

**NAPIER STUDENTS' ASSOCIATION
CONSTITUTION
AND SCHEDULES
2012**

1. Name.

The name of the organisation to which this constitution applies is Napier Students' Association (hereinafter referred to as the "Association").

2. Definition and Purposes.

The Association shall:

- 2.1 Be an unincorporated association of members who are students of Edinburgh Napier University (hereinafter referred to as the "University").
- 2.2 Adhere to the requirements of the Education Act 1994 (as amended) and the laws of Scotland.
- 2.3 Act to achieve the strategic objectives and legal compliance required by the Board of Trustees (hereinafter referred to as the "Board") and charity law.
- 2.4 Be a democratically driven organisation, setting policy through robust procedures to be enacted by the Executive Committee (hereinafter referred to as the "Executive").
- 2.5 Be a non profit-distributing organisation, any financial surpluses being re-invested in the Association and its services.

3. Vision.

To enhance students' experience continually and assist them in achieving their full potential.

4. Mission.

To work with our members, our staff, the University, the community and other stakeholders who are involved with all aspects of the Student Experience by providing the representation, student centred services and activities necessary to achieving our vision.

5. Objects.

- 5.1 To represent the interests of the membership within the University and the wider community.
- 5.2 To provide advice and support to the membership, collectively and individually, on issues affecting their education and welfare.
- 5.3 To provide safe social space and a range of services to cater for the needs of the membership.
- 5.4 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.
- 5.5 To provide opportunities for personal and professional development for its membership, through participation in Association and University committee structures and activities, and in the activities of its Sports Union and student clubs and societies.
- 5.6 To foster an Edinburgh Napier student identity and culture within the University, across faculties and campuses, and in the wider community.

6. Membership.

- 6.1 There shall be 4 classes of membership: full, associate, life and temporary as determined in accordance with Schedule 1 of the Constitution. Only one form of membership may be held at any one time.
- 6.2 For licensing purposes, the minimum membership of the Association, below which it shall cease to function, shall be 100 full members.

7. Structures. The organisation shall be governed by the Board as determined in accordance with Schedule 2 of the Constitution.

- 7.1.1 The Board shall consist of 5 student members, 3 of whom shall be ex-officio by virtue of being the elected President and Vice Presidents of the Association and 2 further students elected across campus solely as trustees. In addition there shall be 4 external appointees to bring levels of expertise and an external perspective to the Board.
- 7.1.2 No student trustee may be eligible to become an external trustee on the Board until a minimum of 3 years have elapsed since s/he demitted office as a student trustee, and s/he is no longer a full member of the Association.
- 7.1.3 Trustees shall not be remunerated, other than the 3 sabbatical officers who maybe remunerated under section 67 of the Charities and Trustees Investment (Scotland) Act 2005 at a rate approved by the University.
- 7.2 There shall be an Executive and it shall be responsible for the democratic leadership of the Association as determined in Schedule 2 of the Constitution.
- 7.3 A referendum is the primary policy-making process of the Association. A referendum may be called and run under Schedule 3 of the Constitution.
- 7.4 The secondary policy-making bodies of the Association shall be the Councils. These shall be run under Schedule 3 of the Constitution.
- 7.5 There shall be a range of Forums that shall each act as a focus for members' dialogue, activities and policy initiation beneath the policy-making level. These will be open to all full members who self-define as members of a particular forum. The number and designation of forums is not fixed and new forums may be created and existing forums dissolved over time. The forums will be run in accordance with Schedule 4 of the Constitution.
- 7.6 The Board is responsible for running elections and referendums, the regulation of members' conduct and discipline in connection with the Association's affairs, and finance and resources including staff. These powers shall be delegated and run in accordance with schedules 8, 9 and 10 respectively.

7.7 The Sports Union (hereinafter referred to as the SU) and the Student Societies Union (hereinafter referred to as the SSU) shall each have Executives constituted under the Sports and Societies Council. The SU and the SSU shall be run under schedules 5 and 6 of the Constitution respectively.

8. Powers.

The Association shall have a range of powers available to it in order to enact its responsibilities. These fall into 2 main categories:

- .1 powers related to governance of the organisation as a charity with objects, which are solely the responsibility of the Board;
- .2 powers related to democratic leadership, representation and policy affecting the student body or section thereof, which shall be exercised by the Executive, referendums, and Councils.

8.1 Governance Powers and Responsibilities.

Trustees are subject to legal conditions as well as bound by a code of conduct. See schedule 9 (part V1).

- 8.1.1 Strategic. To set the overall direction and key objectives of the Association in line with the vision, mission, values and objects of the Association. To support these objectives and the operations entailed with appropriate resources and establish criteria for the evaluation of progress towards these objectives.
- 8.1.2 Financial. To take all reasonable steps to keep the Association financially solvent and able to discharge its responsibilities. To act prudently to protect the assets and property of the Association which shall be used solely for the purposes of the Association. To set up and monitor bank accounts in the name of the Association with effective check and control systems for the administration of such accounts. To take all reasonable steps to institute proper financial systems of control and reporting procedures, and to review these as appropriate.
- 8.1.3 Legal. To take all reasonable steps to achieve compliance by the Association with the laws of Scotland. Subject to its purpose, the Association may enter into, enact, vary terms and cancel contracts, agreements and undertakings as required.
- 8.1.4 Accountability and Controls. To install effective systems of decision-making and reporting and to review these from time to time.
- 8.1.5 Risk Management. To assess risk regularly against objects and goals, including financial risk, and to take appropriate action to remove or mitigate risk.
- 8.1.6 Employment. To act as the employer of Association staff and to regulate their employment in accordance with employment law and agreed policies and procedures as appropriate.
- 8.1.7 To remunerate the full time elected officers in line with section 67 of the Charities and Trustees Investment (Scotland) Act 2005 and with the consent of the University, and otherwise to regulate their terms and conditions as appropriate.
- 8.1.8 Constitution. To undertake the process of reviewing the Association's Constitution periodically, and to instigate a review in response to changing needs, either on its own initiative, or on that of the Association's democratic structures, or of the university or other external regulatory bodies. To provide a definitive interpretation of the Constitution on appeal.
- 8.1.9 Health and Safety. To be responsible for the health and safety of elected officers, staff, members and guests on the Association premises and to take all reasonable steps to promote the safety of those members engaged in Association activities.
- 8.1.10 Elections. To run open and fair elections, delegated through its Elections and Referendums Committee under Schedule 8 of the Constitution; to appoint a Returning Officer, and to convene an appeals panel as and when required.
- 8.1.11 Trading. To have the authority to undertake trading activities provided they are in furtherance of the Association's objects, on a self-financing basis, re-investing surpluses for the benefit of the Association and its members. Also to have the power to create trading companies and to enter into trading agreements and activities where it would be financially advantageous to the Association and its members to do so, on condition that any surpluses be used to benefit the membership.
- 8.1.12 Equality and Diversity. To promote the principles of equality and diversity in relation to access to Association decision-making bodies and activities, how it treats its members, staff and third parties, and to ensure that it does not unfairly discriminate against anyone.
- 8.1.13 Disciplinary. To promote good conduct and discipline within the Association and its membership, This function shall be delegated through its Conduct and Discipline Committee run under Schedule 9 of the Constitution. Also to convene an appeals panel as and when required.
- 8.1.14 Self-Regulation. To appoint external Trustees to the Board, and to remove or suspend them if appropriate, subject to approval by two thirds (2/3) of members, excluding the members who is the subject to the motion, in a quorate meeting of the current Board. To regulate Trustee conduct in compliance with the law on trusteeship and issues relating to conduct and conflict of interests. These shall be run under schedule 9 of the Constitution.
- 8.1.15 Delegation of Powers. The Trustees may delegate aspects of the operational management of the Association to Association staff and officers, or appropriate committees and bodies.
- 8.1.16 Club Registration. To act as a management committee for the members' club for licensing purposes.

8.2 Democratic and Representative Powers and Responsibilities

Elected officers are subject to a code of conduct. This is specified in Schedule 9 of the Constitution.

- 8.2.1 Representation. To represent the members of the Association both within the University and the wider community.
- 8.2.2 Programme Representation. To organise, support and train student programme representatives, and to empower them in their role to be effective representatives on behalf of their course colleagues.
- 8.2.3 Policy-Making and Enactment. To initiate, develop and implement policy on behalf of the membership.
- 8.2.4 Campaigns. To undertake campaigns in furtherance of the Association's objects, to underpin policy and promote student well-being.
- 8.2.5 Communication. To disseminate information from the Association to the membership and to gather information from the members using various media.

8.2.6 Constitutional. To have the authority to initiate Constitutional amendment and periodic reviews to be carried out under the auspices of the Board as appropriate (see point 10 below).

8.2.7 The Executive shall be elected by the membership and be accountable to that body through the Board.

9. Sports and Societies.

There shall be a Sports Union (hereinafter referred to as the SU) and a Students' Societies Union (hereinafter referred to as the SSU). These shall be constituted under the Association's constitution, and their structures and powers detailed under schedules 5 and 6 respectively.

10. Constitutional Powers.

10.1 Interpretation of Terms.

10.1.1 In the event of a dispute within the Association as to the interpretation of any part of the Constitution, Schedules or related documents, the President shall make a ruling, or where the role of the President is itself disputed, her/his VP appointee shall make a ruling. The officer being required to make the ruling may take professional advice as appropriate.

10.1.2 An appeal against this ruling may be made in writing to the Board within 5 working days of its receipt. The Board may take professional advice as appropriate. The Board's decision, based on a simple majority vote of a quorate Board, shall be final.

10.2 Reviewing and Amending the Constitution.

10.2.1 The Constitution may be subject to periodic amendment and review. Reviews shall normally be at intervals of no less than 5 years and any interim amendments to the Constitution shall be only in response to changes prompted by specific legislative or regulatory requirements or major changes in university structure.

10.2.2 A review of the Constitution may be prompted by any of the following:

- (a) a vote of two thirds (2/3rds) of a quorate Board, or
- (b) a vote of two thirds (2/3^{rds}) of a quorate Executive, or
- (c) a petition signed by 5% of the membership

10.2.3 The review process will be carried out under the auspices of the Board, and the Board in consultation with the Executive.

10.2.4 Any review of the Constitution shall require approvals by all of the following before it comes into force:

- (a) a vote of two thirds (2/3) of a quorate Board
- (b) a simple majority vote in a referendum vote in which a minimum of 10% of the student body has voted
- (c) Edinburgh Napier University Court
- (d) The Office of the Scottish Charities Regulator (hereinafter referred to as OSCR).

10.3 Interim/Emergency Amendments to the Constitution

10.3.1. From time to time there may be a specific and pressing legal requirement, or a clarification of existing terms, that is required to be enacted to the core constitutional document as a matter of urgency. In cases where such a requirement is necessary after 1 May in any year an amendment may be passed by two thirds (2/3rds) of a quorate Board and two thirds (2/3rds) of a quorate Executive as a provisional amendment.

10.3.2 This provisional amendment will also require the consent of the University Court and OSCR.

10.3.3 This amendment will be referred to the student body for ratification in a referendum in the following 1st trimester and OSCR shall be informed (other than where OSCR's prior consent is required to change the charity's objects).

10.4 Reviewing the Schedules to the Constitution.

10.4.1 Schedules may be subject to periodic amendment that does not involve amending the core constitutional document.

10.4.2 Amendment of the Schedules may be prompted by:

- (a) two thirds (2/3rds) of a quorate Board or
- (b) two thirds (2/3rds) of a quorate Student Council or
- (c) a petition signed by 5% of the membership

10.4.3 Before it comes into force, an amendment to a Schedule must be approved by all of the following:

- (a) two thirds (2/3rds) of a quorate Board
- (b) two thirds (2/3rds) of a quorate Student Council
- (c) the University Secretary.

11. The Role of Elected Officers (including the role of full time officers as trustees).

The division of duties and responsibilities between elected officers is detailed in schedule 7.

12. Elected Officers' and Members' Conduct and Discipline.

12.1 Members and trustees are expected to conduct themselves appropriately. This applies to their activities as trustees, elected representatives, representatives of sports clubs and societies, as well as members at events held under the auspices of the Association and other associations and student bodies with which the Association has reciprocal arrangements, including conferences and training events, and social events.

12.2 Procedures and protocols relating to conduct and discipline issues are detailed in schedule 9.

13. Finance and Resources.

- 13.1 The Board shall have overall responsibility for Association finances and resources, but has the power to delegate to individuals on an operations basis. There shall be a Finance and Resources Operations Group made up of personnel who attend the Board which shall act as a financial executive throughout the year. Its remit and membership are outlined in schedule 10.
- 13.2 The Trustees shall be responsible for appointing auditors and for approving and submitting annual accounts. They shall also be responsible for making these known to the membership in compliance with the Education Act 1994 Part II.

14. Referendums and Elections

Referendums and elections fall under the remit of the Board, but are executed by the Elections and Referendums Committee as detailed under schedule 8 of the Constitution.

14.1 Referendums.

Referendums of the membership may be used to:

- (a) decide key policy
- (b) prompt or decide constitutional change and amendment (see point 10)
- (c) discipline or dismiss elected officers with reference to their role as student leaders (see schedule 9).

14.1.2 Any of the following may trigger a referendum:

- (a) a vote in support by two thirds (2/3rds) of a quorate Board of Trustees
- (b) a vote in support by two thirds (2/3rds) of a quorate Executive
- (c) a vote in support by two thirds (2/3rds) of a quorate Student Council
- (d) a petition calling for a referendum signed by 5% of the membership

14.1.3 The wording for a referendum shall be set by the Elections and Referendums Committee and shall normally require a simple "Yes" or "No" vote.

14.1.4 Subject to 10% of the student body voting in the referendum, a simple majority shall be required to make a binding decision.

14.2 Elections

14.2.1 There shall be annual elections for all

student positions on the Board and the Executive in trimester 2. All posts are elected by the members across campus other than the faculty positions which are elected across faculty.

14.2.2 A valid nominee for Executive Office must be a full member of the Association as defined under Schedule 1 and fall into one of the following three categories:

- (a) a currently matriculated student of the University, based in the UK, and actively studying on a programme, as confirmed both by the University and appropriate Head of School, or
- (b) a research postgraduate, based in the UK, actively undertaking research, as confirmed by the University and the Head of School;
or
- (c) a current Association President or Vice President (sabbatical officer) serving a first term of elected office.

14.2.3 No individual student who has opted out of membership under 22 of the Education Act 1994 shall be eligible to run for elected office within Association structures.

14.2.4 No full time elected officer may serve in that capacity for more than 2 terms, whether service is continuous or broken.

14.2.5 A full term of office for elected officers shall run from 1 July to the following 30 June, but any part thereof shall count as a term, except in the case of a 3rd trimester early co-option to fill a vacancy, which shall not count.

14.2.6 Candidates for full time paid elected officers (sabbatical officers), must satisfy the legal conditions of being a trustee.

15. Affiliations.

The Association may affiliate to external organisations in keeping with its objects, and subject to the annual approval of the Trustees. The Trustees shall also be responsible under the Education Act 1994 Part II for making such affiliations known to the membership, through the annual report, the list of organisations to which the Association is affiliated and the cost of affiliation.

16. Indemnity

Every officer, appointee or member of staff of the Association shall be entitled to be indemnified out of the assets of the Association against all losses or liability which s/he may sustain or incur in and about the execution of her or his office or otherwise in relation thereto. No officer, appointee or member of staff shall be liable for any loss, damage or misfortune that may be incurred by the Association in the execution of the duties of her/his office or in relation thereto. Provided that nothing in this clause shall affect their liability for the consequence of any negligent or dishonest act on their part.

17. Complaints Procedure.

The Association shall have an official complaints procedure as detailed in Schedule 9.

18. Contacts and Legal Documents.

These must be signed on behalf of the Association both by the President and the General Manager. One of the Vice Presidents may act as a substitute signatory for the President when the President is not available. If the General Manager is absent s/he may appoint another member of staff as substitute signatory, subject to conditions as appropriate.

19. Standing Orders

Association meetings shall be run according to standing orders detailed in schedule 11. These orders outline the process for debate and decision-making through Association bodies. Specific standing orders for particular bodies shall override general schedule 11 provisions. Any suspension of standing orders shall require the support of two thirds (2/3rds) of a quorate meeting.

SCHEDULE 1: ASSOCIATION MEMBERSHIP

1. There are 4 categories of membership: full, associate, life and temporary, each with different rights and entitlements. Only one form of membership can be held at any one time.
2. **Definition and Powers of Full Members:**
 - 2.1. Any currently matriculated Edinburgh Napier University student actively engaged and progressing on a programme of study (as confirmed by the University) within the UK and including those UK-based students temporarily on placement outside the UK, except if they have individually opted out of membership under s.22 of the Education Act 1994, or they fall within the definition of an associate member under 3.
 - 2.2. Any currently matriculated Edinburgh Napier University research student progressing towards a qualification (as confirmed by the University) within the UK, but including those temporarily engaged in research outside the UK, except if they have individually opted out of membership under s.22 of the Education Act 1994, or they fall within the definition of an associate member under 3.
 - 2.3. Any full time elected officer for the duration of their term of office.
 - 2.4. Full members shall be the only category of the membership eligible to stand for election to become a student officer, including holding a core position within sports clubs and societies.
 - 2.5. Full members are entitled to attend Association meetings, vote on the Association's policy and in the Association's elections and referendums.
 - 2.6. For club registration purposes full members may sign in up to 5 guests on any one day.
 - 2.7. Members shall be subject to the Disciplinary procedure (see schedule 9).
3. **Definition and Powers of Associate Members.**
 - 3.1. Any currently matriculated student of Edinburgh Napier University studying at a campus based outside the UK (other than those on placement from the UK) unless s/he has opted out under s.22 of the 1994 Education Act, may be an associate member; or
 - 3.2. Any Edinburgh Napier University student suspended from her/his studies, unless s/he has opted out of membership under s.22 of the 1994 Education Act; or
 - 3.3. Any member of the Association staff, University staff or any external members of the Board or University Court for the duration of their term of employment or office respectively; or
 - 3.4. Any person who has paid an associate membership fee to join any of the sports clubs or societies constituted under the Association.
 - 3.5. For club registration purposes associate members may sign in up to 2 guests on any one day.
 - 3.6. The Board shall determine the form of application for associate membership, and associate membership shall be subject to such rights and obligations as the Board considers appropriate.
 - 3.7. The Board may elect to, and remove from, associate membership such persons as it deems appropriate.
4. **Definition and Powers of Life Members.**
 - 4.1. Someone who has had honorary life membership conferred on her/him for services to the Association; or
 - 4.2. Someone who has been a full member for a minimum of one full academic session previously, and who has paid the agreed life membership fee.
 - 4.3. The Board shall determine the form of application for life membership, and life membership shall be subject to such rights and obligations as the Board considers appropriate.
 - 4.4. The Board may elect to, and remove from, life membership such persons as it deems appropriate.
5. **Definition and Powers of Temporary Members.**
 - 5.1. Any person who has been signed in by a full member or associate member or life member to attend an event being staged by the Association or under its auspices; or
 - 5.2. Any person who is attending a course, conference, sporting fixture or club meeting at the University.
 - 5.3. Temporary members shall have no sign in rights. Their membership shall be purely to cover attendance at a specified social event or to use a specified service on a temporary basis; or
 - 5.4. Any student who is a member of another students' union or association with which the Association has a reciprocal agreement.
 - 5.5. They shall be required to produce identification to show that they are members of the other union/association, and to sign the register providing their contact details.
 - 5.6. For club registration purposes, the total temporary membership shall not at any time exceed 10% of the total full membership. The Board may permit or refuse temporary membership to any individual as it deems appropriate.

SCHEDULE 2: TIER 1 BODIES

PART I: BOARD OF TRUSTEES

1. Remit.

- 1.1. To enact the Governance Powers outlined in point 8.1 of the Constitution document and strategically manage the Association as a charitable organisation.
- 1.2. To uphold the Association's vision, mission and objects.
- 1.3. To govern all aspects of the Association's operations and staff.
- 1.4. To oversee any review of the Constitution or schedules and its enactment.
- 1.5. To assign financial auditors and commission them to audit the Association's accounts on an annual basis, and to submit the accounts as appropriate.
- 1.6. To delegate authority for Referendums and Elections, Conduct and Discipline, and Finance and Resources in the first instance, with ultimate appeal or recourse to the Board (see Schedules 8, 9 and 10 respectively).
- 1.7. To delegate to the Executive, and oversee, the primary role of student representation,

2. Membership.

- 2.1. All three full time, paid, elected officers of the Executive (Sabbatical Officers) shall automatically be members for the duration of their elected term of office. No sabbatical officer shall be eligible to become a lay trustee, whether appointed as an external trustee or elected as a lay trustee, until a minimum of 3 years have elapsed from the date s/he demitted sabbatical office.
- 2.2. Two student trustees elected in accordance with Schedule 8. They shall be full members under Schedule 1 at the time of election and throughout their term(s) of office, and verified as such by the University and the appropriate Head of School. They shall not be members of the Executive Committee or hold office in any Association club or society or represent any sectional interest. They shall be independent student trustees concerned solely with the trusteeship of the charity. They shall be elected to serve a one year term of office but may, subject to re-election, serve a maximum of two terms of office, whether these terms are continuous or broken. Terms of office for lay members shall run concurrently with the sabbatical term, from 1 July to the following 30 June. Any term served as an elected student trustee shall not disqualify a member subsequently from becoming an ex officio trustee as an elected sabbatical.
- 2.3. Four external members appointed by the Board on the basis of their experience, knowledge and skills they can bring to the Association. They shall normally be appointed for a 3 year term of office, with a possible extension to a second term subject to approval. No external member may serve more than 2 terms, whether these are consecutive or broken. Former Executive members and elected student trustees shall not be eligible to be an external trustee until 3 years have elapsed since s/he left office. In the interests of promoting continuity for elected officers' support, the appointment, and terms of office, of external trustees shall be staggered.
- 2.4. The General Manager of the Association shall be in attendance.
- 2.5. Trustees shall require clearance from Disclosure Scotland, or other appropriate body, in order to serve as a trustee on the Board.
- 2.6. No trustees, other than three sabbatical officers shall be remunerated. Remuneration of sabbatical officers shall be as permitted under Section 67 of the Charities and Trustees Investment (Scotland) Act 2005 and with the consent of the University.

3. Convenor and Quorum.

- 3.1. The Board shall elect a convenor from its own membership at the start of every new academic session. The convenor shall not be a full time elected officer, and shall normally be an external member.
- 3.2. The quorum to enact business shall be four elected members and two external members.

4. Standing Orders.

- 4.1. The Board shall have no fewer than four scheduled meetings a year.
- 4.2. Items for the agenda shall be submitted to the Convenor of the Board 10 working days in advance.
- 4.3. The Convenor shall circulate papers for discussion 5 working days in advance.
- 4.4. The Board's Convenor may call for an extraordinary meeting by providing a minimum of 48 hours notice to the members.
- 4.5. Standing items on the agenda shall be: Quarterly Financial Statements, the General Manager's Report and the Executive Committee Report.
- 4.6. After the financial year end the Board shall be presented with yearly financial statements and financial forecasts.
- 4.7. Trustees shall be required to abide by standards of good conduct and declare their interests and any gratuities through the register (see schedule 9).

5. Disqualification, Resignation and Removal of Trustees

The office of a Trustee shall be vacated if:

- 5.1. S/he no longer meets the legal requirements of being a Trustee; or
- 5.2. It is discovered that s/he failed to disclose facts about her/his person that would have made her/him ineligible to be a trustee at the time of election or appointment; or
- 5.3. S/he is convicted of a criminal offence adjudged by the Board as being incompatible with being a Trustee; or
- 5.4. S/he commits a serious act of misconduct that, in the opinion of the Board, constitutes a failure or inability to perform the duties of office; or

- 5.5 S/he commits an offence deemed by the Charities Regular to be incompatible with being a Trustee.
- 5.6 Her/his return from Disclosure Scotland, or other appropriate body, is deemed by the Board to make her/him unsuitable to serve as Trustee.
- 5.7 Her/his term of office expires or s/he resigns from office; or
- 5.8 In the case of the President or Vice Presidents, s/he ceases to be an employee of the Association as a consequence of being dismissed under the disciplinary process (see Schedule 9); or
- 5.9 In the case of a non-sabbatical Student Trustee, s/he ceases to be a member of the Association within the definition of a full member given in schedule 1; or
- 5.10 S/he fails to attend three meetings of the Board without what the Board accepts as "good reason" (see schedule 11).
- 5.11 In the case of a full time sabbatical officer being disqualified or removed as a Trustee, it shall not automatically follow that s/he shall cease to be a member of the Executive. However, it shall be in the power of the Board to trigger a referendum on dismissal in cases where it believes this to be appropriate.

PART II: THE EXECUTIVE COMMITTEE (hereinafter referred to as the "Executive").

1. Remit.

- 1.1. To represent the interests of the University students in their generality, and as constituent parts of the whole, in ways to enhance the student experience.
- 1.2. To engage with the membership on issues and policies relating to student conditions, their academic interests and general well-being as students of the University.
- 1.3. To organise and promote student participation in Association and University activities.
- 1.4. To co-ordinate, develop, enact and uphold Association policy.
- 1.5. To receive and act on minutes from the Councils as appropriate.
- 1.6. To table policy issues for discussion and decision by the wider membership where appropriate..
- 1.7. To promote student decision-making bodies and forums within the Association and encourage student participation in them.
- 1.8. To maintain a strong Association profile on campus.
- 1.9. To be accountable to the Board and, through the 3 sabbatical officers, to have an input to the Board's strategic and budget planning.

2. Membership.

- 2.1 All shall be elected under schedule 8 and shall be full members as defined under schedule 1. If at any point an officer ceases to satisfy the criteria of full membership, s/he will automatically no longer be an Executive Member and, if also an ex officio Trustee, s/he shall also cease to be a Trustee.
- 2.2 Full-time Officers: remunerated under section 67 of the Charities and Trustees Investment (Scotland) Act 2005. These shall be the:
 - 2.2.1 President.
 - 2.2.2 Vice President Sports and Societies.
 - 2.2.3 Vice President Representatives and Volunteers.
- 2.3 Part-time Officers, who shall continue with their studies while volunteering time to be the:
 - 2.3.1 Faculty Officer Academic (one for each Faculty).
 - 2.3.2 Faculty Officer Facilities and Wellbeing (one for each Faculty).
 - 2.3.3 Equality and Diversity Officer.
 - 2.3.4 Activities Officer.
- 2.4 The General Manager or her/his nominee shall be in attendance.

3. Convener and Quorum.

- 3.1 The Executive meetings shall be convened and chaired by the Association's President or her/his nominee.
- 3.2 The quorum shall be 50% (ignoring fractions) of the current membership of the Executive plus one.

4. Standing Orders.

- 4.1 Items for the agenda shall be submitted to the Convener no less than 5 working days in advance of the meeting.
- 4.2 The Convener shall circulate papers 3 working days in advance of the meeting.
- 4.3 The Executive shall meet at least once a month, except for Trimester 3 when it may conduct business electronically.
- 4.4 With a good reason the Convener may call for an emergency meeting by providing a minimum of 48 hours notice (see schedule 11).
- 4.5 The standing orders on the Executive meeting agenda shall be Apologies, Minutes of the Last Meeting, Matters Arising from the Minutes, Elected Officers' Reports and Items for Business.
- 4.6 Minutes and Reports shall go to the Board.
- 4.7 At the end of Trimester two the Executive shall submit an annual report on its activities for the Board.

5. Disqualification, Resignation and Removal of Executive Members.

The office of an Executive office shall be vacated if:

- 5.1 In the case of a full time officer, s/he ceases to be an employee of the Association; or

- 5.2 In the case of a part time officer, s/he ceases to be a full member as defined under schedule 1; or
- 5.3 S/he has been incapacitated by personal circumstances or ill health and judged by the Executive not able to enact her/his responsibilities in the circumstances; or
- 5.4 Her/his term of office expires or the officer resigns from the Executive; or
- 5.5 The officer has been removed from office following disciplinary action (see Schedule 9); or
- 5.6 S/he fails to attend three meetings of the Executive without what the Executive accepts as "good reason" (see Schedule 11).

SCHEDULE 3: TIER 2 BODIES.

These bodies are the primary policy-making bodies in terms of representing the collective well-being and furtherance of the collective interests of the membership as a whole, and in its component parts.

PART I: REFERENDUMS.

1. Remit

- 1.1. To make binding policy decisions on matters of high importance to the membership in general.
- 1.2. To agree constitutional changes and amendments (see point 10 of the core Constitution).
- 1.3. To discipline Executive Members at no confidence/dismissal level on issues relating to their democratic or representative leadership of the Association, (in accordance with Schedule 9).

2. Membership.

Members of the Association shall be permitted to vote in the Referendum on a question set.

3. Triggering a Referendum.

3.1 A Referendum shall be triggered by any of the following:

- (a) a vote in support by two thirds (2/3rds) of a quorate Board of Trustees.
- (b) a vote in support by two thirds (2/3rds) of a quorate Executive.
- (c) a vote in support by two thirds (2/3rds) of a quorate Student Council.
- (d) a petition to the President calling for a referendum signed by 5% of the membership.

3.2 Upon receipt of the requisite request as per 3.1, the Board shall delegate the authority to run a Referendum to the Elections and Referendums Committee under Schedule 8.

4. Procedure.

- 4.1. The referendum shall normally be called to decide a single issue.
- 4.2. The wording of the ballot question shall be decided by the Elections and Referendums Committee.
- 4.3. The options presented to the electorate in referendums shall, in all but exceptional circumstances, require a simple "yes" or "no" response.
- 4.4. A referendum shall be held no earlier than 10 working days and no later than 30 working days after a valid request has been submitted to the Board.
- 4.5. A referendum shall always be preceded by a Student Forum meeting to discuss the agenda item (see Schedule 4).
- 4.6. The referendum shall be conducted electronically and will normally take place over 5 working days. The Elections and Referendums Committee shall make relevant papers available and easily accessible to the student body to assist it to make an informed decision.
- 4.7. For a referendum to be binding, a minimum threshold of 10% of the student body shall have participated in the ballot.
- 4.8. A simple majority vote shall be required to produce a decision that is binding.
- 4.9. Enactment of the decision shall be carried out by the Board or delegated appropriately under 8.1.15 of the core Constitution.

PART II: FACULTY COUNCILS.

1. Remit.

- 1.1. To develop policy in the interest of the students in the Faculty.
- 1.2. To raise issues relating to academic standards, student facilities and well-being on behalf of the students registered to the Faculty.
- 1.3. To be a channel of communication between Faculty Officers, Executive and respective programme representatives and students in the Faculty.
- 1.4. To hold the Faculty Officers to account on issues relating to their role as democratic representatives of student Faculty interests.

2. Membership.

- 2.1. The Faculty Officer (Academic) and Faculty Officer (Facilities and Wellbeing).
- 2.2. All programme representatives registered in the Faculty.
- 2.3. At least one Sabbatical Officer shall be in attendance without voting rights.
- 2.4. Other Edinburgh Napier students from the Faculty may attend, but have no voting rights.
- 2.5. The Councils shall be supported by a member of Association staff who shall be in attendance.

3. Convenor and Quorum.

- 3.1 The Faculty Officer (Academic) shall normally convene Council meetings.
- 3.2 The quorum shall be one third (1/3rd ignoring fractions) of the total number of programme representatives registered to that Faculty and notified to the Association, in addition to at least one Faculty Officer.

4. Standing Orders.

- 4.1 There shall be two scheduled meetings of the Faculty Council in each session. One in each of trimesters 1 and 2.
- 4.2 Items for business shall be requested 5 working days in advance for circulation to members 3 working days in advance of the meeting.
- 4.3 The standing agenda items shall be: Apologies, Minutes of the Last Meeting, Faculty Officers Reports, Scheduled Items of Business and Programme Representatives Issues (undergraduate and postgraduate).
- 4.4 The minutes and reports shall be submitted to the Executive to note or enact as appropriate.
- 4.5 An emergency or unscheduled Faculty Council meeting may be convened, if required, by either Faculty Officer. A minimum of 5 working days' notice shall be given to members (see Schedule 11).

PART III: THE EQUALITY AND DIVERSITY COUNCIL

1. Remit.

- 1.1 To promote and adhere to principles and policies of equality and diversity.
- 1.2 To develop and, where possible, co-ordinate policy in order to support the particular needs of different student demographic and liberation groups without unfair prejudice to other sections of the student body.
- 1.3 To be a channel of communication between the Equality and Diversity Officer, the Executive, and Equality and Diversity Council members from the student forums.
- 1.4 To hold the Equality and Diversity Officer to account on issues relating to her/his role as the democratic representative responsible for equality and diversity.

2. Membership.

- 2.1 The Equality and Diversity Officer.
- 2.2 One representative for each recognised Interest Forum, nominated by the forum concerned (see Schedule 4).
- 2.3 A minimum of one full-time Sabbatical Officer shall be in attendance with no voting rights.
- 2.4 The Council shall be supported by a member of Association staff who shall be in attendance.

3. Convenor and Quorum.

- 3.1 The Equality and Diversity Council shall be convened by the Equality and Diversity Officer.
- 3.2 The quorum shall be 50% of the Equality and Diversity Council delegates in addition to the Convenor.

4. Standing Orders.

- 4.1 There shall be two scheduled meetings of the Equality and Diversity Council, one in trimester 1 and the other in trimester 2.
- 4.2 Items for business shall be submitted to the Convenor 5 working days in advance of the meeting.
- 4.3 The Convenor will circulate business and an agenda no less than 3 working days in advance of the scheduled meeting.
- 4.4 The standing items for the agenda shall be: Apologies, Minutes of the Last Meeting, Matters Arising from the Minutes, Equality and Diversity Officer Report, Scheduled Items of Business and Forums' Issues.
- 4.5 The minutes and reports shall be submitted to the Executive to note or enact as appropriate.
- 4.6 An emergency or unscheduled Equality and Diversity Council meeting may be convened, if required, by the Equality and Diversity Officer. A minimum of 5 working days notice of the meeting shall be given to members (see Schedule 11).

PART IV: SPORTS AND SOCIETIES COUNCIL

1. Remit.

- 1.1 To encourage student participation in student activities, through sports and societies, and to ensure that opportunities to engage are presented through Freshers' Fair and Freshers' activities especially.
- 1.2 To develop policy and procedures to support student activities.
- 1.3 To take all reasonable steps to ensure that sporting and society activities take place under conditions of safety.
- 1.4 To develop fund raising activities for the SU and its clubs and for the SSU and its societies.
- 1.5 To establish and enforce financial controls to support the strategic development of student activities.
- 1.6 To hear sports and societies disciplinary cases with recourse to the Association Discipline Committee as appropriate.
- 1.7 To adjudicate the annual awards for sports and societies according to clear and fair criteria.
- 1.8 To organise the annual awards event.

2. Membership.

- 2.1 VP Sports and Societies.
- 2.2 The Sports Executive and the Societies Executive.

- 2.3 The Activities Officer.
- 2.4 Three (3) core SU club office-holders elected by the Sports Forum. These shall not be members of the Sports or Societies Executive.
- 2.5 Two (2) core SSU society officers elected by the Societies' Forum. These shall not be members of the Sports or Societies Executive.
- 2.6 The Councils shall be supported by a member of Association staff who shall be in attendance.

3. Convenor and Quorum.

- 3.1 The Sports and Societies Council shall be convened by the VP Sports and Societies.
- 3.2 The quorum shall be 50% of the Sports and Societies Council in addition to the VP Sports and Societies.

4. Standing Orders.

- 4.1 There shall be two scheduled meetings of the Student Council, one in trimester 1 and the other in trimester 2.
- 4.2 Items for business shall be submitted to the Convenor 5 working days in advance of the meeting.
- 4.3 The Convenor shall circulate business and an agenda no less than 3 working days in advance of the meeting.
- 4.4 The standing agenda items shall be: Apologies, Minutes of the Last Meeting, Items of Business, Sports Issues, Societies Issues.
- 4.5 The minutes and reports shall be submitted to the Executive to note or enact as appropriate.
- 4.6 An emergency or unscheduled Sports and Societies Council meeting may be convened, if required, by the VP Sports and Societies. A minimum of 5 working days notice shall be given to members (see Schedule 11).

PART V: THE STUDENT COUNCIL

1. Remit.

- 1.1. To debate and develop general policy on issues that overarch the Faculties and other policy-making Councils.
- 1.2. To scrutinise the annual audited accounts of the Association and to pass comments, concerns and questions to the Board as the approving body.
- 1.3. To confer honorary life membership on those individuals who have made an outstanding contribution to the work of the Association.
- 1.4. To hold the Executive to account on matters relating to their representative role, but not as trustees; and to take up issues raised by the Student Forum in relation to the Executive's performance in that role (see schedule 9). To consider any amendments to Constitutional Schedules as required.
- 1.5. To ratify external appointments to the Board.

2. Membership.

- 2.1. The Executive Committee.
- 2.2. All programme representatives registered with the Association.
- 2.3. Any full Association member may attend, without voting rights.
- 2.4. The Council shall be supported by a member of the Association staff who shall be in attendance.

3. Convenor and Quorum.

- 3.1 The Student Council shall be convened and chaired by the VP Representatives and Volunteers.
- 3.2 The quorum shall be 33% (ignoring fractions) of the programme reps registered with the Association in addition to the VP Representatives and Volunteers.

4. Standing Orders.

- 4.1 There shall be two scheduled meetings of the Student Council, one in trimester 1 and the other in trimester 2.
- 4.2 Items for business shall be submitted to the Convenor 5 working days in advance of the meeting.
- 4.3 A simple majority will constitute a binding decision on policy, but any amendment to the Constitution or its Schedules shall require the support of two thirds (2/3rd) of a quorate Council.
- 4.4 The Convenor shall circulate business and an agenda no less than 3 working days in advance of a scheduled meeting.
- 4.5 The standing agenda items shall be: Apologies, Minutes of the Last Meeting, Reports, Scheduled Items of Business and Student Forum Issues.
- 4.6 The minutes and reports shall be submitted to the Executive to note or enact as appropriate.
- 4.7 An emergency or unscheduled Student Council meeting may be convened, if required, by the VP Representatives and Volunteers. A minimum of 5 working days notice shall be given to members (see Schedule 11).

SCHEDULE 4: TIER 3 BODIES

Tier 3 bodies are the informal and largely self-regulating engagement points and platforms for discussion for the student body. The Student Forum is open to all members, in addition to which there are dedicated separate forums for specific student interest, demographic and mode of study groups within the student body to which students may belong through to the interest forums through self- definition, or through being matriculated on a particular mode of study.

PART I: STUDENT FORUM

1. There shall be two types of the Student Forum:

- 1.1 An ordinary Student Forum to carry out a standard remit.
- 1.2 An extraordinary Student Forum preceding a referendum.

2. Remit:

For meetings under 1.1

- 2.1 To create a platform of communication on recent Executive actions to students, giving students an opportunity to question the conduct and performance of their student leaders on the Executive about their democratic leadership and representations on behalf of the student body.
- 2.2 To create a channel of communication from Councils on their work in order to develop a broad view of student issues, as well as policy development and enactment.
- 2.3 To hold the Executive representatives to account for their actions, with the sanction available to caution. The Forum's power shall not extend to censure or dismissal. It shall not extend to the performance of the sabbatical officers as trustees.

For meetings under 1.2

- 2.4 Preceding a referendum, the Student Forum shall be a platform for discussing the referendum question and informing the debate before polls open.

3. Convenor and Quorum.

- 3.1 The President, or nominee, will convene the Student Forum.
- 3.2 A quorum is not required for business other than disciplining an Executive Member in which case the quorum shall be 100 full members of the Association as defined by Schedule 1. A two thirds (2/3) majority of those voting at a quorate Student Forum is required to pass disciplinary action.

4. Standing Orders.

- 4.1 All full members of the Association may attend a Student Forum, ask questions of their representatives, contribute to discussion and, in type 1.2, vote on cautions.
- 4.2 There shall be two scheduled meetings of the Ordinary Student Forum (type 1.1), one meeting in trimester 1 and one meeting in trimester 2.
- 4.3 The business of a type 1.1 Student Forum shall be: Reports followed by a Question and Answer session.
- 4.4 The business for a type 1.2 Student Forum shall be the agenda item for the Referendum.
- 4.5 Where a referendum is called appropriately (see Schedule 3, Part I Referendums 3.1) the President shall convene the Student Forum with no less than 10 working days prior notice to members, to take place at least 5 working days before the poll opens.
- 4.6 Minutes shall be taken as a record of discussion for the Executive.
- 4.7 The Student Forum shall be supported by a member of the Association staff who shall be in attendance.

PART II: SPORTS FORUM AND SOCIETIES FORUM

1. Remit.

There shall be two Forums, one for Sport, the other for Societies, and they shall:

- 1.1. Offer a platform for communication between clubs/society members and their respective Sports and Societies Executives, and where appropriate, the VP Sports and Societies.
- 1.2. Provide a forum for the discussion of issues affecting sports/societies.
- 1.3. Provide a forum for the discussion of policy initiatives on sports and societies issues.
- 1.4. Elect from its membership representatives to sit on the Sports and Societies Council and on the respective Executives for the Sports Union and the Societies Union (see schedules 5 and 6).

2. Membership.

- 2.1 To be a member of the Sports or Societies Forum, students must be full members of the Association as defined by Schedule 1 and be a member of the Sports Union or Societies Union; and be either
- 2.2 An Executive Member of the Sports Union and Societies Union respectively; or
- 2.3 A core office holder from a Sports Club or Society, core being defined as captain or president, treasurer and secretary.
- 2.4 In addition, the VP Sports and Societies and the Activities Officer may attend without voting rights.

3. **Convenor.**

A convenor shall be elected by each forum on a yearly basis. The convenor shall be a member of the Sports Union or Students' Societies Union respectively. This person shall not be a member of the Association Executive or Board.

4. **Standing Orders.**

4.1 The Sports/Societies Forum shall meet twice each year, once in trimester 1 and once in trimester 2, but may decide to meet more frequently by a simple majority vote.

4.2 The Convenor shall provide a minimum of 5 working days notice of a meeting to take place.

4.3 Any papers for the meeting shall be circulated amongst the membership at least 2 days in advance.

4.4 Forums do not have any policy-making authority but may pass recommendations to the Sports and Societies Council for its consideration.

4.5 A student member may belong to more than one club/society but may not convene, or be a delegate representing, more than one club/society simultaneously.

PART III: INTEREST FORUMS

1. **Qualifying Criteria for an Interest Forum:**

1.1 To be a member of an Interest Forum, a student must be a full member of the Association as defined by Schedule 1.

1.2 A Forum shall have minority status as a demographic group within the student body, or society, or as a mode of study.

1.3 It shall have a list of 10 full Association members in accordance with Schedule 1, signed up to the Forum, who self-identify as being a member of that particular forum by virtue of sharing its status and purposes.

2. **Remit.**

There shall be a range of self-starting Interests Forums and they shall:

2.1 provide channels for communication between students, interest forums and the Equality and Diversity Council.

2.2 discuss issues of common interest to, and connected with, specific student academic, demographic and liberation groups.

2.3 provide a forum for the discussion of policy initiatives on equality and diversity issues.

2.4 each Forum shall elect from its membership a delegate to sit on the Equality and Diversity Council. A delegate may belong to more than one forum but shall not represent more than one forum at the Equality and Diversity Council simultaneously.

3. **Convenor.**

3. The convenor shall be elected by each interest forum on a yearly basis. The convenor shall be a member of the respective forum. This person shall not be a member of the Association Executive or Board.

4. **Standing Orders.**

4.1 The Interest Forums shall meet twice, once in trimester 1 and once in trimester 2, but may decide to meet more frequently by a simple majority vote.

4.2 Each Interest Forum shall determine the format of its meetings.

4.3 Interest Forums do not have any policy-making authority but may pass recommendations to the Equality and Diversity Council for its consideration.

SCHEDULE 5: SPORTS UNION

1. The Association shall have a Sports Union (SU) constituted within it.

2. The aims of the SU shall be to contribute to the Association's objects by encouraging student participation in sport, recreational and competitive, and at all levels of competence, as a means of:

2.1 promoting health and well-being among students.

2.2 fostering a strong student identity through activities that cross campuses and academic disciplines.

2.3 offering students development opportunities in running their respective clubs.

2.4 encouraging sporting success and excellence as a means of building a strong Association and University identity.

3. The SU shall be a constituent part of the Association and be allocated 10% of its block grant towards sporting participation. It shall establish clear deadlines and adhere to clear criteria for funding applications and allocate funds fairly between clubs, the overall framework for public funding being reviewed from time to time by the Board..

4. In cases where rules or policy appear to conflict between the Association or the SU, legal requirements and the Association's Constitution shall take precedence as determined by the Board.

5. The property and assets of the SU and its constituent clubs, while held and administered by the SU and its clubs, belong collectively to the student body as represented by the Association. Any dispute over property and assets used by the SU or its clubs shall ultimately be decided by the Board.

6. The SU may be dissolved by the Board or by two thirds of the paid up student members of the SU and certified by their signatures on an "instrument of dissolution"; or by amendment to the Association's Constitution to this effect. In the event of dissolution of the SU, all surplus property, all remaining funds, all accounts having been settled, at the dissolution, shall be returned to the Association.
7. Any sports club constituted under the SU may be disbanded or have its activities suspended by the VP Sports and Societies or the Sports Executive. Appeals against such rulings may be made to the Sports and Societies Council, except in disbandment ordered under the Disciplinary procedure (see Schedule 9). On dissolution of a club, all funds and equipment shall become the property of the Association.
8. The Association shall not be liable for any financial losses or debts caused by the SU or its clubs. These shall be the liabilities of its members.

9. SU Membership.

- 9.1 All players engaged in sport through an SU sports club must be both paid up members of the SU and the individual club (see schedule 1 for classes of membership).
- 9.2 It is a condition of playing representative sport in student leagues and competitions that all players fielded in fixtures are current matriculated students and paid up members of the SU. Fielding an ineligible player may result in disqualification of the club from competitions and leagues, as well as other punitive action being taken against the club by the Association or sports governing bodies or leagues.
- 9.3 Clubs may have associate members. These members shall be required to pay higher membership rates than full members.
- 9.4 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 provide evidence of this; and,
 - (b) be paid up members of the SU; and,
 - (c) be paid up members of the club.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 club may decide to pay their SU and club membership fees from club funds (club account).

10. SU Decision-Making.

- 10.1 The main policy-making body relating to sports shall be the SSC. The SSC shall also decide the annual sports awards, based on a short list from the SU Executive.
- 10.2 Most of the day to day business enacted by the SU shall be processed by the VP Sports and Societies, with the support of the Sports Executive and Association staff as required.
- 10.3 The Sports Executive shall comprise of:
 - 10.3.1 The VP Sports and Societies who shall act as SU President and convenor.
 - 10.3.2 Four (4) SU members, each core officers from different clubs, elected by the Sports Forum.

11. The Remit of the Sports Executive.

- 11.1 To ratify club budgets set by the VP Sports and Societies and to ensure that the budgets are fairly administered and in accordance with financial procedures. To ratify club membership charges to ensure that these are at an appropriate level for the particular sport.
- 11.2 To assist with the organisation of sports promotion, including freshers weeks and fairs, and to assist with membership drives, sign ups and SU campaigns.
- 11.3 To support fund-raising activities and the development of income streams for the SU, clubs and for other sports purposes, including support for elite teams and athletes in competition.
- 11.4 To ensure that the clubs have live and appropriate safety policies for their respective sports and that these are communicated to and observed by the club membership.
- 11.5 To stage regular social events to bring SU clubs together and help to organise the awards ceremony.
- 11.6 To consider fairly and impartially individual athletes and teams for sporting awards and recognition, matching them against established criteria to create a short list of nominees for the Sports and Societies Council.
- 11.7 To provide a panel of three, convened by the VP Sports and Societies, to hear disciplinary cases impartially and without a conflict of interest, against SU clubs or individual members in the first instance, with the option of referring them to the Police, the University or the Association Discipline Committee (see Schedule 9) as appropriate.

12. Clubs.

- 12.1 Clubs constituted under the SU shall have a minimum requirement of: 15 students who must be paid up members of the SU and their respective clubs. Membership must be open to all current students, at Edinburgh Napier University, although it may be necessary to place a limit on numbers of participants for safety purposes. If these key conditions are not met, club status shall not be conferred.
- 12.2 Clubs shall have a written constitution and aims, and a minimum of 3 student office holders, including a president or captain, a secretary and a treasurer. These office-holders shall all be full members (see Schedule 1) and all shall be eligible to attend the Sports Forum. The club constitution shall also detail when and by what method club office holders are selected, and who is eligible to vote in its election.
- 12.3 Clubs shall compile budgets for participation, including match play and training requirements, and submit them in the

required format and by the stipulated deadline. They shall also set a membership rate for students and associates, the latter being set at a level significantly higher than for student members.

- 12.4 Clubs may hold up to 2 nominal bank accounts with the Association: a budget account from Association funds which is restricted to sporting activity and a club membership account raised from other sources, and which is less restrictive in terms of use. No club may operate an independent bank account or bank cards.
- 12.5 Budget accounts must be authorised by the VP Sports and Societies, and all withdrawals by the clubs from these accounts to cover costs and expenses must be both approved and properly supported by documentation.
- 12.6 Clubs shall be encouraged to raise funds from other sources subject to the prior agreement of the VP Sport and Societies.
- 12.7 At least one key office-holder from each club shall attend the following events each year: freshers' fairs, captains' training, and the meetings of the Sports Forum.
- 12.8 Clubs must liaise closely with the Association about match and training fixtures, pitch and hall hires, transport to and from matches, referee and official fees as appropriate.
- 12.9 Clubs must ensure that they secure and maintain kit and equipment; that kit is returned by players and that equipment is in a safe and working condition, reporting problems to the SU where maintenance is needed. Any disposal or sale of kit and equipment must be notified to the SU for the inventory and any funds from a sale paid into the budget account.
- 12.10 Clubs require an active safety policy that is in line with the requirements of their sport's governing body and is disseminated to club members. In high risk sports, the office holders will take responsibility to ensure that training, trips and competitions are properly staffed by students or members with an appropriate coaching badge for the planned activities.
- 12.11 Clubs must ensure that all participants are compliant with health and safety requirements while on club trips and activities. This includes driving minibuses to and from activities.

SCHEDULE 6: STUDENT SOCIETIES UNION

1. The Association shall have a Student Societies Union (SSU) constituted within it.
2. The aims of the SSU shall be to contribute to the Association's objects by encouraging student participation in shared extra mural activities:
 - 2.1 fostering a student identity through activities that transcend campuses and academic disciplines.
 - 2.2 offering students personal development opportunities in running their respective clubs.
 - 2.3 developing a culture of activity and engagement with the Association and the University.
3. The SSU shall be a constituent part of the Association and be allocated 2% of its block grant to support societies' activities and participation. It shall establish clear deadlines and adhere to clear criteria for funding applications and allocate fairly between societies, the overall framework for public funding being reviewed from time to time by the Board.
4. In cases where rules or policy appear to conflict between the Association and the SSU, legal requirements and the Association's Constitution shall take precedence.
5. The property and assets of the SSU and its constituent societies, while held and administered by the SSU and its societies, belong collectively to the student body as represented by the Association. Any dispute over property and assets used by the SSU or its societies shall ultimately be decided by the Association's Board.
6. The SSU may be dissolved by the Board or by two thirds of the paid up student members of the SSU and certified by their signatures on an "instrument of dissolution"; or by amendment to the Association's Constitution to this effect. In the event of dissolution of the SSU, all surplus property, all remaining funds, all accounts having been settled, at the dissolution, shall be returned to the Association.
7. Any society constituted under the SSU may be wound up or have its activities suspended by the VP Sports and Societies or the Societies Executive. The society shall have the right of appeal to the Sports and Societies' Council (SSC). On dissolution of a society, all funds and equipment shall become the property of the Association.
8. The Association shall not be liable for any financial losses or debts caused by the SSU or its societies. These shall be the liabilities of its members.
9. **SSU Membership.**
 - 9.1 All participants engaged in activities through a student society must be paid up members of the SSU and the individual club (see Schedule 1 for classes of membership).
 - 9.2 Societies may have associate members. These members shall be required to pay membership dues at a significantly higher rate than student members.
10. **SSU Decision-Making.**
 - 10.1 The main policy-making body relating to societies shall be the Sports and Societies Council. The SSC shall also decide the annual awards, based on the recommendations of the Societies Executive.

10.2 Most of the day to day business enacted by the SSU shall be processed by the VP Sports and Societies, with the support of the Societies Executive and Association staff as required.

10.3 The Societies Executive shall comprise of:

10.3.1 The VP Sports and Societies who shall act as SSU President and convenor.

10.3.2 Three (3) SSU members, each core officers from different societies, elected by the Societies' Forum.

11. The Remit of the Societies Executive.

11.1 To ratify society budgets set by the VP Sports and Societies and to ensure that the budgets are fairly administered and in accordance with financial procedures. To ratify society membership charges to ensure that these are at an appropriate level for the particular activity.

11.2 To assist with the organisation of societies promotion, including freshers' weeks and fairs, and to assist with membership drives, sign ups and campaigns.

11.3 To support fund-raising activities and the development of income streams for the SSU and societies.

11.4 To ensure that the societies have "live" and appropriate safety policies and that these are communicated to the membership.

11.5 To stage regular social events to bring SSU societies together and to provide support in organising the awards ceremony.

11.6 To consider fairly and impartially individuals and societies for awards and recognition, matching them against established criteria to create a short list of nominees for the SCC.

11.7 To provide a panel of three, convened by the VP Sports and Societies, to hear disciplinary cases impartially and without a conflict of interest, against SSU societies and members in the first instance, with the option of referring them to the Police or the University or the Association Discipline Committee (see Schedule 9) as appropriate.

12. Societies.

12.1 Societies constituted under the SSU shall have a minimum requirement of: 10 students who must be paid up members of the SSU and their respective societies. Membership must be open to all students at Edinburgh Napier University, although it may be necessary to place a limit on numbers of participants for safety purposes. If these key conditions are not met, club status shall not be conferred.

Except. In the case of a society for lesbians, gays, bisexuals and transgendered students, where it is necessary to have 10 members and for them to pay society and SSU fees for their society to qualify for funding, but not to identify these students as named individuals.

12.2 Societies shall have a written constitution and aims, and a minimum of 3 student office holders, including a president, a secretary and a treasurer. These office-holders shall all be full members (see Schedule 1) and all shall be eligible to attend the Student Societies Forum. The society's constitution shall also detail when and by what method the society's office holders are selected and who is eligible to vote in its election.

12.3 Societies shall compile budgets for activities, including affiliations, meetings, transport, guest-speakers and so on and submit them in the prescribed format and by the stipulated deadline. They shall also set a membership rate for students and associates, the latter being set at a level significantly higher than for student members.

12.4 Societies may hold up to 2 nominal bank accounts with the Association: a budget account from Association funds which is restricted to society activities and a society membership account raised from other sources and which is less restrictive in terms of use. No society may operate an independent bank account or bank cards.

12.5 Budget accounts must be authorised by the VP Sports and Societies, and all withdrawals by the societies from these accounts to cover costs and expenses must be both approved and properly supported by documentation.

12.6 Societies shall be encouraged to raise funds from other sources subject to the prior agreement of the VP Sport and Societies.

12.7 At least one key office-holder from each society shall attend the following events each year: freshers' fair, captains' training, and the meetings of the Student Societies' Forum.

12.8 Societies must liaise closely with the Association over events and room-booking, booking and paying speakers, use of Association transport for society activities as appropriate.

12.9 Societies must ensure that they secure and maintain equipment. They must ensure that it is kept in a safe working condition and is returned at the end of the session, reporting problems to the SSU where maintenance is needed. Any disposal or sale of kit or equipment must be notified to the SSU for the inventory, with funds from sale going to the budget account.

12.10 Societies shall have an active safety policy that is in line with their activity and the level risk it carries. In high risk activities, the office holders shall take responsibility to ensure that events and activities are properly staffed by students or members with an appropriate qualification for the planned activities.

12.11 Societies shall ensure that all participants are compliant with health and safety requirements while engaged in society trips and activities. This includes driving minibuses to and from activities.

SCHEDULE 7: ELECTED OFFICERS' RESPONSIBILITIES

1. Shared Duties of Full Time Elected Officers (Sabbatical Officers):

1.1 Trusteeship and governance.

1.2 Strategic development of the Association.

1.3 Student leadership.

1.4 Representation and campaigns.

- 1.5 Fund raising.
- 1.6 Promotion and profiling of the Association.
- 1.7 Part- time Officer support.
- 1.8 Freshers' and induction week activities.
- 1.9 Providing induction training and handover information to successors.
- 1.10 Attending all meetings of the Board, Executive, Student Council, Student Forum and other assigned committees within the Association, the University and the wider community.

2. The President shall:

- 2.1 Be the Association's chief representative on the general welfare and well-being of the student body.
- 2.2 Represent the interests of the broad student demographic, and its constituent parts, at the University.
- 2.3 Develop the Association's estates and facilities strategy and be the Association's chief representative in relation to University estates.
- 2.4 Develop and maintain a communications strategy, acting as the Association's chief official spokesperson to the students, the University and the wider community.
- 2.5 Be the primary link with the University and other external stakeholders and organisations, such as the Government, NUS and community organisations.
- 2.6 Be the first ex officio student governor to the University Court.
- 2.7 Exercise line management responsibilities on behalf of the Board in relation to the General Manager as defined in staffing policy.
- 2.8 Have operational oversight of sabbatical work practices and workload management.
- 2.9 Have overall responsibility for convening and the co-ordination of activities of the Executive and the Student Forum.
- 2.10 Have overall responsibility for health and safety.

3. Vice President Sports and Societies shall:

- 3.1 Act as Sports Union President and Student Societies Union President and be involved in the strategic development of sport and societies at the Association and the University.
- 3.2 Support students in setting up and running sports clubs and societies, providing office-holders' training, and taking reasonable steps to support and facilitate their activities during the session.
- 3.3 Ensure fair and proper budget allocation and control for sports clubs and societies and that clubs and societies comply with the Association's financial policies.
- 3.4 Promote mass student participation in sports and societies among the student body, through the development of league and recreational, team and individual sports, and developing a range of open societies covering a variety of shared interests and activities.
- 3.5 Represent the Association's Sports Union externally to league and sports governing bodies.
- 3.6 Develop external income streams and sponsorship to support sporting and society activities and to work with the university on the funding of elite sport.
- 3.7 Take all reasonable steps to ensure that sport and society activities are carried out safely and that clubs/societies are risk aware.
- 3.8 Work with the Sports and Societies Executives to organise an annual awards ceremony and to allocate awards to individuals and clubs and societies based on fair, clear and objective criteria.
- 3.9 Convene and co-ordinate the work of the Sports and Societies Council, the Sports Executive and the Societies Executive.
- 3.10 Edit the Freshers' Handbook, co-ordinating the production of copy, with particular reference to the section on sports clubs and student societies; and ensuring it is delivered timeously and to a good standard.

4. Vice President Representatives and Volunteers shall:

- 4.1 Be the primary representative of the student body on matters relating to the University's overall academic strategy and promote student engagement in academic quality at all levels.
- 4.2 Work with the University, and other bodies as appropriate, to ensure that the student voice is heard in the development of academic policy and practice at all levels of decision-making and practice.
- 4.3 Work to support the Faculty Officers in addressing academic issues on behalf of their students.
- 4.4 Have overall responsibility for the Programme Representative System – ensuring that is publicised and programmes are represented and their representatives are trained, supported, active and effective.
- 4.5 Act as the main point of contact for programme reps seeking support on collective class issues.
- 4.6 Convene and chair the Student Council.
- 4.7 Be responsible for establishing the criteria and running the selection process for the annual student learning and teaching Awards, attract funding for it and organise an awards ceremony.
- 4.8 Develop a student volunteering database and network.
- 4.9 Set up new, or develop existing, volunteering projects that will offer members a range of development and engagement opportunities, for example, fund-raising, projects.
- 4.10 Co-ordinate the Freshers' Fair, liaising with the university, sports clubs and societies and other stall-holders to showcase their activities and attract new members.

5. The shared responsibilities of the part- time elected officers shall be:

- 5.1 To be active members of the Executive, to attend its meetings and enact its remit.
- 5.2 To be actively involved in Association campaigns and events, such as freshers' week and rep elections.
- 5.3 To raise a positive profile for the Association within the University and the wider community.
- 5.4 To attend assigned University committees.
- 5.5 To support other Executive members in their projects.
- 5.6 To attend meetings of the Student Council, Student Forum and other assigned University and external committees. and play a part in their work as appropriate.

6. The responsibilities of Faculty Officers (Academic) shall be:

- 6.1 To communicate with the students of the Faculty on academic matters and seek student opinion as appropriate.
- 6.2 To empower and support Faculty programme representatives so that they may engage effectively on academic issues.
- 6.3 To be a link between the programme reps in the Faculty and Faculty management on academic matters.
- 6.4 To represent students of the Faculty at senior level on collective academic matters.
- 6.5 To convene Faculty Councils and to work the Faculty Officer (Facilities and Well-Being) on Faculty issues.

7. The responsibilities of Faculty Officer (Facilities and Wellbeing) shall be:

- 7.1 To communicate with the students of the Faculty on facilities and well-being issues and seek student opinion as appropriate.
- 7.2 To empower and support Faculty programme representatives so that they may engage effectively on facility and well- being issues.
- 7.3 To be a link between the programme reps in the Faculty and Faculty management on facilities and well-being matters.
- 7.4 To represent students of the Faculty at senior level on collective facility and well-being matters.
- 7.5 To attend Faculty Councils and work with the Faculty Officer (Academic) on Faculty issues.

8. The responsibilities of the Equality and Diversity Officer shall be:

- 8.1 To ensure that equality and diversity is reflected in Association activities.
- 8.2 To communicate with the various Association Interest Forums representing demographic and liberation groups.
- 8.3 To convene Equality and Diversity Councils.
- 8.4 To work within the Equality and Diversity Council to co-ordinate and develop policy initiatives from the various Interest Forums.

9. The responsibilities of the Activities Officer shall:

- 9.1 Depending on the activity, to be either a (co)-organiser or supporting assistant, often working in close partnership with other Executive Members to promote and deliver events, covering a range of student activities in keeping with the Association's objects. To work closely with other elected officers and students on a range of activities: representational, sports and societies, academic, campaign, freshers', social; all within clear budgetary constraints and targets.
- 9.2 To attend meetings of the Sports and Societies Council and support its work.

10. Lay Student Trustees

10.1 Student Trustees shall be neither student representatives on the Association's Executive, nor office-holders within any of its sports clubs or student societies, but shall be independent student trustees of the Association with responsibility for its effective running of the Association as a charity to the work of the Board as such.

10.2 Elected student trustees are required to consider what is best for the governance of the Association as a whole in line with its charitable objects rather than represent any sectional interest.

10.3 Lay student trustees may also be assigned to delegated functions of the Board or other bodies as required.

SCHEDULE 8: ELECTIONS AND REFERENDUMS

1. It is a function of the Board of Trustees to facilitate fair and open election nomination and voting processes, and to run referendums, taking all reasonable steps to ensure fairness and a level playing field between candidates and referendum positions.
2. The Board shall delegate operational authority for this function to the Elections and Referendums Committee but shall retain responsibility for hearing final appeals.
3. For the principal Executive and Trustee elections in trimester 2 the Board shall appoint a Returning Officer, who shall not normally be an Association elected officer or staff member, and a Depute Returning Officer who shall normally be the Association's General Manager or her/his appointee.

4. Committee Membership.

None of these may be active in any partisan way in the election, by-election or referendum that they are required to oversee and adjudicate upon. Should they wish to adopt a partisan position, they shall be required to declare an interest, stand down from the Committee and be substituted.

- 4.1 One current full time elected officer (sabbatical), or her/his nominee from the Executive
- 4.2 Two programme representatives randomly selected from a pool of available reps.

- 4.3 The Returning Officer, who shall be the non-voting convenor in attendance.
- 4.4 The Depute Returning Officer, who shall be non-voting and in attendance.
5. An external Returning Officer is not required to oversee by-elections or referendums. The Depute Returning Officer or her/his nominee shall assume this responsibility.
- 6. Remit.**
The Elections and Referendums Committee shall:
- 6.1 Publicise vacancies and the nomination process.
 - 6.2 Check candidate's credentials to ensure they comply with eligibility conditions under point 14 of the core Constitution.
 - 6.3 Set the rules of campaign, including publicity allocations, imposing spending limits or bans, and a code of conduct and ensure that these are disseminated to candidates and key campaigners in referendums.
 - 6.4 Set the referendum question for the ballot paper.
 - 6.5 Adjudicate in any disputes between candidates and campaign teams, and in disputes about how the election is officiated. .
 - 6.6 Ensure that polling dates and methods are publicised and students are given a reasonable opportunity to vote (polls shall normally be open for 5 working days).
 - 6.7 Ensure that the mechanism for counting is fair and accurate.
 - 6.8 Declare the result.
 - 6.9 Investigate any complaint or appeal in the first instance.
- 7. Elections and By-Elections.**
- 7.1 The principal elections shall be run in Trimester Two during the core teaching weeks.
 - 7.2 By- elections shall be run in the event of seats being unfilled or as a result of an officer's resignation or dismissal. By- elections shall usually be run soon after the vacancy arises, unless there is good reason not to do so or the vacancy falls on or after the end of trimester 2.
 - 7.3 It shall be possible to co-opt members after the start of trimester 3. Co-options shall usually be direct substitutions from the list of members-elect where possible. Alternatively, the duties attached to the vacant post may be divided among existing members until the newly elected members takes up office at the start of the official term.
 - 7.4 A full official term of office for all elected positions shall run from 1st July to 30th June the following year.
 - 7.5 If a candidate has been elected through by- elections that took place after 1st July, her/his term of office shall commence on the day of the declaration and shall run until 30th June, but shall still count as a "term of office" unless her/his appointment was as a result of a 3rd trimester co-option.
 - 7.6 Members can only serve in one elected officer position at a time and may compete only for one elected position in each round of elections and by-elections.
 - 7.7 The voting method used for Association elections shall be the Alternative Transferrable Vote. The Committee shall explain to candidates how this method works before polls open.
 - 7.8 The ballot paper in Association elections shall include an option to Re-Open Nominations.
 - 7.9 The positions elected by a cross campus ballot shall be:
 - 7.9.1 all full time Executive Officers (sabbatical officers).
 - 7.9.2 the Equality and Diversity Officer.
 - 7.9.3 the Activities Officer.
 - 7.9.4 two Lay Student Members of the Trustee Board.
 - 7.10 The offices elected at cross Faculty ballot shall be:
 - 7.10.1 Faculty Officers (Academic), one for each Faculty
 - 7.10.2 Faculty Officers (Facilities and Wellbeing), one for each Faculty
- 8. Referendums.**
(See point 14 of the core Constitution).
- 8.1 Referendums on policy issues, constitutional changes and no confidences/dismissal of elected officers are binding on condition that a minimum of 10% of students vote in the referendum.
 - 8.2 The Elections and Referendums Committee has a responsibility to ensure that referendums are run in a fair and democratic way, that students are aware of any referendums being held; and to take reasonable steps to ensure that that all students wishing to vote in referendums are enabled to do so.
 - 8.3 Referendum questions on the ballot paper shall be clear, unambiguous and non-leading. Wherever possible they shall offer voters a clear "yes" or "no" option.
- 9. Election and Referendum Rulings and Appeals.**
- 9.1 During the election or referendum week, the Returning Officer shall have the authority to make interim decisions on behalf of the Elections and Referendums Committee and to require these to be enacted. S/he will be expected to refer issues requiring adjudication to a full Elections Committee, but is authorised to make "holding decisions" in the interim.
 - 9.2 Candidates and campaigners shall refer any issues of clarification or concern to the Returning Officer or the Elections Committee before and during the campaign itself, up to close of polls.

- 9.3 Any complaint about the campaign and the way it was run must be with the Returning Officer by no later than 1 hour after close of polls. Any complaint must be in writing, citing grounds and evidence.
- 9.4 In the event of the Returning Officer receiving such a written complaint about the conduct of the elections, s/he will refer it to the Board to process as an appeal.
- 9.5 The Board shall appoint an appeals panel consisting, where possible, of 2 external trustees and one student member not involved in any partisan way in the elections campaign and not involved in the work of the Elections and Referendums Committee.
- 9.6 It shall investigate the appeal, taking such evidence, professional advice and assistance as it deems appropriate. The appeals panel shall issue a written decision, normally within 10 working days, stating grounds, and where appropriate, its next action.
- 9.7 This decision shall be final, except that under the Education Act 1994, the appellant has ultimate recourse to the University Court.

SCHEDULE 9: CONDUCT AND DISCIPLINE

It is a function of the Board to promote good conduct among its own Trustees and that of Association members in connection with their Association activities, and to discipline those who behave in such a way as to cause injury, harm, distress, or damage to persons; or who vandalise, steal or otherwise damage property; or otherwise bring the Association into disrepute while representing it or being associated with it and its functions. This includes representing the Association as a Trustee or Executive Member, programme representative through Association bodies, representation through sport, or as part of a society, socially at Association-organised events, or at events organised by other associations, unions or other organisations, including while attending in a representative capacity as a delegate at a conference or as a trainee at an event run by a third party.

There are different standards of behaviour expected of members depending on their position and level of responsibility within the Association.

Trustees will be expected to demonstrate conduct that is legally compliant with the requirements of trusteeship, and compatible with Nolan's 7 principles of good governorship and standards of conduct that befit Trustees and the privilege of office.

All elected student officers who are members of Association committees and councils and other forums also have a responsibility to conduct themselves appropriately as befits anyone elected as a representative to a position of public office.

All ordinary student members too, in their dealings with the Association and its business should conduct themselves appropriately and do nothing, in the Association or the University, and in other associations and unions with which the Association has reciprocal arrangements, or in the wider community; to bring the Association into disrepute.

Part 1: Disciplinary Offences, Authorities, Hearings and Procedure.

1. Offences.

- 1.1 Nothing in the Association's disciplinary procedure shall prevent a case being referred to the Police or the University Discipline Procedure if, at any time, this is believed to be more appropriate.
- 1.2 There shall be 4 classes of offence. These do not indicate the severity of the offence, only the constituency of persons who are liable for disciplinary action under each class. The list of offences is not exhaustive or exclusive and the decision on whether to class them as major or minor offences shall be dependent on scale or impact and at the discretion of the disciplining body.
- 1.3 **Class 1 Offences.**
All Trustees, elected student officers, full and associate members are subject to disciplinary action for committing Class 1 offences.
Class 1 offences include:
 - 1.3.1 Causing nuisance, harm, injury or distress to members of the Association or its staff.
 - 1.3.2 Bullying, harassing or threatening members of the Association or its staff.
 - 1.3.3 Making malicious or vexatious or defamatory comments or accusations about other members, elected officers, Association staff or Trustees.
 - 1.3.4 Theft, misappropriation of assets, such as funds and expenses, kit and equipment, vehicles and premises that are owned, rented or leased by the Association.
 - 1.3.5 Vandalism or wilful damage caused to assets that are owned, rented or leased by the Association.
 - 1.3.6 Causing damage while in an Association vehicle to a vehicle(s) and/or its passengers, damage to and equipment, damage to third parties and/or their vehicles by driving without due care and attention or recklessly, or without authorisation to drive.
 - 1.3.7 Behaving in such a way in a representative role, or by association, so as to bring the Association into disrepute.
 - 1.3.8 Engaging in poor or unseemly conduct while wearing branded clothing or being with a group of people identifiable as Association members, including representing an Association club or a society, and behaving in an unacceptable way while at conferences or training events staged either by the Association or third parties.
 - 1.3.9 Committing any of the kind of offences listed above in another students' association in relation to their members, staff or property.
 - 1.3.10 Lying or falsifying evidence to a disciplinary hearing.

1.4 Class 2 Offences.

All members are subject to discipline for committing class 2 offences, but class 2 offences are especially aimed at student representatives, including those elected to the Executive or Councils, programme representatives at Association bodies, and those engaging as representatives in sports and societies, as well as those representing the Association at conferences and training events run by 3rd parties.

Class 2 offences include:

- 1.4.1 Breach of Association Constitution, protocols and procedures.
- 1.4.2 Engaging in ultra vires or unlawful activities.
- 1.4.3 Criticising Association staff on a democratic platform or in a public forum.
- 1.4.4 Failure to declare interests and possible conflicts of interests.
- 1.4.5 Failure to declare gratuities.
- 1.4.6 Fraud or misappropriation of Association assets, expenses or funds.

1.5 Class 3 Offences.

These apply to the Executive specifically as the democratic leadership of the Association. Executive Members also remain liable for class 1 and 2 offences.

- 1.5.1 Persistently missing assigned meetings without acceptable reason(s).
- 1.5.2 Not covering the duties of the position (see schedule 7).
- 1.5.3 Failure to adhere to or enact agreed policy.
- 1.5.4 Deliberate misrepresentation of agreed policy in a public or democratic forum.
- 1.5.5 Fraud or misappropriation of Association assets or funds, including fraudulent claims for expenses.
- 1.5.6 Failure to declare conflicts of interests or gratuities as required.
- 1.5.7 Making a false declaration about eligibility to be an Executive Officer, or failing to declare a change of circumstances that would invalidate eligibility.
- 1.5.8 Material breach of Constitution, protocol, procedures, policy, contracts and agreements, including breaching confidentiality.
- 1.5.9 Publicly misrepresenting the position of the organisation or its policy, or otherwise bring the Association into disrepute.
- 1.5.10 Using the status of office or trusteeship for any personal gain (other than remuneration of full time officers under section 67 of the Charities and Trustees Investment (Scotland) Act 2005).
- 1.5.11 General failure of student leadership.

1.6 Class 4 Offences.

These apply specifically to the Board of Trustees acting as Trustees but Trustees also remain liable for class 1, 2 and 3 offences.

- 1.6.1 Making a false declaration about eligibility to be a charitable trustee.
- 1.6.2 Withholding or concealing information that might disqualify the person from being a trustee.
- 1.6.3 Financial impropriety or fraud, including fraudulent expense claims.
- 1.6.4 Failure to declare a conflict of interest or a gratuity.
- 1.6.5 Using the status of office or trusteeship for any personal gain (other than remuneration of full time officers under section 67 of the Charities and Trustees Investment (Scotland) Act 2005).
- 1.6.6 Failure to observe protocol and confidentiality where this is required.
- 1.6.7 Being convicted of unlawful activity that is deemed incompatible with holding office as a Trustee.
- 1.6.8 Publicly misrepresenting the position of the organisation as a charity, or otherwise bring the Association into disrepute.
- 1.6.9 Material breach of constitution, protocol, procedures, policy, contracts and agreements.
- 1.6.10 Inappropriate release of membership, client or staff or other confidential data.

And specifically to full time elected officers as trustees:

- 1.6.11 Persistent lateness.
- 1.6.12 Absenteeism without good reason.
- 1.6.13 Mismanagement of workload and/ or work time.
- 1.6.14 Abuse of Association premises or equipment.

2. The Appropriate Disciplinary Authority.

- 2.1 A Sports and Societies Disciplinary Panel may hear cases under class 1, alleging misconduct by its members in the first instance. Alternatively, the VP may decide to refer the case to the Association Discipline Committee, especially those alleging offences under 1.3.1, 1.3.2, 1.3.3, 1.3.10 or 1.3.11.
- 2.2 An Association Discipline Committee shall be convened to hear most class 1 and 2 offences.
- 2.3 An Association Discipline Committee shall be convened to hear class 3 offences.
- 2.4 A Student Forum may caution an Executive Member.
- 2.5 A Student Council may caution or censure an Executive Member.
- 2.6 A referendum may dismiss an Executive Member through a motion of no confidence for actions relating to their democratic leadership (see point 8 of this schedule).

2.7 In trimester 3, an Executive has the power to discipline an Executive Member (see section 8), up to and including the point of dismissal from office, based on a vote by two thirds (2/3rds) of a quorate Executive Meeting. This shall be subject to ratification by the next Student Council.

2.8 A Board of Trustees' Panel may discipline its own membership to the point of dismissal for their actions as Trustees however it may not dismiss sabbatical officers from their Executive responsibilities. In any case where it believes the conduct of such officers to be incompatible with holding public office on the Executive, it may trigger a referendum on the issue.

3. Composition of Disciplinary Hearings or Meetings.

3.1 Sports and Society Disciplinary Panel.

Membership:

Convenor – VP Sports and Societies or her/his nominee.

1 member of the Sports Executive.

1 member of the Societies Executive.

A member of Association staff will be in attendance and advise on procedure.

No voting member shall have any conflict of interest with the case being heard.

3.2 Association Discipline Committee.

Membership:

Convenor - a full time elected officer (sabbatical officer).

2 students selected randomly from the pool of registered programme representatives.

A member of Association staff shall be in attendance and advise on procedure.

No voting member shall have any conflict of interest with the case being heard.

3.3 Democratic Leadership.

A perceived failure in democratic leadership and representation may be dealt with by any of the following bodies:

3.3.1 Student Forum (see page 10).

3.3.2 Faculty Councils/Equality and Diversity Council/Sports and Societies Council for conduct or performance relating only to their respective bodies (see pages 8-10).

3.3.3 Student Council (see page 10).

3.3.4 Executive (see page 6).

3.3.5 Referendum (see page 8).

3.4 Panel of Trustees.

Membership:

Convenor – 1 external trustee.

1 lay student trustee.

1 other trustee.

The Association General Manager, or his or her appointee shall be in attendance and advise on procedure.

No voting member shall have any conflict of interest with the case being heard.

4. Procedure for Disciplinary Panels convened under 3.1, 3.2, 3.4

4.1 The President shall receive any notification of the alleged offence and refer the case to the appropriate disciplinary authority. The President, acting on behalf of the Board, may take professional advice on this as appropriate.

4.2 The Convenor of the Disciplining authority shall appoint an investigating officer. S/he may also assign Association staff support to this role. S/he shall make every reasonable effort to ensure that panel members/appointees have no conflict of interest in relation to the particular case.

4.3 The Investigating Officer shall carry out a preliminary investigation of the allegations, producing evidence and identifying any witnesses to events. S/he shall report to the Convenor.

4.4 The convenor shall use the investigator's report to make a decision on whether or not to hear the case and further investigate the allegation. At this stage the Convenor may decide that there are insufficient grounds or evidence for hearing the case and decide to dismiss the case or refer it to another body. S/he shall write a short summary of the case and the reasons for not hearing it for the file. S/he may also give consideration as to whether the original complaint or allegation was malicious or vexatious, and whether to instigate proceedings on this basis.

4.5 In the event of the Convenor deciding to pursue the case, s/he shall randomly select and call together a panel. If the Convenor believes that additional information is required, s/he shall ask the investigating officer to obtain this where available.

4.6 The Convenor shall write to the alleged offender informing her/him of:

4.6.1 the alleged offence

4.6.2 the need to attend a hearing and its time and date

4.6.3 her/his right to be accompanied by a full member of the Association

4.6.4 her/his right to call witnesses and produce evidence in her/his support

- 4.7 The hearing shall take place as soon as possible, and usually within 20 working days of the original allegation being made.
- 4.8 The panel has the right to question the alleged offender, the complainant and any witnesses directly (separately if required).
- 4.9 At the end of the process the panel shall consider its decision based on the evidence provided, the test being on the balance of reasonableness and probability given the evidence presented. Professional advice shall be accessed as appropriate. The decision shall be based on a simple majority.

5. Outcomes of Panels:

- 5.1 The panel may find the alleged offender guilty or not guilty of the offence.
- 5.2 It may also decide to refer the case to another authority, such as the Police or the University.
- 5.3 If not guilty, the case shall be dismissed and the alleged offender informed that there is no case to answer. The Convenor may, also at this stage, give consideration as to whether the original allegation was malicious or vexatious, and whether or not to instigate proceedings against the complainant on this basis.
- 5.4 If it is decided that the offender is guilty, the panel shall move on to consider an appropriate penalty.
- 5.5 The Convenor shall write a short summary of the case: name of alleged offender, date, charge, outcome and reasons for the outcome.

6. Penalties.

When considering a penalty, the panel shall endeavour to ensure it is proportionate. However, there is an added consideration: the level at which a member is engaged with the Association when s/he commits an offence. This may also be material in terms of how severely allegations are treated. For example, a trustee who fails to declare a conflict of interest may be penalised more severely than an ordinary member for the same offence; or an Executive Member who breaches protocol may be penalised more severely than a sports club member for a similar offence.

Penalties include:

- 6.1 A requirement to pay for damage caused.
- 6.2 A fine of up to £200.
- 6.3 A reprimand (in the case of an Executive member, this would be a caution or censure) and warning about future offences.
- 6.4 A temporary suspension of membership; or playing for a team; or representing a society; or prevention from driving an Association vehicle; or attending conferences or events on behalf of the Association; or acting as a trustee.
- 6.5 Withdrawal of a player or team, or society, from a league or competition.
- 6.6 Dismissal or referral to the appropriate body with a recommendation to dismiss.
- 6.7 Permanent or temporary exclusion from holding a position within the Association, inclusive of Sports Union and Student Societies Executive positions.
- 6.8 A fixed term, or lifetime, expulsion from the Association, the Sports Union and its clubs, the Student Societies Union and its societies.
- 6.9 Any other appropriate penalty that is commensurate with the offence.

7. Appeals.

7.1 Grounds for Appeal:

The offender has the right to appeal on any of the 3 grounds below:

- 7.1.1 New evidence being produced, likely to have had a material impact on the outcome, but that could not have been produced at the initial hearing.
- 7.1.2 The penalty issued is too severe a punishment for the offence committed.
- 7.1.3 The way the disciplinary investigation and case were progressed did not follow proper procedure.

7.2 The Appeals Panel:

- 7.2.1 Three (3), normally student, members of the Board of Trustees, not previously involved in the case and with no conflict of interest, convened by the President or her/his nominee.
- 7.2.2 A member of Association staff shall normally be in attendance to advise on procedure.

7.3 Appeal Process:

- 7.3.1 Any appeal must be in writing and within 5 working days of the written decision of the panel being received. The appeal letter shall state the grounds for appeal and reasons, and where relying on new evidence not hitherto available, shall produce this evidence.
- 7.3.2 The Panel shall seek advice as appropriate over whether to admit an appeal. If the appeal does not fall within any of the grounds in 7.1, the Convenor shall write to the appellant to inform her/him of this and that the original decision remains in force..
- 7.3.3 Should the panel decide to admit the appeal, the Convenor shall convene an appeals panel under 7.2 above.
- 7.3.4 The appeals panel shall not normally re-hear the whole case, but shall hear the appeal only on the grounds stated in the appeal. It shall take into consideration the grounds for the original decision of the panel, reports and witness statements as appropriate.
- 7.3.5 If an appeal is accepted under 7.1.1. any new evidence shall be shared with relevant 3rd parties for comment.

- 7.3.6 The Appeals Panel may: dismiss the appeal or uphold it. In cases where an appeal is upheld under 7.1.1 the penalty may be over-turned and the case dismissed; on the grounds that penalty was too severe (7.1.2), the panel may reduce or increase the penalty; on the grounds of procedural irregularity (7.1.3), the panel may refer the case back to be processed properly by different personnel; or it may dismiss the case.

8. Disciplinary action taken against the Executive as the Student Leadership.

Executive Members are the student leadership, democratically elected by the membership to represent the interests of the student body. It is, therefore, important that the student body has an opportunity to discipline or dismiss their representatives where it has serious concerns about the Executive's conduct or performance in office, either collectively or individually. However, where members of the Executive are acting in their capacity as Trustees, this procedure shall not apply.

8.1 Such action shall normally be progressed through elected bodies: Student Forum, Student Council and Referendums.

8.2 Faculty Officers may also be cautioned or censured by their Faculty Council; the VP Sports and Societies may also be cautioned or censured by the Sports and Societies Council; the Equality and Diversity Officer may also be cautioned or censured by the Equality and Diversity Council.

8.3 The Executive Committee may also discipline its own membership to the point of caution and censure for a failure of democratic leadership. It may, after the start of trimester 3, no confidence/dismiss an Executive member for class 1, 2, or 3 offences. Disciplinary action at this level shall not involve a hearing per se, with associated procedures and rights, but shall be subject to providing proper notice of a motion, with associated evidence, and a reasonable opportunity for the officer to respond to charges against her/him and make a defence against them or in mitigation of her/his actions. Any decision to dismiss shall be based on a vote by two thirds (2/3rds) of a quorate Executive.

8.4 A request for censure may be submitted to the Convenor before any of the meetings specified above but a caution may be tabled at the meeting itself.

8.5 The outcome shall be decided by a vote, and in order to discipline a member, two thirds (2/3rds) of eligible voters at a quorate meeting shall be required.

8.6 There shall be 3 penalties available specifically aimed at Executive Members (but not as trustees):

8.6.1 Caution- the equivalent of a verbal warning, with intent to note the minor misconduct or performance that may carry unwanted liabilities or risks for the Association and its members, and with the aim of improving future conduct or performance.

8.6.2 Censure- a serious formal reprimand for misconduct or dereliction of duty, especially but not always following an informal caution, and with the aim of improving conduct or performance.

8.6.3 Vote of no confidence- a motion to demonstrate that the membership has lost confidence in the elected officer and requiring her/his dismissal. This is usually in response to repeated minor misconduct or a single act of gross misconduct that makes continued membership of the Executive untenable.

8.7 These penalties shall not preclude Executive Members from receiving additional penalties of the kind listed under point 6 such as fines, cautions and so on.

9. Complaints Procedure

1. This procedure may be utilised by students who are dissatisfied with the standard of service they have received as a service user; or by members of the public.
2. Any complaint shall be lodged in writing with the President who shall investigate the case and respond in writing, usually within 10 working days of receiving the complaint. S/he may also decide to refer the case under the appropriate disciplinary authority.
3. In cases where the complainant is not satisfied with the response from the President, s/he may appeal to the Trustees, within 10 working days of receiving the President's response, in writing and stating grounds.
4. The appeal shall be heard by 2 external trustees and one VP. The panel may decide its own process, and call evidence and take professional advice as appropriate, before deciding by a simple majority vote on the outcome.
5. The Panel's decision on behalf of the Trustees shall be final, except where the allegation relates to the provisions of the Education Act 1994, in which case s/he may raise her/his concerns in writing with the Secretary of the University on behalf of the University Court.

10. Protocols

Officer to Officer Disputes.

The Association is committed to early and informal resolution of any disputes between individuals. However there may be occasions when this is inappropriate. There are options of informal mediation through the protocol agreement, beyond which a member may table a motion of discipline and formal proceedings are required,

Officer-Staff Disputes.

The Association is committed to early and informal resolution of any disputes between individuals. There is an officer-staff protocol and a line management structure that should be used beyond which there are respective disciplinary and grievances procedures that apply to staff.

11. Protocol, Complaints and Whistleblowing Protocol.

1. The Constitution sets out the framework in which the relationship takes place between members and their elected representatives through the Association, both on policy-making and enactment, and on the governance of the Association as a charity. Members must follow due process and protocol established in the Constitution. Any breach that is seen as deliberate and/or malicious or vexatious in intent or effect, may itself become the subject of disciplinary action.
2. The Constitution does not extend to members of Association staff who are subject to contracts and terms and conditions of employment and staff-elected officer protocols. Members must do nothing to undermine the position or criticise Association staff on a democratic platform. Officers must also do nothing to identify and criticise staff on a public platform.
3. Where a member has a complaint about any aspect of performance or standards, s/he is expected to exhaust internal procedures for resolution of these before seeking external resolution. In the first instance the complainant should put her/his concerns in writing to the President citing grounds and reasons and providing evidence where available. The President will investigate the complaint under the complaints procedure (see 9 above).
4. Any elected officer who is concerned about a wrongdoing within the Association and has tried, without success, to have these concerns addressed through official internal routes, may "whistleblow" at an appropriate level.
5. The Association undertakes to treat complainants and whistle-blowers without unfair prejudice where they act properly, in accordance with procedure and in good faith. Where, however, it becomes evident that a member has acted out of personal or policy dislike or malice, the complainant/whistleblower may themselves become the subject of disciplinary action.

12. Code of Conduct for Trustees

The following responsibilities and standards of conduct are expected of all Trustees.

Nolan's principles of: selflessness, honesty, integrity, transparency, accountability, objectivity and leadership are principles that Association trustees should uphold in their conduct.

Impartiality.

It is central to the proper conduct of Trustee business that all trustees should act, and should be perceived to act, impartially and in the best interests of the Association as a whole, and should not be influenced in their conduct by their social or business relationships, or by any other affiliation.

Confidentiality.

Trustees must respect the confidentiality of sensitive information held by the Board. Documents and data that carry "confidential" stamps must be treated as such. This includes personal information about clients or staff, commercially sensitive information, and information received in confidence by the Association. Trustees shall not disclose, either orally or in writing, any such information derived, either orally or in writing, as a consequence of their status as trustees. Trustees may not use information gained through privileged access as a Trustee for the purpose of any personal or financial gain, or use such information in any way to bring the charity into disrepute.

Public Statements.

Trustees must be aware that when they write or speak publicly on any business related to the charity, whether or not it is their intention to do so, and whether or not they believe they are speaking in a personal or professional capacity; this may be, or perceived to be, the case. Consequently this may cause some distress or embarrassment to fellow Trustees. The Association's designated spokesperson is the President, and it is expected that members shall clear any public representation of policy with the President or her/his appointee before making it.

Declaration of Interests.

Any trustee who has a financial, business, political, family or other personal interest in matters discussed by the Board is required to disclose this interest to the Board as soon as is reasonably practicable and before s/he participates in discussion of the matter at the Board. In such cases, it is the Convenor's decision whether they should:

- (a) be permitted to remain in the meeting, speak and vote on the item.
- (b) be permitted to remain in the meeting but not be permitted to speak or vote on the item.
- (c) leave the meeting for the duration of the discussion and not vote on the item.

Trustees may not use information gained through privileged access as a Trustee, or use her/his power as a Trustee, to accrue benefits either personally or for her/his family.

Student trustees may not hold a managerial position in or become a trustee of the Association until 3 years have elapsed since her/his term of office ended.

A Trustee shall not be permitted to take up a management staff post with the Association within 3 years of holding elected office.

A register of interests shall be maintained for Trustees. It is the personal responsibility of the Trustee to ensure that the entry relating to them remains accurate and up to date in terms of their interests. The Board reserves the right to run checks as appropriate.

SCHEDULE 10: FINANCE AND RESOURCES

Administration of Finance and Resources is a Trustee responsibility delegated to officers and staff in accordance with appropriate procedures. In addition, there shall be an Operations Group responsible for this on a more regular basis, acting primarily as a monitoring and allocating body, able to re-allocate funds throughout the year according to priorities, resources and needs in order to achieve the smooth day to day running of the Association and the attainment of strategic objectives set by the Board.

1. Remit.

The Finance and Resources Operations Group shall:

- 1.1 Receive and scrutinise financial reports.
- 1.2 Receive and scrutinise budgets and plans.
- 1.4 Authorise any capital or non-current capital spending over £2000.
- 1.5 Authorise any significant recurrent spending: new staff positions, re-gradings and remuneration issues, external hires and leases of equipment, refurbishment.
- 1.6 Authorise any significant redeployment or re-prioritisation of resourcing during the session to respond to changing circumstances.
- 1.7 Authorise significant asset disposals.
- 1.8 Ensure that financial regulations and controls are fit for purpose and subject to periodic review to improve them.
- 1.9 Receive representations and input from the Executive over resource allocation.
- 1.10 Report quarterly to the Board.

2. Membership.

- 2.1 An External Trustee nominated by the Trustee Board, preferably with financial expertise.
- 2.2 The 3 full time elected officers, who shall be financial signatories for the Association.
- 2.3 The General Manager or her/his nominee

3. Quorum and Convener

- 3.1 The quorum shall be: 3 trustees and the General Manager or her/his appointee
- 3.2 The Convener shall be the non-sabbatical Trustee.

4. Meetings:

- 4.1 The Group shall normally meet bi-monthly (once every 2 months).
- 4.2 These meetings shall be diarised at least a trimester in advance.
- 4.3 The Convener shall call for papers 10 working days in advance and circulate papers to members at least 3 days in advance of the meeting.
- 4.4 The Convener shall have the right to call an emergency meeting with 48 hours notice.
- 4.5 The agenda shall be determined by the Convener.
- 4.6 The Group shall report to the Board

SCHEDULE 11 STANDING ORDERS

1. Convening Meetings

- 1.1 Meetings shall be convened by the Convener in accordance with the specific schedule relating to the body concerned.

2. Any Other Business.

Business not submitted in time for pre-circulation by the Convener may be raised under "any other business" at the direction of the Convener provided this business:

- 2.1 is in the remit of the body concerned **and**
- 2.2 requires a decision or discussion to take place before the next scheduled meeting of the body concerned.

3. Powers of the Convener

- 3.1 The Convener shall decide whether business is competent for or relevant to the body concerned.
- 3.2 The Convener has the power and responsibility for deciding whether an issue is a genuine emergency and merits an emergency meeting ahead of the next scheduled meeting.
- 3.3 The Convener is responsible for compiling the agenda, notifying members, and approving draft minutes prior to their circulation.
- 3.4 When the Convener speaks the meeting will come to order and all matters will be addressed through the Convener.
- 3.5 The Convener shall call speakers and chair debate in an inclusive and non partisan way, moving business to a conclusion.
- 3.6 In the event of disorder the Convener shall have the right to require any person creating a disturbance to leave the meeting immediately. S/he shall also have the right to adjourn or close the meeting.
- 3.7 In the event of the Convener wishing to make a substantive contribution to the debate, s/he shall be required to demit the chair for

duration of the debate and any subsequent vote.

- 3.8 The Convenor, unless otherwise stated in the schedule appertaining to a specific body, shall have a deliberative vote on the same basis as other members. In the case of a tied vote the Convenor has a casting vote.

4. Enacting Business/Decision-Making

- 4.1 Meetings must be quorate to enact business
4.2 Where meetings are inquorate after 30 minutes of the official starting time of the meeting, the meeting shall be abandoned.
4.3 Only full members of the Association and the decision-making body concerned shall be entitled to vote.
4.4 Voting must be in person. There shall be no proxy votes, except that there is 3rd trimester provision for the Executive to conduct its business electronically (see Schedule 2, Part II, 4.4)
4.5 Decisions may normally be reached by consensus at the direction of the Convenor, but where this is not possible or 1/3rd of members dispute this, there will be a vote, normally by show of hands with the option to vote "for" or "against".

5. Discussion and Debate of Motions.

- 5.1 On formal motions, there shall be a speech in favour of the motion by the proposer or their nominee.
5.2 The Convenor shall inform the meeting of any amendments. If there are amendments, these shall be debated in turn, with a speech in favour, a speech against, a 2nd speech in favour and a 2nd against constituting a "round" of speeches. Extra rounds of speeches may be permitted on a show of hands by a simple majority of voting members present.
5.3 Speeches shall be followed by a vote. If passed, the amendment will become part of the main motion which, as amended, shall be called the substantive.
5.4 Each amendment shall be debated and voted on in turn, following which the substantive itself will be debated, with a round of speeches, followed by a vote.

6. Procedural Motions.

These take precedence over all business other than points of order. They may not be raised during a speech or a vote, except if they relate specifically to the conduct of that speech and vote. These motions may be used to:

- 6.1 Overturn a ruling of the Convenor.
6.2 Re-order the agenda.
6.3 Set a guillotine or cut off point for the end of the meeting.
6.4 Move directly to the vote on a motion, with a summing speech and vote on the substantive as it stands at that time.
6.5 Not put the motion of business to the vote and remove it completely, deferring it, or remitting it to another body.
6.6 Change the voting method: to a roll call or secret ballot.

7. Points of Order and Information

These take precedence over other matters and may be used to:

- 7.1 Request clarification of the rules.
7.2 Request a count to ensure the meeting is quorate.
7.3 Correct a speaker on a matter of fact.

8. Minutes.

- 8.1 These shall be taken as a record of business discussed and decided at each meeting.
8.2 Minutes shall follow the order of business set on the agenda. The text of formal motions passed shall be recorded in full.
8.3 Minutes shall be authorised by the Convenor for accuracy before circulating them to the membership of the body concerned.
8.4 Minutes may be made publicly available but only after they have been ratified by the next meeting.
8.5 At the end of each academic session, minutes of meetings, other than reserved business, shall be collated for the public record.

9. Reserved Business.

- 9.1 This is business of a confidential nature that may be discussed by members of the body concerned in camera.
9.2 Items relating to staffing, electoral complaints and discipline shall be held under reserved business, but reserved business may include other matters of a sensitive nature.
9.3 Any papers relating to reserved business shall not be circulated in electronic format. Information will be circulated and returned at the meeting itself.
9.4 Items of reserved business shall be indicated by the Convenor and shall not be discussed outwith the meeting. Any member found to be disclosing or discussing such business with non-committee members may be subject to the Association's Discipline Procedure.
9.5 Minutes of reserved business shall be checked by the Convenor for accuracy and will be stored confidentially.

10. Automatic Removal for Non Attendance and Appeal.

To encourage engagement of officers with the Association, the Association operates a "3 strikes policy" of attendance on its main decision-making bodies (tiers 1 and 2). This means that if a member fails to attend on 3 occasions without what the body decides is "good reason", s/he shall automatically be excluded from membership and the Convenor shall write to inform her/him of this.

The Convenor's letter shall also inform her/him or her/his right of appeal to be re-instated. This appeal shall be made within 10 working days of receipt of her/his formal termination. Should the former member wish to appeal to the body, s/he must do so in writing, stating reasons for absence, S/he may be re-admitted to membership by a simple majority of a quorate body voting in favour.

11. Policy Lapse.

Policies shall remain in place for 3 years and then automatically lapse unless re-tabled and passed by the appropriate body. Policies shall be collated into a digest annually at the end of each session and be open for inspection by members.

12. Archiving.

Minutes of Association bodies together with any handover reports shall be collated at the end of the session and made open for inspection by members.