

CONSTITUTION

APPROVED BY THE APRIL 27TH 1999

APPROVED BY THE UNIVERSITY COUNCIL JUNE 18TH 1999

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SECTION 1

DEFINITIONS

In this constitution and in all Bye Laws made hereunder, unless the context otherwise requires, the following expressions shall have the meaning hereby assigned to them:

'ATHLETIC UNION' means Lancaster University Athletic Union.

'UNION COUNCIL' means the Union Council of Lancaster University Students' Union comprising the persons set out in Section 14.14.

'RESTRICTED BUSINESS' means any matter concerning members of Union Staff; i.e. the appointment, promotion, dismissal, responsibilities, powers, duties, remuneration or terms or conditions of employment of a member of staff, or group of members of staff.

'COLLEGE JCR' means the body of students in one college, the Junior Common Room of that college, this shall also assume reference to the Graduate Students' Association.

'CONSTITUTION' means the constitution of Lancaster University Students' Union as amended from time to time.

'UNION' means Lancaster University Students' Union.

'GENERAL MEETING' means a meeting of full members of Lancaster University Students' Union.

'FINANCIAL YEAR' means the yearly period (1 August to 31 July) for which accounts and financial affairs of Lancaster University Students' Union are drawn up and calculated.

'FULL MEMBER' means a full member of Lancaster University Students' Union.

'ASSOCIATE MEMBER' means an associate member of Lancaster University Students Union.

'COURT' means the Court of the University of Lancaster.

'UNIVERSITY COUNCIL' means the Council of the University of Lancaster.

'UNIVERSITY SENATE' means the Senate of the University of Lancaster.

'CRUSU' means the Committee for Relations between the University and the Students' Union

'UNIVERSITY' means the University of Lancaster.

'SOCIETIES COUNCIL' means the Societies Council of Lancaster University Students' Union.

'FINANCE & GENERAL PURPOSES COMMITTEE' means the Finance & General Purposes Committee of Lancaster University Students' Union.

'ACADEMIC COUNCIL' means the Academic Council of Lancaster University Students' Union.

'UNION STAFF' means a person employed to work in the Union, under the direction of the Union General Manager.

'SCAN' is the official newspaper of Lancaster University Students' Union.

'OFFICER' means a member of Lancaster University Students' Union Council.

'SABBATICAL LEAVE' means paid leave of absence from full time study of Officers of Lancaster University Students' Union.

'TERM OF OFFICE' means the period of time during which an Officer serves between two elections for that post.

'NUS' means the National Union of Students.

'GENERAL MANAGER' means the General Manager of Lancaster University Students' Union.

'UNION PRESIDENT' means the President of Lancaster University Students' Union.

'UNION GENERAL SECRETARY' means the General Secretary of Lancaster University Students' Union.

'FILM SOCIETY' means the Film Society of Lancaster University Students' Union.

'QUALIFIED MAJORITY' means a vote in which a two-thirds majority is required.

'POLICY' means resolutions of properly constituted Union bodies that are not related to this Constitution

'UNION REFERENDUM' means a secret ballot on a given issue or issues at which all full members of Lancaster University Students' Union may vote.

'FLOOR' means the area of a venue designated for the congregation of those members present for the purposes of a meeting.

'TRUSTEES' means the Principal elected Officers (The President and General Secretary) and the Principal Permanent Official (The General Manager).

WORKING YEAR' means the times when the University is open (i.e., a calendar year excluding weekends and those periods in the Christmas and Easter vacations when the University is officially closed).

'PRO-VICE-CHANCELLOR' means a Senior Academic Officer empowered to act by the Vice-Chancellor on their behalf acting with full delegated responsibility.

SECTION 2

NAME

2.1

The name of the organisation shall be 'Lancaster University Students' Union', henceforth referred to as the 'Union'.

SECTION 3

ORIGINS

3.1

There shall be a Students' Union as described by the University Statutes.

3.2

All assets and liabilities are transferred to the Union and all constitutions from the prior bodies are revoked.

SECTION 4

STATUS

4.1

The Union is legally an unincorporated body, and is a part of the University and subject to the University's Charter and Statutes. The Union has the status of an exempt educational charity, this status being derived from its being part of the University. The Union may hold its funds separately from the University by agreement of the University Council and has the capacity to act independently in pursuit of its aims and objects, subject to contrary resolution by the University Council.

SECTION 5

AIMS AND OBJECTIVES

5.1

The objects of the Union are:

5.1.1

To promote the interests of its members and to represent them in all matters affecting their interests.

5.1.2

To provide the recognised representative channel between the members and the University authorities and between the members and any other external body.

5.1.3

To promote co-operation amongst members for educational, political, religious, social, cultural and athletic activities and such other purposes as are beneficial to the community within the University.

5.1.4

To supply or provide for the supply of goods, services and other facilities to the members and, where appropriate, to non-members.

5.1.5

To ensure that the diversity of its membership is recognised and positive measures are taken to provide all full members with equal access to all services and activities. In particular the Union will seek to ensure that no student is disadvantaged or receives less favourable treatment as a result of ethnic group, nationality, sex, sexual orientation, disability, age, family commitments, or as a result of political or religious beliefs.

5.2

The objects of the Union shall be pursued only within its constitution and within the law. No Union body or officer may act in contradiction to this.

SECTION 6

GOVERNMENT OF THE UNION

6.1

The supreme governing and policy-making body of the Union shall be the Union Referendum or, in the absence of any decision of the Union

Referendum, the Union in General Meeting.

6.2

There shall be a policy making Union Council, the decisions of which shall be subject to examination, and repeal, by a Union Referendum and at the General Meeting.

6.3

Decisions of Union Referenda cannot be superceded by decisions of lower bodies, either the Union General Meeting or the Union Council.

6.4

Decision of a Union General Meeting cannot be superceded by decisions of the Union Council or any sub-committees of the Union Council. Decisions of a Union General Meeting may be superceded by a decision of a Union referendum.

6.5

Decisions of Union Council can be superceded by the decision of a Union General Meeting and a Union Referendum, the decisions of which are subject to the schedule of supercession in 6.3 and 6.4 above.

6.6

The Union Council shall conduct and regulate the financial and general aims and purposes of the Union on a day-to-day basis, with the power to, invest the property, money and assets of the Union in all respects and without any restriction and in the same manner as an individual may manage his or her own affairs, save that the Union Council shall observe any resolution of a Union Referendum or General Meeting in exercising the powers conferred hereunder; and in the case of any property, money or assets donated, granted or lent to the Union for a specific purpose the Union Council shall observe the intention of the donor, grantor or lender in its use of the property, money or assets.

6.7

It shall also have the power to take disciplinary action against members or groups of members.

6.8

All policy shall lapse after five years unless specifically renewed by the appropriate policy making body.

SECTION 7

MEMBERSHIP AND MEMBERS RIGHTS

7.1

The following shall be categories of membership of the Union.

7.2

Full Membership

7.2.1

Full membership will be automatically accorded to:

a)

All full-time and part-time university students who are registered for degrees or diplomas of the University and who are receiving regular tuition, supervision or another form of academic moderation on the Bailrigg site;

b)

Any officer of the Union who has sabbatical leave.

7.2.2

A full member is entitled to:

a)

Attend, vote, speak, propose and amend motions at General Meetings;

b)

nominate a candidate, be a candidate and vote in any Union election except:

in the elections of Delegates and Observers to NUS Women's conference and any Women's Officer posts, where only female full members are entitled to nominate a candidate, be a candidate and vote;

for those posts in 12.7 of this constitution for which there are eligibility criteria for candidates agreed by the Union Council and CRUSU and contained within the bye-law pertaining to such posts.

c)

Join all clubs and societies [except for the Women's Group where only female full members may join] registered with the Union and participate in any other activities organised by the Union;

- d)

enjoy the use of Union facilities provided for the entire membership;
- e)

exercise the rights under (a), (b), (c) or (d) in respect of their College Junior Common Room;
- f)

expect efficient, effective and impartial service from any section of the Union;
- g)

complain about the Union, using the complaints procedure laid down in the constitution, should the Union fail to provide an efficient, effective and impartial service within the resources available or act in a manner which the individual student considers illegal or outside the Union's constitutional remit. Information on the laws governing the operation of Students' Unions, particularly the Education Act 1994 and the relevant charity laws setting out the rules on Ultra-Vires payments, is available from the Union's General Manager or President on request;
- h)

receive on request from the Union the Union constitution and bye-laws, information on Opting-Out from membership and its effects, budgets and financial reports (both annual and interim), timetable and procedures for resource allocation, and the procedure for complaints;
- i)

seek advice and information from the President, General Secretary or General Manager on any aspect of their rights, or any other matter concerning the Union;
- j)

expect the Union officers effectively to represent their interests within or without the university, following policy laid down by General Meetings and implementing decisions of other Union bodies.

Associate Membership

7.3.1

Associate membership will automatically be given to:

- a) continuing education students;
- b) students on short courses;
- c) students on a year abroad or work experience, away from the university;
- d) Institute of English Language Education (IELE) students;
- e) Summer University and Summer Programme students;
- f) students at associated institutions and colleges of the University;
- g) All members of the University and employees of the University;
- h) such other persons as the Union Council may designate from time to time.

7.3.2

Granting by the Union of associate membership shall not be taken to imply granting rights to other University facilities.

7.3.3

Associate members shall have rights as set out in 7.2.2(c) and 7.2.2(d) and 7.2.2(f) only.

7.4

Full Members membership rights shall be proven by production of such documentation as the Union Council may from time to time designate.

7.5

The Union Council may, acting by a simple majority, suspend any full or associate member from the Union in the case of any action or omission by that member which has or may, in the opinion of the

Union Council, have a detrimental effect on the Union. If suspension continues until the following Union Council a motion must be proposed to expel that member from the Union. At the meeting the Member in question is entitled to speak. A member shall be expelled if a two thirds majority votes in favour of the resolution at the meeting. If the motion is not passed the member shall be reinstated to full rights of membership. All members shall have the right of appeal to a General Meeting subject to the conditions defined for General Meetings in Section 14 of this document.

7.6

Any full member who voluntarily terminates or is expelled from membership of the Union must surrender to the Union all documentation of membership.

7.7

Any member expelled from membership will be treated by the University as an opted-out student and have rights as agreed between the University and Union.

7.8

A member's gender status shall be determined by that by which they are registered with the Student' Registry.

SECTION 8

PROPERTY OF THE UNION

8.1

The fixed assets and any other property of the Union shall be used solely and exclusively for the furtherance of the objects of the Union as defined in Section 5 hereof.

8.2

In so far as property comprises real property, this shall be held by the Property Trustees of the Union from time to time. The trustees of the Union (being the President and the General Secretary and also the Principal Permanent Official (being the General Manager)) shall also be the Property Trustees.

8.3

If any Property Trustee ceases to be a member of the Union Council or the General Manager as the case may be, he/she must sign all necessary documents to ensure that the property of the Union is held by current postholders as required under paragraph 8.2

8.4

The Property Trustees must concur in and perform all acts necessary to enable the Union Council to exercise their powers of management or any other power or discretion vested in them unless the matter is one that involves a breach of trust or involves a personal liability for them. The Property Trustees shall not be liable for any act or default on the part of the Union Council.

8.5

The Property Trustees shall be indemnified against any risk or expense they incur in connection with the Union out of the Union property save in the case of any personal liability incurred through breach of trust.

SECTION 9

INDEMNITY

9.1

Subject to the provisions of any legislation but without affecting any indemnity to which an officer may otherwise be entitled:

a)

no officer of the Union or any member of any Union committee or body appointee or member of staff of the Union is liable for any loss, damage or misfortune which may happen to or be incurred by the Union in consequence of the execution of the duties of his/her office or in relation thereto;

b)

every officer or member of any Union committee or body, appointee or member of staff of the Union is to be indemnified out of the assets of the Union against any losses or liabilities incurred by him/her.

(i)

in defending any civil or criminal proceedings in which s/he is acquitted or judgement is given in his favour; and

(ii)

in connection with any application in which relief is granted to him/her by the court from liability for negligence,

default, breach of duty or breach of trust in relation to the affairs of the Union; and

(iii)

in or about the execution of the duties of his/her office or otherwise in relation thereto.

9.2

The Union may purchase and maintain in respect of any officer, member of any Union committee or body, appointee or member of the staff of the Union insurance against such liability as is referred to in paragraph 9.1 (b) above.

SECTION 10

FINANCE

10.1

The Union Council shall be responsible for the finances of the Union and shall be empowered, on the advice of its Finance & General Purposes Committee, to establish financial bye-laws and regulations which shall be binding on all committees, societies, clubs, JCRs, officers and staff.

10.2

Such bye-laws and regulations shall be in line with University financial regulations and a copy shall be lodged with the Director of Finance and the Internal Auditor.

10.3

The Unions financial year shall run from 1 August to 31 July.

10.4

The Union Council shall appoint Auditors, who shall be approved by the University Audit Committee.

10.5

Audited accounts, together with the Auditors report for each financial year, shall be submitted to the first possible Union Council meeting of the subsequent academic year by the Finance & General Purposes Committee and thence to the Annual General Meeting of the Union. Any donations made and any affiliations shall be listed.

10.6

The annual accounts shall be submitted to such University bodies as the University Council may specify.

10.7

The annual accounts shall be available to all members of the Union and a resume shall be published in SCAN, as shall accounts each year for the five months from 1 August to 31 December.

10.8

The Union has the status of an educational charity, deriving such status from the University, and its Trustees are the President, General Secretary and the General Manager. It is also in receipt of public funds, for which the General Manager is responsible; that officer acts as Designated Officer, on the decision of the University Council, in line with Funding Council and University regulations.

The Trustees shall have all necessary powers to discharge their responsibilities and duties, as shall the Finance & General Purposes Committee; including access to the Internal Auditor, or to the Union, College and University disciplinary procedures; recovery of debts via the University debtor procedures; action by the Police and Courts in serious matters.

10.9

The General Manager, as the Designated Officer for funds provided by the University, shall ensure that such funds are used only for purposes that are consistent with University's status as an educational charity and in accordance with any special conditions stipulated at the time of making such a grant.

10.10

The Union shall submit requests for funds annually in such form as the Director of Finance may specify to the General Manager.

10.11

The Director of Finance and the Internal Auditor shall have a right of access to the financial records of the Union and shall be entitled to make such enquiries as are necessary to ensure grants from the University are used for the purposes for which they were provided and that the Union is maintaining adequate and effective procedures for financial control. This right of access shall not be exercised unless the Director of Finance has issued a formal notification addressed to the Council of the Union.

10.12

The Union Accounts shall identify separately in the balance sheet the funds of:

- a) the General Account;
- b) the Sugar House;
- c) other trading;
- d) the Film Society;
- e) each JCR
- f) any other funds.

Any transfer of funds from (d) or (e) shall be made by the Union Council only with the express consent of the Committee for Relations between the University and the Students' Union, and after full consultation before reaching a decision.

10.13

No Union body or committee may hold any funds whatsoever outside the Union accounts. Affiliated Clubs and Societies may only hold private funds outside the system in line with regulations set out in Section 27 of the Constitution.

10.14

The General Manager, the Union Accountant and the Trustees have the right of access to financial books and records and materials of all union bodies, including all Clubs & Societies.

10.15

The Union Accounts must identify all external organisations to which the Union has made donations and details of those donations.

SECTION 11

BUDGETING PROCESS

11.1

By a date in the second term of the academic year set by the General Manager (after consulting the Finance & General Purposes Committee), all Union bodies and groups shall submit to the General Manager estimates of income and expenditure for the following financial year, in such form as s/he may specify.

11.2

In the case of the JCRs, this submission shall follow the implementation of relevant internal college procedures.

11.3

Detailed estimates shall then be approved by the Union Finance & General Purposes Committee for all areas of activity under the aegis of the Union.

11.4

The estimates shall then be considered for approval by the Union Council; who will refer any amendments back to the Union Finance & General Purposes Committee for reconsideration.

11.5

Following Union Council approval, the Finance & General Purposes Committee shall then present the estimates to an Ordinary General Meeting for consideration. This meeting shall have the power to refer back the estimates to the Union Council. Section 6.2 of the Constitution shall apply.

11.6

Agreed estimates shall then be forwarded to the University's Finance and General Purposes Committee via CRUSU, and thence to the University Council.

11.7

Following University Council approval as in 11.6, the estimates will become the agreed Union budget for the following financial year.

11.8

Should the University Council not agree the estimates submitted, then the Finance & General Purposes Committee and Union Council shall review their estimates and submit revised proposals.

11.9

Should at any point in the above process the relevant Union bodies fail to agree estimates, the General Manager and the Finance and General Purposes Committee shall make proposals directly to CRUSU.

11.10

Annual grants to registered Clubs and Societies and other bodies shall be made solely by the Union Council on the recommendation of the Finance & General Purposes Committee. This shall take place by week 4 of the first term and the timetable for application will be widely publicised. The Council may make supplementary grants at its discretion.

11.11

Any club, society or other body shall be able to appeal directly to the Union Council against the Finance & General Purposes Committees recommendation on grant, and subsequently to the University via the complaints procedure laid down in the Code of Practice.

11.12

The Union Council shall take particular care in the allocation of funds to ensure compliance with Section 5 (see above).

11.13

The agreed budget shall be in line with a rolling plan for the Union which the Union Council and its Finance & General Purposes Committee shall annually revise and submit to CRUSU. Taken together with the plan, the budget shall include a commitment to deliver services, organised and delivered by the Union Council and General Manager. Such a plan shall take account of and complement the University's own long-term plans and shall distribute resources in a fair way, taking into account the needs of all student areas.

11.14

The Union Council shall have the power of virement between grant-funded budget heads up to a maximum of £1000, providing:

a)

such virement is recommended by the Finance & General Purposes Committee;

b)

the Union Council endorses the recommendation by a two-thirds majority of members present at a correctly notified meeting.

11.15

Any greater budget revision shall require the assent of the University through CRUSU.

11.16

The Union Council shall have the power to revise other budgets as appropriate on the recommendation of its Finance & General Purposes Committee.

11.17

a)

Each heading in the agreed Union budget shall be assigned to an appropriate holder by the Finance & General Purposes Committee on the recommendation of the General Manager as Accounting Officer.

b)

That budget-holder shall attend prescribed training programmes as a condition of access to funding.

c)

It is the responsibility of budget-holders to secure maximum economy, efficiency and effectiveness for the Union in any financial transactions for which they are responsible.

11.18

Expenditure shall not be incurred by the Union in excess of the estimated income for the year without the express approval of the Union Council and the relevant University bodies, save that the Union Council may establish reserve funds for specific purposes and thereafter expenditure from such funds shall be at the discretion of the Union Council.

11.19

Estimates shall be framed within the overall income notified by the General Manager.

11.20

Proposals to amend an agreed budget must be accompanied by an explanation of where additional income is to be found or alternative savings made.

SECTION 12

ELECTIONS

12.1

The General Secretary and Chief Returning Officer shall convene an Elections Sub-Committee that shall supervise and organise all Union and JCR elections. The secretary to the committee shall be a member of Union staff appointed by the General Manager in consultation with the President and General Secretary as Trustees, and that person shall also act as Deputy Returning Officer. The General Manager shall be responsible for advice to the committee on election procedure. The chair of the committee shall be the Chief Returning Officer and shall be elected by cross-campus ballot; in addition there will be ten other members - the General Secretary, and the Chair or Consti-comm of each JCR and the GSA. In the event of there being a vacancy in the office of Chief Returning Officer the Union Council may temporarily appoint an Acting Chief Returning Officer.

12.2

Any complaints shall be heard in the following sequence:

i)

Elections Sub-Committee;

ii)

Union Council;

iii)

A Pro-Vice-Chancellor;

iv)

the complaints panel (see Section 21.5 of Complaints Procedure).

12.3

The major Union officers are defined as being the student trustees of the Union; i.e. the President and General Secretary.

12.4

These officers shall be elected by cross-campus ballot of all student members, as required by the 1994 Education Act, as shall all other officers specified in sections 12.6 and 12.7, save that:

the Women's Officers, who shall be elected by women students only.

The Postgraduate Students' Representatives on the Union Council shall be elected by postgraduate students only.

The posts in 12.7 of this constitution may from time to time have specified candidacy criteria and electorates. These additional stipulations shall be discussed annually by Union Council and placed in the bye-laws as part of the job descriptions for those posts. Any changes shall be agreed by CRUSU.

12.5

It shall be the responsibility of the University Secretary to provide an Electoral Roll based on Union membership (see Section 7) identifying persons who have opted out of membership.

12.6

The election of the Union President, General Secretary and Education & Welfare Officer, the Editor of SCAN, the President of the Athletic Union and the Women's Officer shall take place annually within four weeks of the date set by the University for the end of the second term of the academic year.

12.7

There shall be elections held in the four weeks before the date set by the University for the end of the first term of the academic year to fill the following posts:

Lesbian, Gay, Bisexual and Transgender Officer

Disabilities Officer

Race Relations Officer

AU Non-Sabbatical Officer

Women's Non-Sabbatical Officer

Green Officer

Mature Students Officer

Block of six Officers without portfolio

Part-time Students' Officer

International Students Officer

2 Postgraduate Students' Representatives

Chief Returning Officer

Academic Affairs Non-Sabbatical Officer

Welfare Campaigns Non-Sabbatical Officer

Societies Council Chair

All Student Members of University Council as specified in the University Statutes

1 representative from each Faculty of the University as listed in the University Calendar

12.8

The terms of office for Union Officers shall be as follows:

a)

the officers specified in 12.6 hereof shall commence their term of office on the first day subsequent to the date set by the University for the end of the summer term and their periods of office shall expire on the date set by the University for the end of the summer term.

b)

the officers specified in 12.7 hereof shall commence their term of office on the date set by the University for the start of the second term of the academic year and shall cease to hold office on the first day prior to the date set by the University for the start of the second term of the academic year.

12.9

No member may hold the same office for more than two consecutive terms of that office.

12.10

No member may hold more than one of the offices specified in 12.6 and 12.7 hereof simultaneously, other than the post of Student member of University Council, which may be held by officers as specified in 12.6 and 12.7 hereof.

12.11 a)

If any of the offices specified in 12.6 hereof become vacant during the year of office as specified in 12.8 a) hereof, a by-election shall commence within twenty-one days of the vacancy to fill it.

b)

If any of the offices specified in 12.7 hereof become vacant during the year of office as specified in 12.8 b) hereof, subject to the agreement of Union Council, an alternate may be co-opted by Union Council until the next time-tabled election, at which point the position shall be opened to election under the normal procedures as detailed in this constitution. The vacancy must be advertised in the Students' Union building and at the meeting of Union Council immediately prior to the meeting of Union Council at which the co-option is scheduled to take place. The co-opted member may have permanent speaking rights for the duration of their time on Union Council, but may not vote.

12.12

In the event of a by-election for the offices designated as 'sabbatical' in 12.6 hereof,

if such occurs after the end of the first month of the academic year, the elected officer shall normally be non-sabbatical unless:

a)

the outgoing officer is re-elected in the subsequent election;

b)

the University Senate (or University Officers acting on behalf of the Senate) have agreed the post should be filled on a sabbatical basis prior to the date of the by-election.

12.13

The Elections Sub-Committee of Union Council shall fix the date for any election within the time periods where specified elsewhere in this constitution. In the case of JCRs, this shall be after full consultation with them.

12.14

In the case of the offices specified in 12.6 and 12.7, voting shall be by Single Transferable Vote as defined by the Electoral Reform Society of Great Britain and Ireland (for details see How to conduct an election by the Single Transferable Vote (3rd Ed.) by Robert A. Newland and Frank S. Britton (London: The Electoral Reform Society of Great Britain and Ireland, 1997)) except that Re-open Nominations shall be a candidate. In the case of the Women's Officer, only female candidates for the post can be accepted.

12.15

Notice of elections shall be posted in the Students' Union Building and in Colleges at least ten days before Hustings and shall be accompanied by publicity in SCAN and posters on the University walkways.

Nomination sheets shall be posted in the Union Offices at the same time, and shall contain:

a)

the designation of the post to be filled and any conditions of eligibility for the post;

b)

available space for the names of the candidates proposed, and the names of the proposers and seconders of those candidates;

c)

- d) the date of closure for nominations;
 - e) the date, time and place of Hustings;
 - f) the date of polling;
 - g) the signature of the Chief Returning Officer;
 - h) a note indicating where additional information regarding election procedure may be found.
- an invitation to submit a manifesto

12.16

For the posts in 12.6 and 12.7 nominations shall close at 6:00pm on the day of Hustings. The Chief Returning Officer shall then publicise the names of the candidates in a special bulletin, which may contain manifestos from the candidates.

12.17

a)

Each college JCR shall have a separate polling station for the exclusive use of its members. On polling day, these shall be staffed by no less than two appointees of the chair of the College Constitutional Committee. In the event of a College JCR failing to open a polling station within that college, the Chief Returning Officer shall have the power to open a polling station, staffed by his/her appointees, in a central position in that college for the exclusive use of the members of that college. Polling shall take place on one day between 10:00am and 6:00pm, in the Colleges, and from 6:00pm to 8:00pm at a central point set by the Elections sub-committee.

b)

The Union Council shall have power to form bye-laws on postal and other forms of voting not covered by 12.17a above, subject to ratification by CRUSU.

12.18

No election campaign material (including electronic mail or broadcasting on Bailrigg FM) may be produced except through the Elections sub-committee, who will print for each candidate a number of leaflets and posters, and produce a manifesto booklet (which may take the form of a SCAN supplement). The number of leaflets, posters and

booklets shall be set each year by the Elections sub-committee, and ratified by the Union Council. There will be a separate bye-law governing JCR elections.

12.19

The Chief Returning Officer shall use his/her discretion to ensure there is equitable and proper use of noticeboards and potential poster areas by candidates. S/he shall issue guidelines on this matter at the time of posting nomination sheets. These guidelines must be explained and distributed to all candidates before any campaign material is released for the candidates use. Candidates may also be asked to sign a form confirming that they understand the rules by which they must abide, before any material is released for their use.

12.20

Once the Chief Returning Officer has decided that a candidate has broken any of the stipulations contained in this constitution and by-laws hereof, s/he shall declare that candidate ineligible for the election in which the offence took place.

12.21

The delegates to NUS Conference, NUS Women's Conference shall be elected by cross-campus ballot at times set by the Elections sub-committee. The delegates to all regional bodies shall be elected by Union Council, subject to the vacancy being advertised at least ten days previously in SCAN, in the Students Union Building, and in colleges. All Full Members are entitled to stand for election.

12.22

JCR elections shall be overseen by the Elections sub-committee, who shall appoint an Assistant Returning Officer (ARO) for each JCR (normally the JCR Constitutional Chair). This person will be responsible to the Elections sub-committee for conduct of the JCR elections in line with that JCR's procedures and in line with any decision the Elections sub-committee may make. Complaints about the ARO's conduct and any aspect of the election should be made in the first instance to the Chair of the Elections sub-committee, within seven days of the election. The Elections sub-committee and the Union Council shall have full power to set aside any JCR election and order a new election.

12.23

By Week 5 of the summer term each year, the Elections sub-committee shall prepare a full report on all elections held in that academic year, results, complaints and any other relevant matters. This shall be discussed first by the Union Council.

Section 13

Referenda

13.1

a)

The Supreme governing and policy-making body of the Union shall be the Union Referendum. The Union Referendum may make binding decisions on all matters upon which a General Meeting may decide upon, as detailed in section 13.2 and 13.3 of this constitution.

Decisions of a Union Referendum cannot be superceded by decisions of lower bodies, either the Union General Meeting or the Union Council.

c)

Decisions of a Union General Meeting may be superceded by a decision of a Union Referendum.

d)

Decisions of Union Council can be superceded by the decision of a Union Referendum.

13.2

A Union Referendum shall exercise all powers, which are necessary for the furtherance of the objects of the Union contained in Section 5 hereof. These powers shall include the ability to:

a)

decide on a motion to repeal, amend or add to the constitution;

b)

decide on a motion of no confidence in, or censure of, any of the Union's elected officers;

c)

decide on a motion to determine the opinion of the Union on any policy issue;

d)

decide on a motion to delegate the authority of the Union to an elected representative, or to the Union Council;

e)

mandate elected representatives to express a particular view on a particular issue, or to carry out a particular function;

13.3

A Union Referendum shall not have the power to:

a)

decide on any matters relating to the Union staff;

b)

mandate Union Officers to break the law;
debate any matter defined by the Union Council as commercially sensitive. A proposal to define a matter as commercially sensitive must be approved by 75% of the serving members of Union Council and agreed by CRUSU.

13.4

Decisions of a Union Referendum which affect the responsibilities of the General Manager (who is a University employee) shall be implemented by the General Manager unless they conflict with his/her contractual responsibilities. Where a conflict does arise, the General Manager, President and General Secretary, as Trustees, shall firstly attempt to resolve it but failing that, the matter shall be referred to a Pro-Vice Chancellor and the Complaints Procedure specified in Section 21 shall be followed.

13.5

Only full members of the Union may vote in a Union Referendum

13.6

a)

A Union referendum shall be held during the second term on a date that coincides with the date of the election for the sabbatical officers under 12.6.

b) Additional referenda may be held when:

the President of the Union shall deem it advisable

A resolution of a General Meeting or the Union Council requests it. Such a resolution must include a verbatim statement of the proposals the referendum shall be asked to decide upon. A proposal for a Union Referendum must be a question to which a member may express a 'yes' or 'no' only. Proposals not in this form shall be ruled out of order.

iii)

The President of the Union is requested, by a petition of not less than 750 full members of the Union, to call a referendum. Such requests must be sent to the President of the Union in writing, with a verbatim statement of the proposals the referendum shall be asked to decide upon. A proposal for a Union Referendum must be a question to which a member may express a 'yes' or 'no' only. Proposals not in this form shall be ruled out of order.

Under the Education Act 1994, all affiliations cannot be agreed until there has been an opportunity for 5% of the full membership of the Union to call for a referendum on the list of any or all of the

organisations on the proposed list of affiliations. Notification by 5% of the full membership shall be by petition lodged with the Union President. Upon the calling of a referendum of this type, referenda procedures and bye-laws are identical to all other referenda save for the specific requirements for approval of a proposition detailed in 13.10 (f) below.

13.7

a)

Referenda shall only be held during University term-time.

For timetabled Union referenda or Union Referenda held under 13.6 a), four weeks term-time notice of the referendum must be given. This shall be posted as appropriate about the campus and in each college, and published in SCAN if possible. Proposals for the referendum must be submitted to the General Secretary at least two weeks before the date it will take place. These will be allowed to be decided upon only if they have the support of a Union General meeting, a Union Council meeting or a petition of not less than 750 full members of the Union.

Only the proposals that have been ruled in order by the elections sub-committee after compositing are allowed to be decided upon. A proposal for a Union Referendum must be a question to which a member may express a 'yes' or 'no' only. Proposals not in this form shall be ruled out of order.

Full details of all proposals must be posted as appropriate about the campus and in each college, and published in SCAN if possible, at least one week before the date of the referendum.

13.8

For Referendum called under 13.6(b)-(c) the referendum must take place within two term-time weeks of the request being made for it, except where such a date of a referendum would fall within 4 term-time weeks of a Union election, in which case it may be held at the same time as that election.

13.9

Union Referenda shall be organised by the elections sub-committee of the Union. Unless stated otherwise they shall as far as possible follow the same procedural rules as for Union Elections, which are detailed in section 12 of this constitution and attendant bye-laws. In particular, ballot boxes shall be open for at least the same period of time, and at least in the same number of locations, as the Union requires for its elections. Specific procedural guidelines for Union Referenda are included in the bye-laws to this constitution.

13.10

a)

A proposal for a Union referendum shall be passed by a simple majority, provided the number of full members voting in favour is not less than 1000.

b)

A proposal for a Union referendum which seeks to remove an officer from Office (excluding the Presidents of College JCR executives or the President of the Graduate Students' Association), shall require a qualified majority and at least 1000 full members voting in favour.

c)

A proposal which seeks to censure, suspend or remove from post the sabbatical or non-sabbatical women's officer shall require a quorum of at least 1000 full members and at least 1000 female full members voting and shall require a qualified majority of all members voting and at least 1000 votes in favour. In addition, the Elections sub-committee shall ensure that the votes of male and female members can be distinguished from each other, and any proposal in respect of this clause shall further require a simple majority of all female full members voting.

d)

A proposal that seeks to censure, suspend or remove from post a Postgraduate Students' Representative shall require a quorum of at least 1000 full members and at least 1000 votes in favour. In addition, the Elections sub-committee shall ensure that the votes of postgraduate students can be identified and any proposal in respect of this clause shall further require a simple majority of all postgraduate full members voting.

e)

A proposal for a Union referendum which seeks to amend this constitution in any way shall require a qualified majority and at least 1500 full members voting in favour.

f)

Union Referenda called in respect of 13.6 (c) shall only require a simple majority.

13.11

a)

Upon the proper calling of a referendum, no Union Officer can be mandated to hold any particular position or to take any action in regard to the referendum (subject to those actions stipulated in terms of the organisation of the referendum) from the two weeks from the calling of the referendum until the time set for the closing of the poll by the Elections sub-committee.

i) Campaigning groups, known as ad-hoc groups, shall be responsible for campaigns for and against specific proposals to be decided upon at a referendum. There shall be one group campaigning for a proposition and one group campaigning against a proposal.

A central fund shall be established to provide resources for campaigns in respect of a referendum, and resources shall

be split equally and fairly between campaigns both for and against the proposal to be decided upon. The resources to be distributed shall be determined by the Elections sub-committee, who shall administer this fund.

No other funds other than those allocated from the fund in 13.11 b)ii) may be spent on campaigning on a referendum by an ad-hoc group in a referendum.

No external organisation shall be allowed to provide material resources support for a campaign during a referendum.

Campaign materials, advertising and publicity produced using resources not allocated from the central fund in 13.11 b) may be removed.

SCAN may print news reports of Union Referenda, provided that they are unbiased and impartial. No comment or opinion may be offered, and the CRO must check all such news reports prior to publication.

It shall be the responsibility of the trustees to enforce these rules, using the full powers available to them.

13.12

There shall be detailed regulations on the conduct and organisation of a Union Referendum included in the bye-laws of this constitution. Any changes to these bye-laws shall require the agreement of CRUSU.

SECTION 14

GENERAL MEETINGS

14.1

a)

The General Meeting shall be a governing and policy-making body of the Union, subject to the decisions of a Union Referendum.

Decisions of Union Referenda cannot be superceded by decisions of a General meeting.

Decision of a General Meeting cannot be superceded by decisions of the Union Council or any sub-committees of Union Council. Decisions of a General Meeting may be superceded by a decision of a Union referendum.

d)

Decisions of Union Council can be superceded by the decision of a General meeting and a Union referendum.

14.2

General Meetings shall be called to exercise all powers, which are necessary for the furtherance of the objects of the Union contained in Section 5 hereof. These powers shall include the ability to:

a)

- b) decide on a motion to repeal, amend or add to the constitution;
 - c) decide on a motion of no confidence in, or censure of, any of the Union's elected officers;
 - d) debate on a motion to determine the opinion of the Union on any policy issue;
 - e) decide on a motion to delegate the authority of the General Meeting to an elected representative, or to the Union Council;
 - f) elect a member to represent the view of the Union;
 - g) mandate elected representatives to express a particular view on a particular issue, or to carry out a particular function;
- instruct the Union Council to set up committees, whose functions, powers and composition shall be determined by the General Meeting.

14.3

The General Meeting shall not have the power to:

- a)
 - b) discuss or decide on any matters relating to the Union staff;
 - c) mandate Union Officers to break the law;
 - d) discuss or debate any matter defined by the Union Council as commercially sensitive.
- discuss or debate any matter related to gross misconduct alleged to have been committed by Union Officers.

14.4

There shall be an Annual General Meeting (AGM) during the first term of the academic year on a date determined by the General Secretary before the start of that term. This meeting shall have the normal powers and quorum of an Ordinary General Meeting as defined hereof. In addition, at this meeting:

- a) The audited accounts shall be presented by the Finance & General Purposes Committee of the Union;
- b) The President of the Union's forthcoming report to University Court shall be presented for ratification;

c)

The officers defined in section 12.6 shall present a written report to the meeting detailing their activities since taking office and indicating their future plans for the remainder of their term of office.

d)

Notice of an Annual General Meeting shall be posted as appropriate about campus and in each College JCR not less than seven full days before the time set for the meeting. In addition, the audited accounts shall be published in SCAN not less than seven full days before the time set for the meeting and circulated to members at the Annual General Meeting.

e)

The quorum at the Annual General Meeting shall be two hundred full members. No business shall be transacted unless such a quorum is present, and unless the Chair announces that the quorum is filled. Motions shall be passed by a simple majority (unless specified elsewhere in this constitution) but shall require a minimum of two hundred votes in favour. The quoracy shall be established by counting the number of full members' present using the proof of membership as specified by Union Council under section 7.4 and recounting as appropriate to allow for members leaving.

14.5

a)

An Ordinary General Meeting (OGM) shall be held in the third term of the academic year on a date determined by the General Secretary before the start of the that term, plus when:

i)

The President of the Union shall deem it advisable;

ii)

One third of a the sitting membership of Union Council (excluding co-optees) shall deem it advisable;

iii)

The President of the Union is requested, by a petition of not less than 150 full members to convene a meeting. Such requests must be sent to the President of the Union in writing, with a statement of the objects for which the meeting is desired. An Ordinary General Meeting must take place within ten days of such a request. Normal notice of such a meeting shall be given, as specified in point 14.8 hereof.

b)

Notice shall be posted of such a meeting not less than seven full days before the time set for the meeting;

c)

No other business than that specified on the agenda shall be transacted, although this shall not preclude the moving of amendments to motions specified in the agenda;

d)

The quorum at an Ordinary General Meeting shall be two hundred full members. No business shall be transacted unless such a quorum is present, and unless the Chair announces that the quorum is filled. Motions shall be

passed by a simple majority (unless specified elsewhere in this constitution) but shall require a minimum of two hundred votes in favour. The quoracy shall be established by counting the number of full members' present using the proof of membership as specified by Union Council under section 7.4 and recounting as appropriate to allow for members leaving.

e)

In the case of suspensions, censure or no-confidence in the case of the Sabbatical and non-Sabbatical Women's Officer, there should be at least 200 female full member present and part of the quorum.

14.6

a)

Emergency General Meetings (EGM) shall be called when:

i)

the President of the Union shall deem it advisable;

ii)

a simple majority of the sitting membership of Union Council (excluding co-optees) shall deem it advisable;

iii)

the President of the Union is requested, by a petition of not less than 225 full members, to convene a meeting. Such requests must be sent to the President of the Union in writing, with a statement of the objects for which the meeting is desired. An Emergency General Meeting must take place within three working days of such a request.

b)

Notice of the time, location and object of the meeting shall be posted widely about the campus and in each college, (and published fully in SCAN if possible) not less than twenty four hours before the time set for the meeting. All publicity for shall be impartial, expressing no views on the business to be debated.

c)

No other business than that specified on the agenda shall be transacted, although this shall not preclude the moving of amendments to motions specified in the agenda;

d)

Emergency General Meetings may not pass amendments to the constitution;

e)

Emergency General Meetings may not transact any financial business;

f)

Emergency General Meetings may not discuss a motion of no confidence in, or censure of, any of the elected officials or representatives of the Union.

g)

The quorum at an Emergency General Meeting shall be 300 hundred full members. No business shall be discussed or transacted unless such a quorum is present and unless the Chair announces that the quorum is filled. Motions shall be passed by a simple majority (unless specified elsewhere in this constitution) but shall require a minimum of three hundred votes in favour.

The quoracy shall be established in the manner as described in 14.5 d).

14.7

At all General Meetings Standing Orders may be suspended with a qualified majority, but under no circumstances may the main body of the constitution, or any part of it, be suspended.

14.8

Notice of an Ordinary General Meeting (of the type specified in point 14.5 hereof) and the Annual General Meeting shall be posted widely about the campus and in each college, and published fully in SCAN if possible, seven full days before the time set for the meeting. The object of the meeting and any additional business shall be posted not less than two days before the time set for the meeting, unless the business requires seven full days notice as stipulated elsewhere in this constitution. A full agenda shall be posted not less than twenty four hours before the time set for the meeting in the areas stipulated in this paragraph. All publicity for General Meetings shall be impartial, expressing no views on the business to be debated.

14.9

The Chair of the first General Meeting of the academic year shall be General Secretary or another sabbatical officer, until that General Meeting elects a Chair from the floor for the duration of that meeting. At the start of that and every other General Meeting of the academic year an election shall also be held for Chair for the following General Meeting in order to allow training to take place for each Chair.

14.10 a)

At the AGM, the minutes of the last AGM to be held shall be presented for confirmation, and if found to be correct, signed by the Chair of the confirming meeting. The minutes of the last OGM to be held shall be presented for information

At an OGM referred to in section 14.5 proper, the minutes of the last OGM to be held shall be presented for confirmation, and if found to be correct, signed by the Chair of the confirming meeting. The minutes of the last AGM to be held shall be presented for information. The minutes of the AGM shall also be presented at any OGM called under section 14.5 a) (i)-(iii) for information, unless they have already been presented at an OGM held previously in the same academic year.

14.11

a)

A vote of no confidence may be taken in any elected officer of the Union at an Ordinary General Meeting subject to item 14.16 hereof. The carrying of such a motion by a qualified majority shall entail the immediate resignation by the officer concerned.

In the case of a vote of no confidence in the Sabbatical or non-sabbatical Women's Officer referred to in sections 12.6 or 12.7, a General meeting shall require at least 200 female full members present, a qualified majority of the members present with an affirmative vote of at least 200 and a simple majority of the female full members voting.

In the case of a vote of no confidence in any of the Postgraduate Students' Representatives referred to in section 12.7, a General meeting shall require a qualified majority of the members present with an affirmative vote of at least 200 and a simple majority of the postgraduate full members voting.

14.12 a)

All General Meetings shall be held in an appropriate venue as defined in the bye-laws. Admission to the floor of the venue during General Meetings shall be on proof of full membership (established in accordance with the acceptable proofs as determined by the Union Council under section 7.4 of this constitution), with the exception of the General Manager who shall have the right to attend all General Meetings and speak after consultation with the Union President and General Secretary at General Meetings on matters with which s/he is contractually concerned.

b)

Guest speakers may be admitted to the floor of the venue only after a vote is taken in favour of them being given the right to speak.

c)

All other persons shall be allowed to observe from some point other than the floor, determined by the Chair. The General Meeting may, by a simple majority, remove this privilege, and the meeting shall proceed in closed session.

14.13

The General Manager in consultation with the President and General Secretary as trustees, shall appoint a member of staff as Minutes Secretary, who shall be allowed into the floor of the venue for this purpose.

14.15

Seven days notice shall be required for a Union Meeting to discuss:

a)

constitutional amendments, repeals or additions;

b)

a vote of no confidence;

c)

amendments to an approved Budget;

d)

the approval of a Budget.

14.16

No General Meeting may take place during a University vacation.

14.17

Decisions of a General Meeting that affect the responsibilities of the General Manager (who is a University employee) shall be implemented by the General Manager unless they conflict with his/her contractual responsibilities. Where a conflict does arise, the General Manager, President and General Secretary, as Trustees, shall firstly attempt to resolve it but failing that, the matter shall be referred to a Pro-Vice Chancellor and the Complaints Procedure specified in Section 21 shall be followed.

SECTION 15

UNION COUNCIL

15.1

a)

There shall be a policy-making Union Council, described as the Student Representative Council in University Statute 16A, whose powers and role are as set out in Section 6 of this constitution.

b)

Decisions of Union Referenda cannot be superceded by decisions of the Union Council.

c)

Decision of a Union Meeting cannot be superceded by decisions of the Union Council or any sub-committees of Union Council.

d)

Decisions of Union Council can be superceded by the decision of a General Meeting and a Union Referendum.

15.2

All Union sub-committees and standing committees shall be accountable to the Union Council. All sub-committees and standing committees shall present their minutes to the Union Council.

15.3

Decisions of sub committees and standing committees shall only take effect upon Union Council approval, unless otherwise specifically provided for.

15.4

a)

Union Council shall meet fortnightly in term-time, delegating its powers in vacation to its Finance & General Purposes Committee. This delegation shall include consulting JCR Presidents on relevant matters.

b)

Additional meetings of Union Council may be called during the working year when

The President of the Union shall deem it advisable

The Chair of Union Council shall deem it advisable

One-third of the sitting membership of Union Council (excluding co-optees) make a request in writing to the Chair of Union Council

Notification of the business to be discussed at such sessions of Council will be circulated not less than three working days before the time set

for the meeting. Papers may be tabled at such emergency sessions. Only notified business may be discussed at such emergency sessions

15.5

Union Council has the power to form sub-committees by making bye-laws, subject to ratification by CRUSU.

15.6

The Union Council shall have the power to make bye-laws pursuant to the main body of the constitution as appropriate.

15.7

All bye-laws and changes to bye-laws shall be passed to CRUSU for information.

15.8

Union Council has the power to take disciplinary action against members or groups of members, through procedures set down in the bye-laws.

15.9

Union Council has the power to remove elected officers for misconduct on a temporary basis. During vacations the Finance and General Purposes Committee can act for Union Council on sabbatical and employment matters. Such suspension shall only be until an Ordinary General Meeting can be convened at the earliest possible constitutional date. In the case of JCR Officers, a recommendation shall be made to the relevant JCR that they be removed from office; should the JCR reject this, the Union Council may appeal to the CRUSU whose decision will be final.

15.10

Union Council will have a Chair and Deputy Chair, elected termly by and from its members; such a Chair shall not be a sabbatical officer except for the first Union Council of the second term, where the General Secretary will chair the meeting until a Chair and Deputy Chair are elected. At the last Union Council of the 2nd and 3rd terms, the Chair and Deputy Chair for the subsequent term will be elected.

15.11

It shall be the responsibility of the Chair, advised by the General Manager and General Secretary, to prepare the agenda for Union Council. A member of staff shall be appointed by the General Manager to act as minutes secretary, after consultation with the Trustees.

15.12

Decisions of the Union Council which affect the responsibilities of the General Manager (who is a University employee) shall be implemented by the General Manager unless they conflict with his/her contractual responsibilities. Where a conflict does arise, the General Manager, President and General Secretary, as Trustees, shall firstly attempt to resolve it but failing that, the matter shall be referred to a Pro-Vice Chancellor and the Complaints Procedure specified in Section 21 shall be followed.

15.13

All budgetary and financial matters will pass via the Union Council, c.f. LUSU Financial regulations.

15.14

The following will be permanent standing committees of the Union Council (varied only as the result of decision of the University Council):

a)

Bowland JCR

b)

Lonsdale JCR

c)

Cartmel JCR

d)

Furness JCR

e)

Fylde JCR

f)

Pendle JCR

g)

Grizedale JCR

h)

County JCR

i)

Graduate Students' Association

15.15

The following will be permanent sub-committees of the Union Council (varied only as a result of an amendment to this constitution):

- a) Finance & General Purposes
- b) Elections sub-committee
- c) Athletic Union
- d) Societies Council
- e) Bailrigg FM
- f) Film Society
- g) Rag Committee
- h) Academic Council
- i) Committee for Students with Disabilities
- j) Welfare Committee
- k) Nightline Committee
- l) Women's Campaign Committee
- m) Equal Opportunities Committee
- n) Environmental Committee
- m) Constitutional Review Committee

Details of their operation shall be as set out in the bye-laws except for the following:

i)

The Film Society shall set and regulate its own choice of Film Programme, which shall not be a matter for a General Meeting or the Union Council to decide. If either party to this agreement has concerns they shall raise them with the University under the Complaints Procedure.

Academic Council shall operate as defined in Section 16 of this Constitution.

The Finance and General Purposes Committee shall operate as defined in Section 17 of this Constitution.

15.16

The membership of the Union Council will be:

a)

Students Union President

b)

Union General Secretary

c)

Union Education & Welfare Officer

d)

Union Women's Officer

e)

Athletic Union President

f)

SCAN Editor

g)

The Presidents of the JCR/GCA Presidents specified in 15.14

h)

2 Postgraduate students Representatives

i)

A representative from each of the faculties of the University as defined in the University calendar

j)

An LGBT Officer

k)

- l) A Race Relations Officer
 - m) A Mature Student Officer
 - n) A Non-Sabbatical Women's Officer
 - o) A Non-Sabbatical Executive Officer for the Athletic Union
 - p) An Officer for Students with Disabilities
 - q) An International Students Officer
 - r) A Part-time Students Officer
 - s) Six Officers without portfolio
 - t) Academic Affairs Non-Sabbatical Officer
 - u) Welfare Campaigns Non-Sabbatical Officer
 - v) Director of Bailrigg FM
 - w) President of Film Society
 - x) President of Rag Committee
 - y) A representative appointed by the Nightline Committee
 - z) All Student members of the University Council as defined in the University Statutes (if not already a member of Union Council)
- Societies Council Chair
 Green Officer
 Chief Returning Officer (CRO)

All members are accountable to the Union Council and shall have the

right to speak and vote at each meeting and call meetings as defined elsewhere in this constitution. Each Officer shall have a job description and other issues pertaining to the post contained within the bye-laws.

In addition, the General Manager and any other staff as mutually agreed by the General Manager and the Chair, shall have the right to attend and speak.

Constituencies and procedures for election shall be as set out in the bye-laws, except where already provided for in this constitution.

15.17

The quorum for the Union Council will be one third of the then serving members.

15.18

Alternates are not permitted, except that Vice-Presidents who have attended union training as specified in section 24 may act as alternates for JCR Presidents.

15.19

Any member of the Union Council who does not attend three consecutive, and properly notified meetings without written apology shall be deemed to have resigned from their post and the Elections sub-committee will call a by-election.

15.20

Union Council meetings shall be open to full members of the Union to attend as observers but observers may be required to leave by a simple majority of the Union Council if there are matters of a personal, confidential or commercially sensitive nature to be discussed.

SECTION 16

ACADEMIC COUNCIL

16.1

The aims of the Academic Council are:

a)

to advise the Union Council about student policy on educational issues that affect Lancaster students, whether undergraduate and postgraduate, full-time or part time;
to represent the educational views and interest of Students' Union members to central university bodies, including the Senate, the Academic Planning Committee, Undergraduate Studies

Committee, The Graduate School Committee, Information Services Committee and any other relevant bodies at which university educational policy is formed.

To liaise with the student representatives of the Associated Institutions on relevant issues and collaborate with those representative on such issues.

16.2

Membership shall be:

a)

Students' Union Education and Welfare Officer;

b)

Students' Union President;

c)

Six non-sabbatical Officers without portfolio;

d)

Up to three members elected from the membership of the Union Council who are not already members of Academic Council;

e)

All College appointed student members of Senate;

f)

Up to two further members of each undergraduate College Junior Common Room Executive Committees;

g)

Seven members of the Graduate Students' Association;

h)

A representative of each of the faculties of the University as defined in the University Calendar (who are the same officers as defined in 14.14 (i) above);

A member appointed by the Equal Opportunities sub-committee;

The Academic Affairs non-sabbatical officer

16.3

The General Manager shall nominate a member of staff to act as Secretary after consultation with the Chair.

16.4

The Sabbatical Education and Welfare Officer ensure that at least two meetings of Academic Council are held each term and at other times as

appropriate.

16.5

a)

The Academic Affairs non-sabbatical officer shall be the chair of Academic Council.

b)

A deputy-chair shall be elected by and from the membership of Academic Council at the beginning of each term, and where possible, these two posts should be shared between undergraduate and postgraduate members.

16.6

The Chair shall:

a)

in conjunction with the Sabbatical education and Welfare Officer compile an agenda. This agenda must be circulated to members 2 working days in advance of the meeting. Items for the agenda must be received by the Chair/Education and welfare officer 3 working days in advance of a meeting. Any late items may be discussed in any other business but no firm resolution may be passed on the item until it is placed on the agenda for the next meeting.

b)

decide whether an issue is undergraduate or postgraduate centred, subject to ratification by the Academic Council.

c)

ensure members only talk to the item currently under discussion and shall use this discretion to expedite progress.

16.7

The responsibilities of the Chair shall pass to the Deputy Chair should the Chair wish to speak to an item. Such a transfer shall be effective for the duration of that item.

16.8

At any time the Chair can be removed by an affirmative vote by two thirds of a quorate meeting of the Academic Council. Upon such an occasion, the Deputy-Chair immediately assumes the responsibilities of the Chair for that academic term and a new deputy is elected.

16.9

All business transacted by Academic Council is subject to an affirmative

vote by the majority of a quorate meeting. Amendments to the Constitution of the Academic Council initiated within the Academic Council shall first require the affirmative vote of two-thirds of a quorate meeting of the Academic Council.

16.10

All members have full speaking and voting rights for all items discussed by the Academic Council except:

a)

only undergraduate members may vote on business deemed to be 'undergraduate' under the procedure in 16.6.(b).

b)

only postgraduate members may vote on business deemed to be 'postgraduate' under the procedure in 16.6.(b).

c)

In such cases as defined in 16.10(a) and 16.10(b), business is transacted subject to an affirmative vote of the majority of those members so eligible.

16.11

Course, departmental and faculty board representatives shall be entitled to attend any meeting of the Academic Council and, at the invitation of the chair, may speak to items on the agenda.

16.12

The Academic Council shall agree the use of the Union's Education budget head and make recommendations as to the size of the head for consideration by the appropriate bodies within the Union.

16.13

The quorum of the Academic Council shall be one third of its currently serving members and seven days notice shall be given for any meeting.

SECTION 17

FINANCE & GENERAL PURPOSES COMMITTEE TERMS OF REFERENCE AND MEMBERSHIP

17.1

The Finance & General Purposes Committee shall be a sub-committee of the Union and is responsible to the Union Council for the finances of the Union, for the co-ordination of the day-to-day running of the Union, and for the preparation of proposals for the Union Council.

17.2

Terms of Reference:

a)

to agree, for Union Council approval, annual estimates of income and expenditure for the Union's General Account, allocation of grant to all clubs and societies, and estimates for all trading operations.

b)

to agree on any borrowing transactions and the management of all funds and investments.

c)

to exercise financial control by:

i)

formulating financial regulations and bye-laws for the Union as per Section 10.1, 10.2, and 19.4.3 of this Constitution;

ii)

controlling accounting methods and financial business of the Union.

iii)

overall monitoring of expenditure and income in accordance with the approved budget for the current financial year;

iv)

determining all fees, rents and other charges due to the Union;

v)

determining all rates of payment and allowances.

d)

to discuss problems and reservations arising from either internal or external audit and to act to resolve them.

e)

to consider the annual accounts and submit them to Union Council and to the Annual General Meeting.

f)

to ensure the Union's compliance with the financial directives of

the funding councils and of the University Council and its Finance and Audit committees.

g)

to ensure that ultra-vires payments are not made.

17.3

The Committee and/or the General Manager in his/her role as Accounting Officer is authorised to take any action on matters within its terms of reference when it is judged that it is appropriate and urgent to do so and in the interests of the Union to do so. Such actions will be reported to the Finance & General Purposes Committee and if judged necessary, to a Union Council Meeting, the Internal Auditor or other University Officers.

17.4

Detailed estimates for trading operations shall be prepared and approved by the Finance & General Purposes Committee prior to the start of the Financial Year.

17.5

Membership of the Finance & General Purposes Committee shall be:

a)

Ex Officio

General Secretary who shall be Chair with a casting vote only
Union President
Education & Welfare Officer
Women's Officer
Athletic Union President
SCAN Editor

In the event of the General Secretary temporarily relinquishing the Chair, one of the other sabbatical officers above shall act as Chair for the duration of this relinquishment, with the same powers and limitations placed upon the General Secretary in respect of this role.

b)

Appointed

5 officers appointed by and from the Union Council of which at least two must be JCR/GSA Presidents.

c)

In attendance

General Manager
Marketing Manager
Advice Centre Manager
Union Accountant

d)

Secretary

A member of staff appointed by the General Manager after consultation with the President and General Secretary.

17.6

Quorum shall be seven members in term time and five in vacations.

17.7

The Committee shall normally meet fortnightly in term-time and at least monthly in vacations.

SECTION 18**JUNIOR COMMON ROOMS**

18.1

The Junior Common Rooms shall be an integral part of the Union. Each Junior Common Room shall be a standing committee of the Union Council but will have autonomous powers, permanently delegated, to act and to form policy within the remit of their own constitutions, except in the following areas:

a)

Estimates & Budgets

These shall be prepared by officers of the Junior Common Rooms in consultation with their College Principal and Union Staff and shall then be approved by the Union Finance & General Purposes Committee and the Union Council. Thereafter they should be passed to CRUSU and University Council. The estimates become a budget once the University Council has given its approval.

b)

External Affiliations

The Junior Common Rooms should seek the approval of the Union Council before affiliating to any outside organisation and should provide details of fees and/or donations payable.

c)

Financial Management

Financial management shall be conducted in line with the relevant Union financial regulations. Junior Common Rooms must seek the approval of Finance and General Purposes committee before accepting any form of financial support from an outside body.

d)

Constitutional and Legal Requirements

The Union and University have the right to require the Junior Common Rooms to act within the law and within their constitution as set down in the Education Act 1994 and elsewhere and have the power to intervene to prevent a Junior Common Room from acting illegally, by whatever action is deemed necessary by the Union Council in consultation with Union staff and necessary legal advice. The Junior Common Room Executive Officers may appeal against any such action to CRUSU, or to a committee of the CRUSU ad hoc.

e)

Elections

JCR elections will be the responsibility of the Students' Union Elections sub-committee and there shall be a single procedure for all JCR elections provided for in the Union Constitution.

f)

Constitutions

By week 5 of the first term (and by the end of week 1 of the first term in the case of the GSA), each JCR must review its constitution and report its findings to Union Council including proposals for any amendments.

SECTION 19

CONSTITUTION

19.1

The whole or any part of the main body of this constitution may at any time be added to, repealed, or amended by a resolution passed by a qualified majority at an Ordinary or Annual General Meeting or a qualified majority of a quorate referendum subject to the provisions contained in section 13. Copies of the proposed resolution should be posted with every notice of such a meeting or referendum not less than seven days (for a General meeting) or fourteen days (for a Union Referendum) before the day fixed for the meeting or referendum. Decisions made by referendum shall take precedence over those of a General Meeting.

19.2

Such addition, repeal or amendment shall not take effect until the approval of the University Council and Senate via CRUSU has been obtained.

19.3

a)

Responsibility for the annual review of the Constitution lies with the Union Council acting through the Constitutional Review Committee in the first instance.

In the first term of every academic year, the Union Constitutional Review Committee shall meet and review the operation of the constitution over the previous Academic Year. Such a review can make proposals to be approved under the procedure in clause 19.1 of this constitution.

At least every fifth academic year (the first cycle of which commences from the first year of operation of this constitution) there shall be a full and thorough review of the constitution and bye-laws, conducted by the University Council. The Union Council shall, prior to that review, conduct its own review and pass a report of that review to the University to assist the University Council.

19.4.1

The Union Council shall have the power to make bye-laws pursuant to the main body of the constitution as appropriate.

19.4.2

All bye-laws and changes to bye-laws shall be passed to CRUSU for information.

19.4.3

The Union Financial Regulations shall have the status of bye-laws to the constitution, however they shall be framed by the Union Council only, on the advice of the Finance & General Purposes Committee and with the concurrence of the Accounting Officer, and supplied to the Audit Committee of the University via the Internal Auditor and Director

of Finance. The Audit Committee shall have the power to impose financial bye-laws at the request of either the Accounting Officer or Director of Finance or Internal Auditor.

19.4.4

Each year, during the Long Vacation, the General Manager shall be responsible with the Trustees for updating these documents by the inclusion of any amendments hereof and for submitting to the secretaries of the Senate and Council reference copies of the updated constitution.

19.5.1

Interpretation of the constitution shall initially be a matter for the Union Council but any interpretation shall be subject to the ability of an Ordinary General Meeting or a Referendum to overrule it.

19.5.2

Full members who are unhappy with any decisions under 19.5.1 shall have access to the Complaints Procedure.

SECTION 20

AFFILIATIONS

20.1

As part of the exercise of the preparation of estimates each second term, the Union Council will prepare a list of intended external affiliations by the Union for the following year. This list will be published in SCAN and elsewhere on campus. The list will be submitted for approval to the General Meeting, which considers the estimates. The subsequent list should be submitted for information CRUSU. At all points in the process information should be available as to the nature and scope of the body to whom it is intended to affiliate, the cost of affiliation and any benefits likely to accrue from affiliation.

20.2

It shall be the responsibility of the General Manager to ascertain (including taking legal advice as appropriate) if any affiliation might constitute an ultra-vires payment. If a decision is taken to affiliate to a body that s/he considers may be ultra-vires. s/he shall first discuss the matter with the other Trustees. If the matter cannot be resolved s/he shall not authorise any payment and will report the matter to the University Council via the Vice-Chancellor as Designated Officer of the University.

20.3

In order to remain fully accountable for public funds, the Union shall not affiliate to any external bodies which are unable to supply professionally audited, unqualified

accounts or in the case of newly formed bodies, those unable to demonstrate adequate mechanisms of financial control.

20.4

JCRs do not generally conduct external affiliations but special cases may be considered, initially via the Union Council.

20.5

Each club or society affiliated to the Union must produce to the Union Council a list of intended external affiliations to be funded from the Union grant by that club or society for the following year, and is subject to the conditions in section 27.10 of this constitution.

SECTION 21

COMPLAINTS

21.1

Any student member with a complaint concerning any aspect of the Union, JCR or any registered Club or Society, or any other Union body, should initially raise the matter with the Union President, who will investigate the complaint, assisted and advised by the General Manager (or nominee). If the complaint concerns the President, the General Secretary shall act. If they consider it is a disciplinary matter, the disciplinary bye-law shall be invoked.

21.2

Otherwise, their report shall be submitted within seven days to the Union Council, who shall have any necessary powers to remedy a grievance.

21.3

Opted-out students shall initially take any complaint regarding the services provided by the Students' Union to a Pro-Vice-Chancellor.

21.4

If the complainant is not satisfied with the result of the internal complaints procedure, s/he shall take the matter to a Pro-Vice-Chancellor, who will receive all the relevant reports and minutes from the General Manager, shall have power to act appropriately, and shall normally deal with the matter within seven days.

21.5

If either the complainant or the Pro-Vice Chancellor is still unhappy, the matter shall be taken to the University Secretary who will arrange

for investigation and decision by a person independent of the University. This person shall be drawn from a panel of independent lay persons appointed by the University Council. The independent person has the power to rule on and award costs. If the complainant is still dissatisfied, then s/he has right of access to the Visitor.

21.6

The General Manager shall keep full records of any complaints upheld and shall share with Trustees the responsibility to ensure circumstances wherever possible are not repeated. Any complaints resolved internally shall be the subject of a report to CRUSU.

21.7

Any complaints that concern Union staff shall be made to the General Manager and dealt with through University procedures. If complaints concern the General Manager, they shall be discussed between the Manager and the President and General Secretary, as Trustees, initially. If they cannot be resolved internally, the student Trustees shall have the power to refer the matter to a Pro-Vice-Chancellor.

21.8

Union Licensed Premises

The complaint mechanism created by Education Act 1994 does not interfere with licencees obligations to the Courts concerning the running of licensed premises. A licensee has the right to exclude persons from the premises in appropriate circumstances.

21.9

Associate members also have full access to this complaints procedure with respect to any publicly distributed or broadcast media produced by the Union.

SECTION 22

DISCIPLINE

22.1

The Union shall be responsible for monitoring discipline in the Union Premises and in relation to the services and activities organised by any Union bodies.

22.2

The Union shall also have the power to take disciplinary action in respect of any breaches of the constitution, bye-law, financial bye-laws or the Code of Practice for the Education Act 1994.

22.3

Disciplinary Regulations shall be specified in the bye-laws and shall be approved by the Senate.

SECTION 23

PRINCIPAL OFFICERS

23.1

The principal elected officers of the Union are the President and General Secretary, and the Principal Permanent Official is the General Manager. They shall act as Trustees of the Union (The Trustees). They are together responsible for the overall well being and efficient operation of the Union and its compliance with any relevant legislation or directive or rule of the University.

23.2

The Principal Officers have a duty to ensure that relevant Health and Safety laws are upheld, that the Union's Duty of Care is paramount and Union finances are in good order and comply with all relevant internal regulations and relevant charity and financial law.

23.3

They shall each have the right to attend and speak at any meeting of any Union body or committee, or society, on any matter affecting their responsibilities and contractual duties.

23.4

They are authorised to sign any agreed contracts or other agreed legal documents, on behalf of the Union.

23.5

There shall be a reserve trustee who shall deputise for the principal elected officers in the event of absence. The reserve trustee shall be one of the other Union officers elected by cross-campus ballot as defined in section 12 of this constitution, who shall act for the President or General Secretary as necessary. The reserve trustee shall be appointed by the Finance and General Purposes Committee at its first meeting during the University's long vacation and shall be confirmed by the first Union Council of the first term. Union Council shall have the power to have the power to appoint a reserve trustee according to the above criteria at such times as may be necessary.

23.6

The General Manager under 23.1, if absent for more than three working days, shall nominate in writing a senior officer to act on his/her behalf. In cases of emergency the next most senior officer would be asked to act, in an order of succession known to relevant Union officers and the Trustees and notified to the University.

23.7

Officers and officials may, subject to the bye-laws of the Union, delegate their duties in writing to specific named officers and officials.

SECTION 24

TRAINING

24.1

Each January, the Union shall hold a training school, attendance at which shall be a requirement for new members of the Union Council, for account signatories of JCR Standing Committee budgets, and of such other post-holders as the Council may determine from time to time. Failure to attend, without an excuse acceptable to the Union Council, shall lead to the relevant post being declared vacant and a by-election being held.

24.2

Each summer, at the start of the vacation, the Union shall organise a training event for new sabbatical officers, attendance at which shall be a requirement.

24.3

In between the events specified at (1) and (2) supplementary events will be held as necessary; e.g. training for Officers in the Graduate Students' Association and others elected outside of the electoral periods defined in section 12.

SECTION 25

TERMS AND CONDITIONS FOR ELECTED OFFICERS

25.1

a)

Each January the Union Council shall agree a contract of employment, including a job description and details of terms and conditions, for the sabbatical posts to be elected later that term under 12.6 of this constitution.

b)

These contracts shall be made available to all sabbatical election

candidates standing for sabbatical posts.

c)

No officer shall be allowed to take up his/her post who has not signed his/her contract of employment by the 1 May, following the date of election. Sabbatical Officers shall receive a remuneration from the Union.

d)

The sabbatical officers shall be deemed by the university to be students for the period which they hold sabbatical office and shall each receive in writing a statement to this effect from the Secretary of the University at the time of taking up their appointment.

25.2 a)

Each October, the Union Council shall agree a job description for officers in 12.8 of this constitution. The job description will list core duties and responsibilities.

b)

Should Union Council wish to introduce special eligibility requirements or restricted electorate requirements, these changes must gain approval from CRUSU before coming into operation.

25.3

An officer may be removed from office (and thus from employment in the case of a sabbatical officer) on the following grounds:

a)

No-confidence

If the General Meeting or referendum approves such a proposal, subject to such decisions being in accordance with the relevant sections of this constitution, or in the case of the Sabbatical or non-sabbatical Women's Officer, subject to the stipulations in section 14 11b) of this constitution, the officer concerned shall be deemed to have resigned.

b)

Gross Misconduct

An Officer may be removed from office for gross misconduct (and thus from employment in the case of a sabbatical officer) after such time as a properly constituted Committee for

Investigative Action has brought charges before a Union Council Tribunal Panel, which shall deliberate and make appropriate recommendations to the Union Council. Gross Misconduct is defined in 25.3(b)i) below.

i)

Definitions

All officers are expected to conduct themselves in a manner befitting their position and status as members of the Union and University community, and to carry out their duties and responsibilities efficiently and promptly. It is impossible to lay down detailed regulations for every occasion. Most officers carry out their duties and responsibilities in accordance with common sense and a sure knowledge of the difference between proper and improper conduct, but it may be helpful to provide a list, necessarily not exhaustive, of examples of breaches of discipline which would normally constitute gross misconduct, and which could lead to action resulting in removal from office (and thus employment in the case of sabbatical officers) after due process detailed in this section.

Examples of offences involving gross misconduct

Inability to perform the duties or to comply with the conditions of office.

Wilful neglect of performance of duties.

Wilful refusal to comply with reasonable instructions from the Union Referendum, General Meeting, Union Council, or the Finance and General Purposes Committee (as properly constituted policy making organs)

Incapacity to perform duties due to drunkenness or unauthorised drug taking.

Serious instances of harassment or Victimisation.

Serious instances of breach of the University Policy on Smoking.

Theft or unauthorised possession of property belonging to the Union or University, or to members of the University community or to any visitors to the University.

Deliberate falsification of University records, other official documents, including abuse of timekeeping procedures.

Wilful damage to property.

Threatening or using physical violence (other than self-defence or the minimum restraint necessary in the course of duty).

ii)

Procedure

A)

A complaint of gross misconduct about an officer may be made by any member of the Union or the University or of the general public. Complaints should be made to the President. A complaint should be made to the General Secretary if the President is the subject of the complaint. If a complaint concerns both the President and General Secretary, the complaint should be made to the Reserve Trustee. If the complaint also concerns the Reserve Trustee, the complaint should be made to the appropriate Pro-Vice-Chancellor.

B)

Upon receipt of a complaint, the appropriate person to whom the complaint was made in accordance with the provision in point (A) above shall convene the Committee for Investigative Action to decide whether a prima facie case exists against the Officer and that a full investigation is required. In doing so, the Committee shall consult with other authorities as necessary in fulfilment of this requirement.

C)

The Trustees may choose to exercise their powers under 23.1 of this constitution and wish to suspend an officer (normally with full pay) who is under investigation. Such a decision can only be taken when the Trustees are in unanimous agreement and the Committee for Investigative Action is in agreement. The Committee for Investigative Action may also ask the Trustees to take this course of action should they feel it would assist in the discharge of their duties. A suspension is valid until either lifted by a unanimous vote of the Trustees or a rejection of the charge of gross misconduct by the Committee for Investigative Action, the Union Council Tribunal Panel or Union Council, whichever is the earlier event.

D)

If the Committee for Investigative Action decide that there is a case to answer, it shall fully investigate the matter and avail itself of any assistance necessary for the proper investigation of the complaint. If, upon consideration of the evidence, it feels that there is a case for the removal of an officer for gross misconduct or a case for censure of an officer, it shall

refer the matter to a meeting of the Union Council Tribunal Panel to hear the complaint and report of the Committee for Investigative Action. If the Committee recommends no action, it shall send their report to the officer concerned, to the complainant and to the Union Council. The report is a confidential document and the revelation of its contents shall be treated as a disciplinary offence.

E)

The Union Council Tribunal Panel shall receive the report from the Committee for Investigative Action, and after due consideration of evidence presented, shall make recommendations to the Union Council, to either remove the Officer concerned from post, to censure the officer concerned or to dismiss the allegations.

F)

The Tribunal Panel shall present its recommendations in a written form, together with the original report from the Committee for Investigative Action, in a written form, to the Union Council. The Union Council, after due consideration of all the evidence, shall vote, by way of secret ballot, either to remove the officer from post, or to dismiss the allegations. Removal from post shall require a simple majority of those members present. Votes not clearly in favour of the decision to censure or remove (whichever is appropriate) shall be deemed to be votes to the contrary. Should the Union Council vote to remove or censure the Officer, then this shall take effect immediately. Should the allegations be dismissed, the officer shall continue in post.

G)

If removed from office, the Officer concerned then has 7 days to lodge an appeal, should s/he so desire, to a Pro Vice-Chancellor. This shall be on the grounds either of procedural error where the procedural error is felt to have led to an injustice, or on the grounds of new evidence which was not reasonably available previously and consideration of which would have an effect on the decision taken previously. The Pro Vice-Chancellor has the power to:

dismiss the appeal

refer the appeal back to the Union Council on the grounds of new evidence

reinstate the Officer in the case of procedural irregularity.

If appropriate, reinstatement shall take place

immediately, and any lost salary reimbursed. Should the Officer concerned be reinstated as a result of procedural irregularity, then that officer shall not be reinvestigated for the same allegations.

iii)

Committee for Investigative Action - procedure

A)

Membership

There will be six members of the Committee for Investigative Action, elected by Union Council of whom 3 shall participate in an investigation. This selection is described in (D)1) below.

In the first year of operation, the Union Council will elect 6 members. The Chair of Union Council will then draw lots to determine which 2 members shall serve a 3 year term, which 2 members will serve a 2 year term, and which members shall serve for 1 year.

After the first year, and in each successive year, Union Council shall elect 2 members to serve for a period of three years.

Members shall be drawn from the full and associate members of the Union, save members of Union Staff and serving members of Union Council.

Members shall be elected at the second Union Council of the second term of the academic year.

Members shall serve no more than 2 periods of 3 years.

Members shall be proposed and seconded by current serving members of Union Council. The proposer and seconder shall provide a written description of the candidate for membership of not more than 200 words in length, detailing their background and experience. Candidates for election to the Committee shall not be permitted to attend the meeting at which a vote is taken. Voting shall be by secret ballot under the Single Transferable Vote and ballot papers shall be prepared by the Chair of Union Council who will announce the result at the next meeting of the Union Council.

Should a vacancy arise, there shall be a by-election for a member to serve for the remainder of the period of office of the original member of the Committee, under the same conditions as laid out in this section. Should the vacancy arise during the

course of an investigation, the by-election should be held at the first Union Council after the investigative process has concluded.

B)

Remit

1.

The Committee shall consider whether the accusation against an officer merits the charge of Gross Misconduct and shall recommend to the Union Council Tribunal Panel what action, if any, should be taken against that officer.

C)

Powers

The Committee may recommend the following action.

To recommend no further action

To recommend an Officer be censured

To recommend an officer be removed from office

D)

Procedure

Upon the lodging of an accusation against an officer, the Trustees and the Chair of Union Council shall draw lots to select an order of membership of the Committee. The first three members selected of the six current members elected by Union Council shall be invited to participate in an investigation. Should any of these first three selected be unable to fulfil this role, the next member selected by lot shall be contacted and so on until there are 3 members able to be serving. If at any point only 2 members can fulfil these duties, the Committee may still be convened, but any action taken by them with regard to suspending an officer during an investigation must be agreed by both. Any recommendation submitted by them must be agreed by both.

The members selected following the procedure in point (1) above shall select a Chair of the Committee for Investigative Action from amongst their number.

The Trustees shall make provision for appropriate administrative support for the Committee. Appropriate expenses shall be paid to members for costs incurred personally in the course of their investigation.

The Committee shall take all necessary steps to investigate the charge, and the Committee can take advice from any appropriate source should it be felt necessary to do so.

Upon concluding their investigation, the Committee shall write a report and submit it to the Chair of the Union Council Tribunal Panel. Any report needs the support of at least two members of the Committee. If a Committee of 3 members divides, a member may submit a minority report to be considered by the Union Council Tribunal Panel. Such a minority shall not have the status of a recommendation but shall be taken as additional evidence.

Upon receipt of a complaint, the Committee has 30 days in which to report to the Tribunal Panel. Extensions may be allowed only when approved by the Chair of the Tribunal Panel.

Should the Committee decide that there is no case to answer, then that officer shall not be reinvestigated for the same allegations unless there is compelling new evidence not available to be considered at the time of the original investigation.

iv)

The Union Council Tribunal Panel - procedure

A)

Membership

There shall be 7 members of the Union Council Tribunal Panel, of whom 5 shall sit in a meeting of the Panel. This selection is described in (D)1) below.

They shall be elected from the serving membership of Union Council at the first Union Council of the Academic Year.

Voting shall be by Single Transferable Vote and shall be in secret.

Members of the Finance and General Purposes Committee shall not be eligible for membership of the Tribunal Panel.

Members shall serve for a period of one year. Should a vacancy arise, the Union Council shall elect a member to serve for the remainder of the period of office of the original member of the Tribunal Panel, under the same conditions as laid out in this section. Should the vacancy arise during the course of an investigation, the by-election should be held

at the first Union Council after the investigative process has concluded.

B)

Remit

1.

The Tribunal Panel shall conduct a hearing to question the officer accused and the investigators, and shall either uphold, reject or commute the recommendation of the Investigators.

C)

Powers

1.

The Tribunal Panel shall only meet if the Committee for Investigative Action recommend that action should be taken in their report.

2.

If the Committee recommends that an officer be censured, the Tribunal Panel may only uphold or reject that recommendation. If they uphold the recommendation, the matter is passed to a full Union Council. If they reject the recommendation, the accusation is deemed to be unfounded, and the officer in question shall be reinstated and paid any salary in arrears necessary.

3.

If the Committee recommends that an officer be removed, the Tribunal Panel may reject that recommendation, uphold it in full or commute the sanction to a censure of the officer concerned. If they reject the recommendation, the accusation is deemed to be unfounded, and the officer in question shall be reinstated and paid any salary in arrears in necessary. If they uphold the recommendation, the matter is passed to a full Union Council. If they commute the recommendation, the matter is passed to a full Union Council.

D)

Procedure

At the same time as the active members of the Committee for Investigative Action are selected,

the Trustees and the Chair of Union Council shall draw lots to select the order of membership. The first five members drawn shall be the Tribunal Panel. If reserves are required, they shall be called up in the order in which their name was drawn. The first member selected shall ordinarily be the Chair of the Tribunal unless that person wishes to nominate another member to be Chair.

Within 14 days of receiving a report from the Committee for Investigative Action that recommends that action be taken against an Officer, the Tribunal Panel shall meet at an appointed time and place, notified to the members of the Committee for Investigative Action and the Officer concerned. Members shall be reimbursed for costs incurred in fulfilling their duties. Members shall receive a copy of the report of the Committee for Investigative Action and any minority report produced. This documentation should be delivered by hand or sent by registered post. Such documents are to be treated as highly confidential and it shall be a disciplinary offence for any member to make their contents known to persons not constitutionally empowered to be at the meeting of the Union Council Tribunal Panel.

A member of staff shall be agreed by the Chair of the Tribunal Panel and the Trustees to act as secretary to the Tribunal Panel.

The Committee for Investigative Action and the Officer concerned shall have the right to bring a representative who need not be a member of the Union. The Chair of the Tribunal Panel may also seek appropriate advice for the Tribunal from whatever appropriate source felt necessary. Such advisors shall also be present at the meeting.

The Officer shall be entitled to prepare a submission to the Tribunal Panel along with supporting documentary evidence.

The Chair of the Committee for Investigative Action (or their representative) shall detail the case against the Officer concerned. They shall answer any questions put to them by the officer (or their representative) or the Tribunal Panel (or their advisors). Witnesses may be called and questioned by the Chair of the Committee for Investigative Action (or their representative), the Officer (or their representative) or the Tribunal Panel (or their advisors).

The officer (or their representative) may then present a statement. They may be questioned by the Investigators (or their representative) and by the

Tribunal Panel (or their advisors). Witnesses may be called and questioned by the Officer (or their representative), the Chair of the Committee for Investigative Action (or their representative) or the Tribunal Panel (or their advisors).

The Witnesses, members of the Committee for Investigative Action (and their representative) and the Officer (and their representative) shall then withdraw whilst the Tribunal Panel deliberates. The parties shall reconvene in the meeting to hear the judgement of the Tribunal.

Any decision of the Tribunal shall be by a majority verdict. Abstentions shall not be permitted. The votes of individual members shall not be recorded; the minutes shall only reflect the outcome of the vote. The individual vote of any member shall be treated as confidential and shall not be revealed to any person not present at the time of the vote.

Should the Tribunal Panel decide that there is no case to answer, then that Officer shall not be reinvestigated for the same allegations unless there is compelling new evidence not available to be considered at the time of the original investigation.

v)

Union Council Hearing - procedure

A)

Membership

1.

Meetings of Union Council convened to discuss a decision of the Union Council Tribunal Panel shall be closed meetings, with attendance strictly limited to the normal membership of Union Council as detailed in section 14 (excluding those members of Union Council who were sitting on the meeting Tribunal Panel called to discuss the report of the Committee for Investigative Action) and:

The Chair of the Union Council Tribunal Panel (and their representative)

The officer accused (and their representative)

Any advisors to Union Council as required under (D)7) below

Any witnesses called to present testimony

B)

Remit

1.

The Union Council shall meet to consider and, if appropriate, approve a decision or recommendation of the Tribunal Panel that action should be taken against an Officer.

C)

Powers

1.

The Union Council may uphold a recommendation of the Tribunal Panel that an officer be removed from officer, or commute such a recommendation to a censure, or reject a recommendation outright.

2.

The Union Council may uphold a decision of the Tribunal Panel that an officer be censured, or reject such a decision outright.

D)

Procedure

Within 21 days of a meeting of the Tribunal Panel in which a decision is made that requires that the Union Council meet, the Chair of Union Council shall convene a meeting of the Union Council to conduct a complete rehearing of the case. This meeting shall not discuss any other business and it shall continue until a decision is reached regarding the recommendation of the Tribunal Panel.

Members shall be reimbursed for travelling expenses.

Members shall be sent a copy of the report of the Committee for Investigative Action, any minority report produced, the submission to the Tribunal Panel of the Officer concerned and the minutes of the Union Council Tribunal Panel. This documentation should be delivered by hand or sent by registered post. Such documents are to be treated as highly confidential and it shall be a disciplinary offence for any member to make their contents known to persons not constitutionally empowered to be at the meeting of the Union Council.

Should both the Chair and Deputy Chair of the Union Council be unable to fulfil their duties, the last elected Chair or Deputy Chair able to fulfil this position and not already involved in the process in

shall act in this capacity. If it proves impossible to find a Chair or Deputy Chair to act in this capacity, the Trustees shall draw lots from the serving membership of the Union Council to select a Chair.

The normal quorum for a meeting of the Union Council shall apply.

The Chair of the Union Council Tribunal Panel and the Officer concerned shall have the right to bring a representative who need not be a member of the Union.

The Chair of the Union Council may also seek appropriate advice for the Tribunal Panel from whatever source felt necessary. Such advisors shall also be present at the meeting.

The Officer shall be entitled to prepare a submission to the Union Council along with supporting documentary evidence.

The Chair of the Tribunal Panel (or their representative) shall detail their case against the Officer concerned and the reasons for the decision of the Tribunal Panel. They shall answer any questions put to them by the officer (or their representative) or the Union Council (or their advisor). Witnesses may be called and questioned by the Chair of the Tribunal Panel (or their representative), the Officer (or their representative) or the members of Union Council (or their advisors).

The officer (or their representative) may then present a statement. They may be questioned by the Investigators (or their representative), the Chair of the Tribunal Panel (or their representative) and by the Union Council (or their advisor). Witnesses may be called and questioned by the Officer (or their representative), the Chair of the Tribunal Panel (or their representative) or the members of Union Council (or their advisors).

The Witnesses, the Chair of the Tribunal Panel and the officer concerned (and their respective representatives) shall then withdraw whilst the Union Council deliberates. The parties shall reconvene in the meeting to hear the judgement of the Union Council.

Any decision of the Union Council shall be by a majority verdict. Voting shall take place by secret ballot. Votes not clearly in favour of the decision to censure or remove (whichever is appropriate) shall be deemed to be votes to the contrary. Counting shall be undertaken by the Assistant Returning Officer as defined in section 12 of this constitution. The Chair of the Tribunal Panel and the Officer

shall be able to nominate a representative who is not a member of Union Council to observe the counting process.

Should the Union Council decide that there is no case to answer, then that officer shall not be reinvestigated for the same allegations unless there is compelling new evidence not available to be considered at the time of the original investigation.

25.4

Officers shall have access to the full complaints procedure as detailed in section 21 above and shall have access to the Visitor. However, the formal internal procedure shall be deemed to have reached its conclusion only after any appeal to a Pro-Vice-Chancellor.

.SECTION 26

SCAN

26.1

There will be an official newspaper of LUSU, known as 'SCAN'.

26.2

The primary aim of SCAN is to report on issues of interest and relevance to members of the Union including matters relating to the policy and operation of the Students' Union

26.3

The secondary aims of SCAN shall be to provide opportunities for student participation in as many areas of the newspaper as possible and to allow other sections of the Students' Union to promote their activities to the members of the Union.

26.4

It is the responsibility of the Editor alone to produce, edit and publish SCAN; the Editor in exercising this responsibility shall act in line with clauses 26.2 and 26.3 above, but the Editor's decision on content shall be final (subject to clause 26.5).

26.5

The Editor shall not, in the course of his or her duties, breach any section of this constitution.

26.6

The Editor is accountable to the Union Council, the General Meeting and Referenda for his/her decisions under clause 26.4; the Union Council may recommend removal from office of an Editor to a General Meeting for breach of the Constitution and/or bye-laws.

26.5

The Editor shall take due care and precaution to avoid libel, or any other legal difficulties. S/he shall consult the Trustees and General Manager over any potential legal problems.

26.6

It shall be the responsibility of the Union Council to ensure that adequate training is provided for the SCAN Editor, especially for information technology and legal issues.

26.7

The Editor shall, in consultation with relevant Union staff, prepare a business plan and budget for the coming year, for approval by the Union Finance & General Purposes Committee, by two weeks before the end of the Long Vacation. Any restrictions on advertising will be decided at this point.

26.8

SCAN shall maintain strict neutrality during all Union and other elections

26.9

SCAN shall not offer editorial advice on any specific motion to be discussed at a Union General Meeting, Union Council meeting or decided upon by a Union Referendum.

26.10

SCAN shall endeavour to include submissions to the Editor from members of the Students' Union and shall not suppress any opinion for political or personal reasons, including the provision of a 'right to reply'. The laws of the land shall apply to SCAN in this regard.

26.11

The Editor shall publicise the means by which submissions may be submitted and the criteria that will be used to determine publication.

SECTION 27

UNION CLUBS AND SOCIETIES

27.1

No club, society or other unincorporated body of members may contain the words 'Lancaster University' or 'Students' Union' or any other name which expressly or implicitly denotes a connection with the Union unless that club, society or body has complied and continues to comply from year to year with the following paragraphs or has the written permission of the University Secretary, in the case of the words 'Lancaster University' or 'University of Lancaster'.

27.2

Any group of members who propose to establish a new club or society which either:

a)

Will apply for funds from the Union; or

b)

Will be established under a name that denotes a connection with the Union

(or both) must apply to affiliate to the Union.

27.3

The application for affiliation to the Union shall be in such form as the Union Council from time to time determines but must include full details of:

a)

The constitution, bye-laws and any other documents comprising the governing provisions of that club or society.

b)

Details of the officers of the club or society who must be members of the Union.

c)

Financial accounts (if available).

d)

In the case of clubs or societies where in the reasonable opinion of the Union Council the activities of that club or society may affect insurance's of the Union, a detailed report of the conduct and procedures operated by the club or society to ensure the safety of all members of that club or society.

27.4

Subject to the Union Council being satisfied with the document submitted with the application for affiliation, the Union will grant affiliation to the relevant club or society.

27.5

The Union Council is entitled at any time if necessary without notice to require an affiliated club or society to produce to any person authorised by the Union Council any of the documents referred to in paragraph 27.3.

27.6

Each club or society must appoint a treasurer of its funds and maintain adequate and proper financial records of all receipts and expenditure of that club or society.

An annual account must be drawn up with respect to all transactions within that period as at the end of the summer term

27.7

Each club or society must submit a copy of its Annual Account to the Union not later than one month after the commencement of the first term whether or not the club or society makes an application for funds to the Union.

27.8

The Union Council is entitled to refuse to allocate funds to an affiliated club or society if the Annual Account is not submitted or if any documents requested by the Union Council are not received by the Union Council.

27.9

The Union Council has the power to refuse affiliation or suspend or terminate affiliation of any club or society if it is not satisfied with the financial regulation or any other conduct of that club or society.

27.10

The Union Council has the power to refuse affiliation or suspend or terminate affiliation of any club or society if any external affiliation by a club or society within the reasonable opinion of the Union Council brings the Union into disrepute.

SECTION 28

UNION STAFF

28.1

Complaints concerning staff conduct are to be dealt with under Section 21.7 of the constitution.

28.2

General Meetings shall not discuss or debate staff matters.

28.3

Union Council shall not discuss or debate staff matters, except as follows:

i)

Any new staff posts to be grant-funded shall be first discussed by the General Manager and the student members of Finance & General Purposes Committee in private; a report shall then be made in private to the Union Council whose approval shall be required to any such new post.

New non-grant funded posts shall be agreed by the General Manager and student members of Finance & General Purposes Committee, meeting in private.

28.4

There exists a code of practice for Union Staff agreed between the Union and University at CRUSU.