided in the main March elections shall be subject to election against the option to re-open nominations, regardless of whether posts are contested between candidates. Uncontested by-elections for sabbatical officers shall be subject to a cross campus ballot, but part time posts shall not, although they shall require the endorsement of Senate by a simple majority to be officially co-opted.

.7 All non-sabbatical members of the Executive Committee shall be full-time or part-time students at Napier University, actively engaged on the taught part of a programme of study and be full members of the Association as defined under Part : 4.1 of this Constitution. Should the member cease to be a student at any time during the Academic Session, or cease to qualify for full membership of NSA, then s/he shall automatically cease to be a Member of the Executive Committee.

.8 Depute Faculty Student Officers shall be elected by show of hands vote at the first Senate of the year and the posts shall run until the same period the following year. There shall be one depute faculty student officers for each university faculty.

.9 Disciplining Executive Members. Details on the procedure for disciplining an elected officer are contained in Appendix 6.

.10 In the case of a resignation or dismissal from the Executive Committee, the vacancy shall be filled through the by-election process where this occurs in the first two terms. However, from the start of the 3<sup>rd</sup> term only, it is possible to co-opt members-elect to fill vacancies. Wherever possible the co-option will be a direct replacement – for example, the President will be replaced by the President-Elect, a Business Faculty Student Officer by a Business Faculty Student Officer Elect, and so on.

.11 In cases where the direct replacement is not available to take up a third term or summer time co-option, the duties created by a resignation or dismissal shall, subject to the majority decision of the Executive Committee, either be re-allocated among existing members, or performed by another member-elect, selected on the basis of availability and the endorsement of the Executive (nominees may not vote). Once co-opted as a 3<sup>rd</sup> term replacement, s/he shall have full voting rights. The Chair of the Executive shall ensure that the processes for filling an Executive vacancy are put into place timeously.

.12 After the last official day of the second semester, all Executive Members elect who have not yet been co-opted into membership of the Committee, shall automatically be co-opted as observers, even where no direct vacancy exists. Those co-optees not directly replacing their predecessors shall have speaking but no voting rights until they take up their full powers of office on 1 August, following the termination of office of the outgoing Executive Committee.

.13 The Committee may also, from time to time, and subject to the prior agreement of a majority of members, invite presentations from outwith the Executive Committee on condition that the persons making such presentations are not present when the Committee enacts its business.

.14 Senior Manager(s) shall attend Executive Committee meetings; shall provide reports to the Committee on their respective areas of operation; and have an advisory role to elected officers at the Committee. The status of their membership shall be as staff in attendance (non-voting). The Association Secretary shall keep a record of business discussed.

.15 Staffing Committee. The Executive Committee shall appoint a Staffing Committee from its membership to deal with staffing policy and terms and conditions of employment. There shall also be an Appeals Panel. (See Schedule 8).

.16 Summer Vacation Membership/Duties. The Executive Committee shall continue to sit over the summer vacation, assuming the responsibilities of the Finance Committee under specified conditions (see and section (c) .2 and .3 below). It is the responsibility of the Chair to schedule vacation meetings on a date, time and place so as to maximise attendance among part time members.

### **(C) Meetings:**

.1 The Executive Committee shall meet no less than monthly during term time, or at appropriate intervals agreed by the Committee. The Committee shall normally meet no more than monthly over the summer vacation period. Meetings should be set at a time and day so as to maximise attendance.

.2 All elected members of the Executive Committee shall be full voting members with one deliberative vote only.

.3 The normal quorum to enact competent business shall be 7 but may, exceptionally over the summer vacation and at times when the Committee has 2 or more vacancies, drop to 50% of the current membership (rounded down to the nearest whole number) plus one.

.4 Items for the agenda, together with papers, should be tabled at least 4 full teaching days before the next meeting and be posted, with an agenda and minutes (electronically or by mail) no less than 3 days before the next meeting. All issues requiring a decision must be the subject of a written paper mailed to members in advance with their agenda. Late papers and verbal proposals will not normally be permitted unless there was good reason for their not having been included in the mailing.

.5 Managers and full time elected officers shall provide a short written report on their activities since the last meeting, and part time members shall provide short verbal reports. The Club Secretary shall keep a record of business discussed.

## **7. SENATE STANDING COMMITTEES**

- .1 There shall be seven standing committees that are directly accountable to Senate.
- .2 These Committees shall be as follows, details of which are in the schedules of the Constitution:
  - (a) The Sports Clubs' Council
  - (b) The Societies' Council
  - (c) The Finance Committee
  - (d) The Members' Discipline Committee and Appeals Panel
  - (e) The Elections Committee
  - (f) The Editorial Board
  - (g) The Publications Council

.3 The lay membership, other than the chair and ex officio members, of the standing committees shall be determined by Senate at its first meeting of the session. Any matriculated student, other than those who have opted out of Association membership, may stand for election to the standing committees, unless places are otherwise specified. Where membership is contested, the outcome shall be determined by Senate on a show of hands vote.

.4 The remit, membership and decision-making processes of the Senate Standing Committees is detailed in the Schedules and Appendices.

## **8. AD HOC WORKING GROUPS:**

Senate and the Executive Committee shall have the authority to set up ad hoc working groups to carry out specific projects, research or investigation. Senate and Executive Committee shall act as parent committees in determining the remit, membership and time scale for each of these groups; shall receive their reports and/or recommendations, and dissolve these groups when their work is completed.

## **9. GENERAL MEETINGS (including Emergency General Meetings):**

.1 General Meetings may be called to consider major policy issues upon which Senate wishes to seek the opinion of the wider student body; or where the student body requests such a meeting. The opinion of General Meetings is not binding on the Senate or the Executive, but shall be taken as advisory on both bodies.

.2 All full members of NSA (see Part 1:4.1) shall be entitled to attend, vote at, table motions for, and speak at General Meetings and Emergency General Meetings.

.3 GMs and EGMs shall be chaired by the Sabbatical President, who shall be entitled to one free deliberative vote only.

.4 General Meetings may be held not earlier than 20 (twenty) University days after:

- (a) a decision taken to that effect taken by 50 [fifty] voting Members present, or two thirds of the voting members present, whichever is the greater, at a quorate Senate meeting;
- (b) a decision to that effect taken by 75% of the current voting members of the Executive Committee.
- (c) a written request to the Sabbatical President of the Association signed by 100 [one hundred] full members specifying the purpose of such a meeting.

.5 GMs. Notice of the time, place and date of General Meetings, and requests for motions, shall be publicised within the University no less than 10 [ten] University days prior to the meeting. The agenda, together with the motions and notification of the opportunity for members to submit written amendments, shall be publicised no less than 5 [five] days prior to the meeting.

.6 Emergency General Meetings. EGMs may be called for the discussion of specific business which requires to be transacted within 20 [twenty] University days. The procedure for calling an EGM shall be the same as that required to call a GM. Except (1): EGMs may be held not earlier than 6 [six] university days after 9.4 [a] or [b] or [c]. Notices of the time, date and place of the EGM shall be publicised within the university no later than 5 [five] days prior to the meeting together with the single motion for discussion. Business discussed at an EGM shall be confined to the item specified under the requisition.

.7 The quorum for a GM or EGM shall be 150 Ordinary Members. Decisions passed by a quorate GM or EGM shall automatically be referred to the next Senate/Executive meeting for its consideration.

.8 All decisions made by a GM or EGM shall be advisory on the Association.

.9 The Association Secretary shall, ex officio, attend GMs and EGMs, but shall have no voting rights.

.10 The business of quorate GMs and EGMs shall be minuted and publicised within the university within 10 (ten) University days of the meeting, and shall subsequently be available, on request, for inspection by any member.

## **10. REFERENDUMS:**

.1 A referendum shall be called by the passing of a motion by either:

- (a) a decision taken to that effect by two thirds of the voting members present at Senate, and subject to a minimum vote of 50 [fifty] in favour, at a quorate Senate meeting;
- (b) a written request to the Sabbatical President of the Association signed by 150 (one hundred and fifty) ordinary members;
- (c) a simple majority of members at a quorate GM or EGM.

.2 The wording of the ballot paper and the scheduling of a referendum shall be determined by a quorate Senate. In cases where Senate is inquorate, or where the referendum is due to take place before the next scheduled Senate, the wording shall be determined by the next meeting of the Executive Committee, on Senate's advice, or, by an emergency Senate where the Executive Committee decides that this should be convened.

.3 When the date of the referendum has been set, and the wording of the ballot paper has been agreed, the Returning Officer shall assume responsibility for the running of the referendum, on behalf of the Elections Committee. Elections Committee personnel shall remain campaign-neutral for the duration of the campaign, except that student members shall be entitled to vote.

.4 A referendum shall be held within 20 (twenty), but not earlier than 10 (ten) teaching days after the wording of the ballot paper has been decided by Senate (or, where appropriate, the Executive Committee).

.5 The result of a referendum shall be advisory on the Association, except in relation to affiliations where it shall be binding.

## **11. SPORTS UNION**

.1 There shall be a Sports Union comprised of individual members of sports clubs.

.2 The Sports Union is an integral part of NSA and shall automatically be entitled to 10% of the University's grant to the Association's membership services budget allocation, after deductions for capital allocation or other university-designated spending from the gross amount.

.3 The Sports Union shall be governed by rules detailed in schedule 1.

## **12. CLUBS AND SOCIETIES.**

.1 There shall be a Clubs and Societies Council comprised of its constituent clubs and societies.

.2 The clubs and societies shall be an integral part of NSA and shall collectively be entitled to 2% of the University's grant to the Association's membership services budget allocation, after deductions for capital allocation or other university-designated spending from the gross amount.

.3 Clubs and societies shall be governed by rules detailed in schedule 2.

## **13. STUDENT NEWSPAPER**

.1 There shall be a regularly produced student newspaper on campus.

.2 It shall be produced under the auspices of NSA and NSA shall, through its Publications Council, vet it to remove defamatory, libelous or otherwise actionable content of the publication; or remove anything that contravenes the editor's or contributors' responsibilities under the NSA Press Code. However, care shall be taken to ensure that the Council will respect the editorial independence of the newspaper from NSA and not to vet solely on "political" grounds.

.3 The newspaper shall have an elected editor. There shall be one editor only and s/he shall be subject to election by cross campus ballot in the summer term, taking up office from 1 August to the following 31 July, or immediately after a by-election until the following 31 July, whichever is the lesser term.

.4 The Editor shall be responsible for the conduct and publications of newspaper's contributors in relation to the paper, for chairing the Editorial Board, and for ensuring that the publication is submitted to the Publications Council prior to it going to the printer's and for complying with the requirements of that Council. The editor shall be accountable on the paper's behalf to Senate. The Editor shall also be accountable to the Finance Committee for the newspaper's financial performance.

.5 It is expected that the newspaper, with the aid of advertising, will cover many of its production costs, but NSA shall ensure that it has a minimum start-up budget to allow it to produce 3 x 16 page issues, or 2 x 24 page issues.

# NSA CONSTITUTION 2009

## SCHEDULE 1: NAPIER UNIVERSITY SPORTS UNION

### Contents:

- Part 1:** Name, Status, Membership, Aims.
- Part 2:** Decision Making - Structures, Functions, Processes.
- Part 3:** Sports Club Constitutions and Guidelines
- Part 4:** Sports Union Office Bearers: Election, Roles And Duties.
- Part 5:** Sporting Awards and Ceremonies
- Part 6:** Conduct and Discipline
- Part 7:** NUSU Guidebook

## PART 1: STATUS, MEMBERSHIP, AIMS.

### 1. NAME.

Napier University Sports Union is constituted under the auspices of Napier Students' Association and hereinafter shall be referred to as the Sports Union, or NUSU.

### 2. STATUS.

- .1 NUSU and its constitution and rules shall be a constituent part of NSA. In cases where the rules or policy of NSA and the Sports Union appear to conflict, legal requirements and NSA's constitution will take precedence.
- .2 Members of the Sports Union shall be subject to the NSA Constitution and conditions and regulations prescribed therein.
- .3 The property and assets of NUSU and its constituent clubs, while held and administered by the Sports Union and its clubs, belong collectively to the student body as represented by NSA. Any dispute over sports club or NUSU property and assets shall be decided by Senate, either directly or through the Finance Committee as appropriate.
- .4 The Sports Union may be dissolved by two thirds of the paid up student members of the Sports Union and certified by their signatures on an "instrument of dissolution"; or by amendment to the NSA constitution to this effect.
- .5 In the event of dissolution of NUSU, all surplus property, all remaining funds, all accounts having been settled, at the dissolution, shall be returned to Napier Students' Association.
- .6 Any sports club constituted under NUSU may have its activities suspended by the Sports Executive or Sports Clubs' Council and be disbanded by the Finance Committee, with appeal to the Student Senate. On dissolution of a club, all funds and equipment shall become the property of NSA, administered through NUSU on behalf of the Sports Union.
- .7 NSA shall not be liable for any losses caused by the Sports Union or its clubs.

### 3. MEMBERSHIP OF THE SPORTS UNION.

- .1 There shall be 3 categories of sports union membership. Any dispute over membership shall be resolved in the first instance by the Sports Executive, with recourse to the Sports Clubs' Council and with ultimate appeal to the Student Senate.
- .2 Student Members. All matriculated students of the University, and current sabbatical officers of NSA, upon receipt of the appropriate membership fee to the Sports Union, shall be full student members of the Sports Union. Only this category of members shall be eligible to vote or stand for elected office as a Club Captain/President, Secretary or Treasurer of a NUSU sports club. Except, the Treasurer and Student Activities Officer shall be the Sports and Societies President and as such an ex officio member not be required to pay a NUSU membership fee. Except, full time sabbatical members of the NSA Executive may not be an office holder for a sports club. Except, other than the Treasurer and Student Activities Officer, no full time sabbatical Executive Member may be a member of the Sports Executive or Sports Clubs' Council.
- .3 Associate Membership. Napier University and Students' Association staff (and partners), former Napier University students (and partners) and partners of those persons included in paragraph 3.2, upon payment of the appropriate membership fee and written notification of the names of these members to the Sports Executive. Any other members other than from the groups specified must be endorsed by constituent clubs and subject both to payment of an annual membership fee and the consent of the Sports Executive.
- .4 Temporary Membership. Temporary membership is for social purposes only, and shall be granted to visiting teams and officials for the period of their visit. Where members are not entitled to use NSA facilities as a consequence of a reciprocal agreement between their "home" students' association and NSA, they will be entitled to gain access to facilities as signed in guests of members. Clubs may offer free temporary memberships for a maximum of 3 weeks only at the start of a semester after which the temporary member must either cease participation in club activities or pay the appropriate fee to become a member.
- .5 In cases where a club has qualified instructors or coaches essential for the safe operation of the club, these persons must be: (a) qualified and certificated as such by the recognised body within the sport ; and, (b) members of the Sports Union; and (c) members of the club. NUSU membership fees at the appropriate student or non-student rate are payable by these personnel, as are club membership fees. However, where these personnel are deemed by the voting members of the club executive to be necessary for the effective operation of the club, the Executive may apply to the Sports Executive to have their SU and club membership fees paid from the club budget.

### 4. AIMS OF THE SPORTS UNION.

NUSU exists to:

- .1 promote student interest and participation in competitive sport and in physical recreation at all levels of competence across campus.
- .2 foster a sense of Napier student community and identity through participation in university sport.
- .3 promote and support the activities of sports clubs constituted under NUSU, without prejudice to the generality.
- .4 promote safety in sport and active safety awareness among participants.
- .5 provide and monitor an administrative and financial framework in which clubs will operate.
- .6 administer, co-ordinate and monitor the income and expenditure and the assets of the Sports Union and its clubs.
- .7 represent members within NSA, the University and the broader community in all matters affecting sports provision and access.
- .8 recognise sporting achievement by individual members and teams through an awards system, including the conferment of blues and half blues and colours on individual members.
- .9 resolve any issues referred to it by Senate or constituent clubs.

## **PART 2: DECISION MAKING - STRUCTURES, MEMBERSHIP, PROCESSES.**

### **1. STRUCTURES:**

- .1 The principal decision-making body within the Sports Union shall be the Sports Clubs' Council (SCC). This shall be a sub-committee of Student Senate.
- .2 The principal enactment body within the Sports Union shall be the Sports Executive, which shall be accountable to SCC and Student Senate.
- .3 The elected officer with prime responsibility for the administration and support of the Sports Union and its clubs shall be the Treasurer and Student Activities Officer who shall also act as the Napier University Sports Union President.
- .4 There shall be an Awards Panel.
- .5 There shall be a Disciplinary Panel.
- .6 NUSU shall have both constituent clubs and individual members.

### **2. SPORTS CLUBS' COUNCIL (SCC):**

#### **(A) Status and Remit**

- .1 The SCC shall be the main policy making forum of the Sports Union and the forum in which club issues are discussed with the Sports Executive as a whole. It shall be accountable to Student Senate.
- .2 It shall receive and approve annual summary of club accounts.
- .3 It shall elect the Sports Executive and hold members accountable for their actions.
- .4 It shall, on the recommendation of the Sports Executive, set an annual membership fee for student and associate membership of NUSU and approve an annual minimum level for club fees.

#### **(B) Membership**

- .1 All sports clubs constituted under NUSU shall have an elected student President or Captain designated as their senior officer, as well as a Secretary and a Treasurer. These office-holders shall all be students and all shall be eligible to attend the SCC.
- .2 The Sports Union President shall chair the SCC and have full voting status.
- .3 Any club with over 30 paid up student members shall be entitled to elect an additional category student member to sit on the SCC and any club with over 50 paid up student members will be entitled to elect an extra 2 student members to sit on the SCC.
- .4 The quorum shall be 15 voting members among whom there should be at least one representative from no fewer than 50% + 1 of the total number of sports clubs registered under NUSU/NSA.
- .5 SCC Members must be named office holders from the clubs. Substitutes and proxy votes shall not be permitted.
- .6 Clubs must ensure that they are represented at SCC meetings by at least one of their 3 core student office-holders. Any club missing one Sports' Clubs' Council will normally be subject to a warning and an automatic fine from their budget at a rate set by the Sports Executive annually, ratified by the NSA Finance Committee, and with appeal to the Senate.
- .7 Any club missing two consecutive Council meetings without written explanation to the Chair shall automatically have their public funding suspended or removed for up to one month. This decision shall be communicated by the Sports Executive.
- .8 Any club missing 3 or more Sports Clubs' Council meetings will automatically be referred to the NSA Finance Committee which shall have the option to terminate the club's status and re-possess and secure its assets on behalf of the membership. A club that wishes to appeal against termination must do so in writing to the Chair of Senate.

#### **(C) Meetings**

- .1 The SCC shall meet at least termly.
- .2 A minimum of 10 term days notice must be provided by the Chair of the meeting and any policy proposals for the CC must be in writing and circulated to members at least 5 term days in advance of the meeting.

### **3. SPORTS EXECUTIVE (SE)**

#### **(A) Status and Remit**

- .1 The Sports Executive shall be the main body responsible for implementing policy and ensuring sound administration of the SU, its clubs, assets and resources between meetings of the SCC. It is accountable to the SCC.
- .2 The Sports Executive shall consider budget application the SU President's recommendations for the club budget allocations and ensure that funding criteria are applied objectively to applications. It shall also recommend to the SCC the minimum annual rates that the clubs should set for student and associate memberships.
- .3 The Sports Executive shall deal with issues requiring decision and/or enactment prior to the next scheduled SCC.
- .4 The Sports Executive shall organise an annual awards ceremony, but shall not itself designate the awards.

#### **(B) Membership**

- .1 The Sports Union President, who shall chair the SCC and be a full voting member.
- .2 5 student members of the Sports Union who shall each be either a club captain/president (whichever the club designates as its senior officer).
- .3 Early in the autumn term, club captains/presidents will be asked to put their names forward for membership of the Sports Executive. These will go forward for election at the first SCC of the session. Voting shall be open to all individual members of the SCC, shall be first past the post, and shall involve the marking of a ballot paper, in secret, at the meeting.

#### **(C) Meetings**

- .1 The quorum for the Committee shall be 4.
- .2 The SE shall meet monthly during term time normally some days before the Student Senate meetings in the NSA committee cycle. A minimum of 10 days notice of the meeting will be provided to members and policy proposals should be with the Chair no less than 5 days prior to the meeting.

### **4. AWARDS PANEL:**

#### **(A) Status and Remit.**

- .1 To consider sporting achievements by individuals and teams objectively on their merits, and to confer blues, half blues, colours and other awards and honours to be awarded at the annual Awards Ceremony.
- .2 To consider all nominations fairly and objectively, based on the criteria for selection and the facts presented about the nominees: awarding blues and half blues in compliance with nationally established criteria for sporting excellence; and colours to those who have made an outstanding contribution to their sport, club or the Sports Union.

#### **(B) Membership.**

- .1 The 6 members of the Sports Executive, including the Sports Union President, shall all be ordinary full voting members of the Panel.
- .2 The NSA President shall be the non-voting chair. The role of the chair shall be to ensure fairness and proper process in consideration of the awards, and that there are no conflicts of interest in the nominations or award process.
- .3 A member of the University personnel with responsibility for Sport and Recreation, or other appropriately qualified member of University personnel (for example from Sports and Exercise Science); who shall be the non-voting specialist adviser to the Panel.
- .4 The quorum for the panel shall be the Chair and 4 voting members, this must include the Chair of the Sports Executive/SCC.

#### **(C) Meetings**

- .1 The Awards Panel shall meet no less than termly and prior to the annual Annual Awards Ceremony to consider the achievements of sports teams and individuals and the criteria for merit.
- .2 Any club can nominate individuals for awards. In doing so they will be expected to provide details of her/his sporting achievement record and may be required to appear before the Awards Panel to support nominations.

.3 Awards may only be made with the support of two thirds (rounded up to the nearest whole number) of voting members of the committee in attendance.

## **5. SPORTS UNION DISCIPLINARY PANEL:**

### **(A) Status and Remit**

- .1 To hear individual and team cases involving NUSU members who, in the course of pursuing their sport competitively or recreationally, or in training, or in any other representational capacity, are alleged to be guilty of misconduct, causing damage, neglecting health and safety, or bringing NUSU, NSA or Napier University into disrepute.
- .2 Where any such allegations are upheld, to decide on appropriate penalty, reparation or referral.
- .3 The panel shall at any time reserve the right to refer the case to the University authorities or the Police.

### **(B) Membership**

- .1 3 members of the Sports Executive, including the Sports Union President as Chair, the other two names having been drawn randomly from the 5 other members of the Sports Executive, on condition that they are not members of the same club as the person/teams charged with misconduct, and have no other conflict of interest in hearing a case involving those individuals/teams.
- .2 NSA administration will appoint a member of its staff to be secretary to this panel.

### **(C) Meetings.**

As when an NUSU team or member is charged with an offence by a club or a member of NUSU's SCC or Executive, or by a union with whom NSA/NUSU has a reciprocal agreement and either the NSA President or SU President, or a majority of the Sports Executive, believe there is a case to be heard .

### **(D) Appeals.**

- .1 Members shall have the right of appeal against the decision of the Discipline Panel.
- .2 Appeals must be in writing made within 7 days of the decision being issued; and must include the grounds for appeal.
- .3 Permissible grounds: that the panel did not properly follow its own procedure for considering evidence and ensuring a fair hearing; the production of new evidence that the appellant could not have produced at the time of the original hearing and which would be likely to impact on the decision; that the penalty was too harsh.
- .4 Appeal is to the President of NSA who will carry out her/his own investigation with a panel consisting of 1 member of the NSA Executive and 1 member of the Sports Executive who was not involved in the initial hearing. NSA administration will appoint a member of its staff to be secretary to this panel.
- .5 This panel may uphold an appeal and, where considered appropriate, reduce or rescind the penalty; or dismiss the appeal and, where considered appropriate, increase the penalty. The Panel shall, at any time, also reserve the right to refer the case to the Police or the University authorities.

## **PART 3: SPORTS CLUB CONSTITUTIONS AND GUIDELINES.**

### **1. Status.**

- .1 The clubs are a constituent part of the Sports Union, and where club policies or rules contradict those of the Sports Union, those of the Sports Union shall take precedence.
- .2 Each club shall have a Constitution, which must be approved by the Sports Executive in order to be deemed valid.

### **2. Club Constitutions.** A club constitution shall include:

- .1 A list of offices, which should include a club president or captain (who shall be the senior office holder), a treasurer and a secretary, but which may also include other offices deemed appropriate by the club, for example, safety officer, technical officer, social secretary. The club president/captain, treasurer and secretary must be student members (see Part 1: 3.2), but other specialist roles may be designated to non-students, provided it is understood that only members specified under Part 1, 3.2 are full voting members.
- .2 A club executive comprised of a minimum of the 3 student core office holders, but may include other student office holders, and any non-voting associate executive members, as specified by the club.
- .3 An undertaking that the club will have an annual general meeting in March or April to elect the next sessions' office holders. Any club without office holders may find the club financially penalised, or have its functions suspended or taken over temporarily by the Sports Executive until it can either fill the positions or the club is disbanded.
- .4 The method by which posts are elected.
- .5 A list of the club's overall objectives and goals/vision.
- .6 Procedures for the use, and for the spending, of club resources.
- .7 Reference to a safety policy and how it is disseminated to members.

### **3. Conditions Club Status and Funding:**

- .1 Membership shall be open to all categories of members detailed in part 1 of the Sports Union Constitution. Attempts unfairly to restrict membership or participation in the club may be dealt with as a disciplinary matter. Clubs will normally be required to have a presence in promotional publications and events, such as freshers' fair and handbook as a means of attracting new members.
- .2 A club must have a minimum membership of 15 matriculated students (this may include current sabbaticals of NSA) and maintain an active student membership when the club has been established, playing an active part in the Sports' Clubs' Council.
- .3 Club Executives must set annual membership rates for both student and associate members before freshers' week in the autumn term. This fee will take into account the club minimum rate set by the SCC and the cost of the sport and planned activities of the club for the year.
- .4 The club shall abide by the rules of its constitution as approved by the Sports Executive.
- .5 Every club must have an active safety policy. The club's office holders shall take responsibility for ensuring that all members are made aware of the policy, have read and understood it and signed an undertaking agreeing to abide by it. This policy shall be revised in line with the requirements of the sport. Individual members shall be responsible for adhering to proper health and safety procedures in pursuance of their sport, whether in competition or as recreation.
- .6 The club shall maintain an up to date inventory of all club kit and equipment. This may be subject to inspection by any club member, by the Sports Executive, and by NSA Finance Office staff and auditors. All acquisitions and disposals should be entered into this register with dates and values.

### **4. Financial Arrangements.**

- .1 All clubs shall abide by the NSA Club Financial Regulations and the practical requirements of the NSA Finance Office.
- .2 They will be designated a "budget account" into which their grant from NSA is paid and from which their spending will be restricted to the legitimate pursuance of student sport as defined in the sports and societies handbook.
- .3 They will also be designated a "club account" into which they may pay club membership dues and other monies from fund-raising activities. They may spend these funds for other purposes, such as social events, provided the club membership agree to this as per the club's constitution and procedures.
- .4 All club equipment and funds belong collectively to the club as constituted under NSA. They are not the property or preserve of individual members or groups. In the event of a club selling a piece of sporting equipment, the proceeds from the sale, less any expenses, will go into the budget account unless otherwise specified by the NSA Finance Committee. The NSA Finance Committee shall have the right to "ring fence" any funds from sale of assets. For example, if a club sells equipment to buy a more up to date model, the Committee may protect income from the sale to go towards buying the replacement.

.5 Clubs may not hold separate bank accounts. In the event of a club being found to have such an account, this will be grounds for immediate suspension of budget funding and club status from NUSU pending investigation, and possible disbandment of the club and sequestration of its assets.

.6 Public monies exist specifically to support student sport. Funds from "budget accounts" shall only be used to support sporting activities and provide equipment for current Napier students. In the event of clubs being found to be funding the activities of non-students, other than the membership and necessary expenses of those personnel essential for health and safety requirements of the sport, this will be the subject of disciplinary action which may result in suspension or cessation of the club.

.7 The Sports Union President shall be responsible for compiling the annual Sports Union budget. It shall include allowances for:

- (a) club budgets (equipment, kit, repairs, storage, facilities hire, health and safety)
- (b) representation fund (including competition entry fees, contributions towards accommodation costs etc)
- (c) reserve/capital fund (for example, for buying an expensive piece of shared equipment, such as a minibus);
- (d) travel fund (for running costs of vehicles as well as some public transport costs)
- (e) other administrative expenses necessary for the effective running of the SU.

.8 Clubs shall submit annual budget applications to the Sports Union President in early October each year, as specified by the Sports Executive. The SU President will produce budget allocations in consultation with the Sports Union Executive. Clubs have the right of appeal against their awards to the NSA President, who shall sit with 2 other members of the Executive (other than the Treasurer and Student Activities Officer) to decide on its fairness next to the funding criteria. Where it finds the decision to be unfair it shall normally refer the case back to the Sports' Executive to re-consider, or, exceptionally, to the NSA Finance Committee, whichever is more appropriate.

.9 The annual budget of the Sports Union (for the new accounting year) shall be indicated to the Sports Union President shall run from 1 August to the following 31 July.

.10 The Sports Executive shall monitor clubs' actual financial spending against projections on an ongoing monthly basis, reporting to the NSA Finance Committee as appropriate. It shall re-allocate funds to favour active clubs as appropriate. This may include a claw back and redistribution of funds from under-active or low membership clubs, except where the club has been inactive for seasonal reasons. For example, were the football club to be inactive over the first semester, there would be a stronger case for clawing back funds from this club which would normally be active in semester 1 and redistributing to more active clubs, than, for example, clawing back funds from the cricket club where most activity takes place in the second semester.

.11 At the start of each session, clubs shall nominate 2 financial signatories to NSA, one of whom must be either the Club President or the Treasurer, and one other student or associate office holder. These shall be empowered to draw from club funds for legitimate club activities.

.12 Clubs may hold public funds, the purposes of which are subject to restrictions by law and by the NSA Finance Committee. They may also raise other income through membership fees, sponsorship, and so on. Funds which are not public monies may be held in the club account and used for purposes defined democratically by the membership.

.13 No more than 10% of a club's annual grant may be spent on any social or promotional event for the club.

.14 Goods and services must be ordered and paid for using systems specified by the NSA Finance Office. Orders shall normally be on NSA's official order forms and payment shall be on invoice or on receipts.

.15 Clubs shall maintain good control of assets bought from public funds and from members' subscriptions, sponsorship and other sources, as well as accurate inventories of equipment. Inventories shall be submitted annually at the start of the third term to the Sport and Societies President but may be subject to spot-checks throughout the year.

#### **5. Club Safety And Equipment:**

.1 Clubs should, where appropriate, have a written safety policy based on the policy of the particular sport's governing body. The Treasurer and Student Activities Officer shall inform the club where this is necessary and shall assist in drafting the policy. The Society President shall ensure that, where a safety policy is in operation, all members understand and comply with its requirements.

.2 Club office bearers shall be responsible for maintaining good control of club assets and equipment bought from public funds and other club income, as well as for maintaining an accurate inventory of equipment.

.3 Clubs shall be responsible for ensuring that equipment is in good working order, and organising repairs and services where appropriate.

.4 Inventories shall be submitted by the Club President annually in the second semester at the request of the Treasurer and Student Activities Officer, but may also be subject to spot-checks throughout the year.

#### **6. Guidelines For Club AGMs:**

.1 The AGM should take place in the 2<sup>nd</sup> term. The minimum number for a quorate club AGM shall be one third (rounded up to the nearest whole number) of the total student members of the club or 20 student members (whichever is the lesser figure). No positions may be elected if the AGM is inquorate.

.2 Voting at an AGM shall normally be by show of hands ballot, except where one third of the members present request a secret ballot, when it involves the marking of a ballot paper in secret.

.3 The new office holders shall be notified to NSA's Treasurer and Student Activities Officer.

.4 Members shall be presented with a financial statement of the club's income and expenditure for the past year ending 31 July, and any other such financial statements that it or the Society Treasurer deems to be relevant

### **PART 4: SPORTS UNION OFFICE BEARERS: ELECTION, ROLES AND DUTIES.**

#### **1. Office Bearers:**

.1 NSA's Treasurer and Student Activities Officer is the Sports Union President. S/he shall assume all the official duties and honours of a sports union president and be a member of the NSA Executive. S/he shall be elected by cross campus ballot and nominations shall be open to all Napier students subject to their compliance with the law relating to membership of governing bodies and charities. Her/his term of office shall run from 1 August to the following 31 July. For guidance on tenure, resignation and dismissal from office, see Appendix 5.

.2 Ordinary members of the Sports Executive shall automatically cease membership in the event of resigning from office; or ceasing to be her/his club's designated captain/president; or, being dismissed from office if a written motion to that effect receives the support of two thirds of those in attendance at a Sports Executive or SCC.

.3 In cases where a vacancy arises on the Sports Executive, a SCC will be convened as soon as possible to elect a club replacement or if a recreational sporting member, a replacement will be decided at the next available Senate meeting. Nominations and votes will be taken from the floor of the meeting.

#### **2. Role and Responsibilities of the Sports Union President in Relation to the Sports Union:**

.1 be responsible for ensuring that the Sports Union and its clubs adhere to the law and the NSA Constitution.

.2 be ultimately responsible for the efficient running and the policy development of the Sports Union:

.3 take the Chair at all meetings of the Sports Union and its decision-making bodies, except where another Chair is otherwise specified;

.4 encourage and actively promote student participation in recreational and competitive sport, and the development of sports facilities and training support for Napier students within the University and the wider community;

.5 act as Napier's student representative in meetings with external bodies, attending meetings of the university, student sports federations to which NUSU is affiliated, and so on as appropriate;

- .6 make her/himself available, at regular pre-notified times of the working week, to deal with Sports Union and sports club business;
- .7 liaise with the clubs and NSA Finance Office over income and expenditure, and to authorise payments from the Sports Union for legitimate objects, and on the condition that the budget is not exceeded.
- .8 promote health and safety in sports within clubs and among individual members;
- .9 assist clubs with their administration and organisation;
- .10 oversee the organisation and marketing of the Sports Union Ball/Annual Awards Ceremony and other fund raising events.
- .11 submit the Annual Budget to the Sports Executive to ratify central and club budgets;
- .12 ensure that NUSU operates according to NSA's financial procedures and that it keeps within budget;
- .13 be responsible for the Sports Union transport with regard to maintenance, insurance, safety, and usage by Clubs;
- .14 lobby and organise campaigns to improve sports facilities and sports support for Napier students;
- .15 promote good standards of conduct among Napier sportsmen and women generally and chair the Disciplinary Panel to deal with cases that offend these standards.

### **3. The Role of Sports Executive Members.**

- .1 support the work of the Sports Union President.
- .2 make decisions that are deemed best for sports and the sports union as a whole, rather than represent sectional interests of individual clubs.
- .3 promote sporting participation among the student body.
- .4 attend Student Senate, Sports Clubs' Council and Sports Executive meetings.

## **PART 5: SPORTING AWARDS AND CEREMONIES.**

### **1. Blues And Half Blues And Other Honours:**

.1 Awards. Blues, Half Blues, and other titles and awards are sporting awards that shall be conferred by the Awards Panel, often on the recommendation and with the support of individual clubs, and after full and objective consideration by the Panel. These awards shall be in recognition of club or individual sporting excellence or for contributions to the work of the Sports Union in general or to a club in particular.

.2 Nominees for Blues and Half Blues and other awards will normally be made by the nominee's club's decision-making body. However, a member of the Awards Panel itself may also nominate clubs and individuals for an award.

### **.3 The Awards and Their Conditions for Attainment:**

(a) Full Blues and Half Blues shall be awarded to category 3.1 members of the Sports Union to sports persons of high calibre, based upon a high standard of representation for Napier University.

(b) A **Full Blue** will normally be awarded to an individual Napier student sportsman/woman who has:

(i) been a member of a universities national team in a BUSC/SUSF capacity, or an individual universities' champion in a BUSC/SUSF competition over two years;

(ii) shown distinction at BUSC competition level over two years and participated in the majority of all University fixtures.

(c) A **Half Blue** will be awarded to an individual Napier student sportsman/woman who has been a member of a universities' national team in a BUSC/SUSF capacity or an individual BUSC/SUSF champion over one year and participated in the majority of all University fixtures.

(d) **Colours** shall be awarded to a student or associate member who has:

(i) made an outstanding contribution to the running of their club for at least three seasons, or

(ii) made a substantial contribution to the running of NUSU for at least two years; or

(iii) been a club committee member for at least two seasons;

(iv) particularly impressed the Awards Committee for her/his conduct, attitude, all round effort, or personal development or progress, as a sportsperson or member of the Sports Union during her/his time at Napier.

.4 Full Blues and Half Blues will not be re-awarded to any person who has previously received the award of Full Blue or Half Blue respectively in that particular sport.

.5 Any member of the Sports Union who has been awarded a sporting honour by the Awards Panel may have it withdrawn at the discretion of the Awards Panel where, for example, the individual is later found to have tested positive for a banned substance, or been guilty of misconduct or for bringing NUSU or the sport into disrepute, or for having misappropriated funds or resources from the club or NUSU.

### **.6 Other awards made at the Sports Ball shall include:**

(a) Sports Club of the Year Award: for the best overall standard of achievement and activity by a club;

(b) High Achievement Team of the year: for the team that won the most/highest competitive honours during the year

(c) Sports Person of the Year: the male or female who has attained a high level of success, and representation for the University, over the past year;

(d) Most Improved Team of the Year: in terms of expanded membership activity, better organisation and higher achievement over the previous 12 months.

(e) Honorary Life Membership of the Sports Union: for other outstanding contributions to the Sports Union or a sport; or for an outstanding and long-standing contribution to a club.

.7 Awards shall be presented at the Annual Sports Awards Ceremony.

## **PART 6: CONDUCT AND DISCIPLINE.**

**All members of the Sports Union and its clubs shall be expected to conduct themselves in a manner which is appropriate as representatives of Napier University and in accordance with the Code of Discipline of the Students' Association.**

### **Statement of Discipline:**

.1 NUSU wishes to enhance the reputation of Napier University by encouraging the highest possible standards of behaviour both on and off the playing field.

.2 In carrying out recreational and competitive sport, Napier students are expected to comply with the letter and spirit of the rules as laid down by the appropriate national governing body for the sport. Failure to do so must be dealt with under the rules of the sport and under the rules of the bodies, to which NUSU is affiliated, and which NUSU recognises as an authority on sporting matters.

.3 Unacceptable behaviour associated with sporting activities must be dealt with effectively and students who bring their sport or the university, students' association or NUSU into disrepute may be excluded from selection for Napier and Representative teams.

.4 The Sports Union Discipline Panel is constituted to hear allegations against its members of breaches of discipline while representing NUSU. Each case shall be judged on its merits, and the member shall have the right to be accompanied by Sports Union colleague (category 3.1 membership only); to call witnesses and to ask questions. At any stage the Panel has the right to refer the case to the Police or University authorities to deal with.

.5 The Sports Union Discipline Panel is described under Part 2.5 of this schedule.

.6 Should circumstances arise which require the expulsion or suspension or fining of any member, the power of enforcement shall rest with the Sports Union Discipline Panel. A vote to fine or expel shall require the support of a simple majority.

.7 All members of the Committee shall be given one week's notice of the object of a special meeting to hear a disciplinary case.

.8 At the meeting the charge will be read, the student will be asked to answer these charges, and shall have the right to ask questions and counter allegations.

.9 When evidence has been considered, the panel shall consider its decision in camera. Voting at such meetings shall be by show of hands.

.10 There shall be a right of appeal against a decision of the Sports Union Discipline Panel (see Part 6 of this schedule). The decision of the appeal panel shall be final.

.11 The Sports Union Disciplinary Panel may impose penalties where charges are upheld against a member and/or club. The range of penalties that may be imposed are:

- (i) a fine of up to £200 to recompense for damage caused, the fine to be levied on members rather than drawn from funds or from the public grant;
- (ii) suspension of a club's funding and activities, or an individual, for a period of up to 8 weeks;
- (iii) expulsion of a club or individual student member for up to one year, or an associate or temporary member for an indeterminate period;
- (iv) removal of honorary life membership where this has been made;
- (v) any other reasonable penalty.

## **.PART 7: NUSU GUIDEBOOK.**

There shall be a NUSU guide detailing more subsidiary rules and regulations pertaining to the administration of the sports union and its clubs. This shall allow the Sports Executive, through the Clubs' Council, and where necessary, the Student Senate, to amend regulations to take account of good practice, changing conditions, legislative changes and so on, without having to seek recourse to constitutional amendment. All club captains/presidents shall receive a copy of the guide early in the academic session and shall be expected to abide by it. Where there is any apparent conflict between the Guidebook and the Constitution, other than on legal matters, the latter shall have primacy.

# NSA CONSTITUTION 2009

## SCHEDULE 2: NAPIER CLUBS AND SOCIETIES

### Contents:

**Part 1:** Status, Membership and Aims

**Part 2:** Decision-Making: Structures, Functions, Processes

**Part 3:** Societies' Constitutions and Guidelines

### PART 1: STATUS, MEMBERSHIP AND AIMS.

#### 1. STATUS:

- .1 NSA's clubs and societies are student membership organisations, set up under NSA's Constitution, to enable students to develop and pursue common objects and interests, other than sports, and contribute to the diversity and richness of student culture at Napier.
- .2 In cases where club rules are at variance with, or contradict, NSA's Constitution, the latter will take precedence.
- .3 Clubs and societies may apply for funds from NSA to cover legitimate activities and costs.

#### 2. MEMBERSHIP:

Active membership of Napier clubs and societies shall be confined to:

- .1 Napier University Student Members. All matriculated students of the University, and current sabbatical officers of NSA, upon receipt of the appropriate membership fee, are eligible to be full voting members of a Napier Club or Society. Only this category of members shall be entitled to vote in club elections and to stand for election to the Society Presidency. Except, that full time sabbatical Members of the NSA Executive Committee may not simultaneously hold office in an NSA club or society.
- .2 Associate Membership. Napier University and Students' Association staff (and partners), former Napier University students (and partners) and partners of those persons included in paragraph 3.2, upon payment of the appropriate membership fee and written notification of the names of these members to the Societies Executive. Any other members other than from the groups specified must be endorsed by constituent clubs and subject both to payment of an annual membership fee and the consent of the Societies Executive.
- .3 Temporary Membership. Temporary membership is for social purposes only, and shall be granted to visiting teams and officials for the period of their visit. Where members are not entitled to use NSA facilities as a consequence of a reciprocal agreement between their "home" students' association and NSA, they will be entitled to gain access to facilities as signed in guests of members. Societies may offer free temporary memberships for a maximum of 3 weeks only at the start of a semester after which the temporary member must either cease participation in club activities or pay the appropriate fee to become a member.
- .4 To register as a club or society with NSA, the society must have at least 10 student or sabbatical members. Except, in cases where a club exists to promote equal opportunities for a specified minority status group, such as, women, lesbians, gay men and bisexuals, disabled students, racial, ethnic and religious minorities, and so on; it may, subject to the agreement of the Societies' Committee, be possible to restrict membership of the society to members of that particular client group, and for NSA funding to support a club with fewer than ten members.
- .5 The society must also have a Constitution which shall contain the following:
  - [a] a list of offices which should include a president, secretary and treasurer, but may also include other posts that the society membership deems to be necessary;
  - [b] the method and time of year of election of office-holders;
  - [c] a list of the society's overall objectives;
  - [d] procedures for use of and for spending society resources;
  - [e] reference to a safety policy and how it is disseminated to its members.

#### 3. AIMS:

- .1 To create a network of student clubs and societies to allow those with shared interests to come together and pursue an interest or activity.
- .2 To foster the creation of a student culture at Napier that is wider than programme of study or campus, and which involves students in shared interests and activity.

### PART 2: DECISION-MAKING STRUCTURES

#### 1. STRUCTURES:

- .1 The principal decision-making body for the societies shall be the Societies Council. It shall be a sub-committee of Senate.
- .2 The principal enactment body for societies shall be the Societies Executive which shall be accountable to the Societies Council and Senate.
- .3 The elected officer with prime responsibility for the societies shall be the Treasurer and Student Activities Officer, who shall also chair the Societies Council and the Societies Executive.

#### 2. SOCIETIES COUNCIL.

##### (A) Status and Remit:

- .1 The SC shall be the principal decision-making body for student societies and the forum in which societies' issues are discussed with the Societies' Executive. It shall be accountable to Senate.
- .2 It shall receive annual summary of club accounts.
- .3 It shall elect the Societies Executive and hold SE Members accountable for their actions.
- .4 It shall, on the recommendation of the Societies Executive, set an annual minimum fee for society membership for both student and associate members.

##### (B) Membership

- .1 All societies shall have an elected student President, Secretary and Treasurer. These officers shall all be students and eligible to attend the SC.
- .2 The Treasurer and Student Activities Officer shall chair the Societies Council and have full voting status.
- .3 Any club with over 20 paid up student members shall be entitled to elect an additional student member to sit on the Council and any club with over 40 paid up student members shall be able to elect an extra 2 student members to sit on the SC.
- .4 The quorum of the SC shall be 10 voting members, among whom there should be at least one representative from 50%+ 1 of the total number of societies registered under NSA.
- .5 SC Members must be named office holders from the clubs. Substitutes and proxy votes shall not be permitted.
- .6 Clubs must ensure that they are represented at SC meetings by at least one of their 3 core student office-holders. Any club missing one Societies' Council will normally be subject to a warning and an automatic fine from their budget at a rate set by the Societies' Executive annually, ratified by the NSA Finance Committee, and with appeal to the Senate.
- .7 Any club missing two consecutive Council meetings without written explanation to the Chair shall automatically have their public funding suspended or removed for up to one month. This decision shall be communicated by the Sports Executive.

.8 Any club missing more than 3 or more Societies' Council meetings will automatically be referred to the NSA Finance Committee which may decide to terminate the club's status and re-possess and secure its assets on behalf of the membership. A club that wishes to appeal against termination must do so in writing to the Chair of Senate.

#### **(C) Meetings**

.1 The SC shall meet at least termly.

.2 A minimum of 10 term days must be provided by the Chair of the meeting and any policy proposals for the CC must be in writing and circulated to members at least 5 term days in advance of the meeting.

### **3. SOCIETIES EXECUTIVE**

#### **(A) Status and Remit:**

.1 It shall be the main body responsible for implementing the decisions taken by the SC and for ensuring the sound administration of the societies, assets and resources between meetings of the SC. It is accountable to the Societies' Council.

.2 It shall be consulted on the Treasurer and Student Activities' Officer's society budget allocations, ensuring that criteria for distribution are fairly applied between societies according to funding criteria. It shall also recommend to the SC the minimum annual rates that the clubs should set for student and associate memberships.

.3 It shall deal with issues requiring decision and/or enactment prior to the next scheduled SC.

.4 It shall assist with the marketing and organisation of the Annual Awards Ceremony/Ball and decide the societies' awards: Society of the Year for the society with the best overall record of achievement and the Most Improved Society of the Year. They shall award honorary membership to individual members for their outstanding contribution to a society or societies in general and Colours to individuals who have:

- (a) made an outstanding contribution to the running of their society for at least three sessions, or
- (b) made a substantial contribution to promoting and/or running of societies' for at least two years; or
- (c) been a society committee member for at least two sessions; or
- (d) particularly impressed the Societies' Executive for her/his conduct, attitude, all round effort, or personal development or progress, in her/his involvement in the work of societies at Napier.

#### **(B) Membership.**

.1 The Treasurer and Student Activities Officer who shall be the Chair

.2 3 society presidents elected by the societies at the first Societies' Council of the session.

#### **(C) Meetings**

.1 The quorum for the Committee shall be 3.

.2 The Societies' Executive shall meet no less than termly, normally some days before the Student Senate meetings in the NSA committee cycle. A minimum of 10 days notice of the meeting will be provided to members and policy proposals should be with the Chair no less than 5 days prior to the meeting.

## **PART 3: GUIDELINES FOR SOCIETIES**

.1 Membership shall be open to all categories detailed under 2.1 of the Constitution. Attempts unfairly to restrict membership are not permissible. Except, it may be possible to have "closed" meetings in groups set up to promote equal opportunities aimed at specific minority status groups, for example, racial minorities, women, students with disabilities, lesbians, gay men and bisexuals. Societies may also have associate members who are not current Napier students.

.2 All clubs must have a written constitution and an elected president, secretary and treasurer. All 3 core office-holders must be current Napier students, other than full time sabbatical members of the NSA Executive Committee. These office-holders shall be the financial signatories of the society and be members of the Societies Council.

.3 All clubs shall abide by the NSA Financial Regulations and the practical requirements of the NSA Finance Office.

.4 Societies shall establish membership fees for student members and associate members. The minimum rates of these fees shall be determined by the Societies' Council on the recommendation of the Societies' Executive.

.5 Societies shall be designated a "budget account" into which their grant from NSA is paid and from which their spending will be restricted to the legitimate pursuance of society objects. Except that they may spend up to a maximum of 10% of this budget for a promotional or social event. Societies may use public funding for the approved objects of the society, as democratically agreed by the membership, and subject to compliance with the law relating to students' association funding and with NSA's Financial requirements. The first semester's allocation shall normally be no less than 40% and no more than 60% of the club's total allocation for the year. Except: where the club has requested the bulk of their funding allocation to be spent on a single item, or on a number of linked capital purchases, in which case, subject to the NSA Finance Committee's approval, a greater proportion of club funds may be allocated in the first term.

.6 Annual funding allocations run from 1 August to the following 31 July and the Societies' Executive shall monitor clubs' actual financial spending against projections, reporting to the NSA Finance Committee. Funding may be subject to subsequent revision, or claw back, due to various other pressures on the clubs and societies budget, such as new clubs starting up, or changes to clubs' planned spending.

.7 Societies will also be designated a "club account" into which they may pay society membership dues and other monies from membership subscriptions, fund-raising activities, attracting sponsorship, equipment donations and so on. Monies raised that are not from public funds can be used for a wider range of purposes than those from public funds but these other society purposes must be defined collectively and democratically by the membership as being agreed purposes. They may spend society funds for other purposes, such as social events, provided the society membership agree to this as per the society's constitution and procedures.

.8 All society equipment and funds belong collectively to the society as constituted under NSA. They are not the property or preserve of individual members or groups. In the event of a society selling a piece of equipment, the proceeds from the sale, less any expenses, will go into the budget account unless otherwise specified by the Societies Executive. The NSA Finance Committee shall have the right to "ring fence" any funds from sale of assets. For example, if a society sells equipment to buy a more up to date equipment, the Committee may protect income from the sale to go towards buying the replacement.

.9 In the event of the dissolution of the society, its funds and assets shall revert to NSA to dispose of as appropriate.

.10 Societies may not hold separate bank accounts. In the event of society being found to have such an account, this will be grounds for immediate suspension of budget funding and society status pending investigation, and possible disbandment of the society and sequestration of its assets.

.11 Public monies exist specifically to support student activities. Funds from "budget accounts" shall only be used to support activities and provide equipment for current Napier students. In the event of societies being found to be funding the activities of non-students, other than the membership and necessary expenses of those personnel essential for health and safety requirements, this will be the subject of disciplinary action which may result in suspension or cessation of the society.

.12 The Treasurer and Student Activities Officer, in consultation with the Societies Executive, shall be responsible for compiling the annual societies' budget. It shall include allowances for:

- (a) society budgets (field visits, guest speakers and expenses, postage, transport, storage, facilities hire, health and safety);
- (b) representation fund (including competition entry fees, affiliations, contributions towards accommodation costs);
- (c) equipment (for example, for buying an expensive piece of shared equipment, such as a minibus);
- (d) travel fund (for running costs of vehicles as well as some public transport costs);
- (e) other administrative expenses necessary for the effective running of the societies.

.13 NSA funds shall not be used by clubs to:

- (a) affiliate, subscribe, donate, or otherwise support financially, directly or by goods or services in kind, to the

- activities of any political party, faction or sub-group thereof;
- (b) make charitable donations to organisations or individuals;
- (c) fund purely social activities, food or drink, discos etc., other than a maximum of 10% as an introductory social and, in exceptional cases, and with the prior authorisation of the NSA Finance Committee, a proportion of the budget exceeding this;

.14 Societies shall submit annual budget applications to the Treasurer and Student Activities Officer in early October each year. The Society has the right of appeal against its award to the Societies' Executive in the 1<sup>st</sup> instance and to the NSA President, who shall convene a panel sitting with 2 other member of the Executive (other than the Treasurer and Student Activities Officer) to decide on the allocation's fairness next to the funding criteria. Where it finds the decision to be unfair it shall normally refer the case back to the Societies' Executive to re-consider, or, exceptionally, to the NSA Finance Committee, whichever is more appropriate.

.15 Societies shall maintain good control of assets and an accurate inventory of equipment which shall be subject to annual review and spot-checks by the Societies' Executive.

.16 Goods and services must be ordered and paid for using systems specified by the NSA Finance Office. Orders shall normally be on NSA's official order forms payment shall be on invoice or on receipts.

.17 All continuing clubs and societies seeking funds must have registered before the end of the second semester for funds in the new session. These clubs shall be expected to submit detailed budget plans for the next session [from 1 August to the following 31 July] to the Treasurer and Student Activities Officer, along with details of the clubs planned activities for next year for inclusion in the student handbook, a list of continuing student members and a list of continuing contacts for the new session. They will also have to submit their full membership lists in the new session. Cut off dates for semester funding shall be established by the Treasurer and Student Activities Officer in consultation with the Societies' Executive. Failure to register by the specified deadlines may lead to loss or delay of funds.

.18 New clubs may be entitled to a reduced level of funding for the first 2 years of its existence. New societies will require to submit a membership list containing at least 10 students, the society's constitution, and the society's budget for the current session [from 1 August, or the start up date of the club, through to the following 31 July].

.19 Funding levels shall depend on the following factors:

- [a] the number of student members in the society;
- [b] the society's planned activities for the year ahead;
- [c] the past record of society activity and membership participation;
- [d] the society's equipment needs;
- [e] health and safety requirements.

.20 Particular care will be taken by the Treasurer and Student Activities Officer to be even-handed in the funding of political societies. In particular, the main criterion explaining the difference between the funding of one party political club in relation to another being student numbers.

#### **5. Society Safety And Equipment:**

.1 Societies should, where appropriate, have a safety policy. The Treasurer and Student Activities Officer shall inform the society where this is necessary and shall assist in drafting the policy. The Society President shall ensure that, where a safety policy is in operation, all members understand and comply with its requirements.

.2 Society office bearers shall be responsible for maintaining good control of society assets and equipment bought from public funds and other society income, as well as for maintaining an accurate inventory of equipment.

.3 Societies shall be responsible for ensuring that equipment is in good working order, and organising repairs and services where appropriate.

.4 Inventories shall be submitted annually by the Society President in the second semester at the request of the Treasurer and Student Activities Officer, but may also be subject to spot-checks throughout the year.

#### **6. Guidelines For Club AGMs:**

.1 The AGM should take place in the 2<sup>nd</sup> term. The minimum number for a quorate society AGM shall be one third (rounded up to the nearest whole number) of the total student members of the society or 10 student members (whichever is the lesser figure). No positions may be elected if the AGM is inquorate.

.2 Voting at an AGM shall normally be by show of hands ballot, except where one third of the members present request a secret ballot, when it involves the marking of a ballot paper in secret.

.3 The new office holders shall be notified to NSA's Treasurer and Student Activities Officer.

.4 Members shall be presented with a financial statement of the club's income and expenditure for the past year ending 31 July, and any other such financial statements that it or the Society Treasurer deems to be relevant.

**NSA CONSTITUTION 2007**  
**SCHEDULE 3: THE ASSOCIATION FINANCE COMMITTEE**

**1. STATUS AND REMIT.**

- .1 The key function of the Committee shall be to ensure financial probity of NSA; to ensure that NSA has proper financial procedures and that it enacts them; to receive and scrutinise financial proposals and reports; and to make recommendations on how financial performance might be improved.
- .2 It shall scrutinise budget projections and grant and capital requests to be submitted to the University's funding round.
- .3 It shall receive and scrutinise budget proposals from the Sports Union, its clubs, student societies and the student newspaper; where appropriate adjudicating disputes. It shall receive financial plans and monitor financial performance of these bodies, and shall protect NSA assets through the scrutiny of club equipment inventories.
- .4 It shall take all reasonable steps to ensure that there is sound financial management of the Association; that funds are expended for legitimate purposes, and assets are properly safeguarded.
- .5 It shall consider all proposals on new recurrent expenditure, other than normal stock purchases, and on capital spending to the value of £200 or more for all areas of operation.
- .6 It shall take reports from auditors and scrutinise the annual audited accounts, making recommendations to the Senate as appropriate.
- .7 It shall appoint external stock-takers as appropriate.
- .8 It shall receive monthly income and expenditure accounts from and monitor these in relation to targets.
- .9 It shall ensure that managers and sabbaticals understand and comply with their financial roles, responsibilities and regulations, and shall approve any necessary changes to bank signatories.
- .10 It shall ensure that financial regulations are enacted and shall act as the authorising body for any amendments to procedures, taking advice from accountants as and when appropriate.
- .11 It shall deal with business referred to it in relation to Senate, NSA Sports Union, clubs, newspaper and other budgets, capital requirements, and equipment inventories.

**2. MEMBERSHIP**

- .1 The three full-time sabbatical officers, including the Treasurer and Student Activities Officer, who shall act as Chair. The Chair shall be a non-voting member but the other full time officers shall be full voting members, except on any matter from which they stand personally to gain materially;
- .2 A part time member from the Executive Committee, elected by Senate to be a full voting member.
- .3 Seven ordinary students, who are not Executive Committee Members, nor office holders of any club or society, nor members of the Editorial Board; elected at the first meeting of Senate as full voting members.
- .4 The Managers(s) of the Association, who shall bring financial reports and proposals to the Committee and act in an advisory capacity, and any other staff members who may be required for information purposes. NSA staff shall be non-voting.
- .5 Any club treasurers or members required to attend by the Finance Committee to present proposals or reports, who shall not be voting members and shall attend the Committee only for the duration of their presentation or report.
- .6 The Association Secretary shall attend to keep a record of discussion and act in an advisory role where appropriate. S/he shall have no voting rights.

**3. MEETINGS**

- .1 Meetings shall be held twice termly and shall receive monthly "month-end" financial reports for both charitable/membership services and trading operations.
- .2 The quorum for meetings shall be a minimum of 2 sabbatical officers, and a minimum of 4 other members.
- .3 Annual Budget-Setting Meeting. This shall be held in the 2<sup>nd</sup> term to plan income and expenditure for the next session. The following shall be considered at this meeting:
  - [a] the current accounting year's financial performance to date;
  - [b] forthcoming capital projects with costings;
  - [c] projections for the next accounting year;
  - [d] the efficacy of financial regulations and their operation;
  - [e] any other matters pertaining to the financial probity of the Association.
- .4 Summer Vacation Meetings. In the summer term the Chair shall ascertain the availability of lay members to attend meetings over the summer vacation. In cases where four or more of the non-Executive members of the Committee indicate that they will be available to attend meetings, the Committee shall continue to meet on a monthly basis over the summer at a frequency and venue designed to maximise attendance. However, where four or more indicate that they will not be able to attend, the Committee's work shall be delegated to the Executive Committee until such time as the new Finance Committee is elected at the first Senate of the next Session. The Executive Committee, when it acts for the Finance Committee over summer, shall act as a holding committee, taking into consideration, and wherever possible, acting, in accordance with Finance Committee guidelines, policy and advice in deciding urgent matters and monitoring performance. The Executive Committee acting in this role shall not normally amend Finance Committee procedures or act contrary to decisions already approved by the Finance Committee, but it can deal with issues as they arise over the summer months.
- .5 The Committee may, by a simple majority vote at a quorate committee, or at the instruction of the Senate, invite other persons deemed to be useful to the work of the committee, to attend specific meetings. These people shall not have voting rights and may speak only to the agenda items upon which they have been asked to speak, make a presentation and/or answer questions. They will normally leave the meeting when their relevant item of business is over. For example, stock-takers, accountants, financial advisers, club treasurers and so on.

## **SCHEDULE 4: CLUB MEMBERS' DISCIPLINE PROCEDURE & MEMBERS' DISCIPLINARY AND APPEALS PANELS**

### **[A] THE DISCIPLINE PROCEDURE.**

#### **1. Basis of Authority:**

.1 The right of the Senate, through the Membership Discipline Panel, to discipline its members arises out of the relationship between a club and its members.

#### **2. Application:**

.1 It shall apply to all student members of NSA, and its sabbatical officers, charged with a disciplinary offence on any of the Association's premises, or at an event staged outwith the Association, but which the Association has either organised or to which it has sent representation; or at any other students' association, union, or other club with which the Association has a reciprocal membership agreement.

.2 It shall not apply where a member of another students' union, association, or other club with which this Association has a reciprocal agreement, acts in breach of the Association's Code of Discipline on association premises. In such a case, this association shall normally refer the case to the guest's "home union" and make a formal request that disciplinary proceedings be taken against her/him.

.3 It shall apply to the conduct of NSA elected officers, but not to their general performance in carrying out their duties as elected officers per se. The latter shall be dealt with under Appendix 6.

.4 It shall not apply to NSA staff, who shall be subject to a separate staff discipline procedure.

#### **3. Disciplinary Offences:**

.1 The following are defined as disciplinary offences:

**[a]** wilfully damaging or destroying any of the fabric, property or buildings belonging to, or used by, the Association, or negligence, omission or default leading directly or indirectly to such damage or destruction;

**[b]** behaving in a disorderly manner, or causing a nuisance to members, their guests, host unions, community while representing NSA;

**[c]** contravening the Association's Constitution or Schedules [for example, involved in contravention of election rules to gain unfair advantage over an opponent];

**[d]** behaving in a manner which has brought the Association into disrepute;

**[e]** obstructing a student officer, an NSA staff member, or any other duly authorised official during the execution of her/his duties;

**[f]** signing into the club a guest who has been guilty of any of the above offences;

**[g]** committing a disciplinary offence while in another association, union or club with which Napier Students' Association has a reciprocal agreement [the definition of a disciplinary offence being a matter for the host union];

**[h]** threatening, abusing or harassing a member of staff, elected officer or other official acting for the Association, or threatening, abusing or harassing a fellow member or her/his signed in guest;

**[i]** despite cautions, persistently acting in contravention of the equal opportunities policy, or harassing a fellow member or their signed in guest(s), or member of NSA staff or elected officer;

**[k]** acting in contravention of any rules, codes of practice or specific guidelines properly established by the Association to regulate its affairs;

**[l]** electoral malpractice.

.2 Discipline cases shall normally be heard within 20 (twenty) university days of the date of the offence. Except, where a case is also to be heard by an external body, such as the Courts or a University Disciplinary Hearing, when the NSA Members' Disciplinary Committee may decide to defer a hearing pending the outcome of the external hearing[s].

.3 Discipline cases referred to the Association by a host union, association, or club with which the Association has a reciprocal agreement, shall normally be held within 20 (twenty) university days of the receipt of the charge sheet from the host union, association or club involved. Except, where a case is also to be heard by an external body, such as the Courts or a University Disciplinary Hearing, where the NSA Members' Disciplinary Committee may decide to defer a hearing pending the outcome of the external hearing[s].

#### **4. Allegations and Investigations:**

.1 Allegations must be raised, on a charge sheet, through the President [see Appendix 4], or where the President, as chair of the hearing, is the subject of the allegations or a material witness, with the Treasurer and Student Activities Officer, or other Executive Committee Member where appropriate, who is not part of the allegations.

.2 A charge can be made by a member against another member. Where it relates to an offence involving a staff member, the charge shall be raised through the office of President and dealt with under established staff procedures.

.3 On receipt of the charge sheet, the President may order a preliminary investigation into the allegation, to establish background facts, get witness statements and so on.

.4 On the basis of the evidence s/he receives, the President shall decide whether or not a hearing should be convened to hear the case against the defendant and, if so, on what grounds.

.5 The option shall also exist for the President to refer the case to another body that may deal with the matter more appropriately, for example, to the University or to the Police or to the Sports Union Disciplinary Panel. Despite a referral, the Association may still wish to proceed with its own disciplinary charges, but it may opt to defer them until after the case has been dealt with by the Courts or the University's Discipline Procedure.

### **[B] CONVENING A HEARING:**

1. When the Chair decides to proceed with a disciplinary case, s/he shall send the member against whom the charges have been made a pro forma charge sheet, stating the time, date and venue of the hearing, her/his right to call witnesses and to representation by a university colleague, the charge alleged against her/him, and a copy of Schedule 4 of the Constitution.

2. In the presence of the Secretary to the Committee, the Chair shall draw three names from the pool of seven ordinary members on the Committee to hear the case.

3. The Chair shall inform members of the time, date and venue of the hearing, and invite them to a short pre-meeting to discuss the purpose of the meeting and its format. This will normally not be on the same day as the hearing, so that any member who has had prior knowledge of, or involvement in, the case shall stand down and be replaced in time for the hearing.

4. Principles Underlying the Use of the Procedure. Members of the panel shall take all reasonable steps to ensure that:

.1 hearings are fair and comply with principles of natural justice;

.2 the member is aware of her/his right to be accompanied or represented at the hearing by another student member;

.3 all participants are clear about procedures, and their mutual rights and responsibilities;

.4 all participants treat each other with courtesy, and do not seek to use intimidatory or threatening behaviour;

.5 charges are not merely borne out of a personal antagonism against a member,

.6 proper cross examination of witnesses is facilitated [although there may be special arrangements in cases of alleged harassment];

.7 decisions of the panel are consistent with the evidence and made on the balance of probability;

.8 penalties are commensurate with the offence and, historically, with the penalties issued for similar offences.

## **[C] PROCEDURE:**

1. At the hearing itself, the Chair shall introduce all parties present and define their roles at the hearing. S/he shall direct proceedings and keep order.
2. The member against whom charges have been made is entitled to have a witness as a representative, but the representative cannot act as her/his witness after acting as her/his representative and so must be called as a witness before acting as a representative.
3. Should the member against whom charges have been made fail to attend without good reason, the panel is entitled either to suspend him/her from membership rights pending a re-scheduling of the case, or to hear the case in her/his absence.
4. The charge will be read out and the member shall either admit or deny the charge against her/him. Where the charge is admitted, the member shall be given an opportunity to state any mitigating circumstances in her/his favour before the panel, in camera, decides on whether to impose a penalty on her/him and on the nature of the penalty. Where the charge is denied, the allegations shall be put with supporting evidence and witnesses who shall be questioned and cross-examined, before the member defending the allegation and her/his witnesses are questioned and cross examined.
5. It is normal for the member against whom the charges have been made, and her/his appointed colleague representing or accompanying her/him, to be present throughout proceedings until the point where the panel retires to consider the evidence and make its decision. However, where there is a case of alleged harassment and the person alleging harassment does not feel able to confront her/his alleged harasser, it will be possible to take that person's statement and ask questions without the alleged aggrieved party being present. This is at the discretion of the Chair, but shall normally involve either the member's representative or the Chair reading a list of written questions and noting their responses to allow the member to cross examine.
6. After the case has been heard, the panel shall consider the case and the evidence in camera and shall decide the outcome in good faith based upon their assessment of the evidence and the test of "the balance of probability".
7. A simple majority vote shall suffice to enact a decision.

## **[D] OUTCOMES**

1. There are four possible outcomes that a panel can reach:
  - .1 that the charge is dismissed and no further action should be taken.
  - .2 the charge is not proven and no further action should be taken;
  - .3 that the defendant is guilty of a lesser offence and an appropriate penalty should be considered;
  - .4 that the charge is upheld and an appropriate penalty should be decided.

### **2. Consideration of Penalties:**

There is a range of penalties available to the panel. In deciding which penalty to impose the panel shall:

- .1 take into consideration any mitigating circumstances that the panel believes to be valid;
- .2 take into consideration any past offences the defendant has on record;
- .3 try to ensure that the penalty imposed is commensurate with the offence [for example, physical damage may best be penalised by an apology and a fine to fix what has been damaged and/or a temporary suspension from all or one venue].

### **3. Penalty Options:**

- .1 An order to the offender to make a verbal or written apology to the appropriate party/ies.
- .2 A fine of up to £200 to cover the cost of damage and either repair or installation of a replacement.
- .3 The member to step down from holding office in any NSA committee, club or other NSA-funded body for a specified period.
- .4 A suspension of access to NSA's membership services, or part thereof, for a period up to one year.
- .5 A lifetime ban from all NSA facilities and services.

Except, students shall not normally be prevented to having access to NSA education and welfare advice services, unless the member is being disciplined from a serious complaint arising from that service. For example, where the member is persistently racist in behaviour, or is abusive to a member of the advice team.

### **4. Conveying, Recording and Enforcing A Decision.**

- .1 The Chair shall inform the defendant of the decision in writing within three working days of the decision being made, and of her/his right to appeal against the decision within a week of the decision being issued [from the post-mark].
- .2 The Chair shall write a short record of the case, attaching any relevant documentation, and place it on the Discipline file.
- .3 The Chair shall liaise with the appropriate staff to enforce any penalties.
- .4 Failure to pay a fine to cover damage within one month will automatically result in a suspension of membership rights and may result in the case being referred to the Police.
- .5 Where a reciprocal agreement is involved, the Chair shall inform the appropriate officers in other unions, association and other clubs of the name, matriculation number, and terms of any expulsion or ban.

### **5. Re-Hearing:**

- .1 A re-hearing may be granted in the following exceptional circumstances:
  - [a] where new evidence, not hitherto available, is submitted to the Association; and which suggests prima facie that the decision of the Discipline Committee on the case would probably have been other than that decided at the original hearing had the new evidence been presented;
  - [b] where a quorate meeting of the Senate decides that the case warrants a re-hearing on a matter of procedural propriety.
- .2 The re-hearing shall be heard by the Discipline Committee, chaired by the President, except that substitutions from the Executive Committee are permissible at the discretion of that Committee or Senate where the President has had prior knowledge of, or involvement in, the case other than as an impartial chair of the initial hearing.
- .3 Written notification of the outcome of the Re-Hearing, and the reason for it, shall be sent by the Chair to the defendant normally no later than 3 university days after the appeals hearing.
- .4 There is a right to appeal on a re-hearing decision. Appeal on a re-hearing shall be to an Appeals Panel chaired by a member nominated from the membership of the Executive Committee.

### **6. General**

- .1 Nothing in the above procedure shall prevent the Membership Discipline Committee, at any time during the hearing, from dismissing the case or adjourning the hearing.
- .2 Nothing in the above procedure shall prevent the Discipline Committee from deciding, at any time, to suspend the case on the grounds that is beyond the competence of the Association, and/or referring it to the University, Police or other appropriate body.

## **[E] Members' Disciplinary Committee:**

### **1. Status and Remit**

- .1 The Committee is a standing committee of Senate and it is accountable to Senate.
- .2 The objects of the committee shall be to:
  - [i] enforce club discipline among the membership, and otherwise to ensure that members abide by the club's constitution and the licensing laws;

[ii] ensure that disciplinary proceedings are properly brought and documented, and that hearings are properly constituted and fair, in line with principles of natural justice.

## **2. Membership**

.1 The core voting membership of the committee shall be:

[i] the President (or see above for cases in which alternative chairs are more appropriate), who shall chair proceedings.

[ii] one Executive Committee Member (a part time member if possible);

[iii] three ordinary students, drawn anonymously from a pool of seven, elected at the first Senate meeting of the session.

.2 The Club Secretary, or her/his staff nominee, shall act as Secretary to the Committee and may advise on procedure but shall have no voting rights.

.3 The quorum for the Committee shall be 4 voting members.

## **3. Meetings**

.1 The Committee shall meet as and when required, but shall usually only meet whenever a disciplinary case is brought by the President.

.2 A binding decision shall be by simple majority. In the event of a tied vote, the motion shall be deemed to have fallen.

.3 Written minutes shall be taken at each meeting to record attendance and decisions taken. Copies of these minutes shall be filed in confidence. The names of any students disciplined shall be minuted, together with any penalty, and shall be listed for the next Senate. The Chair shall present a short termly report and answer questions on the committee's work.

## **[F] Members' Discipline Appeals Procedure:**

### **1. Rights of Appeal:**

.1 Any member found guilty and penalised under the Code of Discipline, shall have the right to appeal against the decision.

.2 Any appeal shall be lodged, in writing, with the Campaigns and Representation Officer/Chair of Senate, stating the ground(s) for appeal, within a week of the postmark on the letter informing the member of the Discipline Committee's decision.

### **2. Grounds for Appeal:**

Appeal may be made on any one, or a combination of, the following grounds only:

.1 that the Membership Disciplinary Committee, or the Sports Union [whichever body heard the case in the first instance] did not comply properly with its own procedure;

.2 that new evidence not previously available, but which would probably have affected the outcome if it had been so, has since become available;

.3 that the penalty was too severe for the offence committed.

### **3. Appeals Panel.**

.1 Any appeal against a decision of the Discipline Committee shall be heard by 3 members; none of whom shall have had any previous connection to the case.

.2 The chair shall be the Campaigns and Representation Officer unless s/he was involved in the case in any way at an earlier stage, in which case, it should be another Executive nominee;

.3 The other panel members shall comprise of one Part Time Executive Member and another representative drawn from the pool of those available.

.4 The Club Secretary, or preferably her/his nominee if the Secretary was present at the first hearing, who shall keep a record of discussion and advise on procedure as appropriate but shall have no voting rights;

.5 The quorum shall be 3 voting members.

### **4. Procedure**

.1 The Appeals Panel shall read the report of the 1st hearing and its findings.

.2 It shall consider the grounds for appeal and whether an appeal should be admitted. In some cases it may require to question the appellant in person before it reaches a decision on this.

.3 Where it decides that there are no grounds for appeal, the Chair shall write to the appellant and inform her/him of this and the reason for it within 3 working days of the Panel meeting.

.4 Where the panel decides to hear the appeal, the appellant shall be permitted to attend with a student colleague to accompany or represent her/him, to represent the case for the appeal and present any relevant documentary evidence or witnesses.

.5 The Chair of the first hearing may be called to respond to questions about the first hearing and the reasons for its decision.

.6 The Appeals Panel may ask questions of both the appellant and the defendant Chair and to cross examine any witnesses.

.7 Both parties will be required to withdraw while the Panel decides the outcome.

### **5. Options:**

.1 To uphold the appeal and lift or reduce the penalty imposed against her/him;

.2 To refer the case back to previous stage on procedural grounds, or on grounds of new evidence, with recommendations and instructions to re-consider the case;

.3 To dismiss the appeal and uphold or increase the penalty imposed so that it is commensurate with the offence.

### **6. Conveying, Recording and Enforcing A Decision.**

.1 The Chair shall inform the defendant of the decision in writing within 3 working days of the decision being made.

.2 The Chair shall write a short record of the case, attaching any relevant documentation, and place it on the Discipline file.

.3 The Chair shall liaise with the President over the enforcement of any penalties.

.4 Where a reciprocal agreement is involved, the President shall inform the appropriate officers in other unions, association and other clubs of the name, matriculation number, and terms of any expulsion or ban.

.5 The decision of the Appeals Panel shall be final.

## SCHEDULE 5: THE STUDENT NEWSPAPER AND EDITORIAL BOARD

### [A] Editorial Board

#### 1. Status and Remit

- .1 The Editorial Board exists to produce and distribute a regular student newspaper that is particularly tailored to the needs of Napier students, and will aim both inform and entertain them.
- .2 The Board shall ensure that the student newspaper or publication is accessible to contributions from all Napier students and that it is not, nor seen to be, the preserve of the Editorial Board or any particular group or course.
- .3 The newspaper/publication may take whatever form the Board wants, with the approval of Senate, and should be produced at intervals proposed by the Board and approved by Senate.
- .4 It shall receive a limited amount of financial support from NSA, but the aim is that the paper/publication should generate its own revenue to cover costs, with a view to becoming self-financing. The Board is accountable to the NSA Finance Committee for its budget and financial affairs.
- .5 The newspaper is editorially independent of NSA's "political control", but the Board is accountable to the Publications Council for its content and must ensure that the Publications Council has an opportunity to vet the copy prior to it being printed or being released to students via electronic media, or otherwise circulated or distributed. The only grounds for the Publications Council preventing publication of the copy or launching the copy via electronic media shall be when any part of the draft is seen to be defamatory, libelous, or otherwise legally actionable, or when the NSA Press Code, to which contributors are subject, has been breached.
- .6 The Publications Council has the right to withhold publication and/or dissemination of the student newspaper. This right can be over-turned on appeal to Senate by the Editor, and the support of two thirds of those present for the decision to be over-turned.
- .7 The Editorial Board shall work with contributors to engender good journalistic practice and high standards among contributors.

#### 2. Membership

1. The core membership of the board shall be:
  - (a) the Editor, elected by cross campus ballot.
  - (b) a Board of no fewer than 5 other students. Their designations can be determined by the Editor, but there shall only be one legitimate Editor-in-Chief, who shall be the elected by cross campus ballot and be ultimately responsible for the publication.
2. No office bearer or Board member at the student newspaper may be a member of the NSA Executive Committee.

#### 3. Meetings

- .1 The Editorial Board shall normally meet to delegate work at the start of an issue, and thereafter when it is deemed necessary.
- .2 In the event of a dispute between the editor and her/his Board Members, the Editor shall have the final say, but may take legal or other advice in reaching her/his decision as and when necessary.

### [B] Role of The Editor.

#### The editor shall:

- .1 be ultimately accountable to Senate and only the Senate will have the authority to remove her/him from office. However, in the interim, s/he shall also report to, and comply with, the requirements of the Publications Council on issues concerning the publication, dissemination or transmission of copy, and to the Finance Committee on financial and budgetary matters;
- .2 shall co-ordinate the efforts of the newspaper team to produce copy, adhere to copy dates, and to make the final decision on the content of the publication;
- .3 ensure that all contributors are made aware of, understand and agree to abide by the press code of practice, to enforce the Code of Practice in the production of the paper;
- .4 ensure that copy is submitted to the Publications Council prior to it being published either as hard copy or disseminated via electronic media, and to make any pre-publication changes required by the Council;
- .5 endeavour to ensure sound journalistic standards, in terms of cross corroborating stories and sources; checking journalists' notebooks for accuracy on "controversial" stories; offering opportunities to comment to all relevant parties, especially those against whom allegations have been made in controversial stories, and so on;
- .6 take all reasonable steps to ensure that copy is factually accurate, neither libelous nor defamatory; that it does not infringe the terms set down on the Press Code, and that it is not otherwise unlawful;
- .7 be responsible for ensuring that the content of the paper for the period of NSA elections: from the opening of nominations until the declaration; shall be fair and balanced, treating no candidate(s), or referendum option, more or less favourably than another. In the case where a member of her/his team is running for office, s/he shall temporarily suspend her/him from writing for the publication from the period between the closure of nominations and the closure of the polls;
- .8 exercise proper control of assets: access to the newsroom, information technology equipment and telecommunications;
- .9 be financially accountable to the NSA Finance Committee for working to the budgetary guidelines, and, on an operations level, to budget for production costs and other expenses. S/he shall also be responsible for providing regular financial updates to the Treasurer and Student Activities Officer, and for ensuring that positive steps are taken to attract advertising revenue;
- .10 take responsibility for the content and placement of submissions for publication from guests or readers and ensure that they are not legally actionable or in contravention of the NSA Press Code of Conduct;
- .11 ensure that any work involving refunding expenses to journalists, photographers or others involved on the paper, is authorised in principle prior to the expense being incurred, setting a limit to the amount that can be claimed from the budget where appropriate.
- .12 ensure that the gratuities register is kept up to date for gifts, introductory offers, and review material; and to submit this for inspection to the Publications Council at the end of each semester.

### [C] Press Code [adapted from the NUJ code of practice]

All contributors to the newspaper will be expected to read, understand and agree to abide by the Press Code before they are permitted to publish any article, photograph, or illustration in NSA publications or electronic media.

Clauses 1 - 3 have been created especially in response to NSA's needs to ensure fairness to:

- [a] the students who use NSA's private and confidential services,
- [b] the staff employed by NSA, carrying out their duties,
- [c] students standing for election to NSA office or in support of particular positions in relation to referendum options.

#### .1 Confidential Education and Welfare Cases.

NSA publications and their contributors shall not publish or broadcast anything concerning private and confidential education, welfare or representation cases without the express consent of the student(s) involved, the knowledge of the member of the education and welfare staff team (ISAS) dealing with the case and NSA's President. This shall include direct references and those indirect references that lead to the public identification of the student involved.

## **.2 NSA Staff.**

Because NSA staff are not permitted to discuss issues with the press without the prior authorisation from elected officers as employers, NSA publications and their contributors shall not publish or broadcast anything concerning NSA staff or their employment, or make reference to a member of NSA staff, without the express consent of the staff member involved, her/his senior line manager, and NSA's President. This shall include direct references and those indirect references which lead to the public identification of the staff concerned.

## **.3 NSA Elections.**

In the absence of a pluralistic student media on campus free to support various candidacies and positions in a campus election, the student press, and contributors to it, have a special responsibility to strive to present candidates in an NSA election, and positions in a referendum, in a balanced and unbiased way. No candidates should be treated more or less favourably than their electoral opponents, nor shall any referendum position be favoured over another for the duration of the campaign [from close of nominations in an election or the setting of the referendum question, to the declaration of the result]. The aim of the press should be to avoid favouritism between candidates and to avoid making personal derogatory remarks about candidates. The concepts of achieving fair and unbiased election coverage extend from the content of articles to the images used and their placement in the paper.

## **.4 Contributors shall also:**

- [a]** defend the principle of freedom of the press in relation to the collection of information and the expression of comment and criticism, and shall strive to eliminate distortion, news suppression and censorship;
- [b]** ensure that the information s/he disseminates is fair and accurate, avoiding the expression of comment and conjecture as established fact, and avoiding falsification by distortion, selection or misrepresentation;
- [c]** rectify promptly all harmful inaccuracies, ensuring that correction and apologies receive due prominence and afford the right to reply to persons criticised;
- [d]** obtain information, photographs and illustrations only by straightforward means;
- [e]** not intrude into private grief or distress;
- [f]** not accept bribes or otherwise allow inducements to influence the performance of her/his duties as a contributor to NSA publications, and to declare all gratuities [including samples, review materials, gifts and free access to concerts and clubs etc], in the gratuities register;
- [g]** work within the budget specified, obtain prior consent from the Editor for all work involving expenses, support all claims for expenses by receipts, and not make any false claims for expenses;
- [h]** not suppress the truth because of advertising considerations and not, by way of statement, voice or appearance, endorse by advertisement any commercial product or service;
- [i]** only mention a person's sex, age, colour or ethnic origin, creed, religious or political beliefs, sexuality, disability or illness, family/marital status, if this information is strictly relevant to the article; and shall not originate or process material which encourages discrimination, ridicule, prejudice or hatred on any of the above grounds;
- [j]** not take private advantage of information gained in the course of her/his duties as a contributor before the information is public knowledge;
- [k]** observe any embargoes attached to statements or press releases from NSA's Executive Committee and Senate;
- [l]** take a strictly non-partisan stance in the coverage of any NSA elections or referendums, treating all election candidates and issues in referendums, in a fair and unbiased way, in terms of both length and content of elections coverage; with the objective of providing Napier students with objective information;
- [m]** not use NSA publications as a vehicle for the personal vilification of individuals, or to wage personal campaigns or vendettas against individuals.
- [n]** shall endeavour to protect confidential sources of information.

## **.5 Main NSA Contacts for the Student Newspaper:**

The main NSA contacts are:

- [a]** The Treasurer and Student Activities Officer. S/he shall deal with all financial and budgetary matters, any requests for practical support or assistance, and shall chair the Publications Council;
- [b]** The President, who is the official spokesperson for NSA and attends the Publications Council.

## **SCHEDULE 6: THE PUBLICATIONS COUNCIL**

### **1. Status and Remit:**

- .1** The Council is accountable to Senate.
- .2** It shall deal with the content of the publications issued under the auspices of the Association, or funded through public funds issued through NSA. This shall include the student newspaper but also those publications in a variety of formats, including electronic newspapers or news formats, produced by clubs and societies constituted under NSA.
- .3** Where there are any concerns or difficulties that copy is defamatory or libelous, or contravenes the NSA Press Code of Practice, the Council will liaise with the Editor of the publication over content and/or forms of words, and parties will aim to reach a mutually negotiated solution to difficulties.
- .4** Where a mutually negotiated solution is not possible the Council may seek legal advice as appropriate and shall have the authority to prevent publication or dissemination of the publication and to freeze public funds to the publication.

### **2. Objectives:**

- .1** To uphold the principles of a free press for the student newspaper and prevent political censorship, while also ensuring that what is disseminated is not defamatory or libelous, or otherwise in contravention of the NSA Press Code of Practice;
- .2** To ensure that neither the newspaper nor any other publication being produced under NSA auspices or with its funds contravenes the Education Act 1994;
- .3** To ensure that the student press operates within the constraints of the NSA Press Code and within the constraints of its budget allocation;
- .4** To inspect the Editorial Board's gratuities register on a termly basis, reporting any concerns to the Finance Committee or the Senate.

### **3. Grounds on Which To Prevent Publication And Dissemination**

The Council shall have the power to withdraw, withhold or delay publications, but only on the grounds that:

- .1** they are libelous, defamatory, or otherwise unlawful or actionable, or
- .2** they are in contravention of the NSA Press Code of Conduct;
- .3** they contravene the Education Act 1994 and therefore endanger NSA's legal position as an association;
- .4** there are insufficient funds to cover the cost of publication.

### **4. Membership**

- .1** The Chair of the Council, who shall be the Treasurer and Student Activities Officer,
- .2** A part time member of the Executive,

- .3 The Editor of the publication, who shall be non-voting,
- .4 The President, who shall be non-voting;
- .5 The Association Secretary, or her/his staff nominee, who, as a staff member, shall keep a record of discussion and provide advice as required, but be non-voting.

#### **5. Meetings**

- .1 The Editor of the newspaper, or other publication, shall submit the draft publication to the Council prior to its publication or dissemination by other means, so that it can be checked. Meetings will be convened as and when they are required.
- .2 The Council will meet as soon as possible to consider a publication, usually within 24 hours, so as to avoid unnecessary delays to publication, to read the draft and ensure that it is not legally actionable or in breach of the press code.
- .3 In the event of the Council deeming the publication to be in contravention of 3.1, 3.2 or 3.3 above, it has the right to withhold publication, but will normally try to negotiate a mutually acceptable solution and a revised deadline rather than prevent publication per se.
- .4 In the event of a tied vote, the Chair shall have a casting vote on the appropriate action to take.

## **SCHEDULE 7: ELECTIONS AND THE ELECTIONS COMMITTEE**

### **[A] General Principles:**

- .1 NSA is a democratic and student-led organisation and is committed to running fair and open elections.
- .2 All full members (see page 2, Constitution Part 1: 4.1) of the Association are eligible to run for elected office provided that: (1) they are compliant with the conditions for being a trustee of a registered charity as defined by statute and (2) the University Registry can confirm with the Elections Committee that they satisfy the requirements of matriculation, are currently Napier students and have been through the process of matriculation at the time of the closure of election nominations and (3) the School in which their programme is registered can also confirm with the Elections Committee that they are current student actively progressing on that programme at the time of closure of election nominations and (4) they satisfy the criteria for particular posts where specified at closure of nominations.
- .3 NSA shall endeavour to make full members aware of their right run for elected office.
- .4 NSA shall strive to ensure that elections are properly organised; that the electoral process is transparent and accessible for students and candidates; that no candidate gains an unfair advantage, or is unfairly disadvantaged, in relation to the others by the electoral process or the way it is enacted; that voters are provided with an opportunity to vote, without intimidation, in a secret ballot to elect the Executive Members; that the count is timeous, fair, transparent and accurate.

### **[B] The Elections Committee:**

#### **1. Status and Remit**

- .1 The Committee is a standing committee of Senate and is accountable to Senate. During the election campaign (from open of nomination to the declaration, or in a referendum campaign, from the decision to hold a referendum to the declaration – until the declaration and/or the outcome of any appeal in the first instance), it is the sole authority on elections.
- .2 Any subsequent appeal against its decisions it shall require a vote of 75% of the Senate members present at a quorate meeting to overturn an Elections Committee's decision.
- .3 Members of the Elections Committee shall always act in the interests of fairness towards the voters, and even-handedness between candidates and referendum positions, and shall endeavour to ensure that there is a level playing field between those competing for the same post.

#### **2. Functions of the Committee**

It is the responsibility of the Committee to:

- .1 organise, either directly or through a reputable 3<sup>rd</sup> party, the election for the Executive and Editorship of the Student Newspaper in February/March of each year and to organise by-elections, committee elections, and referendums as required;
- .2 ensure that the nomination process is open and publicised around the university;
- .3 check and rule on candidate eligibility according to the pre-set criteria;
- .4 draft the rules of campaign, detailing how they apply to candidates and their campaign teams, and making candidates aware at the start of the campaign of the rules and the penalties of breaching these;
- .5 ensure that campaigns are fair and that no candidate, or particular referendum position, gains an unfair advantage as a result of the electoral process or the way it is enacted;
- .6 investigate any allegations of dirty tricks and resolve disputes between candidates, and where appropriate, impose penalties on the offender[s];
- .7 take responsibility for the production of candidate/referendum publicity and issue guidelines on its content and format;
- .8 print, distribute and keep secure ballot papers as appropriate;
- .9 provide a reasonable opportunity for students to vote in NSA elections through a secret ballot;
- .10 organise hustings where appropriate;
- .11 organise the count; and where appropriate, recount[s];
- .12 publicise the results;
- .13 deal with candidates' appeals in the first instance, taking advice from external sources where appropriate.

#### **3. Membership**

The membership of the committee shall be:

- .1 The Returning Officer, or her/his staff nominee, who shall act as a non-voting chair,
- .2 One sabbatical member, (or, other campaign-neutral member of the Executive Committee),
- .3 Two members elected by Senate.
- .4 Committee Members must stand down when they are running for a post, or supporting or detracting from the campaign of any candidate or a position in a referendum. They must stand down prior to the campaign or prior to participating, positively or negatively, in any candidate's or referendum position's campaign. Failure to do so will result in a referral to the Members' Disciplinary Committee, or to the Staff Discipline Procedure (as appropriate) for electoral malpractice.
- .5 Any vacancy on the committee at the start of, or during, a campaign, shall be replaced by co-option. Co-option shall be agreed by a simple majority vote, but may be of any ordinary member of the Association on condition that s/he is neither standing for election, nor supporting/detracting from the campaign of any election candidate or referendum position.
- .6 Disputes relating to membership may be resolved at the next Senate.

#### **4. Meetings:**

- .1 The Committee shall meet as and when required, but will be expected to meet frequently immediately before and during NSA elections.
- .2 The quorum of the meeting shall be the Chair and two voting members.
- .3 Given the urgent nature of dealing with disputes and queries during a campaign, decisions may be reached over e-mail or the telephone, provided notes are kept of these.
- .4 In the event of a tied vote, the status quo on the issue will automatically be upheld. New policy initiatives and practices require to be passed by a majority vote of a quorate meeting in favour of a proposal (see standing orders, appendix 1).
- .5 The Chair shall answer any questions raised at Senate about the Committee's work.

## SCHEDULE 8: NSA STAFF

NSA employs staff to carry out the operational duties and ongoing management of the Association. The Association shall value and develop its staff, and shall strive to be a fair and good employer, complying with the law, promoting good employment practices and promoting equality of opportunity, especially in terms of recruitment, training and promotion.

Elected officers and staff shall work together to deliver good quality representation and services to students, and shall together contribute to the overall performance of the Association. The value of elected officers to the Association shall be as student representatives and leaders. NSA staff shall be valued for the skills, knowledge and abilities they are employed to utilise on NSA's behalf.

Although Association staff are accountable through standard employment channels rather than the Constitution, this section has been included in the Constitution in so far as it serves as a reference to, and makes requirements of, elected officers in relation to NSA staff, elected officers being accountable through the Constitution. The jointly-negotiated Staff-Elected Officer Protocol Agreement further details the nature of the relationship and interaction.

1. Staff members are not members of the Association and are not, therefore, subject to, or accountable through, the Constitution.
2. Staff terms and conditions of employment are collectively defined through employment law, through an individual contract of employment and a job description, and through other agreed procedures and working practices. In matters pertaining to staff employment, the contract of employment shall be the primary authority.
3. There is a jointly negotiated elected officer and staff protocol agreement, which provides a framework within which staff-elected officer working relationships shall operate.
4. Staff shall also have access to, and comply with, negotiated staff grievance and disciplinary procedures.
5. The Association shall operate an anti-harassment policy to protect employees from harassment or victimisation by student officers, customers and clients, as well as from staff colleagues and line managers. All employees shall have recourse to, and be subject to, this policy.
6. Overall terms and conditions of employment for Association staff shall be determined and regulated collectively, on the employer's side, by the Executive Committee, acting through its Staffing Committee.
7. The only elected officer with direct responsibility and authority for staffing on an operations basis, shall be the President, who shall act, on behalf of the Executive Committee, as the line manager to the senior Staff Manager(s) and support them in their efforts to attain their respective goals and targets.
8. Intervention in staffing, at an operations level, by any student officer, other than the Sabbatical President, shall be deemed to be in breach of the Constitution, and therefore may be subject to disciplinary action.
9. Staffing matters are deemed to be private and confidential and shall not be disclosed outwith the Executive Committee or Staffing Committee. Unauthorised disclosure of staffing issues is a disciplinary offence.
10. The Association shall comply with its own Health and Safety Procedures in addition to statutory requirements on health and safety at work. There shall be a Health and Safety Committee, chaired by the President, and including senior and operations managers and staff representing different workplaces within NSA.
11. Employees shall have the right to join or not to join a trade union, and the Association shall recognise the legitimacy of trade union(s) for negotiation purposes on collective and individual issues.
12. No former Executive Member or Sabbatical, or equivalent, of any student organisation shall be considered for a staff salaried or managerial post, or a post involved in policy development, unless a minimum of three years have elapsed since her/his elected office terminated.

### STAFFING COMMITTEE

#### 1. Remit:

- .1 To consider any structural staff changes, the creation and grading of new posts and any re-grading claims.
- .2 To provide personnel for any formal grievance or disciplinary panels or appeals panels.

#### 2. Membership:

- .1 The President, who shall be the Chair.
- .2 Treasurer and Student Activities Officer
- .3 2 part time Executive Officers
- .4 The Association Secretary who may keep records, and give advice as appropriate, but is a non-voting member.

#### 3. Meetings:

- .1 As and when appropriate.
- .2 The quorum shall be 3 voting members.

# APPENDICES

## APPENDIX 1: SPECIFICATIONS FOR AND DUTIES OF FULL TIME TRUSTEES

### 1. STATUS, ELIGIBILITY, REMUNERATION

.1 A full time elected officer is a remunerated trustee of the Association and not a staff member with employment rights. S/he has a written statement of particulars covering her/his term of office (see appendix 4).

.2 Any student who is employed by NSA in a staff capacity must resign her/his post, thereby terminating employment with the Association, prior to taking up an Executive position. Her/his term of elected office shall not count in the calculation of her/his continuous employment and there shall be no automatic right to be re-instated to her/his staff post upon termination of her/his term of Executive office.

.3 Representation shall be a key function of full time elected officer.

.4 Full time elected officers are collectively concerned with the strategic management of the organisation, but not involved in detailed operations management. Except that the President shall be the link between strategic and operations management.

.5 Full time elected officers shall have a defined term of office. This shall run for a maximum of one year, commencing on 1 August following the post-holder's election, and terminating the following 31 July; or, if elected in a by-election, from the date of the declaration to the following 31 July, or if co-opted during the third term, from the date of official co-option to the following 31 July.

.6 Under the 1994 Education Act Part II, 22 (2), a full time elected officer may hold office for a maximum of two terms of office, subject to annual re-election by the student body in a cross campus ballot. The two year maximum shall apply regardless of whether the individual has served in any one or a combination of sabbatical posts; and regardless also of whether the terms of office have been continuous or broken. Except: it shall not count as a term of office if a sabbatical is co-opted in the third term or s/he starts a training handover period before the 1 August.

.7 There shall be three co-equal and full time paid sabbatical officers. These shall be as follows:

(a) President

(b) Campaigns and Representation Officer

(c) Treasurer and Student Activities Officer

The duties attached to specific offices are detailed below. It is expected that all officers will work through the established processes and structures of the Students' Association to improve conditions for all students at Napier University.

### 2. FULL TIME ELECTED OFFICER TERMS.

.1 The rate of remuneration for full time elected officers shall be fixed at a rate determined by the University and approved by the Senate. Any proposed revisions of their remuneration shall be subject to the prior authorisation of the University.

NB: In 1998 full time elected officers' remuneration was fixed at spinal column point 6 of the National Joint Council Administrative, Professional, Technical and Clerical Services (Scottish Council) salary scales, entitled to cost of living rises negotiated nationally but with no length of service entitlements.

.2 Terms and conditions for full time elected officers shall be detailed in a fixed term statement of particulars. Any amendment to non-remunerative particulars will require the approval of a quorate Senate.

.3 Full time elected officers' accountability is to the Ordinary Members of the Association, through the Executive Committee in the first instance, and ultimately through Senate.

.4 Disciplinary action may be taken against full time elected officers under Appendix 5.

.5 In the event of it being discovered at some point during or following the election to full time elected office, that a candidate made a false declaration on her/his election nomination form, Senate may convene a disciplinary hearing and impose a suitable penalty, including summary dismissal from office. In the event that a full time elected officer does not satisfy the legal requirements to be a trustee of a charity of public body, advice will be taken and her/his office may be terminated summarily.

.6 Resignation of full time elected officers. Resignation must be in writing to the Association Secretary who shall give immediate written notification of this to other members of the Executive Committee.

.7 Any full time elected officer who submits her/his resignation must provide at least one calendar month's written notice to quit. Notice shall normally be worked out in full, unless this requirement is waived by a simple majority of the Executive Committee or Senate.

Resignation shall automatically be considered final if not withdrawn within seven days, or at the next meeting of the Executive Committee or Senate, whichever is sooner.

.8 In the event of a full time elected officer's resignation or dismissal before the end of the second term, the Elections Committee shall be convened, nominations re-opened to the vacant post and, where nominations are received, there shall be a by-election. This process shall normally be undertaken only once, even where no nominations are received, unless there is a further direction by a simple majority present and voting at Senate to re-open nominations.

.9 In the event of a full time elected officer's resignation or dismissal after the end of the second term, Senate has three options:

[a] to re-allocate the duties of the former full time elected officer among existing Executive Committee Members;

[b] to reconvene the Elections Committee and instruct it to open nominations for the post;

[c] to permit the appropriate full time elected officers-elect to fill the position. This should, wherever possible be a direct substitution, but where this is not feasible, to select by secret ballot between those members-elect who declare themselves available to fill the vacancy.

.10 Any retraction of a resignation must be in writing to the Association Secretary to the Committee who shall take immediate steps to inform the Executive Members of it.

### 3. DESCRIPTION OF THE REPRESENTATIVE DUTIES OF FULL TIME ELECTED OFFICERS.

#### [A] PRESIDENT:

.1 To represent the Association and students to the University, and within the wider community.

.2 To be the primary official spokesperson on behalf of NSA and the student body.

.3 To be the primary representative of Napier students on matters pertaining to their general, non-academic, welfare and well-being.

.4 To chair the Executive Committee and, as such, ensure that the Committee complies with good standards of governance and trusteeship, and acts as an effective and representative policy development and enactment forum.

.5 To be part of the University's formal induction programme and the chief representative of NSA responsible for formally welcoming Napier Students to the University during freshers' week(s).

.6 To create and maintain a positive and high profile for the Association on campus throughout the year, and to have overall responsibility for the strategic marketing and public relations of the Association.

.7 To be Student Governor to the University Court.

.8 To be project leader of the strategic planning process throughout the year and ensure that NSA maintains momentum towards the its goals and objectives.

.9 To act on behalf of the Executive Committee on staffing matters; to chair the Staffing Committee; to be the only elected officer with an operational role in staffing, acting as manager to the senior line manager(s), supporting staff in their attainment of goals; and to have the authority to make binding agreements with staff, including agreements with staff in relation to elected officers. To work with the Executive and senior manager(s) to co-ordinate the efforts of elected officers and staff as appropriate.

.10 To be chair of the Charity's Board of Trustees and the Association's Governing Body and ensure that NSA dispenses its legal requirements and adheres to its Constitution. To be the chief officer with overall responsibility for health and safety at NSA.

.11 To Chair the Sports Union Awards Panel to ensure that the process of selection is fair and complies with objectively set criteria and to Chair the Members' Disciplinary Panel.

.12 General duties, including attendance at various university and NSA committees (Senate, Executive, Finance), participation in profiling and campaign work, contributing to freshers events and publications, entertainment, union days and so on.

#### **[B] CAMPAIGNS AND REPRESENTATION OFFICER:**

- .1 To be the primary spokesperson and representative of Napier students on academic matters.
- .2 To chair and support the work of Senate and, as such, to ensure that Senate is an effective and representative forum for debate on issues affecting students, for the initiation of policy and for the accountability for the Executive and Senate sub-committees.
- .3 Actively to promote and develop broad based student representation and participation in decision-making at all levels within the University and the Association.
- .4 To develop effective means of representation and problem resolution for Napier students studying at remote campuses, on research degrees of research parts of masters programmes, and distance learners.
- .5 To have overall responsibility for the programme representative system in terms of encouraging student participation and to support reps who seek assistance in progressing issues on behalf of their class.
- .6 To initiate and organise the delivery of campaigns in support of policy goals and issue awareness, as and when appropriate.
- .7 To undertake research on academic standards and provision as a means of contributing to the on-going debate about academic standards and learning support.
- .8 To support the work of faculty representatives, especially in committee and meeting forums.
- .9 To be involved in the planning, organization and delivery of induction and freshers' week events and to be project manager for the freshers' fair(s).
- .10 Actively promote equality of opportunity within the University and the Association and to ensure that this principle is integral to all policy passed and procedures enacted.
- .11 To act as Chair of the Staffing Appeal Panel as and when required.
- .12 General duties, including attendance at various university and NSA committees, participation in profiling work, contributing to freshers events and publications, entertainment, union days and so on.

#### **[C] TREASURER AND ACTIVITIES OFFICER.**

- .1 To be the Association's official Treasurer and Chair to the Finance Committee, ensuring financial probity and that proper financial procedures are followed.
- .2 To present the Association's accounts and financial reports to university management at formal meetings throughout the year.
- .3 To monitor income and expenditure against projections and bring issues relating to this performance to the attention of the Executive and Finance Committees.
- .4 To foster student participation in sports and societies as a means of creating a cohesive Napier student culture and identity, contributing to student development and the quality of the non-academic student experience at Napier University.
- .5 To be Sports Union President and be responsible for the Sports Union and its constituent student clubs: chairing the Sports Clubs' Council and the Sports Executive; to have budgetary authority in support of their activities; to assist in the compilation of budget proposals and inventory control, and in the development of safety policies, fixture lists, awards, events and so on.
- .6 To have overall responsibility for student societies: chairing the Societies' Council and the Societies' Executive to have budgetary authority in support of their activities; to assist in the compilation of budget proposals and inventory control, and in the development of safety policies, awards, events and so on.
- .7 Actively to create, develop and promote, greater student participation in personal development opportunities around campus and encourage student participation in activities to support the wider community.
- .8 To develop and actively pursue a strategy to attract funding and sponsorship and support in kind for Association activities,
- .9 To be involved in the planning, organization and delivery of induction and freshers' week events and support the work of the Campaigns and Representation Officer in organising the freshers' fair, especially in relation to the profile of sports clubs and other student societies.
- .10 To be editor for the Freshers' handbook, and to co-ordinate student contributions for it to promote sports and societies.
- .11 To be a member of University induction forums and ensure that student activities are given a high profile.
- .12 General duties, including attendance at various university and NSA committees, participation in profiling work, contributing to freshers events and publications, entertainment, union days and so on.

## **APPENDIX 2 : SPECIFICATIONS FOR AND DUTIES OF PART TIME EXECUTIVE OFFICERS**

### **1. GENERAL:**

- .1 Part Time Executive Members are unremunerated Trustees and Governors of the Association. As such they shall have no financial interest in the Association and are not permitted to hold any paid position with NSA while a part time member of the Executive Committee.
- .2 An Executive Member is elected to represent the student body as a whole, but with particular reference to the needs of her/his designated client group.
- .3 Part Time Executive Members are, as part of the Committee, collectively concerned with the strategic management of the organisation, but shall have no involvement in operations management.
- .4 An Executive term of office shall last for one year, commencing on 1 August following the post-holder's election, and terminating the following 31 July. There is no limit to the number of terms an individual may be elected to serve provided that s/he remains a current matriculated student at Napier University and active on a course of study.  
Except that the Depute Faculty Student Officers shall take up office for a year from the date of their election in the autumn term until their replacements are elected at the same time the following year.
- .5 It is recognised that part-time Executive Committee Members have an on-going course of study to support as well as their Executive Committee responsibilities and, at certain times of the year, especially around assessment times, course work will take precedence over NSA duties. However, it is also expected that, by standing for part-time office, the member has a commitment to work through the Association to improve conditions for students, and that s/he shall make a reasonable commitment to the work of the Executive Committee. For example, s/he is expected to attend training and planning events, to take part in campaigns and representational work, to assist in maintaining a positive profile for NSA among the students on campus, to participate in other collective duties on the Executive Committee and actively to support other profiling events, such as freshers' week(s).

### **2. THE ROLE OF PART TIME EXECUTIVE COMMITTEE MEMBERS**

#### **[A] FACULTY STUDENT OFFICERS /DEPUTE FACULTY STUDENT OFFICERS**

- .1 Once elected, each Faculty Student Officer and Depute Faculty Student Officer shall have a responsibility to represent the collective interests of all students at Napier, and to undertake the collective responsibilities of the Executive Committee. However, s/he shall have particular responsibility actively to make himself/herself aware of the collective views and needs of the students in the faculty that s/he has been elected to represent, and shall endeavour to ensure that these views are properly articulated and accurately represented.
- .2 Faculty Student Officers shall be responsible for convening and chairing Faculty Councils for all student representatives on programmes registered with their particular University Faculty.
- .3 Faculty Student Officers shall represent the collective needs of their faculty primarily at Senior University level.
- .4 Depute Faculty Student Officers shall represent the collective needs of their faculty primarily at Faculty and School level.

## **[B] CLIENT GROUPS**

.1 Once elected, Client Group Representatives for international, mature and postgraduate students respectively; shall have a responsibility to represent the collective interests of all students at Napier. However, as Senate Representatives they shall have particular responsibility to act for and on behalf of their particular designated client groups. They shall endeavour to ensure that the views of students in these groups are properly and accurately represented.

.2 Representatives of client groups shall be responsible actively to seek and articulate the views of their respective groups on issues of concern to them. This may take the form of a meeting or e-mail discussion, or any other form that is deemed appropriate and effective.

.3 These representatives may be required to represent the views of their respective client groups in university committees and working groups of particular relevance to their constituencies.

## **APPENDIX 3: EXECUTIVE MEMBERS - GENERAL DUTIES – CODE OF CONDUCT**

To attend and participate fully in the work of the Executive Committee, the governorship, trusteeship and strategic management of the Students' Association, and the representative and policy enactment duties associated with the Committee. Making themselves fully accountable for their activities as elected officers, and ensuring that other members are held properly accountable for their actions.

To attend and participate in the work of the Senate, taking overall policy direction from Senate and actively to represent the needs of its students. To be fully accountable for activities as an Exec member, and play a part in ensuring that other members are held properly accountable for their actions.

To be an active member of the Executive team in promotional and profiling events and collective campaigns, including profiling events, freshers' week and other promotional events.

To attend to correspondence and student inquiries as required.

### **CONDUCT**

1. To adhere to the terms of the staff-elected officer protocol agreement and participate in the Staffing Committee of the Appeals Panel as designated and to be members of ad hoc hearings as required.
2. Conflict of Interest. A member of the NSA Executive Committee must comply with the requirements of the Executive/Trustees' Code of Conduct on eligibility and conflict of interest (see appendix 5) and shall take personal responsibility for self-declaring honestly under that procedure, on the clear understanding that their status may be subject to periodic investigation on behalf of the Board of Trustees. A Trustee must satisfy the legal criteria of charitable trusteeship defined in statute and by OSCR at all times, timeously notifying the Executive of any possible impediment, change to, or investigation into that status. Failure to do so may result in suspension or termination of office. S/he may not be a member of the Editorial Board of the student newspaper, nor may any Executive Committee Member participate in discussions or votes from which s/he stands personally to gain.
3. An Executive Committee Member may have no financial interest in the Association, except that sabbatical officers shall have an entitlement to monthly honorarium as full time governors, at a rate determined by the University. For example, s/he may not be permitted to act as a sales representative for a supplier to NSA, or use her/his position as an elected officer to gain favourable contracts with, or sales to, NSA for an external company, club or other private interest.
4. No Member shall make gains from the sale of alcohol at the club.
5. An Executive Committee Member may not use NSA resources to support or detract from a political party, or use these resources to generate private financial gain. This shall apply to use of stock, cash, premises, transport, office equipment and stationery and paid labour time. For example, it is not acceptable to use NSA telecommunications or computers to further a party political candidate or campaign, or for a sabbatical officer to work during working hours or from NSA premises to work on enterprises from which s/he stands personally to gain.
6. Gratuities Register. Gifts, introductory offers and hospitality shall be recorded in the office Gratuities Register and Members shall be responsible for ensuring that they comply with the regulations. The register shall be inspected regularly by the Finance Committee.
7. Register of Interests. There shall be a register of interests in which Executive Members/Governors are required to note any interests or memberships of organisation that may cause them to have a conflict of interest. This shall include membership of any Association society or club, membership of a political party or interest group, employment or other activities from which s/he gains financially or which might cause a conflict of interest for her/his role as an NSA governor.. For example, if a member is a private trader, or contracts in business or activities covered, or potentially covered, by the Association, s/he may stand to gain from a decision about NSA suppliers. Hence s/he should record this interest in the register. Individual Members are personally responsible for declaring their interests. Any attempt to mislead or conceal interests which are subsequently discovered may result in disciplinary action.

## **APPENDIX 4: STATEMENT OF PARTICULARS: FULL TIME / EXECUTIVE MEMBERS/NSA TRUSTEES GOVERNORS**

### **1. PARTIES TO THE AGREEMENT:**

This agreement is between Napier Students' Association, who shall contract \_\_\_\_\_ as a full time elected officer (sabbatical officer) and remunerated trustee and governor, but not an employee with employment rights, of the Association. This statement of particulars is, therefore, not a contract of employment.

### **2. OFFICE/POSITION:**

The post-holder shall hold the post of \_\_\_\_\_ by virtue of satisfying conditions of election established in NSA's Constitution. A description of core responsibilities is included in Appendix 1 and 2 of the Constitution.

As an Executive Committee Member, the office holder shall be a trustee and governor of the Association, upholding the cherished values of the Association and the principles of good governance, defined as selflessness, honesty, integrity, transparency, objectivity, leadership and accountability.

### **3. TERM OF OFFICE:**

- .1 The post-holder's term of office runs from \_\_\_\_\_ to \_\_\_\_\_
- .2 Sabbatical posts are subject to annual election [as detailed in NSA's Constitution]. A sabbatical term of office is defined as the period running from 1 August to the following 31 July, or any part of this period thereof. Except: a sabbatical officer may be co-opted, provided that the co-option takes place not earlier than the start of third, or summer term, and terminates on the following 31 July. This 3<sup>rd</sup> term co-option period shall not count towards a term of office; nor shall any training period prior to taking up office. Subject to annual re-election, full time elected officers may hold office for a maximum of two years. The two year maximum applies whether office is continuous or broken or is irrespective of which particular post the elected officer occupies.

### **4. HOURS OF WORK:**

- .1 Officers are expected to work a minimum of 36 hours and 15 minutes weekly exclusive of lunch breaks. This includes some evening work and occasional weekends, so there is an element of flexibility built around core working hours [hours when officers should be on site or on official duties] which are, Monday to Friday, 10.30am until 4pm.
- .2 Officers shall attend meetings and functions, and perform necessary duties outwith core hours. No remuneration shall be payable in lieu of hours exceeding the contracted minimum, but, subject to the prior authorisation of the Executive Committee, officers may be compensated for weekend duties by time off in lieu at a time suitable to the Executive Committee.

### **5. REMUNERATION:**

- .1 Officers are equally remunerated on the basis of a 36 hour and 15 minutes standard week. The salary rate is determined by the University and based on spinal point of the National Joint Council APT&C rates.

Gross salary for session \_\_\_\_\_ shall be £ \_\_\_\_\_

- .2 Provided the officer is still a full time elected officer with NSA when pay awards are made, s/he will be entitled to any cost of living pay awards negotiated nationally through the NJC at the appropriate point of the scale, and to have these back-dated as appropriate, but officers will not be entitled to any length of service increments. Income Tax and National Insurance Contributions shall be deducted from gross salary at source.
- .3 Remuneration shall be paid monthly, in arrears, into a bank account. Salaries are payable on the 21<sup>st</sup> day of the month, or the Friday preceding this should the 21<sup>st</sup> fall on a Saturday or Sunday. The pay period covered shall be from the 1<sup>st</sup> to the last day of the current calendar month.
- .4 Officers shall be entitled to draw an advance on salary up to a limit not exceeding £100 in any calendar month. Any advance can only be made in the calendar month for which the advance is being claimed (eg if payment for the current month is made on the 21<sup>st</sup>, then any advance on the following month's payment cannot be claimed until the 1<sup>st</sup> day of that month).

### **6. EXPENSES:**

- .1 Officers shall be entitled to any reasonable, normally receipted, out of pocket expenses incurred in the effective performance of essential duties and training as defined by the Constitution and policy of NSA. Any dispute over the reimbursement of expenses shall be referred to the Finance Committee for a final decision, with a right of appeal to the Senate. As a prospective financial beneficiary of the decision of the committee, the officer claiming the expenses shall not be permitted to vote in any decision from which s/he stands to gain personally.

### **7. HOLIDAYS:**

- .1 Annual leave entitlement is thirty days pro rata [2.5 days per complete calendar month worked]. None of this may be taken during term time, unless with the prior consent of the Executive Committee. In addition to basic leave entitlement, officers shall be entitled to all official University "public" holidays.
- .2 Subject to the prior agreement of the Executive Committee, officers may be compensated by time off in lieu for working any University holidays and weekends. They will not normally be granted any leave in lieu of evening work.
- .3 No payment shall be granted in lieu of any leave entitlement not used by the end of an officer's term of office.

### **8. SICK ABSENCE:**

- .1 Officers shall, by 10.30am, on the first day of absence, inform the office of any sickness or injury that prevents attendance for duty. Failure to do this may result in loss of remuneration.
- .2 If, due to sickness or injury, officers are absent from duties for a period up to and including three days, they shall be required to complete an absence form on the first day of their return to duty. No more than 10 sick days may be accounted for in this way over the course of a full term of elected office. In cases where sabbatical office runs from a date other than 1 August, the maximum number of uncertificated sick days shall be calculated on a pro rata basis.
- .3 Absence, due to sickness or injury, for a period of four to seven days inclusive must be covered by self-certification. This certificate, available from the Finance Office, should be completed and returned by no later than the first day the officer returns to duties. No more than ten days sick absence in any single sabbatical term of office may be accounted for by self-certification. In cases where sabbatical office runs from a date other than 1 August, the maximum number of self-certificated sick days shall be calculated on a pro rata basis.

- .4 Absence, due to sickness or injury, for a period exceeding seven days must be covered by a doctor's or hospital medical certificate. Medical Certificates should be sent to the Finance Office by no later than the eighth day of sick absence, and timeously submitted thereafter to cover periods of continued certificated absence for reasons of sickness or injury.
- .5 Failure to submit the appropriate certification on time, and in accordance with items 8.2, 8.3 and 8.4, may result in delay or loss or delay in remuneration.
- .6 Maximum entitlement to sick pay in any twelve month sabbatical term, and subject to the upward restrictions on uncertificated and self-certificated sick leave, is as follows:
 

|                                     |            |
|-------------------------------------|------------|
| up to five weeks                    | - full pay |
| over five weeks and up to ten weeks | - half pay |
| over ten weeks                      | - nil pay  |

**9. OTHER UNSCHEDULED ABSENCE:**

- .1 Officers should inform the office reception of any absence by no later than 10.30am on the first day of any absence from duty.
- .2 In the event of officers not informing the office of absence, or not reporting for work by 11am, it shall be assumed that they are absent, and leave, or where leave entitlement is exhausted, remuneration will be deducted to cover this absence.
- .3 Any absence, other than for reasons of sickness, injury or authorised vacation, shall be subject to the prior agreement of the Executive Committee. Except: in such cases where it is not possible to gain prior consent, then officers shall submit a letter to the next Executive Committee stating reason[s] for absence. The Committee shall then decide whether or not this leave shall be paid and/or whether the officer should face disciplinary charges in accordance with the Constitution for failing to cover duties without good cause.
- .4 Leave or pay deducted in lieu of absence may, at a later date, be reinstated, subject to the prior agreement of the Executive Committee, with appeal to Senate. Where it is not, however, unauthorised absence may be dealt with under the disciplinary procedure [Schedule 5].

**10. CONFLICTS OF INTEREST/GRATUITIES:**

- .1 Officers shall have no financial interest in any of the operations of the Association, and, as governors, they shall be expected to register their interests and to declare all gifts, including introductory offers, and corporate hospitality in the gratuities register.
- .2 Officers shall not undertake paid employment or other student representational work during their term of office, except with the prior agreement of the Executive Committee. Authorisation shall only be granted in cases where the Committee is of the opinion that such work shall not detract from the satisfactory performance of official duties at NSA. Should an officer be refused permission by the Executive Committee to take up employment or representative roles outwith NSA, s/he may appeal, in writing, to the next Student Senate, to have this decision reversed.
- .3 Officers may, subject to the prior agreement of the Executive Committee, undertake a course of study, attend lectures and tutorials and present for examination. Authorisation shall only be granted in cases where the Committee is of the opinion that the officer's academic work shall not interfere with the satisfactory performance of her/his official duties. Should an officer be refused permission by the Executive Committee to undertake a course of study, s/he may appeal, in writing, to the next Student Senate, to have this decision reversed.

**11. OTHER OBLIGATIONS**

- .1 Officers are responsible for complying with the relevant statutes and policies on health, safety and security within the premises of the Association.
- .2 Officers shall treat with the strictest confidence any reference to an Association member's personal or academic circumstances.
- .3 Officers shall treat all Association staffing matters in the strictest confidence and abide by agreed codes of conduct and procedures in relation to staff.
- .4 Officers shall comply with the Association's Equal Opportunities Policy.
- .5 Officers shall abide by the Constitution, Schedules, and Appendices and established procedures of the Association and with the Staff-Elected Officer Protocol Agreement.
- .6 Except with the formal prior agreement of the Executive Committee, officers shall not drink alcoholic beverages prior to, or during, the performance of official duties.
- .7 Any officer found to be intoxicated or incapable of performing her/his duties as a result of imbibing alcohol or other substances, may be subject to discipline (see appendix 5).
- .8 Officers must comply with NSA's IT policy when utilising NSA IT equipment and systems. Any officer found in contravention of this may be subject to disciplinary action (see appendix 5).

**12. TERMINATION OF SERVICE/GOVERNORSHIP:**

- .1 Officers may resign their sabbatical position by providing a minimum of one month's written notice to the President or the Association Secretary.
- .2 Notice shall normally be worked in full, except where formally waived by the Executive Committee.
- .3 In accordance with the Association's Constitution, officers may be subject to discipline up to and including the termination of service and dismissal from office. On dismissal, the officer will immediately cease to be entitled to remuneration, including payment for a notice period, however, the Senate may agree to pay in lieu of notice. Summary dismissal shall date from the day the decision was made summarily to terminate a term of office. Any period of suspension shall be fully remunerated.

**13. ARBITRATION:**

Any disagreement that may arise between the parties as to the interpretation of these mutually accepted terms and conditions, rights and liabilities thereunder, or any matter, claim or thing arising out of sabbatical appointment, whether during its substance or after its termination; shall be referred, in the first instance, to the Executive Committee for a decision. Any appeal against the interpretation of the Executive Committee's decision may be referred to Senate, which may take advice. Senate's decision shall be final.

Offered on behalf of the Association by the Association Secretary  
(signed/dated)

Terms and Conditions accepted by the Elected Officer  
(signed/dated)

## **APPENDIX 5: ELIGIBILITY AND CONFLICTS OF INTEREST CODE OF PRACTICE FOR TRUSTEES**

1. All trustees/members of the governing body must be full members of Napier Students' Association: full time or part time currently matriculated students of Napier University, active on a course/programme of study.

Should trustees cease to satisfy the criteria for full membership at any time during their term of office, they will not longer be eligible to be trustees and must inform NSA and relinquish their trusteeship/Executive membership with immediate effect.

2. Trustees must satisfy the legal requirements to be a trustee of a charity:
  - (a) be 18 years or over in age
  - (b) not be an un-discharged bankrupt
  - (c) not be disqualified from holding directorships or otherwise prohibited to be a trustee of a charity
  - (d) not have unspent criminal convictions that OSCR regulations deem incompatible with holding a charitable trusteeship
  - (e) otherwise comply with the standards of trusteeship eligibility defined by the Office of the Scottish Charities RegulatorShould an Executive Member fail to satisfy the criteria to be a trustee of the charity, s/he will no longer be eligible to remain on the Executive, and must inform NSA and relinquish their trusteeship/Executive membership with immediate effect.
3. Trustees must declare any interests they have that may impact on their role as trustees or cause them to have a possible conflict of interests. They shall do so at the start of their term of office and thereafter as such interests arise. This may include memberships of other organisations, clubs and societies constituted under NSA's constitution, and other interests including matters pertaining to personal finance, share-holding and employment that may impact on their role as trustees of Napier Students' Association. They must also assume responsibility to remove themselves from any discussion that may be deemed to be a conflict of interest.
4. Trustees, other than full time elected officers (sabbaticals), are permitted to hold office in a club or society constituted under NSA on condition that such office holders declare their interest at the outset and remove themselves from any discussion that may be deemed to be a conflict of interest.

### **Enforcement**

**Self-Declaration.** Legal responsibility for declaring eligibility, interests and conflicts of interests, shall rest primarily with individual trustees themselves. An opportunity will be provided to register interests and eligibility at the start of each meeting.

### **Right to Carry Out Checks on Status.**

However the Trustees collectively have an interest in ensuring that the charity's trustees are eligible and NSA reserves the right to carry out appropriate checks on status. It also has reasonable expectation that trustees will grant appropriate access for such checks to be carried out.

### **Register of Interests**

There shall be a register to record trustees' interests and members will have an opportunity at the start of every Executive meeting to update the register in line with their current status and interests.

### **Disputes**

In cases where eligibility or a conflict of interest is disputed, the Executive, acting as a Board of Trustees, will decide in the first instance, with appeal to Senate, taking advice as appropriate from OSCR and other appropriate sources.

In cases where the trustee declines access to NSA carrying out checks on status under part 2, the trustee shall automatically be suspended pending a ruling by Senate, or if after the last Senate of the session, by the Executive/Board of Trustees.

## **APPENDIX 6: DISCIPLINING AN ELECTED OFFICER**

### **1. General Principles:**

**[a]** The aim of the procedure is primarily to correct unacceptable conduct or performance among NSA's Executive members, Governors and Trustees and other elected officers but, in cases of gross misconduct, it may be necessary to dismiss an elected officer from office.

**[b]** Elected officers are student representatives and their status as such ought to be respected by other elected officers and members, even where they have political or personal differences with these officers. Hence, it is not acceptable for elected officers or members to table disciplinary action against an elected student representative solely because of political or personal differences with her/him. Where a member attempts to raise a discipline that is subsequently found to be malicious or vexatious, the member[s] who tabled or seconded the motion may also face disciplinary proceedings.

**[c]** However, it is also recognised that elected officers are representatives with obligations to the student body and to the Association as the representative organisation of Napier Students, and that Executive Committee Members, as Governors and Trustees of the Association, have public responsibilities towards the Association. Where an elected officer fails properly to exercise the responsibilities of her/his position, or where s/he contravenes these; it may be necessary to raise disciplinary action against her/him, either to correct unacceptable behaviour or to dismiss the elected officer from office, depending on the seriousness of the case.

**[d]** It is incumbent on any body hearing an allegation of misconduct to treat the subject fairly: to allow parties a proper opportunity to answer and be heard; to act reasonably; not to intimidate or harass the subject; and to consider her/his defence as objectively as possible.

**[e]** The term "appropriate body" refers to the bodies to which members are accountable and may discipline a member. These are as follows:

**Senate** - may caution, censure, no confidence and dismiss any elected officer.

**Executive Committee** - may caution, censure and no confidence Executive Committee Members. It may suspend a member from duty but not dismiss her/him. Except, the Executive Committee shall be able to dismiss an Executive Committee Member between the date of the last Senate of the second semester and the first Senate of the new session, on the condition that the dismissed Executive Member has a right to appeal to the next Senate for reinstatement where appropriate.

**Other Committees** may discipline their own lay members, up to passing a vote of no confidence, but members can only be dismissed by two thirds supporting the measure at a quorate Senate.

2. All NSA's elected officers, including sabbatical officers, shall be subject to the discipline procedure. In addition to the grounds established under the Members' Discipline Procedure, elected officers may be disciplined for:

- [a] failing to fulfil their responsibilities to NSA as elected officers;
- [b] inappropriate conduct as a governor or trustee [Executive Committee Members only];
- [c] contravention of the Constitution and Schedules;
- [d] bringing the Association into disrepute as a representative of it.

3. Disciplinary action may be raised by an ordinary member, a member of a sub-committee which the Executive Member chairs or of which s/he is a member, a member of the Executive Committee or a member of the Senate.

4. There shall be four levels of discipline for an elected officer: a caution, a censure or formal discipline, a vote of no confidence, dismissal from office.

[a] **A caution** has the status of an informal warning. It may be tabled spontaneously as a result of a report, or perceived inaction or inappropriate action, by any member of an appropriate body. It can be tabled verbally at the meeting, and passed by a simple majority of voting members present.

[b] **A censure** has the status of a formal warning. It may be tabled where the subject has allegedly committed a fairly serious lapse in conduct [failure to declare a gratuity, missing an important meeting or failure to carry out duties, or where s/he has persistently been guilty of minor misconduct or bad behaviour, for which she has already been cautioned or criticised in minutes of meetings, or for which s/he has already been the subject been a caution]. Censures must be tabled in writing, clearly stating the charge and the subject of the proposed censure, and circulated through the Chair in advance of the meeting with the mailing of papers to the relevant committee. Censures can be tabled by any member of an appropriate body and passed by a simple majority of voting members present.

[c] **A vote of no confidence** has the status of a first and final warning for gross misconduct [for example, theft, misappropriation of resources, a full time elected officer being absent without leave, an Executive Member not being lawfully eligible for governorship or trusteeship, or having acted in a way that constitutes a serious conflict of interests with the role of governor, deliberate misrepresentation of the Association to the University and so on], or an accumulation of censures [for example, if a member has already been censured, and the warning does not achieve the required change in behaviour]. Votes of no confidence mean that the elected officer conduct or performance have been such that fellow members no longer have any confidence in her/his ability to continue to serve in that role; that the situation is such that her/his continued membership is untenable. Motions of no confidence must be tabled in writing, stating clearly the subject of the motion and the reasons for it, and circulated with the papers in advance of the meeting through the Chair. Such votes can be tabled by any member of an appropriate body and passed by two thirds of those voting members present.

In the case of a full time elected officer being no confided, the Executive may choose to suspend her/him from membership pending a motion of dismissal. Provided this occurs within the elected officer's term of office, suspension from duties shall be fully remunerated at the normal rate.

[d] **A vote of dismissal** constitutes a dismissal from office and, for full time officers, a summary termination of their Executive, Governor and Trustee status and entitlements without further notice. Exceptionally the dismissing body may agree to remunerate a notice period in respect of a full time elected officer where it is recognised that the dismissal was primarily due to irreconcilable differences that made the working relationship untenable, rather than any act of gross or repeated incompetence or unacceptable behaviour.

A vote of dismissal shall automatically follow a vote of no confidence at a Senate, or from a referral after a vote of no confidence from another appropriate body. It shall be passed subject to receiving the support of two thirds of those present. Exceptionally, the Executive may dismiss a member provided it does during the period before the start of the autumn term or in the summer term after the final Senate of the session. A motion of dismissal requires the support of two thirds of the full current membership of the Executive.

## APPENDIX 7: NSA STANDING ORDERS

### 1. APPLICATION:

These standing orders shall apply to all meetings of the Association defined by the Constitution. Where there is an apparent conflict, the particulars noted in the main body of the Constitution shall take precedence, followed by the particulars noted in the schedules, followed by the particulars noted in the appendices (including Standing Orders).

### 2. AMENDMENTS:

Any proposal to amend standing orders shall be made through the process of constitutional revision that apply to appendices.

### 3. SUSPENSION OF STANDING ORDERS:

A proposal to suspend standing orders may be made if a voting member has the support of a minimum of a third of the voting members present. S/he may then present her/his reasons for the proposed suspension, to which the Chair shall respond. The issue shall then go to a show of hands vote, and be decided by a simple majority.

### 4. MEMBERSHIP/QUORUM:

.1 Membership and the quorum of meetings of shall be defined under this Constitution and in the Schedules. Unless otherwise stated, it shall be 50% + 1 of the total current membership, rounded up.

.2 Any inquorate meeting shall not be deemed competent to enact business, it cannot take the minutes of the last meeting, nor matters arising, and any decisions it makes shall have advisory status only.

### 5. AGENDA:

.1 Agendas and papers shall normally be posted to members so that they may receive them in advance of the meeting date.

.2 No binding policy decisions will normally be made without written proposals first having been circulated, prior to the meeting.

.3 The agenda shall have the following format:

[a] attendance - voting members, non-voting members and apologies;

[b] the accuracy of the minutes of the last meeting as a record of proceedings;

[c] the matters arising from the last minutes;

[d] reports;

[e] formal itemised business and items for decision and discussion;

[f] any other business, which shall normally be restricted to one item per member;

[g] the date of the next meeting.

Except [1] no proposals involving the spending of monies in excess of £200 for capital purchases or new recurring costs shall be considered under section 5 [e] (see above).

Except [2] all issues relating to staffing shall be subsumed under the title "staffing", with papers being circulated only within the Executive Committee, or the appropriate sub-committee of the Executive Committee.

Except [3] general meetings shall consider items under [e] only.

### 6. THE CHAIR AND THE RESPONSIBILITIES OF MEMBERS:

.1 Although the Chair has overall responsibility for organising meetings according to established procedures and for ensuring good order and proper debate, all members have a responsibility towards one another to uphold the principles of democratic debate:

[a] wherever possible, to have read all pre-circulated papers and minutes prior to the meeting;

[b] to speak through the chair and maintain silence and good order while other members are speaking;

[c] to use the right of free speech to make points that are relevant to the issue, and to try to make contributions to debate that are clear and succinct;

[d] to respect the rights of others to be heard in the debate and not do anything to prevent members from making legitimate contributions to debate;

[e] to refrain from any loud, aggressive, intimidatory or threatening behaviour towards other members.

.2 The Chair shall be defined under the main body of the Constitution and its schedules.

.3 The Chair shall call for papers for discussion to be sent to her/him in advance of the meeting.

.4 The Chair shall draw up an agenda of business, ensuring that all items are within the remit of her/his specific committee; and shall ensure that the agenda and any other relevant papers are circulated to members timeously.

.5 The Chair shall call the meeting to order and move through the business in the order listed on the agenda, unless otherwise directed by a simple majority of the members at the meeting; or there is a suspension of standing orders.

.6 It shall be the duty of the Chair to maintain order during debate; to ensure that remarks made are relevant to the issue being discussed; to ensure that no personally defamatory remarks are made between members of the committee; to ensure that any policy decided is within the remit of the committee and consistent with objectives of the organisation defined in the Constitution and the Strategic Plan and within overall policy guidelines established by Senate.

.7 On issues where the Chair has a personal interest, or there is a possible conflict of interest, it will be customary to demit the chair to a member who has no such interest.

.8 Committees are often serviced by a staff member. It will normally be the case that a dedicated staff member supports the work of the NSA committees but, on occasion, it may be necessary for her/him to substitute another staff nominee in her/his absence.

.9 Members shall be called upon to present any papers they have submitted for discussion, after which questions shall be taken to clarify points before the issue is opened for general discussion, when speakers will be invited to address the meeting on the basis of who first "catches the chair's eye".

.10 The Chair will endeavour to allow as many people to contribute to the debate, within a reasonable time scale. A simple majority may impose a guillotine on debate but shall understand that all new policy, or proposed changes to existing policy, ought to be as fully debated as is reasonably practicable.

.11 In the case of a GM, EGM, or Senate, the Chair must first demit the Chair if s/he wishes to make a personal contribution to the debate.

.12 At the end of a debate, the Chair shall summate the discussion and identify the main issues raised by members. Where there is a clear consensus on a proposal, s/he shall state that this is the case. In other circumstances, when opinion is divided or a member disagrees with the Chair's perception of a consensus, or where members call for a vote, a show of hands vote shall be taken. A simple majority shall be sufficient to decide an issue.

Except: any constitutional changes shall require to be passed as a whole and only then with the support of two thirds of the voting members present at the Senate.

Except: any vote to overturn the decision made by an Elections Committee during a campaign, shall require the vote of 75% of those present.

.13 The Chair may order a re-vote in cases where:

[a] the outcome of the first vote is unclear to her/him;

[b] where a motion calling for a re-vote has the support of a third of the voting members present.

- .14 Where the chair is an elected officer, s/he shall have one deliberative vote only, the same as other full members.
- .15 In the event of a tied vote, the status quo on the issue will automatically be upheld. Where appropriate the meeting may refer the proposal to depart from the status quo to an appropriate committee or elected officer for further information or research, and to report back at a future meeting. All new policy proposals require to be passed by a simple majority of members at the relevant quorate committee, and constitutional amendments require the support of two thirds of members present at a quorate Senate. Except, where there is a tied vote at an Editorial Board, the Editor/Chair shall have a casting vote as well as a deliberative vote. The casting vote shall normally be used in defence of the status quo.
- .16 After business has been enacted, or at the falling of the guillotine, the Chair shall ensure that decisions have been noted and shall move the committee on to next business.
- .17 At the end of the agenda, the Chair shall close the meeting and set a date for the next meeting.
- .18 The Chair shall ensure that minutes to the meeting are completed and sent out to members in accordance with the agreed time scale (normally at least five university days before the next scheduled meeting); with a letter calling for reports and proposals to be submitted for discussion at the next meeting.
- .19 S/he shall ensure that a copy of all agreed minutes are sent to NSA administration, where they shall be kept for a minimum of 3 years, and, after receiving approval as a true and fair record, they shall be open to consultation by members.

## **7. REPORT BACK PROCEDURE:**

- .1 Committees and Senate may request written or verbal reports on a regular or ad hoc basis.
- .2 The President shall report to each Senate on behalf of the Executive, the Treasurer and Student Activities Officer and the Editor on behalf of the student newspaper. Managers and full time elected officers shall provide written reports to every Executive on their activities since the previous meeting, and part time Executive Members shall provide short verbal updates.
- .3 Members may question the reports, either by written questions tabled in advance, or verbally at the meeting.
- .4 Following the delivery of a report, the floor shall be opened up for questions. Any written questions tabled in advance shall be taken first and an opportunity shall be provided for the questioner to ask a maximum of two supplementary questions.
- .5 The following are the options for the meeting after questions have been taken:
  - [a] acceptance of the report, with an instruction to implement the report's recommendations;
  - [b] notation of the report for information purposes;
  - [c] reference back of the report, or part of the report, on the grounds that it has failed fully to fulfil its terms of reference or that it is incomplete, in order that action on the report may satisfactorily be completed, amended or re-written, and presented to the next scheduled meeting;
  - [d] rejection of the report's findings and/or recommendations.
- .6 In cases where the report has been rejected it shall be an option for members to discipline the elected officer responsible for the report.

## **8. FORMAL DEBATE:** [This shall apply to General Meetings and the AGM of the Senate as appropriate, but not for committee meetings]

- .1 One motion shall be debated at any one time.
- .2 To start the debate on a motion, the proposer shall be called to move the motion.
- .3 This shall be followed by the seconder of the motion being called to speak.
- .4 Where there is an amendment, the chair will then ask for any proposer for the amendment to the original motion to speak, followed by her/his seconder;
- .5 Where there is a second and/or subsequent amendment, their proposers and seconders will follow suit, followed by opening the floor to contributions, starting with the debate on the amendments.
- .6 Thereafter, the Chair will ask for a speech against; then a speech in favour. This pattern shall be repeated once, after which a round of speeches will have been deemed to have been made.
- .7 The meeting may vote for further rounds by a simple majority vote.
- .8 After the issue has been debated, the proposer shall be asked to summate. S/he shall not be permitted to include any new material in her/his summation.
- .9 The motion will then move to the vote, by show of hands. If an amendment is passed, it shall become the substantive motion and the right of summation shall pass to the mover of the amendment, unless accepted by the proposer of the original motion.
- .10 **Points of Information.** These shall be made solely to give information. They shall contain no argument and shall be phrased in the form of a short statement. Points of information may be permitted only after the speaker has finished speaking. They shall not be used to interrupt speeches. They shall be permitted solely at the discretion of the Chair.
- .11 **Procedural Motions.** These may be moved by a speaker who has been called by the Chair to speak to the motion under debate. Procedural motions are as follows:
  - [a] the motion should not be put to the meeting;
  - [b] that there be an immediate closure to debate and the motion put forthwith;
  - [c] that the matter be remitted or referred back to the Senate, or one of its sub-committees, the Executive Committee or relevant sub-committee; or specific member thereof;
  - [d] a motion of no confidence in the Chair, which shall require the support of one third of the voting members present in order to be considered. There shall be a speech for the motion, followed by a reply from the Chair. During this debate, the Chair must demit the chair. The debate shall be followed immediately by a show of hands vote, the decision being based on a simple majority.
- .12 **Points of Order.** During the intervals between the end of one speech and the calling of the next speaker, a point of order may be called on any of the following grounds:
  - [a] a request for a ruling by the Chair;
  - [b] a challenge to the ruling of the Chair, which shall require the support of one third of the voting members present before it is considered. There shall be one speech for and one against the challenge, the latter being made by the Chair. During this debate, the Chair must demit the chair. The debate shall be followed immediately by a show of hands vote, the decision being based on a simple majority;
  - [c] Points of Order shall take the form of a question to the Chair, shall relate specifically to the conduct of the debate at the time, shall not refer to the subject matter under debate, and shall contain no argument.

All procedural motions and points of order shall require a simple majority in order to be carried, unless otherwise stated.

## **9. VOTING:**

- .1 Voting at meetings is usually by a show of hands, but may be by secret ballot, where this is moved by a third of the voting members present, or as otherwise specified in the constitution or its schedules.
- .2 Non-voting members should identify themselves to the tellers and take no part in any vote. Where voting involves marking a paper, tellers shall ensure that only voting members are issued with papers.
- .3 Members shall not normally be permitted to vote on issues where they could expect to make a direct personal loss or gain from a decision. For example, full time elected officers shall not vote on proposals to increase any part of their remuneration package, or to increase fringe benefits, such as holidays, bonuses, gratuities and so on.
- .4 Everybody shall remain seated during a show of hands vote. The result shall be called by the Chair. Where the Chair's ruling is challenged by a third of the meeting, or the Chair is unclear as to the result, a re-vote shall be ordered and shall be individually counted by tellers.

.5 The Chair shall have one deliberative vote on the same basis as ordinary members. There shall be no casting vote [except by the Editor on the Editorial Board].

.6 In the event of a tied vote, the status quo on the issue will automatically be upheld. Where appropriate the meeting may refer any proposal to depart from the status quo to an appropriate committee or elected officer for further information or research, and to report back at a future meeting. New policy initiatives and practices however, require to be passed as proposals by a majority vote of a quorate meeting in the normal way.

.7 A re-vote may be moved by a third of the voting members present and voting. On a re-vote, everyone shall remain seated other than the tellers.

.8 In a re-vote, those who cast their vote in the first round of voting are not bound by the way they voted in that round, and may change their vote; to vote when previously they had abstained; or to abstain when previously they had voted.

.9 Any voting member may propose a secret ballot. In order to be considered, such a proposal shall require the support of at least one third of the voting members present.

.10 Secret ballots shall entail individual voting members marking a ballot paper in private. Ballot papers shall be distributed and collected by tellers, and counted by the Returning Officer and/or nominee[s].