



Constitution

August 2008

City University Students' Union Constitution & Regulations

PART ONE **CONSTITUTION**

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1. Name and Objects of the Students' Union

There shall be a Students' Union as prescribed in the Charter of City University, ("the University") under the name "City University Students' Union" ("the Union"). This constitution ("the Constitution") shall come into effect on 1 August 2008. All previous constitutions are hereby revoked.

The objects of the Union ("the Objects") shall be:

- I. To act as the official organisation representing all students attending courses of study at the University;
- II. To provide individual students of City University with information and general guidance in relation to matters concerning their education and welfare, including matters where they are in dispute with the University.
- III. To foster the cultural, intellectual and social development of students through clubs and societies and development groups.

2. Board of Trustees

The Board of Trustees ("the Board") as set out in this Constitution shall be the sovereign and governing body of the Union and shall exercise all the powers of the Union, subject to the provisions of this Constitution and the regulations of the Union from time to time ("the Regulations"), charity law and any other relevant legislation and regulations

- I. The Board shall comprise:

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- i. Up to 3 elected sabbatical officers as set out in the Regulations or more if agreed by University Council
 - ii. Up to 3 other trustees, who shall not be members of University staff ("the External Trustees") (with the number determined by the Board from time to time). The External Trustees in office at the date of adoption of this Constitution shall be appointed by the University Council. Subsequent External Trustees shall be appointed by the Board by a simple majority having first been nominated by the University Council; and
 - iii. 1 ex officio trustee who shall be a senior officer of the University (such as the Dean of Students) appointed by the Vice Chancellor of the University.
- II. The Union General Manager shall act as Secretary to the Board.
- III. The Board will elect a Chair each academic year.
- IV. The External Trustees may serve up to three terms of three years. To serve successive terms External Trustees must secure the nomination of University Council and be appointed by the Board.
- V. Trustees shall register with the Board at least annually any interest which they have which may conflict with the interests of the Union. Trustees must also declare any interests in any matter falling for consideration by the Board.
- VI. A person shall cease to be a Trustee in any of the following circumstances:
 - i. On expiry of their term of office;
 - ii. When required by two thirds of the Board (for this purpose a quorum will be four) on the grounds of breach of trust, breach of this Constitution or other serious misdemeanor including, in the case of Sabbatical Officers, failure to perform their role as laid down in Regulations satisfactorily.
 - iii. On offering the Board their resignation
- VII. The quorum of the Board shall be 3 members, one of whom shall be an External or ex officio Trustee.
- VIII. Decisions can be taken by the Board in writing including by email. This process will be managed by the Secretary but cannot be used for dismissing a Trustee or Executive Committee member or changes to Constitution, Regulations or Policy.
- IX. The Board shall meet no less than three times a year.
- X. The Board may establish committees to carry out work on behalf of the Board and may delegate decision making appropriately. Such committees may contain a minority of members who are not Trustees. Where decisions are so delegated the Trustees will remain accountable for them.
- XI. Trustees may delegate to Union staff through the General Manager the making of decisions within the limits and subject to the arrangements for reporting decided by the Trustees.
- XII. Trustees shall be reimbursed for expenses actually and reasonably incurred on Union business but shall not receive further payment for their work as Trustees.
- XIII. Union policy ("Policy") shall be set by the Board. A simple majority of Trustees shall pass new policy. No policy motion may override the Constitution or the Regulations. Policy applies to all members.

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3. Executive Committee

- I. The Board shall establish and maintain an executive committee ("the Executive Committee"). The Executive Committee shall be concerned with the Union's representation and campaigning work and such other functions of the Union as delegated by the Board.
- II. The Executive Committee shall consist of one annually elected part time representative for each School within the University and the three Trustee full time sabbatical officers. School representatives shall not be regarded as holding major offices in the Union for the purpose of s.22(2)(d) Education Act 1994 and they may be removed for good cause by majority vote of the Board following receipt of representations from the Union Council (as defined below).
- III. The conduct of the Executive Committee and the role of individual Executive Officers shall be regulated by the Regulations.

4. Union Council

- I. There shall be a Union Council ("the Union Council"). The Union Council shall consist of the membership of the Executive Committee and two annually elected undergraduate representatives and one annually elected post graduate representative for each School of the University.
- II. Union Council members shall not be regarded as holding major offices for the purpose of s.22(2)(d) Education Act 1994. They shall carry out their role in accordance with the Regulations.
- III. The Union Council shall meet at least once a term. It shall receive reports from the Executive Committee on their representational and campaigning work.
- IV. Union Council will advise on reports on activity from the Executive Committee and on the direction of representation and campaign work.
- V. Union Council may make representations to the Trustee Board on any matter and can ask the Board to remove any member of the Executive Committee for failure to perform their duties as laid out in the Regulations.

5. Sabbatical Officers

- I. The sabbatical officers acting as Trustees shall be designated as holding major offices of the Union for the purposes of s.22(2)(d) of the Education Act 1994.
- II. A sabbatical officer cannot be elected for more than two terms of one year.
- III. The arrangements for remunerating the sabbatical officers will be set out in Regulations.

6. Financial Statements and Audit

- I. Audited accounts of the Union will be made available by the Trustee Board to Union members via the web within four months of the end of the Union's financial year and will be provided to the University Council within the same timeframe.
- II. The Union will use the same external auditor as the University

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- III. For accounting purposes the Union is treated as a subsidiary undertaking and is consolidated in the University accounts. It will use accounting policies defined by the University which meet the requirements of the Charity Commission.
- IV. The Union will use the University's financial systems and procedures to manage its finances and will be subject to audit by the University's Internal Audit Service.
- V. The audited accounts will contain a list of the external organisations to which the Union has made donations and details of these donations.
- VI. A report detailing any external organisation to which the Union is affiliated and any monies paid to such organisation shall be published annually as part of the Union's audited accounts.

7. Annual Grant from the University

- I. The University will make an annual grant to the Union to fund its Objects. This will be agreed by the University following presentation of a budget and plan by the Union as part of the University's budget allocation process
- II. The University may impose conditions on this funding from time to time.
- III. In return for this grant the Union will use University systems and processes and will not enter into borrowing arrangements or leases without the prior written approval of the University Secretary.
- IV. The Union will make an annual report to University Council on its representative functions during the previous funding year.

8. Indemnity

- I. Every Trustee, Executive Committee or Union Council member or member of Union staff shall be entitled to be indemnified out of Union assets against all losses or liability or damage which he/she may sustain or incur in the proper execution of his/her office or otherwise in relation hereto; providing that nothing in this clause shall affect their liability for the consequence of any breach of duty or negligent act on their part.
- II. The Union shall obtain appropriate insurance cover in respect of the activities of members of the Trustee Board, Executive Committee, Union Council and Union staff when engaged on Union business.

9. The Constitution

- I. This Constitution shall be subject to approval by the University Council and to review by the Board at intervals of not less than five years.
- II. The University charter and statutes and governance and the requirements of charity and other applicable law will take precedence and cannot be over-ruled by the Constitution. The Constitution will be an Ordinance of the University Council.
- III. A two thirds majority of the Trustee Board is required for any amendment of the Constitution.
- IV. The power to decide on interpretation of this Constitution and accompanying Regulations and policy shall be vested solely in the Chair of the Board during or between any meeting, subject to proper challenge.

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10. Regulations

- I. The Trustees may make Regulations concerning the running of the Union. Regulations shall require the support of a majority of the Trustees. Such Regulations shall be of no effect until confirmed by the University Secretary on behalf of the University Council.
- II. Such Regulations shall be binding on all members, officers, and constituent bodies of the Union and will be accessible to members via the web.
- III. Nothing in the Regulations may override anything contained in this Constitution.

11. Election, Referenda or Meetings with the Members

- I. All elections under this Constitution will be by secret ballot.
- II. The conduct of these elections shall be fairly and properly conducted under the Regulations pertaining to elections.
- III. The Trustee Board may decide to hold meetings with members or referenda of its members. The arrangements for these will be determined by Regulations.
- IV. The returning officer for by elections and referenda will be the University Dean of Students or their nominee.

12. Membership

12.1 Eligibility for membership

- I. All current registered students at the University and sabbatical officers shall be full members of the Union unless they opt out of membership.
- II. A student may opt out of full membership by giving notice to the Academic Registrar and the Student Union General Manager. A student who opts out of full membership is entitled to enjoy the privileges of associate membership. Associate membership may be subject to a fee set by the Board.
- III. Honorary members may be elected as a mark of distinguished service to the Union and have the same rights as associate members. Honorary life members will be chosen through a process of nomination at Union Council and approval by the Board.
- IV. In exceptional circumstances the Board and the University Secretary may negotiate special terms and conditions of membership.

12.2 Members' Rights and Privileges

- I. Full members shall enjoy all the facilities of the Union and shall be eligible to hold office and to vote in elections.
- II. Associate members shall be eligible to all the facilities of the Union, but may not participate in democratic processes or vote.

13. Affiliations

- I. The Union may affiliate to an external organisation through a motion passed by the Board.

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- II. If the Union does affiliate to an external organization it should publish notice via the web of this decision and details of any subscription or fee paid or donation made to such an organisation.
- III. The Union Council and the Trustee Board will review the list of affiliations annually and the Board will decide whether such affiliations should be continued.
- IV. 5% of members can require a referendum to be held by secret ballot as to whether an affiliation can continue.

14. Clubs, Societies, and other Union Groups and Activities

- I. The Trustee Board may decide to establish non-sporting student clubs and societies which meet the requirements it has defined in Regulations;
- II. The procedure for allocating resources to clubs and societies should be fair and shall be set out in Regulations.
- III. The activities of a Union club or society must relate to the aims of the club or society as defined in its objects. The activities are bound by the Constitution, Regulations and policies, by English law and by University regulations.
- IV. The Union may provide for Student Development Groups, including a raising and giving (RaG) Committee as agreed by the Trustee Board. These Student Development Groups should principally offer volunteering experience for members and provide a service to the Union membership or other community group. The Regulations will set out the arrangements under which they will exist.
- V. No club, society or development group may maintain their own bank account. All monies will be processed through the University's systems.

15. Student Disciplinary and Complaints Procedure

- I. The Union shall have a disciplinary and complaints procedure set out in Regulations available to all its members. It shall be made available online and in a printed format. It shall be reviewed at least every 3 years by the Board. The procedure will be limited to rights and privileges created by this constitution.
- II. This procedure will include provision for an independent person to investigate and report on complaints.

16. Staff

The Union staff will be employed by the University on behalf of the Students Union and will be subject to the normal terms and conditions of employment and policies of the University

17. Systems, Processes and Policies

- I. The Union will use the University's systems for administration and will seek approval from the University Secretary before they deviate from these.
- II. The Union will comply with the University's code of practice on freedom of speech.
- III. The Union will comply with all the University's policies and regulations including those for Health & Safety, Equal Opportunities and Financial Regulations.

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- IV. The Board is responsible for the proper stewardship of funds and ensuring that the Union objects, plan and all liabilities are considered in resource allocation.
- V. The Board is responsible for ensuring that a sound system of financial management and internal control applies.

18. Insurances

- I. The University will be responsible for insuring the buildings it provides for use by the Union against material damage including terrorism and also obtaining employer's insurance for the Union staff.
- II. The Union is responsible for insuring all other insurance areas.

19. Accommodation

The Union will occupy such space within the University as the University agrees from time to time and the detailed arrangements around such occupancy will be set out in Regulations.

20. Dissolution

- I. If the members resolve to dissolve the Union the Trustees will remain in office as charity trustees and be responsible for winding-up the affairs of the Union in accordance with this clause.
- II. The Trustees must collect in all the assets of the Union and must pay or make provision for all the liabilities of the Union.
- III. The Trustees must apply any remaining property or money:
 - a. directly for the Objects;
 - b. by transfer to any charity or charities for purposes the same as or similar to the Union;
 - c. (if the Union is so required) in such other manner as the Charity Commission may approve in writing in advance.
- IV. The members may pass a resolution before or at the same time as the resolution to dissolve the Union specifying the manner in which the Trustees are to apply the remaining property or assets of the Union and the Trustees must comply with the resolution if it is consistent with paragraphs (a)–(c) inclusive in sub-clause III above.
- V. In no circumstances shall the assets of the Union be paid to or distributed among the members of the Union (except to a member that is itself a charity).
- VI. To the extent so required the Trustees must notify the Charity Commission promptly that the Union has been dissolved. If the Trustees are obliged to send the Union's accounts to the Charity Commission for the accounting period which ended before its dissolution, they must send the Commission the Union's final accounts.