BCUSU

Birmingham City University Students' Union

Bylaws

General

1. Birmingham City University Students' Union (BCUSU) is a company limited by guarantee.

2. These Bylaws are made in legal agreement with Article 49 and Article 50 of the Memorandum and Articles of Association of BCUSU.

3. These Bylaws cover the following:

    1. Ideas
    2. Online Ideas Board
    3. Scrutiny Group
    4. Student Members' Meeting
    5. Executive Committee
    6. Student Groups
    7. BCUSU Representation
    8. Petition
    9. Referendum
    10. Policy
    11. Election Regulations
    12. Campaigns
    13. Code of Conduct (Members' Complaints)
    14. Code of Conduct (Members' Disciplinary)
    15. Code of Conduct (Officer Conduct)
    16. Honorary membership
    17. Affiliations
    18. Changes to the Memorandum and Articles of Association
    19. Code of Practice

Definitions and Interpretations

4. Words and phrases used in these Bylaws have the meaning as ascribed to them in the Memorandum of Association and Articles of Association of BCUSU.

5. The Memorandum and Articles of Association shall take precedence over these Bye- laws and these Bylaws shall not be interpreted or applied in any way that is inconsistent with the Memorandum and Articles of Association of BCUSU.

Bylaw (1) Ideas

Submitting Ideas

1. Any student member of BCUSU can submit an Idea online at any time. The proposer must include their name and ensure that:

    I. The Idea must state what the student member wants to change and why they want to make this change
    II. Ideas must not be longer than 500 words,
    III. If an Idea necessitates a change to the Articles of Association or the Bylaws, then this will be clearly indicated when the Idea in posted on the Online Ideas Board. Such supporting information will not be included in the word limit

2. If the Idea is in relation to holding any of the Executive Officers to account, it will be referred to Scrutiny Group in accordance with Bylaw 3.

3. Ideas can full under 5 categories:

    I. Policy
    II. Lobbying
    III. Support and Wellbeing
    IV. Event/Activities
    V. Marketing and promotion

Discussion of Ideas

4. For the Idea to be discussed the student member who submitted it must:

    I. Still be a student member of BCUSU at the date the Idea is posted to the Online Ideas Board.
    II. Work with the Activities and Representation Team to discuss the Idea. If the proposer does not respond to the Activities and Representation Team within 1 month, then the idea will be removed from the website.

5. An Idea may be withdrawn at any point before it is posted onto the Online Ideas Board.

6. An Idea may be rejected by the Chief Executive or their nominee if it is felt to constitute a personal attack on a named individual.

7. Ideas can be delayed from being posted to the Online Ideas Board if the Idea is identified by the Chief Executive or their nominee as:

    I. Posing a financial threat to BCUSU
    II. Posing a legal threat to BCUSU
    III. Posing a reputational risk to BCUSU

8. If an Idea is acknowledged as a threat under Bylaw 1.6 then the extent of the threat will be identified and explained to the BCUSU student member who submitted the Idea. This student member will be then given the option to:

    I. Change their Idea so that is it no longer acknowledged as a threat under Bye- law 1.6 before it is posted to the Online Ideas Board
    II. Withdraw their Idea
    III. Ask that their Idea be posted on the Online Ideas Board

9. If the BCUSU student member decides they still wish their idea to be posted on the Online Ideas Board then the extent of the threat identified under Bylaw 1.6 will be summarised by the Chief Executive or their nominee, in conjunction with the Executive Officers, and provided as supporting information alongside the Idea.

10. If an Idea is submitted that holds any of the Executive Officers to account, it will be referred to Scrutiny Group in accordance with Bylaw 3.

11. No Idea that is materially the same in content as an Idea previously posted can be posted to the Online Ideas Board within the same academic year.

12. The Chief Executive or their nominee will make the final decision as to whether an Idea is unacceptable on the grounds that is materially the same as an Idea previously submitted.

13. The Chief Executive or their nominee can reject and direct ideas to more relevant areas such as feedback forums, university committees or other Students' Union teams. This list is not exhaustive.

14. If the Chief Executive or their nominee decides that the Idea is acceptable then it will proceed according to Bylaw 2.

15. If the Chief Executive or their nominee decides the Idea is not acceptable then it will not be posted to the Online Ideas Board and an explanation will be provided to the proposer.

16. Ideas discussed on the Online Ideas Board and obtaining the required number of positive votes will be sent to the Executive Committee along with a record of the discussions, and any relevant supporting information in line with Bylaw 1.1 and 1.7.

17. Appointments and Governance Committee will decide on the number of positive votes at the start each Academic year.

18. The Executive Committee will report back via the Online Ideas Board their decision in relation to whether the Idea has been accepted or rejected, once it has been presented and discussed by Scrutiny Group.

19. Ideas that fall under the policy category will become BCUSU policy in line with Bylaw 10.

20. Ideas that have been posted on the Online Ideas Board for a minimum of two weeks and obtained the required number of positive votes but have not been discussed by the Executive Committee by the end of term 3 will be discussed at the first Executive Committee in term 1 of the next academic year, as long as the student member who proposed the Idea is still a student member of BCUSU.

Bylaw (2) Online Ideas Board

1. Ideas submitted via the process outlined in Bylaw 1 will be posted on the Online Ideas Board for a minimum period of two weeks.

2. The Online Ideas Board acts as the Student Advisory Panel for the purpose of recommending Policy to the Executive Committee.

3. In this time any student may submit comments on and suggestions for changes to the Idea.

4. Comments made on the Online Ideas Board will be moderated by the Activities and Representation Team, who reserve the right to remove any comments that could be considered abusive or constitute a personal attack on a named individual.

5. Students may indicate their agreement with an Idea by voting on the Online Ideas Board.

Changes

6. An Idea may be formally changed by the proposer after discussions on the Online Ideas Board, and after discussions with the Activities and Representation Team. Any changes will be subject to the process outlined in Bylaw 1 Idea.

Discussion of the Executive Committee

7. The Executive Committee will discuss the Idea no later than two weeks after an Idea has reached the required number of votes to decide if the Idea should be accepted or rejected, considering the record of the discussions on the Online Ideas Board, and any supporting information provided by the Activities and Representation Team

8. The Executive Officers will vote on Ideas that have been brought to them.

9. If a majority vote against the Idea, then it will be rejected. If it is a tie, then the idea will be rejected.

10. If a majority vote for the Idea, then it will be accepted and, unless overturned by the Board of Trustees using their powers as established under Article 30.3 of the Articles of Association. If it is a tie, then the idea will be rejected.
11. The justification for a decision as to whether an Idea is accepted or rejected should be provided to Scrutiny Group.

12. The justification for why an idea is rejected should be clearly explained and added to the idea on the SU website

13. Ideas may need to be prioritised by the Executive Officer team considering areas such as:

    I Time
    II Cost
    III Complexity
    IV Links with the SU strategic plan (this list is not exhaustive)

14. Regular updates on ideas need to be provided by the Executive Officer team

Changes to the required number of votes.

15. The number of votes required for an Idea to be passed to the Executive Committee for consideration shall be reviewed annually by the Trustee Board.

16. may agree to change to the required number of votes by a simple majority of those present.

Bylaw (3) Scrutiny Group

The composition of the Scrutiny Group

1. The Scrutiny Group shall be made up of the following students:

    I. 5 student members of BCUSU recruited by the Student Voice Team at the beginning of the academic year.

2. More students can be recruited to the pool with a maximum of 5 at each meeting Scrutiny Group membership must be reviewed annually by the Activities and Representation Team however, to reflect that members develop experience and understanding withing the role, members may apply for the role for a second year through the usual application process.

3. The Scrutiny Group will be trained to hold the Executive Officers to account appropriately.

4. Any Scrutiny Group member can call for a secret ballot through the Scrutiny Group Facilitator to remove any person present from the Group who is preventing the meeting from proceeding in a fair and democratic manner or otherwise in accordance with these Bylaws.

5. The quoracy for the Scrutiny Group shall be set at 3 members. No business shall be transacted at a Scrutiny Group meeting unless the meeting is quorate.

6. If the meeting is not quorate within half an hour from the time appointed for the meeting, then the meeting shall be adjourned to such day, time, and place, as the Scrutiny Group Facilitator shall determine.

7. The Scrutiny Group is a closed group and only those with direct involvement will be invited, at the discretion of the Scrutiny Group Facilitator.

8. The Scrutiny Group will receive any Ideas submitted by students relating to holding any of the Executive Officers to account.

9. Any Idea submitted relating to ‘no-confidence’ of any of the Executive Officers, will bypass the Online Ideas Board and will be discussed by the Scrutiny Group who will, if deemed appropriate, refer this to the Trustee Board to call for a Referendum.

10. Referrals to the Trustee Board to call for a Referendum will be decided by secret ballot by a simple majority.

11. Decisions of the Scrutiny Group for or against an Idea shall be made by a simple majority of those present.

12. Before being asked to vote, the Scrutiny Group shall declare that they feel able to make a decision for or against the Idea.

13. If the Scrutiny Group declares that they feel able to make a decision, then they may proceed to a vote.

14. If the Scrutiny Group declares that they feel unable to make a decision, then they may:

    I. Ask a question
    II. State a practical point of clarification
    III. Make a comment

15. If the Scrutiny Group declares that they are unable take a decision, then the Scrutiny Group Facilitator will have the power to:

    I. Repeat the process outlined in Bylaw 3.14 until the Scrutiny Group declare that they are able to make a decision.
    II. Refer the decision to the next Scrutiny Group

Timings of the Scrutiny Group

16. Scrutiny Groups will be held during a weekday in term time.

17. The Scrutiny Group will meet a minimum of three times in one academic year (September-July).

18. Discussion will be led by the Scrutiny Group Facilitator.

19. To help to inform them on the above the Scrutiny Group has the right to:

    I. Ask questions
    II. State a practical point of clarification
    III. Make a comment

20. The Scrutiny Group Facilitator will remain impartial but may ask questions to help the group understand their decisions and to aid discussion.

21. The Scrutiny Group will then review the evidence and vote on what action should be taken.

Discussion at the Scrutiny Group

22. If the Scrutiny Group decides that there is no action needed, then the meeting will move on to the next agenda point.

23. If the Scrutiny Group decides that there is action needed, they will then discuss which of the following actions would be appropriate:

    I. The censure of the Executive Officer

    II. Request the Trustee Board approve the suspension of the Executive Officer from duty, for a period not exceeding one month

    III. Request the Trustee Board call a Referendum as outlined in Bylaw 9 to consider the removal of the Executive Officer

24. The Scrutiny Group will then vote on which action to take with a simple majority of Scrutiny Group members attending the meeting is the chosen outcome.

25. In cases of extreme urgency, the Scrutiny Group may suspend an Executive Officer on full pay, pending the decision of the Trustee Board.

26. If the Committee recommends calling a Referendum to consider the removal of the Executive Officer, it will be called within 28 days of the Scrutiny Group deciding to make the recommendation, pending the decision of the Trustee Board.

27. If the Scrutiny Group cannot decide which outcome to take, the Idea can be deferred until the next meeting, where more evidence can be called for so that the Scrutiny Group can make a decision.

Censure of an Executive Officer

28. A censure is a public reprimand of the Executive Officer:

I. Scrutiny Group will provide the reasons to BCUSU why the Officer has been censured
II. At least one social media post will be posted by BCUSU with the reasons why the Executive Officer has been censured
III. Scrutiny Group may request further promotion of the censure with an external trustee or nominee deciding on the request
IV. Minutes including the reason for the censure will be uploaded to bcusu.com

Appeal of a Censure

29. Appeals to a censure by an Executive Officer must be sent to the Chief Executive or their nominee

30. The Chief Executive or their nominee will gather evidence and submit a report to an external trustee and a student trustee who will have final say on whether the censure remains in place or is removed

31. Executive Officers will have 3 working days from receiving the censure to appeal the decision, if an Officer is on annual leave, then this period can be extended to ensure fairness

32. The censure will not go live until the 3 working days have passed, if an appeal is received within 3 working days, then the censure will not go live until the investigation has concluded as per byelaw 3.30

33. The appeal process will be resolved within 2 weeks unless all parties agree to it being extended

34. If the censure is upheld after the appeal process has been resolved, then it will go live and follow byelaw 3:28

Scrutiny Group Facilitator

35. The Scrutiny Group Facilitator will ensure that Scrutiny Group meetings are well run, productive and participative. To this end, the Scrutiny Group Facilitator may choose to:

    I. Deepen the quality of the discussion by grouping the Scrutiny Group into smaller groups and asking one of the Group to act as a spokesperson

II. Recommend the removal of any person present from the Scrutiny Group who is preventing the meeting from proceeding in a fair and democratic manner or otherwise in accordance with these Bylaws
III. Decide the order of speaking and the length of the discussion so that all the agenda points can be considered
IV. If necessary, ask the Scrutiny Group member if they have a comment, question, clarification, or proposal before allowing them to speak

36. The Scrutiny Group Facilitator will support the Scrutiny Group in their duties by:

I. Regulating the flow of discussion in line with BCUSU's Bylaws
II. Clarifying and summarising points made by the Scrutiny Group whilst remaining impartial
III. Outlining the implications of different decisions for the Scrutiny Group
IV. Help deal with conflicts and identify opportunities for mutual agreement
V. Keep the meeting on time

37. The Scrutiny Group Facilitator will be the Chief Executive or their nominee.

38. The Activities and Representation Team will ensure that the Scrutiny Groups are facilitated effectively through a substitute if the Scrutiny Group Facilitator is ill or unable to attend.

39. The Scrutiny Group Facilitator's work will be reviewed regularly by the Activities and Representation Team using feedback from Scrutiny Group members. Where the Scrutiny Group Facilitator is a member of an BCUSU Team, said person will have no involvement in the review.

Agenda

40. The normal agenda for the Scrutiny Group meetings will include:

I. Register of attendees
II. Review of the minutes and decisions of the previous meeting
III. The Scrutiny Group will receive actions from the Online Ideas Board detailing Officer recommendations for and against Ideas along with justifications for the Executive Officers' final decisions
IV. Receive a report from the Executive Committee on their priorities and work over the year

V. Any other business

41. Reports from the Scrutiny Group will be transparent and made available for student members online after the meeting.

Bylaw (4) Student Members' Meeting

1. Student Members Meetings shall be called and conducted in accordance with Article 18 of the Memorandum and Articles of Association.

2. The agenda shall be published at least five working days before the date of the meeting and must be made generally available.

3. The order of business shall not be subject to suspension and business shall be dealt with in the prescribed order.

4. The Student Members Meeting Facilitator will ideally be a student recruited by the Activities and Representation team. Where this isn't possible the Chief Executive will nominate a suitable person to be the Student Members Meeting Facilitator.

5. No student member who can show their student card may be excluded from the meeting nor any part of it, except those with suspended privileges at the time of the meeting. The Student Members Meeting Facilitator shall have the power to remove any student member who is preventing the meeting from proceeding in a fair and democratic manner or otherwise in accordance with these Bylaws.

6. Persons who are not student members of BCUSU or part of the Board of Trustees may only be present at a Student Members Meeting at the discretion of the Student Members Meeting Facilitator.

7. The Student Members Meeting Facilitator shall have the authority to give a ruling on the provisions of the agenda set out in Bylaw 4.9 and shall decide the right of priority in speaking.

8. Student members shall address speeches and comments through the Student Members Meeting Facilitator.

9. Points of information may be made at the discretion of the student member speaking.

Order of Business

10. The business for the Annual Student Members Meeting shall include:

    I. Ratification of the Minutes of the previous Annual Student Members Meeting
    II. Receiving the report of the Trustees on the Union's activities since the previous annual Student Members' meeting;
    III. formally presenting the accounts of the Union to the Student Members;
    IV. approving the list of affiliations of the Union; and
    V. open questions to the Trustees by the Student Members.

Powers of Student Members Meeting

11. Student Members Meeting can:

    I. Overturn a referendum after 1 year (Bylaw 9.7)
    II. Amend the Articles and Memorandum of Association (Bylaw 9.8)
    III. Set policy (Bylaw 10.1)
    IV. Approve an Officer campaign (Byelaw 12)
    V. Terminate an affiliation (Byelaw 17.7)

12. In order for Student Members Meeting to vote of any powers outlined in Byelaw 4.10, the following requirements must be met:

    I. For Byelaw 11.I, 11.II and 11.V, quoracy for voting is 100 student members
    II. For 11.III and 11.IV, quoracy for voting is 50 student members

Bylaw (5) Executive Committee

General

1. The Executive Officers are elected each year by student members studying at BCU and will take office for 1 year from July 1st and remain in office in accordance with Articles 21-22 of the Memorandum and Articles of Association.

2. The Executive Officers shall work as outlined in Article 22 in the Memorandum and Articles of Association.

3. The Executive Officers must be student members of BCUSU at the time of their election.

4. Executive Officers are not allowed to campaign for other student members during an election.

5. Each Executive Officer is formally accountable to the students through the Scrutiny Group and the Student Members Meeting. In between these meetings they are accountable to the other Executive Officers.

6. The Executive Officers are governed by the Constitution of BCUSU and must ensure that the student members of BCUSU have access to the Constitution.

Collective duties of the Executive Officers

7. Executive Officers are a trustee of BCUSU and will fulfil all duties and responsibilities of a Trustee as laid out in the Memorandum and Articles of Association and relevant company and charity law.

8. To be responsible for ensuring that BCUSU is administered in accordance with its Memorandum and Articles of Association, the associated Bylaws, and all current law as it relates to Students' Unions, charities, and companies.

9. To promote the Purpose, Vision, Aims and Objectives of BCUSU, and in particular their own areas of activity, and to engage students on every campus of BCU.

10. All actions and decisions made as a Director remain valid for life, in law, the Board of Trustees may be held responsible for decisions made whilst in office, if ever they arise in the future.

11. To work with the other Executive Officers on all relevant campaigns of BCUSU as determined by the Online Ideas Board, where applicable.

12. To promote, defend and extend the rights of student members.

13. To ensure BCUSU's membership are kept up to date on the actions of the Executive Officers.

14. To fulfil their role as outlined in the Executive Officer role descriptions and to support, where appropriate, other student representatives in the fulfilment of their roles.

15. Executive Officers will have due regard to the matters contained in the Equality Act 2010 and ensure BCUSU has up to date Equality & Diversity policies, representing disadvantaged and minority groups in all areas of student life, ensuring that they are able to play as full a role as they wish without fear of harassment or discrimination. Executive Officers are expected to challenge behaviour and actions that do not support our aim to be fully inclusive.

16. To steer the work of the senior management team to ensure BCUSU works for students.

17. To act fairly and reasonably in the making of any decision.

18. To act as a spokesperson for BCUSU.

19. The Executive Officers are to act in the best interests of BCUSU and to not seek any personal gain from the term of office.

20. To be a cheque signatory for BCUSU.

21. The Executive Officers are to report back on all activities undertaken to the Scrutiny Group and the rest of the Executive Officers as required.

22. Executive Officers are to liaise regularly with their designated key contact.

23. Executive Officers are to produce plans for the effective handover of duties to the incoming Executive Officers.

Purpose of the President

24. The principle purpose of the job is:

    I. Leadership
    II. Chair of the Board of Trustees
    III. Figurehead of BCUSU
    IV. Board of Governors representative

Purpose of the Vice President Community

25. The principle purpose of the job is:

    I. Figurehead of societies, volunteering and sport
    II. Engaging and developing communities
    III. Developing student skills and employability

Purpose of the Vice President Welfare

26. The principle purpose of the job is:

    I. Protected societies
    II. Welfare and wellbeing
    III. Equity, diversity, and inclusion lead

Purpose of the Vice President Education:

27. The principle purpose of the job is:

    I. Learning and teaching experience
    II. Figurehead of Student Voice Assistants
    III. Education policy
    IV. Board of Governors representative

Purpose of the Vice President Student Voice

28. The principle purpose of the job is:

    I. Develop democracy
    II. Student Representation System
    III. Local University contact

29. Full job descriptions are available via the Chief Executive.

Removal of Executive Officers

30. Executive Officers can be removed in accordance with Article 28 of the Memorandum and Articles of Association.

Bylaw (6) Student Groups

Definition

1. A Student Group may affiliate to Birmingham City University Students' Union (BCUSU) provided it:

    I. Is set up and run by at least 3 student members currently studying at BCU.
    II. It has a minimum of 10 interested student members who would join the Student Group if it was created, with the exception of a protected society
    III. It has a written constitution with clear aims and objectives approved by the Executive Committee or nominee
    IV. It has aims and objectives that are significantly different from those of another Student Group
    V. Its work does not replicate any work carried out by BCUSU as part of its normal activities
    VI. Its activities do not conflict with any policies of BCUSU or BCU

2. A protected society may be set up to provide a “safe space” for students from a repressed social group.

3. All the definitions below fall under the category of a Student Group:

4. **Target Sports**

    I. Are facilitated by the University Target Sports Programme.
    II. Memberships, Committee Roles/Elections, Disciplinary Proceedings, Funding, and all other activity related to the group to be facilitated by the University.

5. **Media Group:**

    I. A group of 10 or more student members who wish to participate in an activity with a media focus
    II. The media group will have written aims and objectives, which are significantly different from any other media group and do not replicate the work carried out by BCUSU as part of its normal activity

6. **A Society:**

I. A group of 10 or more student members who wish to participate in an activity with a social, academic, or cultural focus.
II. The society will have written aims and objectives, which are significantly different from any other society and do not replicate the work carried out by BCUSU as part of its normal activity.

7. **A Protected Society:**

I. A society not limited in size, that provides a "safe space" to students from a repressed social group as recognised by the National Union of Students as part of their liberation campaign or via approval from BCUSU.
II. It will have written aims and objectives, which are significantly different from any other group and do not replicate the work carried out by BCUSU as part of its normal activity except for where protected societies are set up in accordance with Bylaw 7.7 III.
III. Additional protected societies or changes to the above may be created or occur via approval at the Trustee Board.
IV. The up-to-date list of protected societies is available on the BCUSU website
V. Protected societies will follow the procedures of the Activities & Representation Team.
VI. Protected societies will be supported by the Activities & Representation Team and the Equity & Inclusion Officer.
VII. The Equity & Inclusion Officer will be named on the committee of all protected societies; this does not mean they have to attend all committee meetings and have no voting rights.
VIII. Protected societies constitutions will name specific events they are responsible for organising
IX. Protected society committee elections will follow the procedures of the Activities & Representation Team
X. If a committee is not elected for a protected society, the Activities & Representation Team will attempt to recruit a committee. If no committee is recruited within 1 months or if an event named in the specific society's constitution is coming up, the Equity & Inclusion Officer will lead on the protected societies work until a new committee can be recruited.

Membership

8. Any student member may become a member of any Student Group on the payment of a membership fee or by officially joining a free Student Group.

9. To join a Sports Team/Club, student members must first buy a Sports Card (price set by the Societies, Sports and Volunteering team or equivalent team in conjunction with the relevant Executive Officer) and then membership to the Team/Club (price set by the Sports Team/Club Committee).

10. Society membership is set at a minimum of £3. This price can be higher with agreement of the group committee and the Activities & Representation Team.

11. Membership fees can be set below the £3 in agreement with the Executive Committee or nominee, or in the event of unforeseen circumstances.

12. Membership for Protected Societies can be set as free if the committee decide to do so.

13. Membership to a Student Group lasts, for the academic year the membership is purchased in.

14. Members of a Student Group will abide by the constitution of that Student Group and of BCUSU.

15. A student member may vote in the democratic decision-making procedures of that Student Group as laid down in the Student Group constitution.

16. A student member of a Student Group may stand for election to an official position as laid down in the Student Group constitution.

Associate Membership

17. Associate members are defined as BCU or BCUSU staff or Alumni of BCU.

18. Associate members who are Alumni are able to be members up to three years after the date of their graduation.

19. Associate members may join any Student Group provided they have applied to the Activities & Representation Team or equivalent have a valid membership card, pay the membership fee, and bring a specific skill/ knowledge or experience to the group that will benefit the purpose of the group.

20. Associate Members pay a minimum of £15, plus any further membership fees individual groups may charge.

21. Approval of associate membership applications will be decided by the Activities & Representation Team. Associate members are permitted to engage in activities of the Student Group, apart from activities that are for students only, for example BUCS sports leagues.

22. Associate members may not administrate any finances of the Student Group.

23. Associate members may not hold a position of office within the Student Group.

24. Associate members cannot participate in the democratic decision-making process of the Student Group.

25. Associate members can only make up to 1/3 of the overall membership of a Student Group.

Student Group Leaders

26. A Student Group Leader must be elected to their position by the student members of that Student Group.

27. Founders of a Student Group can initially act as Student Group Leaders without being elected but must face election within a timeframe agreed with the Activities & Representation Team or equivalent team at point of founding.

28. Student Group Leaders have a responsibility to ensure the Group is fair and democratic, transparent in decision-making and finances, and inclusive for all student members.

29. The Leaders of a Student Group have a duty of care to their members and must always act appropriately to limit the liability of themselves and BCUSU.

30. Only Student Group Leaders may have access to the funds of that Student Group.

31. The Student Group Leaders are responsible for ensuring all compulsory documentation in relation to that of the student group is completed and handed into BCUSU and must attend committee catch up meetings with members of the Activities & Representation Team or equivalent.

32. The Student Group Leaders are responsible for ensuring training, meetings and forums provided by BCUSU are attended or undertaken by all relevant

members of the Student Group.

33. A Student Group Leader may only be on the committee for two student groups at the same time, unless they have prior authorisation from the Executive Committee or nominee.

34. No Sabbatical Officer of BCUSU may hold a Student Group Leader position within any Student Group.

35. The Student Group Leaders may access the resources of BCUSU.

36. Student Group Leaders must abide by all rules of BCUSU, failure to do so could result in disciplinary action or be classed as grounds for a motion of no confidence.

37. A motion of no confidence against a Student Group leader can be called by a majority vote of the committee if, in the first instance, an informal approach with the affected Leader has been unsuccessful. BCUSU will support all parties and will ensure this process is completed fairly and in line with the principles and values of BCUSU.

38. Student Group Leaders will ensure their Group submits appropriate risk assessments for every activity organised by the Group.

39. Student Group Leaders must attend relevant meetings on behalf of their members and all training organised by BCUSU relevant to their position. On occasions when they cannot attend, they may send apologies.

40. Non-attendance by a Student Group representative at more than one consecutive meeting without prior explanation to the Executive Committee or nominee will result in the suspension of the Group's activities until a representative attends the necessary meeting.

41. Student Group Leaders will submit a reviewed constitution each year to BCUSU.

42. Student Group Leaders will ensure BCUSU has up-to-date contact details for new and returning Leaders of the Group and notify of any changes to circumstances, failure to do so will result in the Student Group being suspended.

43. Student Group Leaders must undertake all training provided by the Activities & Representation Team.

Student Group Finances

44. Expenditure of the Student Group must be and shown to be for the benefit of all members of that Student Group.

45. Expenditure of the Student Group is limited to items listed in the Financial Schedule of BCUSU.

46. Fundraising income may be used to make up any deficits in the Student Groups budget at the discretion of the Executive Committee or nominee.

47. The balance of any fundraising income will be carried over from year to year.

48. In the event that a Student Group does not operate for three consecutive years all money will be transferred to an appropriate budget as decided by the Executive Committee or nominee.

49. Funds will be made available by BCUSU for Student Groups to further the group's purposes.

50. Funding will only be available to Student Groups who comply with the Activities & Representation Team policies and procedures.

51. Any sponsorship income which has spending stipulations attached to it will be reserved for that purpose.

52. Expenditure from the allocated budget is used primarily to subsidise activities essential to the running of the Student Group.

53. Any purchases made in part or whole by the Student Group becomes the property of BCUSU.

54. All affiliated Student Groups are eligible to receive funding from BCUSU.

55. All Student Group Leaders must abide by the financial regulations of BCUSU.

56. All finances of a Student Group must be conducted through BCUSU.

57. No Student Group may hold a separate bank account or building society account.

58. All money raised or received must be paid into the societies fundraising account that BCUSU administers.

59. Detailed regulations governing the financial arrangements of Student Groups are detailed in BCUSU's Financial Schedule.

60. All Student Group expenditure must be authorised by the relevant Student Group Leader and co-signed by another member of the committee.

61. All money raised must be paid into the Groups Fundraising Account. BCUSU can facilitate payment to external companies in the event of this money being raised for another organisation or charity.

62. Groups may apply for additional funding through the Development Fund if one is in place. The decision regarding to whether this funding is approved will be made by a team of staff and at least one Executive Officer.

Fundable Equipment

63. Equipment expenditure will be restricted to items that can be reasonably associated with the service delivery of a Student Group as determined by the relevant Leader of the Student Group and the Societies, Sports and Volunteering team or equivalent team within BCUSU.

64. Purchases outside the financial procedures will not normally be refunded unless the Societies, Sports and Volunteering team or equivalent team within BCUSU has given prior authorisation.

Fundable Activities

65. BCUSU will normally only subsidise Student Group activities, which fall within the scope of the Student Group's aims, objectives and constitution.

66. BCUSU will not fund any unauthorised payments to outside bodies.

67. BCUSU will only normally fund Student Group Activities provided they fulfil the following criteria:

    I. The activity will be of benefit to the student body
    II. The activities fall within the scope of that Student Group
    III. The activity has clear aims and objectives
    IV. The activity must be approved by the relevant Student Group Leader.

Student Group Accounts

68. Any money paid to the Student Group must be paid into BCUSU within 5 working days and will be credited to the relevant account.

69. BCUSU may fund:

    I. Affiliation
    II. Printing
    III. Administration
    IV. Training
    V. Travel
    VI. Guest Speakers
    VII. Printing
    VIII. Facility Hire
    IX. Coaches, Umpires and Referees
    X. Equipment
    XI. Health and Safety training and equipment
    XII. Marketing
    XIII. Insurance

This list is not exhaustive, but funding must be reasonable and aligned with BCUSU's charitable objectives.

Continuation of a Student Group

70. The continuation of a Student Group from one year to the next will depend on the following criteria:

    I. The contact details of all elected Student Leaders from the Student Group must be provided to BCUSU before the end of June in every academic year.
    II. An up-to-date constitution signed by the Student Leaders is provided to BCUSU before the end of every academic year.
    III. All Student Group Leaders must attend a leader's training event before the beginning of the new academic year. The Student Group will not be able to access their resources until training sessions have been attended.
    IV. Departing Student Group leaders must attend handover training, if organised, with BCUSU by the end of May in every academic year.

71. Student Groups that are inactive for twelve months will be de-recognised by BCUSU, but any fundraising income will remain for another two years in case

the Student Group is recognised again.

72. A previously inactive Student Group must follow the procedures of a new Student Group but can inherit the accounts of the previous student group within three years of the last group being de-recognised.

Establishment of a new Student Group

73. Applications for recognising a new Student Group should include all completed administration documents as requested by BCUSU.

74. Applications which have been assessed as containing all requested information will be then passed on to the Executive Committee for ratification at their next meeting.

75. The Executive Committee will decide whether to approve or reject applications brought to them for ratification. Their decision will be based solely on upholding the bylaws of BCUSU.

76. If the Executive Committee rejects an application, the students who have proposed the Student Group will be given the reason for rejection.

77. Appeals against a decision of the Executive Committee must be submitted in writing to the Head of Engagement within 10 working days of receipt of the decision.

78. Appeals cannot be made solely based on dissatisfaction with the outcome. Appeals may only be made on one or more of the following grounds:

    I. Procedural irregularity that may have affected the outcome
    II. New evidence that could not reasonably have been provided earlier
    III. Evidence of bias or a conflict of interest in the decision-making process
    IV. Evidence that the decision was not made in accordance with the bylaws of BCUSU

79. The outcome of the appeal may be:

    I. to uphold the decision of the Executive Committee
    II. to overturn the decision of the Executive Committee
    III. to refer the application to the Executive Committee for reconsideration

80. The appeal outcome is final and cannot be appealed further.

81. A Student Group Committee must then be set up in line with the Student Group's constitution.

Student Groups Governance

82. Each specific Student Group will have a governing committee as outlined in the Student Group's Constitution.

83. The overall governance of Student Groups will be overseen by the Executive Committee or nominee.

The Calculation of Funding to Student Groups

84. The Protected Societies will be provided with individual funding at the beginning of the Academic Year. This figure will be decided by the VP Welfare and the Activities & Representation Team.

85. Student Group funding will be calculated on a formula agreed by the Chief Executive or their nominee, and at least one Executive Officer. The formula will consider:

    I. The number of active participants
    II. The level and amount of activity planned throughout the year
    III. The performance history of the student group against its own aims and objectives (the previous year only), while considering the aims and objectives of new committee members
    IV. Re-investment history of the student group's fundraising funds into the group's activities (the previous year only)

86. Plus, the commitment of the Student Group to:

    I. Increase membership
    II. Increase the involvement of under-represented groups
    III. Attend meetings and training provided by BCUSU

Student Group Development Funds

87. The Student Group development fund, if in place, will be administrated by BCUSU for the benefit of Student Groups.

88. To be awarded a grant from the fund, a Student Group must complete the appropriate administrative documents and submit this to the Executive Committee or nominee.

89. A panel of BCUSU staff and Executive Officers will either approve, decline, or amend requests by way of a majority vote.

90. To be awarded a grant from the Union fund the Group must complete the appropriate steps:

    I. **Amounts under £200.** Meet and discuss the requirements with a member of the Activities and Representation Team who can approve, decline, or amend requests
    II. **Amounts over £200.** Complete and submit a digital form. A panel of BCUSU Staff and Executive Officers will then approve, decline, or amend requests by way of a majority vote

Student Group Elections

91. All elections procedures shall follow the same principles.

92. All elections will use electronic voting set up by BCUSU.

93. Elections will be open to all fully paid members of the student groups in question.

94. All elections will be overseen by the Societies, Sports and Volunteering team.

95. The Activities & Representation Manager shall be solely responsible for the interpretation of the Bylaws. Where there is non-compliance, the matter is to be addressed through any formal procedures that exist under these Bylaws.
96. Students wishing to appeal a decision made by the Activities & Representation Manager may do so to the Head of Engagement, whose decision will then be final.

Bye-Elections

97. By-elections will be held to fill any vacant posts following an election

98. Committee Members elected in by-elections shall hold office from the date that the result is declared

Voting

99. Each student member shall have one vote per election. No student member shall have more than one vote per election.

100. Students must be a paid member of the group they wish to vote in for their vote to be counted

The Count

101. The count shall be supervised by the Activities & Representation Manager.

102. Complaints about the count must be made in writing to the Activities and Representation Team Manager no later than 24 hours after the close of the election

Complaints

103. Any student member may lodge a complaint about the conduct of the elections

104. The Activities & Representation Manager will hear all complaints in the first instance

105. Appeals of the decisions, will be heard by the Head of Engagement

106. The key test of a complaint shall be the extent to which the offence has significantly advantaged or disadvantaged a candidate's campaign or the inappropriateness of the behaviour.

107. Complaints should be entered in writing on the grounds of:

I. Failure of good conduct in election
II. Behaviour and activities of the candidates or their supporters
III. The administration of the election
IV. Breaches in regulations

108. Any decisions reached will take immediate effect.

Bylaw (7) BCUSU Representation

Birmingham City University (BCU) Committees

Board of Governors

1. Composition:

    I. President
    II. A nominated officer from the Executive Officer team

Academic Board

2. Composition:

    I. President (ex-officio)
    II. Other Executive Officers as nominated each year by the Executive Officer team.

Other BCU Committees

3. BCUSU representatives on all other BCU Committees shall be nominated by the Executive Officers.

National Union of Students (NUS) Committees

NUS National and Extraordinary Conference

4. The delegation is open to all student members and shall unless indicated otherwise by NUS, be decided by cross-campus ballot.

5. Delegates will vote in line with BCUSU Policy.

6. The President or nominee will be the delegation leader and will report to the Scrutiny Group actions taken at NUS National and Extraordinary Conference.

7. Should there be a delegate vacancy at the point of registering for NUS conferences, delegates may be approved by the Executive Officers.

NUS Liberation and Sections Conferences

8. The relevant Protected Society as per Bylaw 6.10 will be invited to attend specific liberation or section conferences and will report via the Equity & Inclusion Officer.

BCUSU Committees

Board of Trustees Meeting

9. Composition:

    I. President (Chair)
    II. External Trustee (Deputy Chair)
    III. No fewer than 5 of which 1 much be an external trustee and 1 must be a student trustee

10. In attendance:

    I. Senior Management Team
    II. Secretary (Chief Executive or their nominee).

11. Frequency: quarterly, or more where conditions determine

Subcommittees of the Board of Trustees

People & Remuneration Committee

12. Reports to Board of Trustees.

13. Composition:

    I. 1 External Trustee
    II. 1 Student Trustee
    III. 3 Executive Officers

14. In attendance:
    I. Chief Executive
    II. Head of Central Services

III. People and Culture Manager
IV. Any other Trustee
V. Secretary (Chief Executive or their nominee)

15. Frequency: quarterly, or more frequently where conditions determine

16. Purpose:

I. To recommend and oversee the implementation of the HR strategy
II. To oversee amendments to employee policies
III. To oversee the BCUSU wide pay award
IV. To agree on the pay award for the Chief Executive
V. To agree the Executive Officer Remuneration

Communication and Strategic Development Committee

17. Reports to Board of Trustees.

18. Composition:

I. 1 External Trustee
II. 1 Student Trustee
III. 4 Executive Officers

19. In attendance:

I. Chief Executive
II. Head of Engagement
III. Head of Member Services
IV. Marketing and Communications Manager
V. Any other Trustee
VI. Secretary (Chief Executive or their nominee).

The committee may invite persons whose skills or experience can further the purpose

20. Frequency: quarterly, or more frequently where conditions determine.

21. Purpose:

I. To recommend and oversee the implementation of the communication strategy

II. To oversee the implementation of the Strategic Plan and oversee the Strategic Review process
III. To communicate Key Performance Indicators KPIs
IV. To advise of developments in fundraising

Appointments and Governance Committee

22. Reports to Board of Trustees

23. Composition:

I. 1 External Trustee
II. 1 Student Trustee
III. 3 Executive Officers

24. In attendance:

I. Chief Executive
II. Head of Engagement
III. Activities and Representation Team Manager or nominee
IV. Any other Trustee
V. Secretary (Chief Executive or their nominee)

The committee may invite persons whose skills or experience can further the purpose

25. Frequency: quarterly, or more frequently where conditions determine.

26. Purpose:

I. Responsibility for identifying and appointing Student Trustees and External Trustees
II. Lead on Governance Reviews ensuring that the Governance at BCUSU is effective
III. The Appointments and Governance Committee assists the Board in its governance functions

Audit and Risk Committee

27. Reports to Board of Trustees.

28. Composition:

    I. 1 External Trustee
    II. 1 Student Trustee
    III. 3 Executive Officers

29. In attendance:

    I. Chief Executive
    II. Head of Central Services
    III. Head of Engagement
    IV. Any other Trustee
    V. Secretary (Chief Executive or their nominee)

    The Committee may invite persons whose skills or experience can further the purpose

30. Frequency: quarterly, or more frequently where conditions determine.

31. Purpose:

    I. To review and oversee the financial strategy
    II. To ensure that the BCUSU complies with all relevant laws and regulations and that an internal system of accountability is adhered to
    III. To review and consider appropriate methods of controlling BCUSU's activities (financial and otherwise)
    IV. To analyse and manage BCUSU's overall risk profile

Executive Officer Disciplinary Committee

32. Reports to Board of Trustees

33. Composition

    I. President or nominee
    II. 1 External Trustee
    III. 1 Other Trustee
    IV. 1 member of BCUSU's Senior Management Team

34. In attendance

    I. Member of BCUSU's HR staff

35. Frequency: as and when required by the Investigations Committee

36. Purpose:

    I. To examine allegations made in relation to officer conduct.
    II. To review the evidence that has been gathered, and if necessary to authorise further investigations.
    III. To decide on the appropriate penalties for officer misconduct.

Executive Officer Meetings

37. Executive Officers may decide how they want to meet year on year

38. 80% of Officers need to be present when a decision is to be made on areas such as:

    I. Accepting or rejecting ideas on the ideas board
    II. Making changes to byelaws
    III. Deciding on Exec team campaign

Health and Safety Meeting

39. Reports to Audit and Risk Committee.

40. Attendees:

    I. A mixture of staff including Chief Executive or nominated representative
    II. 2 Executive Officers
    III. A member of staff from BCU with responsibility for Health and Safety

41. Frequency: To be decided by the committee but at least once a term

42. Purpose:

    I. To manage the operational Health and Safety activity of the organisation

II. Act as a conduit for Health and Safety issues

Equity, Diversity, and Inclusion Committee

43. Reports to HR & Remuneration Sub committee

44. Attendees:

I. A mixture of staff including BCUSU Chief Executive
II. 3 Executive Officers
III. Nominated member of staff from BCU's Equality, Diversity, and Inclusion Team
IV. The Committee may invite persons representing different communities or protected characteristics.

45. Frequency: To be decided by the committee but not less than bi- monthly

46. Purpose:

I. To discuss issues around Equality, Diversity, and Inclusion within BCUSU and BCU
II. To ensure all students have appropriate access to services provided by BCUSU and BCU
III. To ensure students receive the same level of support regardless of race, ethnicity, gender, or disability
IV. To create a clear set of goals and an action plan to improve E&D and inclusion within BCUSU and BCU
V. To ensure all policies and procedures within BCUSU and BCU are fair to all students
VI. To discuss events/activities to encourage cultural inclusion

BCUSU Environmental Committee

47. Reports to Board of Trustees

48. Membership:

I. 4 Executive Officers (annually)
II. Members of relevant environmental societies

49. In attendance:

I. Chief Executive

II. One member of the University Environmental Team
III. Head of Engagement
IV. BCUSU Marketing Manager
V. One member of the Member Services management team
VI. Other attendees can be invited at the discretion of the chair

50. Frequency: The committee meetings will be Bi-Monthly or more frequently where conditions determine

51. Purpose:

I. To reduce the environmental impact of BCUSU
II. To raise awareness amongst students and BCUSU staff on environmental issues
III. To work towards achieving specific Green Impact Criteria

Bylaw (8) Petitions

1. A Petition can be requested by any student member who wants to trigger a Referendum on the following:

    I. To remove an Executive Officer

2. A Petition may also be requested by a student member who wants to trigger a Company Law Meeting to approve a change to the Articles in accordance with Bye- law 18.7.

3. A request for a Petition can be made at any point to the Activities and Representation Team. This team will ensure the petition is open and available to sign by student members within two working days. A Petition will close at the same time, on the same day that it opened exactly one week later.

4. A request for a Petition must include a full copy of the Idea, which is subject to Bylaw 1.

5. The quoracy for a Petition is 2% of the student membership's signatures.

6. The Activities and Representation Team will seek to ensure that petitions are accessible for all student members of BCUSU to sign.

7. Student members may campaign to encourage other students to sign the Petition. This campaigning must be conducted in accordance with the campaign rules outlined in Bylaw 12. Therefore, campaigning may only commence once the campaigner has been briefed on the campaign rules.

8. When the Petition closes, the Activities and Representation Team will confirm the total number of students who have signed the petition. If duplicate or invalid student's numbers or names are discovered, then they shall be removed and discounted from the Petition.

9. If the Petition has reached its quoracy number, the following will occur:

    I. A Referendum will be called in line with Bylaw 9
    II. Changes to the Articles will occur in line with Bylaw 18.
    III. If the Petition fails, then it will not be acted on.

Bylaw (9) Referenda

Calling a Referendum

1. In accordance with Bylaw 8, a Petition is signed by the required number of student members.

2. In accordance with the Bylaw 10, an Idea is referred to Referendum by the Executive Officers.

3. A Referendum can be called by:

    I. A majority of the Board of Trustees at a validly constituted and quorate Board of Trustees meeting
    II. The Executive Officers
    III. 2% of the student members by means of a Petition requesting a Referendum on a particular Idea. The petition should detail the student members' names, student numbers and signatures.

4. If a Referendum is validly called then the Board of Trustees shall be responsible for calling a Referendum within 21 working days, provided a Referendum is held during the BCU term.

Conduct

5. A secret ballot that enables all student members of BCUSU to exercise their vote. This shall normally mean that all Referenda are held across all campuses of BCU.

Powers

6. A decision reached by means of a Referendum shall override any decision of the Executive Officers, or any Student Members Meeting.

7. A decision reached by means of a Referendum shall have effect for a minimum of 1 year, after which time it may be overturned by a subsequent Referendum or Student Members Meeting.

8. A Referendum may not:

I. Amend the Articles and Memorandum of Association, which can only be amended at the Student Members Meeting each year or by a special resolution of the company shareholders and approval by BCU.
II. Decide on any matters relating to BCUSU staff
III. Mandate BCUSU Officers to break the law.
IV. Debate on any matter defined by the Trustees as commercially sensitive. An Idea to define a matter as commercially sensitive must be approved by a two-thirds majority of those Trustees present.

Setting the question

9. Upon receipt of the request for a Referendum, the Vice President Student Voice shall call a meeting of the Elections Panel who shall organise the voting.

10. The Deputy Returning Officer as set out in Bylaw 11.11 shall be responsible for devising a suitable question to be put to the vote, in consultation with the Vice President Student Voice. A suitable question is one that can be answered by a simple Yes or No. In general, the question should be phrased as the Idea or Petition to call is phrased, whilst retaining the absolute discretion of the Deputy Returning Officer. There shall be no appeal to this decision, other than making a formal complaint using the BCUSU Complaints Procedure.

11. The Board of Trustees shall be entitled to refuse to hold a Referendum when the outcome would result in BCUSU taking action, which would be contrary to any provision in its Memorandum or Articles of Association, or other legal requirements whether imposed by statute, contract, or common law.

Referendum meeting

12. The Deputy Returning Officer shall trigger the organisation of at least one Referendum Meeting to debate the issues arising from it. This meeting is to be run in accordance with the rules applicable to Election's Question Time set out in Bylaw 11.59.

13. The Referendum Meeting should be held no less than three working days before voting commences.

14. At the Referendum meeting, those for and against shall each have five minutes to present their case, and then answer questions for as long as the Deputy Returning Officer shall deem appropriate.

Voting Timetable

15. Upon receipt of a legitimate request for a Referendum, the Board of Trustees shall have 21 working days to call the vote.

16. The vote shall be called by advertising the intended vote at least three weeks before the final day of voting.

17. The Deputy Returning Officer shall determine how long voting should continue for, using the principle of extending the opportunities to vote.

Quoracy & Legitimacy

18. A resolution may only be passed by Referendum in accordance with Article 17 of the Memorandum and Articles of Association, where:

    I. At least 10% of student members cast a vote; and
    II. the majority of the votes cast are in favour of the Resolution

Mandating Officers

19. Upon the proper calling of a Referendum, none of the Executive Officers can be mandated to hold any particular position or to take action in regard to the Referendum (except those actions required for the organisation of the Referendum) from the calling of the Referendum to the closing of the polls.

20. The Executive Officers are free to campaign as individuals on a Referendum but may not do so whilst at work for BCUSU, and so should take leave. They may not use BCUSU resources in pursuit of a particular outcome.

Campaigning

21. The proposer of the Referendum may produce a document not exceeding 2 sides of A4 paper outlining the case for the Referendum Idea. This shall be submitted to the Deputy Returning Officer no less than two working days after the submission of the request for a Referendum. For a Referendum proposed by the Executive Officers or the Online Ideas Board, the proposer shall be responsible for submitting the case.

22. The Deputy Returning Officer may delegate responsibility for preparing a document not exceeding 2 sides of A4 paper setting out the case against the question. This shall be submitted to the Deputy Returning Officer not less than

two working days after the submission of the request for a Referendum.

23. A count shall not be published any earlier than 24 hours after the closing of voting.

Voting

24. Voting in a Referendum shall be conducted in accordance with Bylaw 11 Elections Regulations, relating to the conduct of the vote.

Bylaw (10) Policy

1. Policy (as defined in Article 59.1.32 of the Memorandum and Articles of Association) shall be set by:

    I. Policy passed at a Student Members Meeting in accordance with Article 18 of the Memorandum and Articles of Association.
    II. Any student member can submit a policy Idea to the Online Ideas Board which for these purposes acts as the Student Advisory Panel, requesting a recommendation to the Executive Officers in accordance with Article 48 of the Memorandum and Articles of Association.
    III. Policy passed by Referenda.
    IV. Where circumstances require a rapid response from BCUSU the Executive Officers may agree Policy without the immediate approval of the membership. However, approval must be sought as soon as reasonably possible through one of the methods outlined in Bylaw 10.1.
    V. Where approval is not obtained the Executive Officers must justify the reasons why via the Scrutiny Group.

2. Ideas must be conducted in line with Bylaw 1.

3. Ideas will be discussed on the Online Ideas board if a policy Idea receives the requisite number of votes, it will be passed to the Executive officers along with a record of the discussions and recommendation.

4. The Executive Officers will discuss the Idea in accordance with Bylaw 2.8-11 and make a decision on the options available to them as outlined in Bylaw 10.6.

5. This decision will then be reported back to Scrutiny Group

Options Available to the Executive Officers

6. The Executive Officers may do the following:

    I. Vote to pass or reject a Policy Idea brought forward from the Online Ideas Board.
    II. Refer a Policy Idea to a Student Members Meeting
    III. Ask for further student consultation on a policy Idea
    IV. If a decision cannot be made, the Executive Officers can ask for the Idea to return to the Executive Officers after further consultation
    V. After this, if a decision still cannot be made, the Executive Officers may either adopt the idea from the Online Ideas Board

VI. The Policy Idea can be referred to a Referendum

Options Available to a Student Members' Meeting:

7. A Student Members Meeting may do the following in conjunction with byelaw 4.11.2:

    I. Pass or reject a Policy Idea
    II. Refer a policy Idea to a Referendum

Calling a Referendum

8. This process will follow Bylaw 9.

9. An Idea taken to Referendum will become Policy if it is quorate in line with Bylaw 9.18 and the majority of the votes cast are in favour of the resolution.

Policy decision at Referendum

10. Decisions made using a Referendum cannot be overturned by the Online Ideas Board

11. Decisions made at a Referendum can overturn a previous Referendum subject to Bylaw 9.7 that requires a decision by Referendum to be in effect for a minimum of one year.

12. If a policy requires a change to the articles, then it will be subject to Bylaw 18. If the policy also requires a change to the Bylaws, these changes will not come into effect until changes to the Articles have been accepted.

Policy lifetime

13. Policy passed by the Executive Officers will have a life of three years unless it is overturned.

14. Policy passed at Student Members Meeting will have a life of three years unless it is overturned.

15. Policy passed at a Referendum will have a life of three years unless it is overturned.

Lapsed Policy

16. The Executive Officers will make recommendations on lapsed Policy as to whether to keep or lapse it:

    I. If the Policy is kept it will have a further three year's life before it lapses again.

    II. Executive Officers may decide to put lapsed policy back through the Online Ideas Board following byelaw 2.

Responsibility

17. Policy (as defined in Article 59.1.32 of the Memorandum and Articles of Association) remains subject to the authority of the Board of Trustees in accordance with Article 35 of the Memorandum and Articles of Association.

    For example, a policy may be blocked if there are serious concerns with regard to financial considerations, acts of ultra vires or breaches of the law.

Bylaw (11) Election Regulations

General Rules

1. BCUSU is a democratic organisation and so its elections are of paramount importance.

2. To this end BCUSU aims to:

    I. Conduct all Elections fairly
    II. Ensure all student members, whose principle relationship at BCU is not as a staff member, can participate fully in all aspects of the Election
    III. Conduct Elections in a spirit of friendliness and cooperation

What Elections these rules apply to

3. BCUSU elects students as representatives into a wide range of committees, positions, and activities. This Bylaw details the procedure for electing students to/as the following:

    I. Executive Officers (BCU Academic Board Members and BCU Governors)
    II. NUS Conference
    III. Casual Vacancies (as defined in Bylaw 11.26).

4. Where the need for an Election arises that is not detailed in this Bylaw, or where existing positions change or are added to, the Deputy Returning Officer shall decide which the most appropriate guidelines to follow are.

5. The following posts shall be elected by specific groups of student members:

    I. *NUS Liberation conferences*: self-defining student members of relevant activity groups will elect delegates.
    II. *Demographic-specific NUS conferences:* (international, mature etc); the student members of relevant activity groups will elect delegates.

Returning Officer and Deputy Returning Officer

6. The Board of Trustees will appoint a Returning Officer and will have the sole power to dismiss the Returning Officer. The chosen Returning Officer shall normally be a reputable person independent of BCUSU.

7. The Returning Officer shall be solely responsible for the interpretation of the Bye- laws. Where there is non-compliance, the Returning Officer shall see that

the matter is taken to be addressed through any formal procedures that exist under these Bye- laws. If the act of non-compliance is not covered by any procedure, then the Returning Officer may take appropriate action. Unless otherwise stated the Returning Officer's decision shall be subject to appeal to the Board of Trustees.

8. If the Returning Officer is unable to fulfil this role, then a nominee of the Returning Officer will administer the Bylaws in their place.

9. The Returning Officer role may be carried out by any of the following:

    I. An NUS staff member
    II. A nominee of BCU
    III. A senior staff member of another Students' Union

10. The Returning Officer will have the sole power to dismiss the Deputy Returning Officer.

11. The Deputy Returning Officer shall be the Chief Executive or their nominee.

12. The Deputy Returning Officer shall be responsible for running the elections on a day- to-day basis and may delegate aspects of elections to BCUSU colleagues in the day- to-day running.

Elections Panel

13. The Elections Panel consists of:

    I. The Deputy Returning Officer
    II. A member of the Senior Management Team (as nominated by the Chief Executive)
    III. BCUSU staff members allocated to the Panel to provide support and to ensure a diverse mix of membership

Duties

14. The detailed planning of all Elections.

15. Ensuring the Elections Regulations Bylaw is upheld.

16. Ensuring all Elections are well publicised to maximise participation.

17. Setting and allocating the budgets for each election (including candidate's expenses).

18. Dealing with initial queries and complaints.

19. The Panel may delegate responsibilities to the Deputy Returning Officer. The Deputy Returning Officer is accountable to the membership through the Panel and must attend all relevant meetings.

20. Panel members must always remain impartial during Elections and Referendums, and not support any candidate or position.

Elections Procedure

21. All Elections Procedures shall follow the same principles.

22. All elections shall be timed with the intention of ensuring the participation of at least 5% of the student population at BCU, whilst also considering when the term of office will start and how much notice is needed for candidates.

23. All elections will use electronic voting.

By-Elections

24. By-Elections will be held to fill any vacant posts following an Election.

25. Subject to Article 29 of the Memorandum and Articles of Association, Sabbatical Trustees elected in a By-Election shall hold office from the date that the result is declared.

Casual Vacancies

26. A Casual Vacancy shall be defined as a vacancy that arises from an elected representative standing down from their position before the normal end of their term or a new vacancy that has been created at such a time that the first incumbent will not be able to serve a normal full term.

27. In the event of a vacancy arising for an Executive Officer, BCUSU should determine how best to fill the vacancy, taking account of the time of year and likely workload. Ideally, this will be by cross-campus ballot.

28. Subject to Article 22 of the Memorandum and Articles of Association Executive Officers elected to Casual Vacancies shall hold office from the date that the

result is declared.

Constituencies

29. All Elections shall be open to all student members and be held cross-campus except for Elections for positions that represent only students from a specific campus, course, or faculty.

Election Regulations for Executive Officers (Sabbatical Trustees) and, BCU Academic Board Members & BCU Governor

Invitation to Nominate

30. The Deputy Returning Officer shall invite nominations for the forthcoming Election in good time, which should normally be at least 3 term weeks prior to the first day of voting.

31. Elections should be promoted extensively using all appropriate methods to the full.

32. Full details of all available positions and how to stand will be published via BCUSU communication channels.

33. The Deputy Returning Officer will determine the specific rules for candidates standing which are not detailed in this Bylaw and will publicise them in the nominations pack.

Nominations Received

34. The Deputy Returning Officer will set the closing date for receipt of nominations; this will normally be at least five clear working days before voting commences and shall ensure enough time is allowed for candidates to prepare their election campaigns.

35. Student members who are primarily members of staff at BCU or BCUSU may not participate in the BCUSU elections.

36. Applications must be received in the prescribed form, which should include the submission of a written manifesto, the student's name, and student number.

37. All applications will be verified by the Deputy Returning Officer.

38. Only applications received before the closing date will be considered valid.

39. In the instance of a position that represents a specific constituency, only students within that constituency will be able to nominate themselves for Election.

40. A receipt must be issued to confirm the submission of each completed nomination.

41. Applications must comply with the terms and conditions of the Election.

42. No student member may stand for more than one position in the same Election except where Elections for NUS Conference and Executive Officer elections are being held at the same time and students wish to stand for an NUS Delegate and Executive Officer position.

43. Sabbatical Trustees may only stand for NUS Conference Election or Executive Officer positions outlined in the BCUSU Representatives Bylaw 7.

Candidate Training

44. All candidates are required to attend the candidate training session(s) held or meet with the Deputy Returning Officer or nominee following the close of nominations. At this training, the candidates will be given a chance to discuss and clarify the rules and procedure for the forthcoming election, to ensure they are understood.

Campaigns and Publicity

45. Campaigning may commence during the campaigning period if the candidate has attended a campaign briefing with the relevant BCUSU team.

46. Candidates must take reasonable steps to ensure that their supporter's actions always comply with the campaign rules and must be able to demonstrate this in the event of a complaint against them.

47. Candidates and their supporters may only alter, move, or remove their own campaign material.

48. Candidates and their supporters may only use mailing lists where lawful to do so. In most cases, they require the consent of the student members on the list to use their details.

49. Campaigners must not communicate with voters in any way once they have begun to complete their ballot.

50. All campaigning will be conducted in a spirit of fair play, and the Deputy Returning Officer will be asked to decide on appropriate action in an election where this is brought into doubt.

51. BCUSU will allocate an equal budget to all candidates for each position to cover the campaign costs, which will be announced at the start of the election period. No candidate may spend more on their campaign than the limit set by the Deputy Returning Officer.

52. Expenses will only be reimbursed by BCUSU if the candidate meets with staff in the relevant SU Team to discuss how to conduct an effective and responsible campaign.

53. All candidates must submit a written list of all campaign costs with corresponding receipts within one hour of the close of voting. If candidates do not spend any money during the course of their campaign this must be made clear on the submission.

54. All materials used by a candidate must be included within their statement of expenditure with an estimated market rate.

55. Items freely and readily available to all candidates can be used without itemisation.

56. Items that campaigners already own can be valued using a minimum price list available from the Activities and Representation Team. The Deputy Returning Officer will value items not on this list within one working day of the request for an evaluation.

57. Campaigners will be disqualified if they are found to have broken any of the rules in Bylaw 11.

58. Other rules may be added as part of the work of the Elections Panel.

59. Bylaw 11 only applies to campaigning that is taking place as part of an election, Referendum or Petition.

Question Time

60. An opportunity shall be provided for student members to question candidates for Executive Officer positions before the beginning of voting.

61. Candidates must attend this event unless:

    I. the event clashes with part of their programme of study e.g. a lecture, group work, lab work, tutorial, seminar, or practical classes
    II. they are ill
    III. they are experiencing serious personal difficulties

62. Candidates shall inform the Deputy Returning Officer or nominee if they are unable to attend, stating their reasons for non-attendance before the beginning of the event. The Deputy Returning Officer may disqualify any candidates who fail to comply with Bylaw 11.60.

Voting

63. Each student member shall have one vote. No student member shall have more than one vote per Election or Referendum.

64. Student members must prove they are a member of BCUSU to vote. Student members whose principle relationship at BCU is as a staff member cannot vote in any BCUSU Election.

65. The Deputy Returning Officer will seek to ensure that cross-campus voting is accessible for all student members of BCUSU.

66. Voting will be by secret ballot using the Single Transferable Vote (STV) or Alternative Vote (AV) system as described by the Electoral Reform Society and shall include re- open nominations (RON) as a candidate.

67. If any student(s) want(s) to Campaign for a re-open nomination vote, they will be subject to the same rules as the other election candidates.

68. In the event of re-open nominations 'winning' the most votes, the election shall be rerun as soon as practically possible.

69. If the result of voting in an Election or Referendum is a tie, then the result is decided in line with the electoral commission's rules by the drawing of lots (i.e. a method of selection by chance such as tossing a coin or picking a name out of a hat) The method of selection will be decided and conducted by the Deputy

Returning Officer.

70. A member of the relevant SU team shall determine and publicise the arrangements for voting, taking into consideration students at different campuses and with different study modes and ensuring that students are provided with a fair chance to vote.

The Count

71. The count shall be supervised by the Deputy Returning Officer or their nominee.

72. A count shall not be publicised any earlier than 24 hours after the closing of voting.

73. Complaints about the count must be made in writing to the Deputy Returning Officer no later than one working day after the announcement of the result.

74. The result of voting will only come into effect once the Returning Officer has certified that the result is the accurate outcome of a free and fair democratic procedure.

Withdrawals

75. If a candidate decides to withdraw from the Election, they should submit their withdrawal in writing to the Deputy Returning Officer.

76. If the candidate withdraws prior to voting, but after their name has been publicised as a candidate they will not appear on the E-voting form.

77. If the winning candidate withdraws within the first month of the result being declared, then the Deputy Returning Officer will re-count the Election as if that candidate had not stood.

Complaints

78. Any student member may lodge a complaint about the conduct of the Elections.

79. The Deputy Returning Officer will hear all complaints in the first instance.

80. The Returning Officer will not be involved in this first stage of the complaint.

81. The key test of a complaint shall be the extent to which the offence has significantly advantaged or disadvantaged a candidate's campaign or the

inappropriateness of the behaviour.

82. Complaints should be entered in writing on the grounds of:

    I. Failure of good conduct in the Election
    II. Behaviour and activities of the candidates or their supporters
    III. The administration of the Election
    IV. Breaches of regulations

83. The Deputy Returning Officer and Returning Officer decisions will take immediate effect.

Procedure during the campaigning period

84. All complaints should follow the prescribed format set by the Deputy Returning Officer.

85. All complaints regarding campaigning must be made within one hour of the close of voting.

86. The Deputy Returning Officer will respond in writing within two working days.

87. In determining a complaint, the Deputy Returning Officer, in conjunction with the Elections Panel, will hear all the appropriate evidence and will make a punitive decision inclusive but not limited to:

    I. Not to uphold the complaint
    II. To adjust campaigning materials/budget
    III. To halt the elections
    IV. To disqualify specified candidates
    V. To refer the complaint to the Returning Officer
    VI. To count the election and decide whether the basis of the complaint has had any impact on the outcome of the vote.

Appeals

88. Appeals against the decision of the Deputy Returning Officer ruling regarding Elections must be made in writing within two working days of the decision and will be referred to the Returning Officer who will make a decision The decision of the Returning Officer is final.

89. In this instance, the decision could be to:

I. Decline to hear the appeal
II. Accept the decision of the Deputy Returning Officer
III. Reject the findings of the Deputy Returning Officer and either:
IV. Refer the matter back to the Deputy Returning Officer
V. Decide upon any action themselves

Election Regulations for NUS National Conference

90. The Regulations shall be the same as for the Executive Officers (Sabbatical Trustees), with the following exceptions:

I. There need not be Question time for conference elections
II. Voting will be by Single Transferable Vote (STV) or Alternative Voting (AV)
III. All NUS Conference procedure will be followed in relation to electing NUS Conference delegates

Bylaw (12) Campaigns

Initiating Campaigns

1. Campaigns can be proposed by any student member of BCUSU.

2. If requested, the President or nominee shall provide advice and guidance to student members who wish to organise BCUSU campaigns.

3. Before a campaign is undertaken in BCUSU's name, it shall first receive the approval of the membership though policy agreed by one of the following:

    I. Executive Officers (with recommendations from Online Ideas Board)
    II. Student Members Meeting
    III. A Referendum
    IV. Manifesto pledge of an Executive Officer
    V. Where approval is not obtained the Executive Officers must justify the reasons why via the Scrutiny Group

4. Campaigns that form part of the activities of Protected Societies, will be supported by the Activities and Representation Team. Where circumstances require a rapid response from BCUSU the Executive Officers may start campaigns without the immediate approval of the membership. However, approval must be sought as soon as reasonably possible through one of the methods outlined in Bylaw 12.3.

Conduct of Campaigns

5. All BCUSU campaigns must be member-led, either by student members or by the Executive Officers.

6. Campaign leaders should report regularly to the Executive Officer team or nominee on the progress of campaigns and take questions from the Executive Committee and student members about the campaign and related issues.

7. The Executive Officers may delegate administrative and support tasks relating to campaigning to BCUSU staff, but staff may not play a leadership role or any other political role in campaigns.

8. Campaigning may begin once the relevant student members have been briefed on how to run a successful campaign and appropriate campaign strategies/behaviour

Bylaw (13) Code of Conduct – Members' Complaints

Members' Complaints

1. As a membership-led organisation, Birmingham City University Students' Union (BCUSU) wishes to address and resolve all complaints about any aspect of BCUSU when raised by its student members as quickly and as equitably as possible.

2. BCUSU would recommend that in the first instance an informal approach to the relevant member of BCUSU personnel would be the student member's first step. If however, the grievance is not resolved (or this method is not appropriate) then the student member has the right to use the following formal procedure.

Extent

3. The scope of the BCUSU Complaints Procedure is as follows:

    I. Complaints in respect of any member services of BCUSU such as its bars or shops
    II. Complaints in respect of BCUSU's engagement services such as the Activities and Representation team, The Advice Centre, Outreach Team etc.
    III. Complaints in respect of central services within BCUSU such as Administration, Finance, Campus Offices, etc.
    IV. Complaints concerning discrimination by BCUSU
    V. Complaints regarding any aspect of the democratic structure of BCUSU (in association with the Constitution of BCUSU)
    VI. Complaints about any staff member or volunteer of BCUSU
    VII. Complaints against an individual executive officer (dealt with in the Officer Conduct - Bylaw 15).

Procedure

Level 1

4. If a student member decides that they would like to raise a grievance about an aspect of BCUSU listed in Bylaw 13.3 then they shall first raise a complaint (usually in writing) with the relevant head of that team or area of BCUSU.

    If the student member makes the complaint orally, the date of the complaint should be agreed and noted.

The student member should make it clear that this is a Level 1 complaint. The head of that team will decide whether their line manager should be consulted or informed of the complaint.

If the matter is not resolved within 10 working days or subject to further investigation in a way that is agreeable to the student member, the complaint may be referred to Level 2.

Where the grievance is about the head of a team, the complaint should be raised with their line manager.

Level 2

5. The student member in this instance should address the complaint in writing to the Chief Executive. The particulars of the grievance should be defined and recorded; acknowledgement of this is to be sent to the student member.

   If the matter is not resolved within 10 working days or subject to further investigation in a way that is satisfactory to the student member, the complaint should be referred to Level 3.

   If a satisfactory agreement is reached, all parties will be informed in writing of the outcome.

Level 3

6. In cases where the complaint, having been referred to the Chief Executive, has not been resolved, the matter will be referred to the BCU Students Complaints Procedure and passed to the President of BCUSU for consideration.

   Where the grievance has already been dealt with but not resolved by the President, the matter will be referred to Stage 2 and be dealt with by the relevant Pro-Vice Chancellor.

Relevant Heads of Teams/Areas

7. Relevant Heads of BCUSU Teams for Level 1 complaints are as follows:

   I. *Bars and Entertainments:* Relevant Bar Manager
   II. *Shops:* Relevant Retail Manager
   III. *Outreach Team/Reception:* Outreach Manager
   IV. *Finance:* Finance and HR Manager

V. *Advice Centre:* Advice & Information Manager
VI. *Activities and Representation Team:* ART Manager
VII. *BCUSU Buildings:* Head of Central Services
VIII. *BCUSU Publications:* Marketing and Communications Manager
IX. *BCUSU Staff:* Head of Central Services
X. *BCUSU Elections:* Returning Officer

Bylaw (14) Code of Conduct – Members' Disciplinary

1. This procedure clarifies the systems in place to deal with anti-social behaviour and behaviour that is in breach of BCUSU's policy, procedures, rules, and regulations, or that may bring BCUSU into disrepute.

2. Alleged misuse/neglect of position by BCUSU Executive Officers will be dealt with through the Scrutiny Group as outlined in Bylaw 3 and Officer Conduct Bylaw 15. Alternatively, this procedure may be invoked against BCUSU Executive Officers if the complaint does not relate to their elected position.

Scope

3. Discipline in all areas of BCUSU is covered in Bylaw 14.4. The appeals process against disciplinary action taken against student members is outlined in Bylaw 14.35-36.

Discipline in all areas of BCUSU

4. Behaviour that could warrant disciplinary proceedings include (this is not an exclusive or exhaustive list):
    I. Threats of, or actual, physical, or verbal abuse against staff, student members, Executive officers, or members of the public on BCUSU premises or at BCUSU events, including events organised by Student Groups.
    II. Damage to BCUSU property
    III. Contravening BCUSU and/or BCU policies and/or procedures
    IV. Any other conduct that may be deemed detrimental to the operation, reputation and/or organisation of BCUSU
    V. BCUSU staff, who have responsibility for certain spaces within BCUSU, have the right to exclude a student members or customers from its premises when there is a genuine fear for the safety or wellbeing of staff and/or other members or customers, where it may pose a threat to the licences of the premises, or where there has been an allegation of harassment

5. Exclusion should follow the operational procedure outlined in the relevant staff training manuals

6. The continued exclusion of non-student members and the public is at the discretion of the licensee.
7. If a student member customer is unhappy at the treatment received from staff in any of BCUSU's Licensed trade premises, then they can submit a complaint using the Members' Complaints Bylaw 13.1-8. Non-student member customers should email the Chief Executive of BCUSU.

Disciplinary Committee Structure

8. The Disciplinary Committee is a sub-committee of BCUSU's Executive Committee. Its membership is comprised of:

    I. the President (chair)
    II. two Trustees
    III. a member of BCUSU staff (usually from the management team)
    IV. Membership of the committee can be altered as per Bylaw 14.12.

9. The Disciplinary Committee will meet once a month if necessary. All disciplinary matters that have occurred during the previous month will be heard in one session although at different times throughout the day.

10. The quorum of the Disciplinary Committee shall be three and the Chair shall be the President or, if they are not available, one of the Trustees.

11. A member of BCUSU HR staff may attend meetings of the Disciplinary Committee to act as an advisor to the Disciplinary Committee and to take a note of the meetings.

12. In exceptional circumstances, for instance if the Disciplinary Committee feel that the outcome may be biased by an internal hearing, an independent panel from outside BCUSU may be established. In such cases, the help of NUS will be sought in recruiting such a panel and this procedure should be followed as usual.

13. No committee member who knows the person being disciplined or the person making the allegation in a personal "friendship" capacity will be permitted to form part of the Committee and an alternative will be sought. This may require discussion within the Executive Committee about suitability before the Disciplinary Committee is formed or following guidance in Bylaw 14.12.

Procedure prior to the hearing:

14. In the first instance, the complaint/report should be submitted to the Chief Executive or their nominee who will determine whether disciplinary action is necessary.
15. The Chief Executive or their nominee will then investigate the allegations, speak to those involved and seek verification from witnesses.

16. Anonymity for the complainant can only be granted in exceptional cases, such as where there is a risk of harm to the complainant. This will be decided by the Chief Executive or their nominee with support from BCUSU Advisors, if required.

17. If a student member is excluded from BCUSU licensed premises they will be informed immediately that they have been excluded from all BCUSU premises and from all BCUSU events until a hearing has taken place. This will be reiterated in a letter sent via email from the President, which will include a copy of this Bylaw and a date for the hearing. This date must provide the student member with no less than five working days' notice of the hearing.

18. The disciplinary Committee will decide whether the allegations are upheld on the balance of probabilities i.e. most likely to be true. If the committee decide that there is no cause for further action, then the exclusion is automatically lifted.

19. If the Disciplinary Committee decides that further action is necessary, then the student member will be informed of the decision made and the reasoning behind it as soon as possible. Time already excluded will be considered when setting a date for the expulsion to be lifted.

20. The decision will be re-iterated in writing to the student member in the form of a letter, sent via email from the President. This letter must state the student member's right to appeal the decision of the Disciplinary Committee.

21. If a student member fails to attend the Disciplinary Committee, they will be seen to have once again contravened BCUSU policy and will automatically be excluded until the end the academic year.

Procedure during the hearing

22. The hearing will take place no less than 5 working days and usually no more than 10 working days after the letter from the President was sent to the defendant.

23. Statements may be invited via the complainant and collated during the investigation by the Chief Executive or their nominee.

24. The defendant shall have the right to be accompanied by a student member, BCU staff member or an Advisor from another Students' Union to act as a companion, however, they cannot speak to the panel or for the defendant but can speak to the defendant to support them. BCUSU Advisors can assist with contacting another Students' Union.

25. The Chair of the Disciplinary Committee should be informed prior to the hearing if the defendant intends to bring witnesses, witness statements or a companion.

26. If required, the Disciplinary Committee shall set times of appearance of witnesses, and the duration of the testimony may be limited at the discretion of the Committee.

27. For repeat offenders, the results of any previous disciplinary hearings will be taken into consideration when applying sanctions and submitted to the panel after the decision has been made of guilt for the current hearing. For an offence for which the police have charged the defendant, the Committee will take this into consideration during, and in some instances, there may be a delay pending the police outcome.

28. Minutes of the hearing shall be taken and kept on file, with copies of key documents.

29. The Committee will move into Closed Business while making their decision.

30. Throughout this procedure, the complainant and the defendant may invoke the Members' Complaints Bylaw 13.1-8 if they feel they have been unfairly treated.

31. The following sanctions may be taken by the Disciplinary Committee:

    I. Fair and reasonable payment for damage caused, including labour charges for report of damage
    II. Excluded from any or all BCUSU premises or activities for a specified time
    III. Excluded from participation in BCUSU clubs or societies
    IV. Any combination of the above, the time period being at the discretion of the Disciplinary Committee.

32. In cases where a breach of the law has occurred the police should be informed immediately.

33. If a sanction is ignored by a student member, the Disciplinary Committee may use its judgement to extend or increase the sanction already imposed. No excluded student member may be introduced to BCUSU as a guest.

34. If the Disciplinary Committee feel at any stage of the proceedings that an offence is of an extremely serious nature or a safeguarding concern, it may refer the matter to the BCU disciplinary procedure or safeguarding procedure.

Appeals Procedure

35. The defendant or complainant may appeal against the Disciplinary Committee's decision if it:

I. Erred in fact or in the exercise of its discretion as detailed in the Bylaws
II. Was unjust because of a serious procedural or other irregularity in the proceedings
III. New evidence is now available
IV. The decision was unreasonable given the facts of the case

36. The process to this will be:

I. A student member wishing to appeal a decision of the Disciplinary Committee must submit his/her intent to appeal in writing to the President within five working days of receiving the letter which confirms the action taken stating the grounds for appeal. Any new evidence must be included with the letter stating the grounds for appeal.
II. The appeal will be heard by an Appeals Committee, a subcommittee of the Executive Committee and shall be held as soon as possible and normally within ten working days of receipt of the letter of appeal.
III. The Appeal Committee will consist of two trustees, a member of BCUSU's senior management team and/or a staff member from another students' union; and/or persons provided by NUS. Provided that each member of the Appeal Panel shall be independent and shall not have any (or have had any) substantive involvement with the investigation or the disciplinary hearing
IV. The Chair shall inform the defendant of the date and time of the appeal hearing, giving a minimum of 3 working days' notice. The defendant shall have the right to attend the hearing and be accompanied by a companion as detailed in Bylaw 14.24-25.
V. Where the Appeal Committee cannot be formed in line with 14.36.9 III, the quorum of the Appeal Panel shall be three and the Chair shall be a Trustee.
VI. The Appeals committee will have access to all original information put before the Disciplinary Committee.

VII. The Chair will inform the defendant and the complainant of the Appeal Panel's decision in writing and will aim to do so within five working days of the hearing.

Bylaw (15) Code of Conduct – Officer Conduct

1. Being part of the Executive Committee of BCUSU holds a large amount of responsibility and it is important that students are represented at the highest level.

2. This Bylaw sets out to maintain satisfactory standards of conduct (and where appropriate, performance) and to encourage improvement where necessary.

3. This bylaw is divided into three sections:

    I. *Section 1* - sets out the informal procedure applicable to Executive officers
    II. *Section 2* - deals with misconduct by Executive Officers.
    III. *Section 3* - deals with the performance of Executive Officers

4. The standards of conduct expected of Executive Officers are set out in Bylaw 15.120-124.

5. Bylaw 15 does not form part of any Executive Officers contract of employment, and it may be amended at any time following the procedures of Bylaw 18.

6. If an Executive Officer has difficulty at any stage of a procedure instigated under this Bylaw because of a disability, the member should discuss the situation with the Chief Executive as soon as possible.

Confidentiality

7. BCUSU's aim is to deal with all matters under this Bylaw sensitively and with due respect for the privacy of any individuals involved. All those involved must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter, and no such information should be placed in any publicly accessible forum, including, but not limited to, social media websites.

8. Executive Officers, anyone accompanying them and witnesses, must not make electronic recordings of any meetings or hearings conducted under this Bylaw.

9. Breach of this part of the Bylaw may be treated as gross misconduct.

10. Executive Officers will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them unless BCUSU

reasonably believes that a witness's identity should remain confidential.

Scope

11. The action under this Bylaw may be taken in respect of any conduct at any place or time including (without limitation):

    I. On BCUSU's premises
    II. While the Executive Officer is using BCUSU's facilities or at a BCUSU event
    III. While the Executive Officer is representing or acting on behalf of BCUSU at any event of whatever kind and wherever held
    IV. in relation to actions or incidents between two or more representatives of BCUSU in any or none of the settings above, or in relation to actions or incidents between BCUSU representatives and staff or stakeholders where the Executive Officer is participating in BCUSU activity, even online
    V. While carrying out the duties of an Executive Officer
    VI. Outside of the course of their duties as an Executive Officer, where it is appropriate to do so

Making a Complaint about Misconduct

12. Any person may make a complaint about the conduct of an Executive Officer.

13. The complaint should be made in writing, via the Chief Executive, to the External Trustee appointed by the Board of Trustees to supervise the procedures set out in this Bylaw ("Supervising Trustee").

14. The Supervising Trustee may be assisted by the Chief Executive in carrying out his or her functions under this Code.

15. The complaint should give details of the name(s) of the person(s) involved, together with details of the allegation(s) (including the date and place at which the alleged action(s) took place) and be delivered as soon as possible after the event(s) complained of (and ideally within ten working days of the occurrence).

16. Anonymous complaints may still be investigated and dealt with. In such cases, BCUSU will endeavour to take such extra steps and precautions as are appropriate to ensure fairness.

17. Once a complaint has been made, BCUSU may deal with it even if the student member subsequently asks BCUSU not to do so. In such cases, BCUSU will endeavour to act sensitively and will consider, so far as it is reasonable to do so,

the complainant's wishes.

18. Complaints subsequently found to be spurious may be treated as an act of misconduct and subject to disciplinary action under Bylaw 14.

19. Following receipt of a complaint, the Supervising Trustee will determine any necessary further action.

20. The Supervising Trustee shall report annually to the Board of Trustees on disciplinary matters and the operation of this Bylaw.

Criminal Allegations

21. In the case of Executive Officers, a criminal investigation, charge, or conviction relating to conduct outside work may be treated as a disciplinary matter if BCUSU considers that it is relevant to the Executive Officer's employment.

Suspension

22. It may be necessary to suspend the Executive Officer on full pay while an investigation is carried out. Any such suspension will not:

I. Affect the Executive officer's trustee status, but he or she may be excluded from some or all of BCUSU's premises
II. Constitute or be considered a disciplinary action; or
III. Imply that any decision has already been made about the allegations
IV. While suspended, the Executive Officer should not visit BCUSU's premises or contact any of BCUSU's stakeholders including suppliers, contractors, student members involved with the matter(s) being investigated or staff, unless authorised to do so by the Chief Executive
V. The Executive Officer will continue to receive full basic salary and benefits during the period of suspension

Right to be accompanied

23. An Executive Officer may bring a companion to any disciplinary hearing or appeal hearing held under this Bylaw. The companion may be either a trade union representative or a colleague at BCUSU. The Executive Officer must give advance notification of their chosen companion in good time before the hearing.

24. A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so.

25. If a companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards, the Executive Officer may be asked to choose someone else.

26. BCUSU may, at its discretion, allow the Executive Officer to bring a companion who is not a colleague or union representative (for example, a member of an Executive Officer's family) if this will help overcome a disability.

Section 1 – Informal Procedure for Minor Misconduct

27. Minor cases of misconduct will be dealt with informally, usually by the President or nominee discussing the concerns with the Executive Officer. In the case of allegations of fault against the President, the Supervising Trustee will usually discuss the concerns with the President. These discussions should be held in private and without undue delay whenever there is cause for concern.

28. The President or nominee, (the Supervising Trustee) will determine what further action to take in relation to the matter and will inform the complainant (where appropriate) and the Executive Officer of what action, if any, is to be taken.

29. Where appropriate, the Executive Officer will be advised of the standard required to improve their behaviour and, where appropriate, the timescale within which the Executive Officer should improve.

30. A note of any such informal discussions may be made.

31. An informal verbal warning may be given, or counselling offered.

32. Informal verbal warnings and/or counselling are not part of the formal disciplinary procedure under Section 2 – Misconduct, Bylaw 15.34-78. They may though lead to formal action under Section 2 - Misconduct and/or be referred to and relied upon during any such action.

33. Where there is a more serious case of misconduct the Executive Officer fails to improve and maintain that improvement, formal action may be taken, and the formal procedure outlined in Section 2 - Misconduct may be invoked.

Section 2 - Misconduct

34. Section 2 will be invoked for all alleged misconduct where it is not appropriate to invoke (or to continue invoking) Section 1 Information Procedure for Minor Misconduct.

35. It is impossible to specify all the circumstances that would warrant invoking Section 2 - Misconduct, but typical cases of misconduct and gross misconduct are set out in Bylaw 15.128-132.

Investigations

36. Where Section 2 - Misconduct is to be invoked; an Investigations Committee will be established.

37. The Investigations Committee will usually include an Executive Officer and a member of BCUSU's management team. A member of BCUSU's HR staff may attend meetings of the Investigations Committee to act as an advisor to the Investigations Committee and to take a note of the meetings. For the avoidance of doubt, the Investigations Committee may (in appropriate circumstances) consist of one person. In such cases, the Investigations Committee shall be called the Investigations Officer, and the remainder of this Bylaw shall be construed accordingly.

38. The purpose of an investigation is to establish a fair and balanced view of the acts relating to any disciplinary allegations against the Executive Officer, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the Executive Officer, the complainant, and any witnesses, and/or reviewing relevant documents.

39. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

40. Executive Officers do not normally have the right to bring a companion to an investigative interview. However, BCUSU may allow a companion if it helps overcome any disability.

41. The Executive Officer must co-operative fully and promptly in any investigation. This will include informing the Investigations Committee of the names of any relevant witnesses, disclosing any relevant documents, and attending investigative interviews if required.

42. It is recognised that being the subject of a complaint can be a difficult time for an Executive Officer, and so the investigation will be undertaken with appropriate discretion, care, and consideration.

43. Having carried out an investigation, the Investigating Committee will report its findings to the Supervising Trustee who will then decide what further action (if any) to take The Supervising Trustee may:

I. Take no further action and bring the matter to a close.
II. Arrange informal coaching, advice, or counselling for the Executive Officer
III. If it considers that disciplinary action may be required, establish an Executive Officer Disciplinary Committee
IV. Inform BCU so that further action may be taken either by BCU or some other body that is deemed appropriate

44. The Supervising Trustee will aim to confirm their decision in writing to the Executive Officer, the complainant, and any other interested parties within 14 working days of concluding its report. If it is not practicable to comply with these deadlines, for example due to relevant parties being on holiday, they may be extended at the discretion of the Investigations Committee.

45. Where disciplinary action may be required, the Executive Officer will be informed in writing of the allegations, the basis for those allegations, and what the likely range of consequences will be if it is decided that the allegations are true.

The Executive Officer will also receive the following where appropriate:

I. A summary of relevant information gathered during the investigation
II. A copy of any relevant documents which will be used at any disciplinary hearing
III. A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Executive Officer will be given as much information as possible while maintaining confidentiality

Executive Officer Disciplinary Committee Structure

46. The Executive Officer Disciplinary Committee is a sub-committee of BCUSU's Trustee Board and shall be convened as and when required by the Investigations Committee.

47. Its membership is comprised of the President or nominee as chair, two Trustees (at least one which shall be an External Trustee), a member of BCUSU's staff, usually from the management team.

48. The Executive Officer Disciplinary Committee will meet as necessary.

49. The quorum of the Disciplinary Committee shall be three and the Chair shall be the President or, if the allegations are against the President, one of the Trustees.

50. A member of BCUSU's HR staff may attend meetings of the Executive Officer Disciplinary Committee to act as an advisor to the Executive Officer Disciplinary Committee and to take a note of the meetings.

51. In exceptional circumstances, for instance, if the Executive Officer Disciplinary Committee feel that the outcome may be biased by an internal hearing, an independent panel from outside BCUSU may be established. In such cases, the help of NUS will be sought in recruiting such a panel and this procedure should be followed as usual.

52. No committee member who knows the person being disciplined in a personal "friendship" capacity will be permitted to form part of the Executive Officer Disciplinary Committee and an alternative will be sought. This may require discussion within the Executive Committee about suitability before the Executive Officer Disciplinary Committee is formed.

The procedure of Disciplinary Hearings

53. If the Executive Officer or their companion cannot attend the hearing, the Executive Officer should inform the Executive Officer Disciplinary Committee immediately and it will arrange an alternative time. The Executive Officer must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct.

    If the Executive Officer fails to attend without good reason or is persistently unable to do so (for example for health reasons), a decision may be taken based on the available evidence.

54. The Executive Officer may be accompanied by a companion to the disciplinary hearing as detailed in Bylaw 15.23-26.

55. At the disciplinary hearing the Executive Officer Disciplinary Committee will go through the allegations against the Executive Officer and the evidence that has been gathered. The Executive Officer will be able to respond and present any evidence of their own.

    The companion may make representations and ask questions but should not answer questions on the Executive Officer's behalf. The Executive Officer may confer privately with their companion at any time during the hearing.

56. The Executive Officer may ask relevant witnesses to appear at the hearing, provided sufficient advance notice to arrange their attendance is given. The Executive Officer will be given the opportunity to respond to any information given by a witness.

    However, the Executive Officer will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Executive Officer Disciplinary Committee decide that a fair hearing could not be held otherwise.

57. The disciplinary hearing may be adjourned by the Disciplinary Committee if it is deemed necessary to carry out any further investigations such as re-interviewing witnesses in the light of any new points raised at the hearing. The Executive Officer will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

58. The Executive Officer Disciplinary Committee will inform the Executive Officer in writing of its decision and its reasons for it, usually within one week of the disciplinary hearing. Where possible it will also explain this information to the Executive Officer in person.

Disciplinary Penalties

59. The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing, and all Executive Officers should be treated fairly and consistently, and a penalty imposed on another Executive Officer for similar misconduct will usually be considered but should not be treated as a precedent. Each case will be assessed on its own merits.

Stage 1 - First Written Warning

60. Will usually be appropriate for the first act of misconduct where there are no other active written warnings on the Executive Officer's disciplinary record.

Stage 2 - Final Written Warning

61. Will usually be appropriate for:

I. Misconduct where there is already an active written warning on the Executive Officer's record
II. Misconduct that is considered sufficiently serious to warrant a final written warning, even though there are no other active warnings on the Executive Officer's record

Stage 3 (a) – Referral to Scrutiny Group

62. Will usually only be appropriate for further misconduct where there is an active final written warning on the Executive Officer's record and a decision needs to be made on if it should go to Referendum or not.

Stage 3 (b) – Immediate Dismissal/Removal from Office/Removal as Trustee/Removal as Member

63. Will usually only be appropriate for gross misconduct or gross negligence.

Effect of a Warning

64. Written Warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

65. A First Written Warning will usually remain active for six months and a Final Written Warning will usually remain active for twelve months. In exceptional cases verging on gross misconduct by a Final Written Warning may state that it will remain active indefinitely. The Executive Officer's conduct may be reviewed by an external trustee at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.

66. After the active period, the warning will remain permanently on the Executive Officer's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings, unless there is very good reason not to disregard it.

Appeals Procedure

67. The defendant or complainant may appeal against the Executive Officer Disciplinary Committee's decision if it:

I. Erred in fact or in the exercise of its discretion as detailed in the Byelaws or,
II. Was unjust because of a serious procedural or other irregularity in the proceedings.

68. The process to this will be:

I. An Executive officer wishing to appeal a decision of the Executive Officer Disciplinary Committee must submit his/her intent to appeal in writing to the President within five working days of receiving the letter which confirms the action taken stating the grounds for appeal

II. The appeal will be heard by an Executive Officer Appeals Committee, a subcommittee of the Executive Committee and shall be held as soon as possible and normally within ten working days of receipt of the letter of appeal.
III. The Appeal Committee will consist of a Student Trustee, an External Trustee, a member of BCUSU's senior management team or a staff member from another students' union; and persons provided by NUS. Each member of the Appeal Panel shall be independent and shall not have any (or have had any) substantive involvement with the investigation or the disciplinary hearing.
IV. The Chair shall inform the Executive Officer of the date and time of the appeal hearing. The Executive Officer shall have the right to attend the hearing and be accompanied by a companion as detailed in Bylaw15.23-26.
V. The quorum of the Executive Officer Appeal Committee shall be three and the Chair shall be the External Trustee.
VI. The Executive Officer Appeals Committee will have access to all original information put before the Executive Officer Disciplinary Committee.
VII. The Executive Officer Appeal Committee should attempt to reach a unanimous decision, but if a vote is required then a simple majority vote will suffice. The decision of the Executive Officer Appeal Committee is final.
VIII. The Chair will inform the Executive Officer and the complainant of the Executive Officer Appeal Committee's decision in writing and will aim to do so within five working days of the hearing.

Effect of a Referral to Scrutiny Group

69. A referral to the Scrutiny Group may be made at Stage 3(a) Bylaw 15.62.

70. Any such referral will be made under Articles 25 and Article 28 of BCUSU's Memorandum and Articles of Association.

71. In the event of a motion of no confidence under Article 25 and Article 28 of BCUSU's Memorandum and Articles of Association, the Executive Officer shall cease to be a Trustee and shall cease to be an Executive Officer and shall cease to be a member.

72. While decisions under Bylaw 15.60-61 may be appealed, there shall be no appeal against a decision of the Scrutiny Group to refer the matter to Trustee Board to call for a Referendum.

73. An Idea of "no-confidence" as referred to in Bylaw 3.9 will lead to the Executive Officer Disciplinary Committee reconvening to consider whether to terminate the Executive Officer's employment. In such circumstances, the (former) Executive Officer will be invited to a hearing to consider matters. The Executive Officer

shall be entitled to be accompanied to such a hearing as detailed in Bylaw 15.23-26

Effect of Immediate Dismissal/Removal from Office/Removal as Trustee/Removal as Member

74. An immediate dismissal/removal from Office/removal as Trustee/removal as a member may be affected at Stage 3(b) Bylaw 15.63.

75. Any such immediate dismissal/removal from Office/removal as Trustee/removal as a member will be under Article 25-28 of the Articles of Association.

76. In the event of an immediate dismissal/removal from Office/removal as Trustee/removal as member, the Executive Officer shall cease to be an employee of BCUSU with immediate effect and without notice or a payment in lieu of notice, shall cease to be a Trustee, and shall cease to be an Elected Officer/member.

77. The Executive Officer may appeal any such decision. See Bylaw 15.67-68.

78. Following such a decision BCUSU, may in appropriate cases inform NUS.

Section 3 – Performance

79. The aim is to provide a framework within which BCUSU can work with Executive Officers to maintain satisfactory performance standards and to encourage improvement where necessary.

80. It is BCUSU's policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give Executive Officers the opportunity to respond at a hearing before any formal action is taken.

81. This does not apply to cases involving misconduct to which Section 2, Bylaw 15.34-78 will apply.

82. This applies to all Executive Officers. It does not apply to agency workers, self-employed contractors, or other staff to which separate policies apply.

Identifying Performance Issues and Informal Management

83. In the first instance, performance issues will normally be dealt with informally between the Executive Officer and President or Chief Executive as part of day-

to-day management. Where appropriate, a note of any such informal discussions may be made. Such notes though will be ignored for the purposes of any future capability hearings. The formal part of this Section 3 - Performance should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:

I. Clarify the required standards
II. Identify areas of concern
III. Establish the likely causes of poor performance and identify any training needs; and/or
IV. Set targets for improvement and a timescale for review

84. Executive Officers will not normally be referred to Scrutiny Group for performance reasons without previous warnings. However, in serious cases of gross negligence, Section 2- Misconduct Bylaw 15.34-78 will apply/an immediate referral to Scrutiny Group may be made.

85. If BCUSU has concerns about an Executive Officer's performance, it will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve gathering any relevant documents, monitoring the Executive Officer's work and, if appropriate, interviewing the Executive Officers and/or other individuals confidentially regarding their work.

Disabilities

86. Consideration will be given to whether poor performance may be related to a disability and, if so, whether reasonable adjustments could be made, including providing additional equipment or training. BCUSU may also consider making adjustments to this Section 3 - Performance in appropriate cases.

87. If an Executive Officer wishes to discuss this or inform BCUSU of any medical condition they consider relevant, they should contact the President/Chief Executive.

Capability Hearing

88. If BCUSU considers that there are grounds for taking formal action over alleged poor performance, the Executive Officer will be required to attend (usually) a Stage 1 capability hearing.

89. The hearing will normally be held by the supervising trustee and will normally be attended by a member of BCUSU's HR Staff. The Executive Officer may bring a

companion to the hearing as detailed in Bylaw 15.23-26.

90. The Executive Officer will be notified in writing of the concerns, the reasons for those concerns, and the likely outcome if it decided after the hearing that the Executive Officer's performance has been unsatisfactory. BCUSU will also include the following where appropriate:

I. a summary of relevant information gathered as part of an investigation
II. a copy of any relevant documents which will be used at the capability hearing
III. a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Executive Officer will be given as much information as possible while maintaining confidentiality

91. The Executive Officer will be given written notice of the date, time, and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but the Executive Officer will be given a reasonable amount of time to prepare their case based on the information provided to them.

Procedure at Capability Hearings

92. If the Executive Officer or their companion cannot attend the hearing, they should inform BCUSU immediately and BCUSU will usually arrange an alternative time. The Executive Officer must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If the Executive Officer fails to attend without good reason or are persistently unable to do so (for example, for health reasons), BCUSU may have to take a decision based on the available evidence including any written representations the Executive Officer has made.

93. The Executive Officer may ask relevant witnesses to appear at the hearing, provided sufficient advance notice to arrange their attendance is given. The Executive Officer will be given the opportunity to respond to any information given by a witness. However, the Executive Officer will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, it is decided that a fair hearing could not be held otherwise.

94. The aims of a capability hearing will usually include:

I. setting out the required standards it is believed the Executive Officer may have failed to meet, and going through any relevant evidence
II. allowing the Executive Officer to ask questions, present evidence, call witnesses, respond to evidence, and make representations

III. establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement
IV. identifying whether there are further measures, such as additional training or supervision, which may improve performance
V. where appropriate, discussing targets for improvement and a timescale for review
VI. establishing whether there is any likelihood of a significant improvement being made within a reasonable time

95. A hearing may be adjourned if there is a need to gather any further information or consider matters discussed at the hearing. The Executive Officer will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

96. The Executive Officer will be informed in writing of any decision and the reasons for them, usually within one week of the capability hearing. Where possible this will also be explained in person.

Stages of Action

97. Following a Stage 1 capability hearing, if it is decided that the Executive Officer's performance is unsatisfactory, an Improvement Note may be issued, which will set out:

I. the areas in which the Executive Officer has not met the required performance standards
II. targets for improvement
III. any measures, such as additional training or supervision, which will be taken with a view to improving performance
IV. a period for review
V. the consequences of failing to improve within the review period, or of further unsatisfactory performance

98. The Improvement Note will normally remain active for three months. After the active period the warning will remain permanently on the Executive Officer's personnel file but will be disregarded in deciding the outcome of any future capability proceedings.

99. The Executive Officer's performance will be monitored during the review period, and they will be informed of the outcome:

I. if the supervising trustee is satisfied with the Executive Officer's performance, in which case no further action will be taken

II. if the supervising trustee is not satisfied, the matter may be progressed to a Stage 2 capability hearing: or
III. if the supervising trustee feels that there has been a substantial but insufficient improvement, the review period may be extended

100. If the Executive Officer's performance does not improve within the review period set out in an Improvement Note, or if there is further evidence of poor performance while it is still active, a Stage 2 capability hearing may be held. The Executive Officer will be sent written notification.

101. Following a Stage 2 capability hearing, if the supervising trustee decides that the Executive Officer's performance is unsatisfactory, the supervising trustee will give the Executive Officer a Final Written Warning, setting out:

I. the areas in which the Executive Officer has not met the required performance standards
II. targets for improvement
III. any measures, such as additional training or supervision, which will be taken with a view to improving performance
IV. a period for review; and
V. the consequences of failing to improve within the review period, or of further unsatisfactory performance

102. A final written warning will normally remain active for six months. After the active period, the warning will remain permanently on the Executive Officer's personnel file but will be disregarded in deciding the outcome of future capability proceedings.

103. The Executive Officer's performance will be monitored during the review period, and they will be informed of the outcome:

I. if the supervising trustee is satisfied with their performance, in which case no further action will be taken
II. if the supervising trustee is not satisfied, the matter may be progressed to a Stage 3 capability hearing: or
III. if the supervising trustee feels that there has been a substantial but insufficient improvement, the review period may be extended

104. A Stage 3 capability hearing may be held if there is reason to believe:

I. the Executive Officer's performance has not improved sufficiently within the review period set out in a final written warning

II. the Executive Officer's performance is unsatisfactory while a final written warning is still active; or
III. the Executive Officer's performance has been grossly negligent such as to warrant dismissal/referral to Scrutiny Group without the need for any previous warnings or a Stage 1 or 2 capability hearing

105. Written notification of the hearing will be sent.

106. Following the Stage 3 hearing, if it is found that the Executive Officer's performance is unsatisfactory, a range of options will be considered including:

I. Referring the matter to Scrutiny Group to decide if a Referendum needs to be called on the removal from office and removal as Sabbatical Trustee
II. Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period)
III. Giving a final written warning (where no final written warning is currently active).

Appeals against an action for poor performance

107. If the Executive Officer feels that a decision about poor performance under this procedure is wrong or unjust, they should appeal in writing, stating their full grounds of appeal, to the President or Chief Executive within one week of the date on which the Executive Officer were informed in writing of the decision.

108. If the Executive Officer raises any new matters in their appeal, it may be necessary to carry out further investigation. If any new information comes to light the Executive Officer will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. The Executive Officer will have a reasonable opportunity to consider this information before the hearing.

109. The Executive Officer will be given written notice of the date, time, and place of the appeal hearing. This will normally be two to seven days after they receive the written notice.

110. The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at BCUSU's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.

111. Where possible, the appeal hearing will be conducted by an external trustee who has not been previously involved in the case. A member of BCUSU's HR Staff AND/OR the manager who conducted the capability hearing will also usually be present. The Executive Officer may bring a companion with them to the appeal hearing as detailed in Bylaw 15.23-26.

112. A hearing may be adjourned if it is necessary to gather any further information or consider matters discussed at the hearing. The Executive Officer will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

113. Following the appeal hearing an external trustee may:

I. confirm the original decision
II. revoke the original decision; or
III. substitute a different penalty

114. The Executive Officer will be informed in writing of the final decision as soon as possible, usually within one week of the appeal hearing. Where possible the external trustee will also explain this to the Executive Officer in person. There will be no further right of appeal.

Effect of a Referral to Scrutiny Group

115. A referral to Scrutiny Group may be made following the Stage 3 hearing.

116. Any such referral will be made under Articles 25 and/or 28 of BCUSU's Articles of Association/Constitution.

117. In the event of a motion of no confidence under the Articles, 25 and/or 28 of BCUSU's Articles of Association/Constitution the Executive Officer shall cease to be a Trustee and shall cease to be an Executive Officer and shall cease to be a member.

118. While decisions under Bylaw 15.97-106 may be appealed, there shall be no appeal against a decision of the students.

119. A motion of no-confidence will lead to an external trustee reconvening to consider whether to terminate the Elected Officer's employment. In such circumstances, the (former) Elected Officer will be invited to a hearing to consider matters. The Elected Officer shall be entitled to be accompanied to such a hearing as detailed in Bylaw 15.23-26.

Standards of conduct

120. This should be read in conjunction with the above Section 2 – Misconduct.

121. It is BCUSU's policy to ensure that any disciplinary matter is dealt with fairly and in accordance with this Bylaw.

122. If a member is in any doubt as to their responsibilities or the standards of conduct expected you should speak to the Chief Executive.

123. These Rules have been approved by the Board of Trustees and appropriate democratic structures of BCUSU.

124. BCUSU may amend the Standards of conduct at any time with formal approval by the Board of Trustees.

Rules of Conduct

125. While an Executive Officer should always maintain professional and responsible standards of conduct. In particular, they should:

I. observe the terms and conditions of your contract, particularly regarding:

    i. hours of work
    ii. confidentiality
    iii. performance

126. Ensure that they understand and follow the Bylaws;

I. observe all BCUSU policies, procedures and regulations which are included in the Staff Handbook or notified to them from time to time by means of notice boards, e-mail, the intranet or otherwise
II. take reasonable care in respect of the health and safety of colleagues and third parties and comply with BCUSU's Health and Safety Policy
III. comply with all reasonable instructions given by Board of Trustees; and
IV. act always in good faith and in the best interests of BCUSU

127. Failure to maintain satisfactory standards of conduct may result in action being taken under the Bylaw.

Misconduct

128. The following are examples of matters that will normally be regarded as misconduct and will be dealt with under Section 1 of the Bylaw:

I. Minor breaches of our policies including the Sickness Absence Policy, Electronic Information and Communications Systems Policy, and Health and Safety Policy
II. Minor breaches of your contract
III. Damage to, or unauthorised use of, our property
IV. Poor timekeeping
V. Time wasting
VI. Unauthorised absence from work
VII. Refusal to follow instructions
VIII. Excessive use of our telephones for personal calls
IX. Excessive personal e-mail or internet usage
X. Obscene language or other offensive behaviour
XI. Negligence in the performance of your duties
XII. Smoking in non-smoking areas
XIII. Spurious complaints under this Bylaw; or
XIV. Failure to attend meetings under this Bylaw without good reason

129. This list is intended as a guide and is not exhaustive.

Gross Misconduct

130. Gross misconduct is a serious breach of contract and includes misconduct which, in BCUSU's opinion, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between you and it.

Gross misconduct will be dealt with under Section 2 – Misconduct, Bylaw 15.34-78 and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal)/removal from office/removal as a Trustee/removal from membership.

131. The following are examples of matters that are normally regarded as gross misconduct:

I. Theft or fraud; OR Theft, or unauthorised removal of BCUSU property or the property of a colleague, contractor, customer, or member of the public; OR Fraud, forgery, or other dishonesty, including fabrication of expense claims
II. Physical violence or bullying; OR Actual or threatened violence, or behaviour which provokes violence

III. Deliberate and serious damage to property; OR Deliberate damage to BCUSU buildings, fittings, property or equipment, or the property of a colleague, contractor, customer, or member of the public
IV. Serious misuse of BCUSU property or name
V. Deliberately accessing internet sites containing pornographic, offensive, or obscene material
VI. Serious insubordination; OR Repeated or serious failure to obey instructions, or any other serious act of insubordination
VII. Unlawful discrimination or harassment
VIII. Bringing BCUSU into serious disrepute Serious incapability at work brought on by alcohol or illegal drugs; OR Being under the influence of alcohol, illegal drugs, or other substances during working hours
IX. Causing loss, damage, or injury through serious negligence
X. Serious breach of health and safety rules; OR Serious or repeated breach of health and safety rules or serious misuse of safety equipment
XI. Serious breach of confidence; OR Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
XII. Accepting or offering a bribe or other secret payment or other breach of BCUSU's Anti-corruption and Bribery Policy
XIII. Conviction for a criminal offence that in BCUSU's opinion may affect its reputation or its relationships with its staff, customers, or the public, or otherwise affects your suitability to continue to work for it
XIV. Possession, use, supply, or attempted supply of illegal drugs
XV. Serious neglect of duties, or a serious or deliberate breach of your contract, or operating procedures
XVI. Knowing breach of statutory rules affecting your work
XVII. Unauthorised use, processing, or disclosure of personal data contrary to BCUSU's Data Protection Policy
XVIII. Harassment of, or discrimination against, employees, contractors, clients, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to BCUSU's Equal Opportunities Policy or our Anti-harassment and Bullying Policy
XIX. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties
XX. Giving false information as to qualifications or entitlement to work (including immigration status) to gain employment or other benefits
XXI. Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child
XXII. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith
XXIII. Making untrue allegations in bad faith against a colleague

XXIV. Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-corruption and Bribery Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise

XXV. Serious misuse of BCUSU's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Information and Communications Systems Policy

XXVI. Undertaking unauthorised paid or unpaid employment during your working hours.

XXVII. Unauthorised entry into an area of the premises to which access is prohibited

XXVIII. Breach of the confidentiality rules set out in this Code

132. This list is intended as a guide and is not exhaustive.

Bylaw (16) Honorary Membership

1. Honorary Membership of BCUSU can be granted to friends or associates of BCUSU.

Granting Honorary Membership

2. The Executive Officers may grant Honorary Membership to ex-officers, students, friends, or associates of BCUSU.

3. Any person who, in the opinion of the Executive Officers, has made a significant contribution to the life and work of BCUSU.

4. Any person who, in the opinion of the Executive Officers, has made a significant contribution to furthering the interests of the students, at any level or location, and should be recognised by BCUSU.

Benefits of Honorary Membership

5. Honorary Members will be recognised for their contribution to BCUSU through an Honorary Membership certification.

6. They will be celebrated on the BCUSU website as an Honorary Member.

Withdrawal of Honorary Membership

7. The Executive Officer or Trustee Board may withdraw Honorary Membership of BCUSU by simple majority vote.

Bylaw (17) Affiliations

Affiliating to external organisations

1. BCUSU may affiliate to external organisations and pay any associated fee, except that:

    I. BCUSU will not affiliate to any political party
    II. BCUSU will not affiliate with any religion or religious group

2. Affiliations to external organisations must be approved by student members at the Annual Student Members Meeting, however, a decision at a Referendum would overturn this decision.

3. Student members of BCUSU can request to Affiliate to an organisation by submitting an Idea to the Annual Student Members Meeting which must include the cost of the proposed Affiliation or by following the regulations in the Referendum Bylaw 9.

Student Group Affiliations

4. Affiliated Student Groups can affiliate with external organisations, including political and religious organisations.

5. Affiliated Student Groups must complete a proposal for the affiliation and present it to the Activities and Representation team.

6. Affiliated Student Groups can affiliate to external organisations through a two-thirds majority vote from their Governing committee.

Termination of Affiliation to an external organisation

7. An Idea to terminate an Affiliation may be made to the Annual Student Members Meeting except:

    I. In the case of the Affiliation to NUS, which can only happen through calling a Referendum as outlined in Bylaw 9
    II. In the case of any Affiliation made by a Referendum, which can only be removed through another Referendum

Review of affiliations

8. Affiliations shall be reviewed on an annual basis. A list of current Affiliations including their fee shall be presented to the Annual Student Members Meeting for approval.

9. If approved, these Affiliations will be updated on the website.

10. If an Affiliation is not approved by the Annual Members Meeting for a further year, this shall end the Affiliation in question, except that if the Affiliation was made by a Referendum, this shall trigger a Referendum on the termination of the Affiliation.

Board of Trustees Responsibilities

11. The Board of Trustees may override any decision to affiliate to an external organisation if the Trustees consider it (in their absolute discretions):

    I. To have or may have any financial implications for BCUSU
    II. Is or may be in breach of, contrary to or otherwise inconsistent with charity or education law or any other legal requirements (including ultra vires)
    III. Contravenes the charitable aims and objects of BCUSU

Bylaw (18) Changes to the Memorandum and Articles of Association

Changes to the Bylaws

1. These Bylaws may be amended by the Board of Trustees or Referendum in accordance with Article 49 and Article 50 of the Memorandum and Articles of Association and Bylaws 1 and 9; such changes must be approved by both the Board of Trustees and student members of BCU.

   In accordance with the Memorandum and Articles of Association, any changes to these Bylaws must also be approved by the BCU Board of Governors or nominee.

Changes to the Memorandum and Articles of Association

2. The Memorandum and Articles of Association are subject to change in the following circumstances:

   I. By recommendation of the Board of Trustees
   II. Where Policy is passed by the student members that cannot be enacted without changing the Memorandum and Articles of Association

3. As a company, BCUSU is subject to the Companies Act 2006 which only allows changes to the Memorandum and Articles of Association to be made by special resolution. Special resolutions can be passed in two ways:

   I. By Company Law Meeting
   II. By written resolution

4. Changes to the Memorandum and Articles of Association must also be approved by the Board of Governors of Birmingham City University BCU or nominee (in line with Article 9.2) and, in some instances, the Charity Commission as BCUSU is a registered charity.

Changes via Company Law Meeting

5. Student members who wish to change the Memorandum and Articles of Association will be required to submit the Idea to the Online Ideas Board. If the Idea goes through to the Executive Committee and is passed as Policy, in line with Bylaw 10 then it will become a special resolution as outlined in Bylaw 18.3.

6. In line with Article 19 of the Memorandum and Articles of Association, the Board of Trustees can decide whether to call a Company Law meeting to hear the special resolution.
7. Student members can request a Company Law Meeting using the petition process outlined in Bylaw 8.
8. The Company Law meeting with being organised as outlined in Article 19 of the Memorandum and Articles of Association.
9. The special resolution will be passed where 75% of those entitled to vote and attending the meeting, vote in favour.

Changes via a written resolution

10. In line with the Companies Act 2006, changes to the Memorandum and Articles of Association could only be passed via a written resolution if at least 75% of all the student members voted in favour.

Bylaw (19) Code of Practice

Education Act 1994: Students' Union Code of Practice Implementing Section 22

1. This code of practice is issued in accordance with the Education Act 1994: Section 22(3) and, incorporating the requirements of Section 22(2), sets out the steps taken to ensure compliance.

2. Under the provisions of the Education Act 1994, Birmingham City University (BCU) and Birmingham City University Students' Union (BCUSU) have a duty to comply with the requirements concerning the operation of BCUSU, in particular relating to BCUSU's constitution, membership, elections, affiliations, paid officers, finances, complaints processes and notification requirements.

3. This code of practice shall be jointly published by BCU and BCUSU and shall be brought to the attention of all students.

4. In accordance with requirements, this code of practice shall be kept under review by BCU Board of Governors (the Board of Governors) and updated as required.

Code of Practice

5. Each section is referred to alphabetically in accordance with the appropriate paragraph in Section 22(2) of the Education Act.

Constitution (Paragraphs a and b)

6. BCUSU has a written constitution and Bylaws, which govern the way it operates. Copies are made available from the BCUSU offices on request and electronically via the website.

7. The constitution is subject to approval by the Trustee Board and the Board of Governors and reviewed by BCU's Board of Governors at intervals of no more than five years.

Membership (Paragraph c)

8. Every fully enrolled student of BCU shall have the right to choose to be a student member of BCUSU or not in line with Article 11 of the Memorandum and Articles of Association of BCUSU. At the start of each academic year all students enrolled with BCU are automatically registered as student members, unless they choose to opt out in accordance with Article 11 of the Memorandum and Articles

of Association of BCUSU during the enrolment process or their term of study by emailing the Chief Executive of BCUSU.

9. Once a student has exercised the right to opt-out of not become a member membership of BCUSU, they will remain a non-member of BCUSU for the remainder of their time as a student unless they apply to re-join in accordance with Article 11 of the Memorandum and Articles of Association of BCUSU by emailing the Chief Executive of BCUSU, joining at the next enrolment cycle, or joining through the student records system.

10. Students who opt-out of membership of BCUSU shall not be unfairly disadvantaged with regards to the provision of facilities, services or otherwise.

11. Regardless of membership of BCUSU, all currently enrolled students of BCU are entitled, subject to conditions of BCUSU's constitution, to use BCUSU facilities, to take part in extra-curricular activities including joining BCUSU Clubs and Societies and make use of BCUSU advice services.

12. Students who choose to opt-out of membership of BCUSU are also eligible to stand for election as a student academic representative.

13. However, students who opt-out of membership of BCUSU shall not be entitled to take part in the democratic processes of BCUSU, including standing and voting in elections for Executive Officer positions or become an officer of a club or society affiliated to BCUSU.

Appointments of major Executive Officers (Paragraph d)

14. All sabbatical trustees are defined by BCUSU as the Major Officers of BCUSU elected along with all other officer positions, by secret ballot in which all student members are entitled to vote. Elections shall be conducted in accordance with the election regulations as set out in Bylaw 11.

Fair election Process (Paragraph e)

15. The election process of BCUSU, as set out in Bylaw 11 ensures that elections are fair and properly conducted.

16. After an election process for executive officers of BCUSU, a formal report shall be submitted to the Clerk to the Board of Governors. The report shall prove that the election process was conducted in accordance with the regulations and state the results of the election process, and shall be authorised by the Returning Officer for the election, who will normally be a reputable person independent of

BCUSU, as specified in the BCUSU Bylaws.

Paid officers of BCUSU (Paragraph f)

17. The BCUSU constitution and bylaws stipulate that no person shall hold an Executive Officer position for more than a total of two years at BCUSU, either consecutive or non-consecutive in accordance with the Education Act 1994.

Financial affairs of BCUSU (Paragraphs g and h)

18. The finances of BCUSU are properly conducted in accordance with the constitution, Bylaws and all legal requirements, using professional accounting principles and maintaining sound and transparent systems of financial management and control. Annual BCUSU accounts are drawn up and externally audited. Annual reports and budget are approved by Student Members Meeting of BCUSU and submitted to the Vice Chancellor's Office for discussion.

19. BCUSU publishes annual audited accounts, which are made available to all students on request from BCUSU Offices or electronically on the BCUSU website. BCUSU does not donate to external organisations but may pay a fee for affiliation with an external organisation in accordance with Paragraph J.

Allocation of resources to student groups (Paragraph l)

20. Resources are allocated to student groups affiliated to BCUSU in accordance with the procedure set out in Bylaw 6. The procedure is fair and transparent and is freely available electronically on the BCUSU website.

21. The finances of student groups are conducted in accordance with the procedure set out in Bylaw 6.

Affiliation to external organisations (Paragraphs j, k, and l)

22. The Trustees of BCUSU shall maintain a register of external organisations to which BCUSU is affiliated, which include details of membership and fees.

23. In accordance with BCUSU's constitutional amendments to the register may be made by the Annual Members Meeting of BCUSU.

24. Information regarding a decision to affiliate with an organisation is made available to students and the Board of Governors upon request.

25. Notice of all BCUSU affiliations to external organisations is published annually as part of the BCUSU report and budget and is subject to approval by the Annual Members Meeting of BCUSU. The notice must include:

I. the name of the organisation, and
II. details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation.

26. A request to discontinue affiliation from an organisation on the register may be made to a Student Members Meeting of BCUSU. In accordance with BCUSU constitution, a Referendum may be called on the question to affiliate or disaffiliate from an external organisation, on the request of 2% of BCUSU student members or at the request of the Board of Trustees. A Referendum shall be conducted in accordance with the constitution and BCUSU Bylaws.

Complaint's procedure (Paragraphs m and n)

27. BCUSU has a formal complaints procedure which is freely available along with the other Bylaws of BCUSU electronically on the BCUSU website or on request at the BCUSU Offices and can be accessed by all students or groups who are dissatisfied in their dealings with BCUSU or who are dissatisfied by reason of their having chosen not to be a student member of BCUSU.

28. BCU also has a formal complaints procedure, which is available via the BCU website.

29. In accordance BCU policy and BCUSU Bylaws, any complaints shall be dealt with in a fair and timely manner and appropriate remedies instituted.

Restrictions imposed on the activities of BCUSU by charity law (Section 22 (4), Paragraph b)

30. As a registered charity BCUSU is subject to charity law and, as such, resources of BCUSU including that given by BCU in the form of an annual grant shall be used to further the objectives of BCUSU as outlined in the constitution.

31. Guidance from the Charities Commission shall be followed by BCUSU to ensure all activities of BCUSU are fully compliant. For example:

I. recreational, leisure and sporting facilities
II. formation and running of clubs and societies
III. student media groups
IV. affiliations to certain external organisations

V. campaigning but only if the issue affects present or future members of BCUSU as students
VI. debating issues of common concern
VII. Provision of advice and representational services.

32. However, BCUSU resources should not be used in support of any political party but may encourage students to develop their political awareness and acquire knowledge of or debate political issues through grants to political clubs or societies at BCU.

33. Expenditure on BCUSU activities, services and facilities must be at a reasonable level, considering the likely benefits for students and the overall resources and commitments of BCUSU.

34. The restrictions imposed on the activities of BCUSU by the law relating to charities shall be drawn to the attention of all students annually.

Notification Requirements

35. In compliance with Section 22 4(b) (c) & 5(a) (b), the following shall be brought to the attention of students at least annually:

I. this code of practice, which includes statutory information relating to a students' right not to be a student member of BCUSU and not to be unfairly disadvantaged as a consequence of having exercised the right under Section 22 2 (c), details the arrangements made by BCU to provide services for students who are not student members of BCUSU and information about restrictions imposed on the activities of BCUSU by law relating to charities
II. BCU's code of practice for protecting freedom of speech in accordance with provisions of the Education (No 2) Act 1986

Annual conformity review

36. BCUSU shall submit annually a report to the Board of Governors, confirming that BCUSU and other departments of BCU have conformed to the requirements of this Code of Practice.

Ends.