



Heriot-Watt Student Union



BYE-LAWS

How our democratic structures work

Approved 17 January 2020



hwunion.com

1. MEMBERSHIP

1.1 STUDENT MEMBERSHIP

1.1.1. Any person currently matriculated on a course delivered at or through Heriot-Watt University at the following campuses shall be eligible for Student Membership:

- a) Edinburgh
- b) Scottish Borders Campus
- c) Orkney
- d) Any such other campus as determined by the Trustee Board

1.1.2. Student Members shall have the rights to full membership of the Union. Student Membership is the only category of membership that has the right to participate in the Union democratic processes. For the avoidance of doubt, unless otherwise stipulated, the Members referred to in these Bye Laws shall mean Student Members only.

1.2 INTERNATIONAL MEMBERSHIP

1.2.1. Any person currently matriculated on a course delivered at or through Heriot-Watt University at the following campuses:

- a) Dubai
- b) Malaysia
- c) Any such other campus as determined by the Trustee Board

1.2.2. International members shall be entitled to entry to the union facilities and access to union Services. International members are not entitled to participate in Union democratic structures.

1.3 MEMBERSHIP OPT OUT

1.3.1. Any persons outlined in 1.1 or 1.2 who does not wish to be a member of the Union shall be entitled to opt out by way of writing to the President.

1.4 HONORARY MEMBERSHIP

1.4.1. The Union may grant Honorary Membership to any person or persons who have made a significant contribution in furtherance of the aims of the Union.

Honorary Membership may be granted by the Trustees on the recommendation of the Parliament.

1.5 LIFE MEMBERSHIP

1.5.1 The following persons shall be eligible, on payment of a single subscription at a rate determined by the Trustees, for Life Membership:

- a) Any person, in receipt of a degree or diploma of the University, after successful completion of a course of study at the University;
- b) Any person whose nomination for Life Membership is approved by resolution of Trustees.

1.5.2. The Parliament may confer Life Membership upon persons who have contributed significantly to the Aims of the Union. Such a membership shall be granted if passed by at least two-thirds of those Trustees present and voting.

1.6 ASSOCIATE MEMBERSHIP

1.6.1. The following persons shall be Associate Members of the Union:

- a) Members of the University Staff
- b) Any student members of a Student Association or Union affiliated to the National Union of Students.

1.6.2. The following persons shall be eligible, on payment of an annual subscription at a rate to be determined by the Trustees, for Associate Membership:

- a) Matriculated students who have exercised their right under section 22(2) (c) (i) of Part II of the Education Act 1994 not to be Student Members.
- b) Matriculated students of such colleges of further education as may be approved by Trustees.
- c) Spouses of members of the Union
- d) Such other categories of person as Trustees may approve.

1.7 RECIPROCAL MEMBERSHIP

1.7.1. The Union may enter into, amend, suspend or terminate reciprocal agreements with other organisations for the mutual benefit of members. The Union may as part of such an agreement, and where it is permitted under the Licensing (Scotland) Act (1), admit members of the reciprocal organisation as reciprocal members of the Union subject to such limitations as maybe agreed.

1.8 ELIGIBILITY OF MEMBERSHIP

1.8.1 In the case of any person being eligible for two or more categories of membership, they shall be deemed to hold Student, International, Honorary, Life, Associate or Reciprocal Membership in that order of preference.

1.9 PETITIONS BY MEMBERS

1.9.1. For the purposes of these Bye-Laws a petition or nomination signed by Members of the Union, must in addition bear the name and matriculation number of each signing member.

2. COMMITTEES

2.1 PARLIAMENT

2.1.1. There shall be 22 Members of Parliament and shall be made up of the following persons:

- a) The four Full-Time Officers of the Union
- b) One Scottish Borders Member of Parliament, nominated by SBC Group;
- c) One Societies Member of Parliament, nominated by Societies Group;
- d) One Student Life Member of Parliament, nominated by Student Life Group;
- e) Five School Members of Parliament, one per School elected from and by the Student Members in each School;
- f) Two Wellbeing Members of Parliament, nominated by the Wellbeing Group;
- g) One Postgraduate Research Student elected from and by Student Members who are undertaking a postgraduate course of study;
- h) One Postgraduate Taught Student elected from and by Student Members who are undertaking a postgraduate course of study;
- i) One Sports Union Member of Parliament, nominated by the Sports Union Executive Committee; and
- j) Five open Members of Parliament, elected from and by Student Members.

2.1.2. There shall be an independent facilitator who shall act as Student Parliament Chair. They will be appointed to their position and do not have any voting

rights.

- 2.1.3. The Parliament shall meet at least three times per year. The President; the Chair, or their nominees shall be responsible for calling Parliament to a meeting. Any Member of Parliament shall have the right to request a meeting of the Parliament provided they are supported by 5 Members of Parliament. The quorum for Parliament shall be 11 and must include at least one Full-Time Officer.
- 2.1.4. Members of Parliament must give apologies in writing if they are not able to attend a Parliament. If a Member of Parliament does not attend two consecutive meetings of the Parliament without just cause, whether an apology was given or not, then the Member of Parliament shall be deemed to have resigned. Parliament is responsible for deciding by a majority vote whether a reason given by a Member of Parliament is sufficient for non-attendance. If Parliament decides that a reason is not sufficient then the Member of Parliament shall be instantly referred to the Recall process as per these Bye Laws.
- 2.1.5. A Member of Parliament who is deemed to have resigned under this Bye Law may appeal in writing to the Trustee Board whose decision is final.

2.2 ACADEMIC CONGRESS

- 2.2.1 Academic Congress exists to discuss, support and promote the academic representation activity of the Union. Academic Congress consists of the following membership:
- a) Vice President Education who shall act as Chair
 - b) School Members of Parliament
 - c) UK School Officers
 - d) UK Class Representatives
- 2.2.2 Academic Congress shall a minimum of meet three times per year to discuss academic matters within UK campuses. The Vice President Education and School Members of Parliament are responsible for recording and auctioning issues raised and for bringing the issues to Parliament as appropriation. The Vice President Education and School Members of Parliament are also responsible for feeding back actions taken from Academic Congress input.

2.3 SOCIETY GROUP

- 2.3.1 The Society Council exists to discuss, support and develop affiliated student societies. Society Council consists of the following membership:
- Vice President Community (Chair)
 - Presidents or their nominee of all affiliated societies including the Society Group Member of Parliament
- 2.3.2 The Society Group shall meet monthly during semester to discuss matters relating to affiliated societies. Quorum for Society Group shall be representatives from 10 Societies as per the membership rules plus the Vice President Community.
- 2.3.3 The Vice President Community and Society Group Member of Parliament are responsible for recording issues raised at the Society Group and bringing the issues to Parliament as appropriate. The Vice President Community and Society Group Member of Parliament are also responsible for feeding back actions taken from the Society Group input.

2.4 STUDENT LIFE GROUP

- 2.4.1 The Student Life Group exists to discuss, plan and promote student community building activities such as events, halls activities and volunteering. The Student Life Group consists of the following membership:
- Vice President Community (Chair)
 - Any students with an interest in community building activities including the Student Life Member of Parliament
- 2.4.2 The Student Life Group shall meet monthly during semester to discuss matters relating to community building activities.
- 2.4.3 The Vice President Community and Student Life Group Member of Parliament responsible for recording issues raised at the Student Life Group and bringing the issues to Parliament as appropriate. The Vice President Community and Student Life Group Member of Parliament also responsible for feeding back actions taken from the Student Life Group input.

2.5 SCOTTISH BORDERS CAMPUS (SBC) GROUP

- 2.5.1 The Scottish Borders Campus Group exists to discuss, plan and promote activity relating to the Scottish Borders Campus such as day and evening

events, halls activities and wellbeing matters. The SBC Group consists of the following membership:

- a) President (Chair)
- b) Any students with an interest in student activities at the Scottish Borders Campus including the SBC Group Member of Parliament

2.5.2 The SBC Group shall meet regularly during semester to discuss matters relating to community building activities.

2.5.3 The President and SBC Group Member of Parliament responsible for recording issues raised at the SBC Group and bringing the issues to Parliament as appropriate. The President and SBC Group Member of Parliament also responsible for feeding back actions taken from the SBC Group input.

2.6 WELLBEING GROUP

2.6.1 The Wellbeing Group exists to discuss, plan and promote activities such as representing minority groups, running events and activities on wellbeing issue such as housing, student finance and body and mental health. The Wellbeing Group consists of the following membership:

- a) Vice President Wellbeing (Chair)
- b) Two Members of Parliament nominated from and by Wellbeing Group
- c) Presidents from all liberation societies or their nominee
- d) Any students with an interest in Wellbeing activities

2.6.2 The Wellbeing Group shall meet monthly during semester to discuss matters relating to community building activities.

2.6.3 The Vice President Wellbeing and Wellbeing Group Members of Parliament are responsible for recording issues raised at the Wellbeing Group and bringing the issues to Parliament as appropriate. The Vice President Wellbeing and Wellbeing Group Members of Parliament are also responsible for feeding back actions taken from the Wellbeing Group input.

2.7 INTERNATIONAL COMMITTEE

2.7.1 The International Committee exists to share knowledge and good practice and facilitate joint working on university issues. The International Committee shall provide direct input to the Global Student Liaison Committee and University Court along with other University Committee's as appropriate.

2.7.2 The International Committee shall be made up of:

- a) UK Student President
- b) UK Vice President Education
- c) Dubai Student President
- d) Dubai Student Council nominee
- e) Malaysia Student President
- f) Malaysia Student Vice President

2.7.3 The International Committee shall meet once per month via Skype. The Chair of the Committee shall operate on a rotating basis to be agreed by the Student President's annually. Quorum for the Committee shall be four.

2.7.4 Union staff may attend meetings of the International Committee at the request of the International Committee. Union staff shall offer administrative support to the Committee during the times when a Union elected officer is occupying the role of Chair.

2.7.5 A resolution may be passed by 50% of the Committee. Meaning that a minimum of three Committee Members must vote in favour of passing any resolution.

2.7.6 Policy passed at International Committee shall only become Policy of the Student Union by way of a two thirds majority vote by the Parliament.

2.8 UNIVERSITY COURT

2.8.1. The following elected officers shall become appointed Members of University Court upon their taking Office:

- a) President
- b) One other Full-Time Officer

2.8.2. Upon election and prior to taking Office, the Full-Time Officers (elect) shall determine allocation of Court membership by a majority vote. Should the Full-Time Officers (elect) not reach an agreement, the Student Parliament (elect) shall decide the nominee by a two thirds majority vote. If the Student Parliament is unable to agree a nominee then the Vice President (elect) who received the most first preference votes in the election shall have first choice, then the Vice President (elect) who received the second highest first preferences votes shall have second choice.

2.9 UNIVERSITY SENATE

2.9.1. The following elected officers shall become elected Members of Senate upon their taking Office:

- a) President
- b) Vice President Education
- c) Postgraduate Member of Parliament
- d) One open place to be occupied by a Full-Time Officer of the Union

2.9.2. The Full-Time Officers shall determine by a majority vote allocation of the final Senate place at the same time as agreeing membership of Court. Should the Full-Time Officers (elect) not reach an agreement, the Student Parliament (elect) shall decide the nominee by a two thirds majority vote. If the Student Parliament is unable to agree a nominee then the Vice President (elect) who received the most first preference votes in the election shall have first choice, then the Vice President (elect) who received the second highest first preferences votes shall have second choice.

2.10 OTHER COMMITTEES

2.10.1. The Parliament shall have the power to establish Committees and Working Groups to assist with implementing motions passed in Parliament and the achievement of its Aims & Objectives;

2.10.2. The role, remit and membership of Committees shall be determined by the Parliament and the mode of operation shall be determined by the Committee itself;

2.10.3. Each Member of Parliament is responsible for the Committees which fall their remit.

2.11 PROCEDURAL RULES FOR COMMITTEES

2.10.4. The following rules shall apply as far as possible to all Union Committees:

- a) The quorum for Union Committees shall 50% of the membership plus one unless otherwise stated in the Committee Membership;
- b) The Chair shall have a deliberative vote and a casting vote in the case of a tie;
- c) All Meetings shall be open to any member of the Union except that the Committee may move *in camera* to discuss staffing, financial or other issues of a confidential nature;

- d) Minutes shall be kept of all formal meetings. Copies of minutes shall be available for inspection by any member of the Union except for *in camera* decisions which shall be minuted separately.

3. MEMBERS OF PARLIAMENT

3.1 GENERAL

- 3.1.1. Student staff members of the Student Union shall not be permitted to hold Member of Parliament positions. Student staff shall be entitled to engage with any other committees of union as Student Members.
- 3.1.2. There shall be a standing item on Parliament agendas to declare any conflict of interests.

3.2 PRESIDENT

- 3.2.1 The role of President exists to represent the views and needs of our membership; defending their rights and developing the student experience. The President is a key link to the University for the Dubai and Malaysia Student Presidents. The President is a Full-Time Office-Bearer, Trustee and Director, and is a Member of University Court and Senate. The President shall be responsible for:
 - a) Acting as the principal contact and ambassador for the Union by representing the interests of its members to the University and external bodies;
 - b) Working alongside the university wherever possible to ensure that the Partnership Agreement is fully supported by both the Union and University.
 - c) Supporting and Chairing SBC Group, coordinating its work and activities;
 - d) Supporting international campuses by collaborating with the Dubai and Malaysia Student Presidents, representing their views on their behalf to the university as agreed with the Dubai and Malaysia Student Presidents;
 - e) Supporting the VP Community, Vice President Education, VP Wellbeing, PGR and PGT Members of Parliament and SBC Member of Parliament and the open place Members of Parliament as appropriate, ensuring they have an understanding of all remits;
 - f) Actively participate in any University bodies that are deemed appropriate within this remit or as directed by Parliament;
 - g) Acting as an ex-officio member of the Watt Club and lead on Alumni

- engagement;
- h) Actively engaging with the Scottish Borders Campus, spending at least one day every 4 weeks at the campus.
 - i) Proactively engaging with our members, ensuring the Union is accountable and informs our members on the work of the Union and issues affecting students;
 - j) Working with the Chief Executive Officer to ensure that the policy and direction of Union finances, personnel and the central resources of the Union are fit to meet the needs of our members;
 - k) Acting as Delegation Leader for NUS Scotland and NUS National Conferences;
 - l) Promotion of equal rights and opportunities for members of the Student Union
 - m) Such other matters as appropriate or agreed by the Parliament from time to time.

3.3 VICE PRESIDENT COMMUNITY (VPC)

3.3.1. The role of the Vice President Community exists to represent the views and needs of our membership; defending their rights and developing the student experience. The VPC remit includes supporting society and volunteer development, representing students on housing and transport, and organising not for profit events. The VPC is a Full-Time Office-Bearer, Trustee and Director. The VPC shall be responsible for:

- a) Deputising, with the consent of the President;
- b) Acting as an ambassador for the Union and representing the interests of its members;
- c) Working alongside the university wherever possible to ensure that the Partnership Agreement is fully supported by both the Union and University;
- d) Supporting and Chairing Society Group and Student Life Group; coordinating its work and activities;
- e) Coordinating a programme of not for profit and/or charitable events that meet the needs of a diverse range of students and enhances the student experience, working with other university stakeholders such as the Sports Union and Chaplaincy;
- f) Supporting the Student Life Member of Parliament and Society Group Member of Parliament and the open place Members of Parliament as appropriate;
- g) Lead on the work of the Student Union to encourage sustainability within the Union and University, promoting sustainable policy and practice within

- the student body;
- h) Actively participate in any University bodies that are deemed appropriate within this remit or as directed by Parliament;
 - i) Campaigning and representing students on issues affecting their life such as housing and transport and other appropriate national issues;
 - j) Actively engaging with the Scottish Borders Campus, spending at least one day every 4 weeks at the campus;
 - k) Proactively listening to and communicating with our members ensuring the Union is accountable and informs our members on the work of the Union and issues affecting students;
 - l) Working with the Activities Coordinator to ensure that the policy and support to Union activities is fit to meet the needs of our members;
 - m) Promotion of equal rights and opportunities for members of the Student Union
 - n) Actively enable enhancement of student life and student experience through community building and fostering a sense of belonging amongst the student community;
 - o) Work alongside the Commercial Services team through ensuring services represent the needs of students;
 - p) Such other matters as appropriate or agreed by the Parliament from time to time.

3.4 VICE PRESIDENT WELLBEING (VPW)

3.4.1 The role of the Vice President Wellbeing exists to represent the views and needs of our membership; defending their rights and developing the student experience. The VPW remit includes organising activities that promote wellbeing; representing liberation societies and developing student welfare matters such as physical, sexual and mental health, widening participation and national issues affecting wellbeing. The VPW is a Full-Time Office-Bearer, Trustee and Director. The VPW shall be responsible for:

- a) Deputising, with the consent of the President;
- b) Acting as an ambassador for the Union and representing the interests of its members;
- c) Working alongside the University wherever possible to ensure that the Partnership Agreement is fully supported by both the Union and University;
- d) Supporting and Chairing Wellbeing Group; coordinating its work and activities;
- e) Coordinating a programme of activities that promote wellbeing for a

- diverse range of students and enhances the student experience, working with other University stakeholders such as Support and Accommodation;
- f) Representing the views of Liberation Societies and coordinating activities that promote equality and diversity;
 - g) Defending the rights of students on welfare matters such as physical, sexual and mental health, widening participation and national issues affecting wellbeing and other issues as appropriate;
 - h) Supporting the two Welfare and Equality Group Members of Parliament and the open place Members of Parliament as appropriate;
 - i) Actively participate in any University bodies that are deemed appropriate within this remit or as directed by Parliament;
 - j) Actively engaging with the Scottish Borders Campus, spending at least one day every 4 weeks at the campus;
 - k) Be the first point of contact for the University on consultation about violence, discrimination and harassment;
 - l) Campaigning and representing students on issues affecting their wellbeing such as health, financial wellbeing, equality and diversity and other appropriate national issues;
 - m) Proactively listening to and communicating with our members ensuring the Union is accountable and informs our members on the work of the Union and issues affecting students;
 - n) Promotion of equal rights and opportunities for members of the Student Union;
 - o) Such other matters as appropriate or agreed by the Parliament from time to time.

3.5 VICE PRESIDENT EDUCATION (VPE)

3.5.1 The role of Vice President Education exists to represent the views and needs of our membership; defending their rights and developing the student experience. The VPE remit is to represent students on learning and teaching matters. The VPE is a Full-Time Office-Bearer, Trustee and Director and is a Member of University Senate. The VPE shall be responsible for:

- a) Deputising, with the consent of the President;
- b) Acting as an ambassador for the Union and representing the interests of its members;
- c) Working alongside the university wherever possible to ensure that the Partnership Agreement is fully supported by both the Union and University;
- d) Supporting and Chairing Academic Congress; coordinating its work and connecting to university discussions;

- e) Supporting the Union School Officer and Class Representative activity in the UK to deliver academic representation across all levels of the university that enhances the student experience;
- f) Supporting global academic representation by collaborating with Dubai and Malaysia, ensuring consistency across campuses and representing global academic issues as appropriate;
- g) Coordinating a programme of activities that promote academic enhancement, working with university and external stakeholders;
- h) Actively participate in any University bodies that are deemed appropriate within this remit or as directed by Parliament;
- i) Actively engaging with the Scottish Borders Campus, spending at least one day every 4 weeks at the campus;
- j) Proactively engaging with our members, ensuring the Union is accountable and informs our members on the work of the Union and issues affecting students;
- k) Promotion of equal rights and opportunities for members of the Student Union;
- l) Such other matters as appropriate or agreed by the Parliament from time to time

3.6 OTHER MEMBERS OF PARLIAMENT

3.6.1 Scottish Borders Campus (SBC) Group Representative (one place)

Who shall be responsible for:

- a) Supporting the work of the Full Time Officers around, but not limited to SBC activity;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of the Scottish Borders Campus Group at Parliament and feeding back to Scottish Borders Campus Group discussions taking place at Parliament;
- e) Planning activity that meet the needs of students and working to increase participation of SBC students in union activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.2 Society Group Representative (one place)

Who shall be responsible for:

- a) Supporting the work of the Vice President Community around, but not limited to affiliated society activity;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of the Society Group at Parliament and feeding back to Society Group discussions taking place at Parliament;
- e) Working to encourage society development and increase society affiliations and membership. Supporting societies in their activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.3 Student Life Group Representative (one place)

Who shall be responsible for:

- a) Supporting the work of the Vice President Community around, but not limited to student activities;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of the Student Life Group at Parliament and feeding back to Student Life Group discussions taking place at Parliament;
- e) Planning activity that meet the needs of students and working to increase student participation in union activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.4 School Members of Parliament (one place per School)

Who shall be responsible for:

- a) Supporting the work of the Vice President Education around, but not limited to academic activity;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of the Academic Congress at Parliament and feeding back to Academic Congress discussions taking place at Parliament;
- e) Increasing awareness of and engagement with the Class Representatives

- and School Officer structures; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.5 Wellbeing Representative (two places)

Who shall be responsible for:

- a) Supporting the work of the Vice President Wellbeing around, but not limited to Wellbeing activity;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of the Wellbeing Group at Parliament and feeding back to Wellbeing Group discussions taking place at Parliament;
- e) Planning activity that meet the needs of students and working to increase student participation in union activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.6 Postgraduate Research (PGR) Representative (one place)

Who shall be a Member of Senate and responsible for:

- a) Supporting the work of the President around, but not limited to postgraduate activity;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of postgraduates and the PGR Representatives at Parliament and feeding back discussions taking place at Parliament;
- e) Planning activity that meet the needs of postgraduate students and working to increase student participation in union activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.7 Postgraduate Taught (PGT) Representative (one place)

Who shall be responsible for:

- g) Supporting the work of the President around, but not limited to postgraduate activity;
- h) Supporting the work of Parliament in proactively listening to and working

for students;

- i) Supporting the work of other Members of Parliament;
- j) Listening to and representing the views of postgraduates and the PGT Representatives at Parliament and feeding back discussions taking place at Parliament;
- k) Planning activity that meet the needs of postgraduate students and working to increase student participation in union activities; and
- l) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.8 Sports Union Representative (one place)

Who shall be responsible for:

- a) Ensuring cohesion and fostering a closer relationship between the Student Union and Sports Union.
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Listening to and representing the views of Sports Union members at Parliament and feeding back to the Sports Union discussions taking place at Parliament;
- e) Planning activity that meet the needs of students and working to increase student participation in Student Union activities; and
- f) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.9 Open Place Representatives (five places)

Who shall be responsible for:

- a) Supporting the work of the Student Union and Full-Time Officers around, but not limited to the activity focus for which they stand for election upon;
- b) Supporting the work of Parliament in proactively listening to and working for students;
- c) Supporting the work of other Members of Parliament;
- d) Planning activity that meet the needs of students and working to increase student participation in union activities; and
- e) Actively encourage sustainability within the union and university, promoting sustainable policy and practice within the student body.

3.6.10 Chair of Parliament

Who shall be responsible for:

- a) Working in conjunction with Student Union staff to make all the necessary arrangements for Parliament meetings, this may include setting dates, organising agendas and communication with MPs;
- b) Calling the meeting to order, ensuring Parliament is quorate and facilitate the attendance of any student members wishing to observe the meeting;
- c) Facilitating discussion of Parliament, ensuring meetings are conducted in line with Student Union Values and Policy; and
- d) Ensuring a correct record of meetings are recorded and made available to members as appropriate.

3.7 INTERNATIONAL PRESIDENTS

3.7.1 There shall be an elected position of Student President at each international campus of Heriot-Watt University. The responsibilities of their role shall be determined by their own Bye-Laws which shall reference these Bye-Laws. The President shall work with the International Presidents under the Global student community remit to represent the international views to the university and external bodies in the UK.

3.7.2 International Presidents may, from time to time, be asked to attend Parliament and represent the views of their members. International Presidents shall not have any voting rights on Parliament.

3.8 COMPLAINTS ABOUT A MEMBER OF PARLIAMENT OF THE UNION

3.8.1 A complaint about the conduct or capability of an Elected or Appointed Officer or Representative may be made by any Student Member of the Students' Union.

3.8.2 A complaint must be made in writing and addressed to the President, stating the nature of the complaint, together with the name and contact details of the complainant. In the event that the complaint being made is about the President, the complaint shall be made to the CEO

3.8.3 The Union operates an open policy for communication and consultation, and as such it is expected that in the first instance, problems and concerns will be

raised and resolved informally.

3.8.4 Full-Time Officer disciplinary matters shall be dealt with under the Student Union disciplinary procedures for staff.

3.8.5 Disciplinary matters regarding all other Members of Parliament and members of the committees underneath Parliament will be dealt with according to these Bye Laws.

3.8.6 When a conflict between policies arises, the Trustee Board shall determine the appropriate disciplinary procedures.

3.9 RECALLING A NON-FULL-TIME OFFICER OR REPRESENTATIVE

3.9.1 Non-Full-Time Members of Parliament are subject to instant recall by either:

- a) A resolution passed by two thirds of the entire membership of Parliament, provided that notice of the recall motion had been published in accordance with Parliament procedures;
- b) a resolution passed by a two thirds majority vote at the General Meeting, provided that the recall motion had been on the published Agenda for that meeting in accordance with the Constitution and Bye Laws; or
- c) a referendum passed in accordance with the process set out in the Constitution and Bye Laws

3.9.2 Recalling a Full-Time Officer

3.9.2.1 A Full-Time Officer, who is also an employee and Trustee, may be subjected to disciplinary proceedings for not acting in the best interests of the Student Union. A Full-Time Officer is subject to recall by either:

- a) a resolution passed by a two thirds majority vote at the General Meeting, provided that the recall motion had been on the published Agenda for that meeting in accordance with the Constitution and Bye Laws;
- b) a referendum passed in accordance with the process set out in the Constitution and Bye Laws

3.9.2.2 In addition to the above, a Full-Time Officer shall be instantly recalled if:

- a) The Full-Time Officer has been absent without sufficient reason for a period of 1 week or more;
- b) The Full-Time Officer has breached a Union regulation with regard to their Conditions of Employment; or
- c) The Full-Time Officer has been removed from the Trustee Board under charity regulations or Student Union governance requirements.

3.9.2.3 For the avoidance of doubt, should a Full-Time Officer commit an offence under the above, the Full-Time will be instantly referred to the recall process.

3.9.2.4 Should one of the above be triggered, the Chief Executive Officer shall be required to deal with the matter in accordance with the Heriot-Watt University Student Union Staff Disciplinary Procedure: Gross Misconduct. The Full-Time Officer has a right of appeal under the Disciplinary Procedures.

3.9.2.5 A Full-Time Officer removed from their post shall also be removed from both their remunerated Full-Time position and as a Trustee.

3.10 OFFICERS OR REPRESENTATIVES SUBJECT TO RECALL

3.10.1 Any Officer recalled is ineligible for election to any Union post for the remainder of that academic year.

3.11 CENSURING AN OFFICER OR REPRESENTATIVE

3.12.1 The Parliament shall hold to account, with the power to censure, any person elected through either cross-campus election or itself. At least 5 days' written notice must be given of any Motion to Censure an Officer of the Union.

3.12.2 Parliament may pass a Motion of Censure by a simple majority.

3.12.3 Upon passing a Motion of Censure, the Student Union must inform members of the Censure and reasons for it within 5 days.

4 ELECTIONS

4.1 RETURNING OFFICER

4.1.1 Designation

- a) The National Union of Students Scotland shall provide a Returning Officer for the purposes of elections and by-elections of the Union. The Returning Officer may appoint such deputies as are necessary to carry out these duties;
- b) The Chief Executive Officer or their nominee shall be the Deputy Returning Officer for the purposes of elections, by-elections and Referenda of the Union.

4.1.2 Remit

On behalf of the Returning Officer, the Deputy Returning Officer shall be responsible for:

- a) Overseeing and co-ordinating all elections within the Student Union;
- b) In accordance with this Bye-Law and in consultation with the Trustees, setting the date for, and publicising all elections and by-elections;
- c) Supervising the counting of votes, and may, on request of any candidate, authorise a recount of the votes;
- d) Announcing the result of the election on completion of the final count, and the posting of the votes cast at each stage of the STV system, together with the final result.
- e) Submitting an account to the Secretary of the University on the conduct of the elections.

4.2 DISQUALIFICATION OF CANDIDATES

4.2.1 The Returning Officer shall be empowered to disqualify any candidate, or request a re-ballot on the basis of:

- a) Bribery of the electorate, Union Office-Bearers or staff;
- b) Multiple voting;
- c) Interference with voting or the counting of votes;
- d) Making or circulation of defamatory statements;

- e) Violation of such rules and financial constraints governing the conduct of elections as may be specified in the Bye-Laws or approved by Trustees;
- f) Conspiracy by the candidate acting in concert with others to commit any of the above offences; or
- g) Bringing the Union into disrepute or otherwise threatening the image of the Union by their or their campaign team's actions.

4.2.2 The disqualified candidate may appeal in writing to the Trustee Board of the Union, such an appeal must be lodged with the Chief Executive Officer within 24 hours of the Returning Officer's decision.

4.2.3 The Trustee Board's decision shall be binding on all such appeals.

4.3 CONDUCT OF AN ELECTION

4.3.1 Voting

4.3.2 Voting in all elections shall be by secret ballot and under the transferable vote system.

4.3.3 Re-open Nominations

- a) The ballot paper for elections for Parliament shall contain as an option the statement "re-open nominations";
- b) For the purpose of counting votes the "re-open nominations" box shall be treated as a candidate;
- c) If the "re-open nominations" candidate is elected the vacancy shall be declared unfilled. Another election shall be held for the vacant position as if it was a by-election according to [Bye Law 4.8](#).

4.3.4 Publicity

4.3.5 The following rules shall apply to the distribution of campaign material for an election.

- a) Candidates or their representatives shall not spend more than the budget approved by Trustees for such an election or campaign. Receipts must be lodged with the Returning Officer within one week of the election results being announced;

- b) All literature shall clearly show the originator of the material;
- c) Material placed over official Students Union posters shall be removed;
- d) Material must not be placed near fixed computer facilities on campus or use university email networks for campaigning

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4.3.6 Timing of Publicity

- a) The Returning Officer shall set and publicise the final date of each election or by-election, together with the vacancies occurring at least five Notice Days prior to the close of nominations;
- b) Nominations shall close at least five Notice Days prior to the final date of the election for those vacancies.

4.3.7 Student Members previously subject to Recall

- a) Student Members who have ever been recalled as a Member of Parliament as described in [Bye Law 3.6](#) or [Bye Law 3.7](#) are ineligible for election to any Union post for the remainder of that academic year.
- b) Any Student Member who has ever been recalled as a Member of Parliament is eligible to stand for election as a Member of Parliament position during any other academic year provided they comply with the other relevant regulations.
- c) Student Members who have previously been recalled must be nominated to stand in an election by 50 Student Members.

4.4 GENERAL

4.4.1. Members of Parliament shall take office from the first day of June following their election, and shall hold office for one year, until they resign, cease to be an Student Member of the Union or are dismissed;

4.4.2. Members of Parliament shall only occupy one office at any one time. Election to a second office shall automatically remove them from their previous office. Full-Time Officers who are co-opted by a unanimous vote by Parliament to act up to a vacant Full-Time post shall be allowed to remain in their elected role;

4.4.3. Candidates for Parliament shall be Student Members of the Union.

4.5 INTERNATIONAL STUDENT PRESIDENTS

4.5.1 An International Student President shall be elected from and by students matriculated at the international campus in question.

4.6 ELECTION ELIGIBILITY

4.6.1 Full Time Officers

Full-Time officers shall be elected from and by Student Members of the Student Union by cross campus ballot.

4.6.2 Scottish Borders Campus (SBC) Member of Parliament

The SBC Group Member of Parliament shall be appointed by way of a simple majority vote of the Scottish Borders Campus Group

4.6.3 Society Group Member of Parliament

The Society Group Member of Parliament shall be appointed by way of a simple majority vote of the Society Group.

4.6.4 Student Life Member of Parliament

The Student Life Group Member of Parliament shall be appointed by way of a simple majority vote of the Student Life Group.

4.6.5 School Members of Parliament

- a) Candidates for School Members of Parliament shall be undertaking a course of study within the School for which they stand for election. Candidates may not stand for election in any other than their own School.
- b) Candidates undertaking a combined study programme shall be entitled to stand and vote within the School in which the university defines them to be part of.
- c) School Members of Parliament shall be elected from and by all Student Members of the Union from within each School by cross campus ballot.

4.6.6 Wellbeing Group Members of Parliament

The two Wellbeing Members of Parliament shall be appointed by way of a simple majority vote of the Wellbeing Group.

4.6.7 Postgraduate Research (PGR) Member of Parliament

- a) Candidates for Postgraduate Research Member of Parliament shall be undertaking a postgraduate research degree;
- b) The Postgraduate Research Member of Parliament shall be elected from and by all Student Members undertaking a postgraduate degree by cross campus ballot.

4.6.8 Postgraduate Taught (PGT) Member of Parliament

- c) Candidates for Postgraduate Taught Member of Parliament shall be undertaking a postgraduate taught degree;
- d) The Postgraduate Taught Member of Parliament shall be elected from and by all Student Members undertaking a postgraduate degree by cross campus ballot.
- e) Elections for the Postgraduate Taught Member of Parliament will take place in Semester 1 of the academic year.

4.6.9 Sports Union Member of Parliament

The Sports Union Member of Parliament shall be appointed by way of a simple majority vote of the Sports Union Executive Committee.

4.6.10 Open Place Members of Parliament

The open place Members of Parliament shall be elected from and by Student Members of the Student Union by cross campus ballot.

4.6.11 Chair of Parliament

The Chair of Parliament will be appointed each year by the Student Union following a recruitment process.

4.7 NATIONAL CONFERENCE

- 4.7.1 Where a National Conference, such as NUS Conference, requires a cross campus ballot, Candidates who are standing for election in other positions shall be allowed to stand for election to National Conference;
- 4.7.2 Elections for NUS UK and NUS Scotland National conferences shall be held in Semester 1 of the academic year.
- 4.7.3 One place for NUS Scotland conference will be reserved as a women's place.
- 4.7.4 Candidates for NUS UK and NUS Scotland Conference shall be made up of Student Members of the Union to the number of the delegation entitlement
- 4.7.5 The President shall automatically be elected and appointed as Delegation Leader unless they notify the Deputy Returning Officer in writing before the election that they do not intend to fill this position. Wherever the President is not a member of the NUS Conference delegation the most senior representative elected shall be Delegation Leader;
- 4.7.6 Candidates for National Conference shall be elected from and by all Student Members of the Union.

4.8 BY-ELECTIONS

4.8.1 Timing of By-Elections

- a) There shall be a By-election in Semester 1 where delegations for National Conferences shall be elected.
- b) The relevant Group shall appoint a new Member of Parliament upon a vacancy occurring in their nominated post;
- c) Vacancies occurring in any elected Member of Parliament role up to and including week 8 of Semester One shall be filled by a by-election to be held within 15 days of the vacancy occurring;
- d) With the exception of Full Time Officers, vacancies occurring in elected Members of Parliament after week 8 of Semester One may be filled by co-opting a member of one of the Groups by way of a simple majority vote of

Parliament.

- e) Full Time Officer vacancies occurring after week 8 of Semester One will be dealt with on a case by case basis by the Deputy Returning Officer.

4.8.2 Appointment of Acting Members of Parliament

With the exception of the Full Time Officers, during any period for which an office remains vacant, The Parliament may appoint a member to exercise the functions of this office until a successor is elected, or until the Parliament votes by a two-thirds majority to revoke their functions under this Bye-Law, whichever is sooner.

4.8.3 Period of Office

Any person elected or appointed to an office by right of a by-election or mid-year appointment shall take office for the remaining unexpired period of their predecessor's term of office.

5.1 GENERAL MEETINGS

5.1.1 General Meetings of the Union shall be an opportunity for all members of the Union to discuss a specific item of business;

5.1.2 A General Meeting can be triggered by:

- a) Parliament;
- b) A petition calling for one signed by at least 40 Student Members of the Union;

5.1.2 A General Meeting of the Union shall be recognised as a meeting that takes place either physically or virtually;

5.1.3 A General Meeting of the Union shall only take place if at least 50 Student Members are in attendance and/or vote;

5.1.4 Virtual votes shall be conducted by secret ballot;

5.1.5 General Meetings shall have the power to pass emergency policies of the Union. If passed, they will be enacted and upheld by the Parliament;

5.1.6 General Meetings shall also have the Right to recall any Officer of the Union. If a motion of 'No Confidence' is passed by a simple majority, the Officer shall be deemed to have resigned from their position with immediate effect.

6 PROCEEDINGS OF TRUSTEES

6.1 TRUSTEES' MEETINGS

- 6.1.1 The Trustees shall hold a minimum of four meetings in any Academic Year;
- 6.1.2 Two Trustees may, and the Chief Executive at the request of two Trustees, call a meeting of the Trustees;
- 6.1.3 Guests or observers can attend meetings of the Trustees at the discretion of the Chair.

6.2 NOTICE

- 6.2.1 A Trustees' meeting shall be called by at least seven clear days' notice unless either:
 - a) All the Trustees agree to shorter notice; or
 - b) Urgent circumstances require shorter notice.
- 6.2.2 Every notice calling a Trustees' meeting shall specify the place, day and time of the meeting and the general particulars of all business to be considered at such meeting.
- 6.2.3 Notice of Trustees' meetings shall be sent to each Trustee by post or by electronic communication along with any other papers relevant to the meeting.

6.3 QUORUM

- 6.3.1 The quorum for Trustees' meetings shall be four and such quorum must include at least one Officer Trustee;
- 6.3.2 Where the resolution or issue under discussion concerns a matter in respect of which some or all of the Trustees have a conflict of interest, the quorum shall be four.

6.4 DECISION MAKING BY TRUSTEES AT MEETINGS

6.4.1 Questions arising at a meeting shall be decided by a majority of votes. In the case of an equality of votes, the Chair shall be entitled to a casting vote.

6.4.2 A Trustees' meeting may be held by telephone or by televisual or other electronic or virtual means agreed by resolution of the Trustees in which all participants may communicate simultaneously with all other participants.

6.4.3 The Trustees may, in the circumstances outlined in this Bye Law, make a two thirds majority decision without holding a Trustees' meeting if:

- a) A Trustee has become aware of a matter on which the Trustees need to take a decision;
- b) That Trustee has taken all reasonable steps to make all the other Trustees aware of the matter and the decision;
- c) The Trustees have had a reasonable opportunity to communicate their views on the matter and the decision to each other; and
- d) A decision of the Trustees may be taken by majority and shall be as valid and effectual as if it had been taken at a Trustees' meeting duly convened and held.

6.4.4 Trustees participating in the taking of a majority decision otherwise than at a Trustees' meeting in accordance with this Bye Law:

- a) May be in different places, and may participate at different times; and
- b) May communicate with each other by any means.

6.4.5 No decision shall be taken by the Trustees in accordance with this Bye Law unless a quorum participates in the decision-making process. The quorum for Trustees' decision-making in accordance with this Bye Law shall be the same as the quorum for Trustees' meetings as set out in Bye Law 6.3.

6.4.6 The Chair or such other Trustee as shall be appointed by the Trustees shall be the chair of the process of decision-making in accordance with this Bye Law. The process shall include:

- a) Circulation of the proposed decision with an indication of the time period for discussion and the date by which Trustees are asked to cast their votes;
- b) The nomination of a person to whom all Trustees' votes must be communicated;

- c) If a majority of the Trustees votes in favour of the decision, the nominated person shall communicate the decision to all the Trustees and the date of the decision shall be the date of the communication from the nominated person confirming formal approval; and
- d) The nominated person must prepare a minute of the decision in accordance with this Article.

6.4.7 In the case of an equality of votes in any decision-making process in accordance with this Bye Law, the chair shall be entitled to a casting vote in addition to any other vote they may have but this does not apply if, in accordance with the Articles, the chair or specified Trustee is not to be counted as participating in the decision-making process for quorum, voting or agreement purposes.

6.5 STUDENT TRUSTEES

6.5.1 Student Trustees shall not be permitted to hold any other position within the Student Union including but not limited to staff positions and Member of Parliament.

7. REFERENDA

- 7.1 A referendum shall be a vote on a specific issue whereby all Student Members of the Union shall be entitled to vote;
- 7.2 The referendum shall be taken in the form of a question and members shall ordinarily have the choice of voting either 'Yes' or 'No';
- 7.3 The formulation of the question for, and the organisation and promotion of a referendum shall be the responsibility of Parliament;
- 7.4 A referendum may be triggered where:
- a) A Policy Question has passed or Fell by an Parliament vote during Decide that does not reflect the views expressed by the Student Body;
 - b) A secure petition brought to Parliament by a group of Student Members which has the signatory support 300 Student Members;
 - c) A referendum result shall only be valid if a minimum of 1000 Student Members of the Union has cast a vote;
- 7.5 The timing, campaign regulating and fair administration of the referendum shall be the responsibility of the Parliament;
- 7.6 If a policy proposal is passed by a simple majority via referendum, it shall immediately become policy of the Union and be enacted and upheld by Parliament.

8. OFFICIALS, STAFF AND FINANCE

8.1 FULL-TIME OFFICE-BEARERS

8.1.1 The Trustees shall prescribe through a contract of employment the remuneration, conditions of service, discipline and grievance procedures of the Full-Time Office-Bearers.

8.2 UNION STAFF

8.2.1 The Union shall appoint such staff as necessary for the efficient conduct of its affairs. The manner of appointment, pay, and the conditions of service, discipline and grievance procedures of Union staff shall be the sole responsibility of the Trustees.

8.3 FINANCIAL CONTROL

8.3.1 The financial year of the Union shall run from the 1 August to the 31 July.

8.3.2 The Court of the University shall approve an allocation to the Union in the Second Semester of each academic year. The Trustees shall prepare a budget for the year. The agreed budget shall be submitted to the Academic Registrar of the University for submission to University Court. The Trustees may change the budget at any time during the year.

8.3.3 Management Accounts of the Union shall be prepared at least monthly and a report presented to the Trustees at each meeting. The Trustees shall review the information and shall act to ensure that the Union, as far as possible, keeps within its budget.

8.3.4 The Trustees shall specify the method of Expenditure authorisation for each area of the Union.

8.3.5 The Trustees shall set policy on the signing of cheques, the authorisation of bank transfers and the signing of contracts.

8.4 EXTERNAL AUDIT

8.4.1 Trustees shall appoint and provide for the remuneration of an external auditor, who shall be a member of the Institute of Charters Accountants of Scotland.

8.4.2 The auditor shall have access to all financial records of the Union, and may at any time call upon Office-Bearers and staff of the Union to provide such information as s/he may require in support of the audit.

9. UNION

9.1 ADMISSION

- 9.1.1 The Union may be used by members of the Student Union carrying proof of such membership, and who is not subject to withdrawal of this right as a result of disciplinary action.
- 9.1.2 Non-members may be introduced as guests to the Union by any member of the Union. The behaviour of such guests shall be the responsibility of the member introducing the guest;
- 9.1.3 No member may introduce more than ten guests in any one day;
- 9.1.4 The Manager on duty in the Union shall have the authority to bar members from entering the Union and to require members to leave the building if this is required in their opinion to avoid a breach of Licensing Law.

9.2 PROHIBITION OF SALES TO NON-MEMBERS

- 9.2.1 Other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is:
- a) a member of the club;
 - b) a person who is on the premises at the invitation of a member of the club and is accompanied by that member; or
 - c) a member of another club which falls within the description prescribed in the Licensing (Clubs) (Scotland) Regulations 2007
- 9.2.2 Where a person referred to in Bye Law 9.2.1b) is supplied with alcohol on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose:
- a) The date in question;
 - b) The name and address of the person; and
 - c) The name of the member accompanying the person
- 9.2.3 Where a person referred to in **Bye Law 9.2.1c)** above is supplied with alcohol

on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose:

- a) The date in question;
- b) The name and address of the person; and
- c) The name of the member accompanying the person

9.3 OFF LICENCE SALES

- 9.3.1 Alcoholic liquor shall not be sold or supplied in the Union for consumption off premises, except to a member in person for consumption by them, or to persons holding a licence or a wholesaler's excise licence for the sale of such liquor.
- 9.3.2 The Union shall have sole right to arrange for the supply of alcoholic liquor, food and soft drinks within the Union.
- 9.3.3 Alcoholic liquor shall not be sold or supplied in the Union to any persons under the age of 18.
- 9.3.4 No member of the Trustees and no person employed by the Union shall have any personal interest in the sale of alcohol in the Union or in the profits arising from such sale.

9.4 GENERAL

- 9.4.1 The Union shall not accept responsibility or liability for any property of members or their guests which is lost or damaged within the Union. Any article left in the Union by a member or guest, may be disposed of.
- 9.1.5 Smoking including e-cigarettes is not allowed in any building under the control of the Union.
- 9.1.6 Publicity, advertising or promotional material shall not be displayed in the Union without the authority of the Executive, or a persons or persons authorised by the Executive to act in their regard. All such material shall bear information indicating the printer and publisher of the material.

10. DISCIPLINARY PROCEDURE

10.1 UNION DISCIPLINE COMMITTEE

- 10.1.1 For minor breaches in discipline, the case shall be referred to the Minor Union Discipline Committee as prescribed in these Bye Laws.
- 10.1.2 The Union Discipline Committee shall consist of five Members of Parliament including at least one Full-Time Officer and shall be appointed by Parliament.
- 10.1.3 Should the case involve a Member of Parliament, the Member of Parliament subject to disciplinary procedures shall agree to the members of the Discipline Committee from Parliament. If agreement can't be reached, five members of the Trustee Board shall act as the Union Discipline Committee and must include at least one Full-Time Officer and one Student Trustee.
- 10.1.4 Should the case involve a Full-Time Officer, the Union staff Discipline Procedure shall apply.

10.2 AUTHORITY TO CHARGE

- 10.2.1 The President shall be empowered to charge members and to arrange for action to be taken by the Union Disciplinary Committee.

10.3 DELEGATING RESPONSIBILITY

- 10.3.1 Any Member of Parliament subject to disciplinary action may appoint a representative to act on their behalf during disciplinary procedures.

10.4 JURISDICTION

- 10.4.1 Bye-Laws with regard to conduct shall be applicable to any function held in the name of the Union or any of its constituent parts. The organising body shall report any apparent breach of the Bye-Laws to the President of the Union;
- 10.4.2 Complaints in respect of alleged breaches of regulations of other Unions by

Union Members shall be dealt with by the Union Disciplinary Committee;

10.4.3 An offence allegedly committed by a member of another institution shall be referred to the member's institution for action;

10.4.4 It is the responsibility of all members to acquaint themselves with these Bye-Laws.

10.5 CONDUCT

10.5.1 The Union Disciplinary Committee may take action regarding any member:

- a) Who has contravened the Constitution or Bye-Laws of the Union or:
 - i) who wilfully damages, defaces, steals or attempts to steal any fittings, property owned by, hired or loaned to the Union or to any member thereof or who is indirectly responsible through omission or default for any of the above;
- b) Who has conducted themselves in a manner unbecoming a member;
- c) Who has breached a Union Policy
- d) Who causes a disturbance in the Union or:
 - i) who wilfully obstructs a duty volunteer or staff member in the execution of their duties;
- e) Who defrauds or attempts to defraud the Union;
- f) Whose guest contravenes these Bye-Laws;
- g) Who refuses to produce their University Identity Card on demand to an authorised person;
- h) Who, not having an Identity card, refuses to give their name and class on demand to an authorised person;
- i) Who has harassed other members, guests or members of Union Staff where harassment is defined using the University Harassment Policy or Union Zero Tolerance Policy;
- j) This Bye-Law shall apply where applicable to other organisations with a reciprocal agreement with the Union.

10.6 CHARGING PROCEDURE

10.6.1 The following procedure shall be carried out by an authorised person where they consider the conduct of the person to lie within the scope of the Disciplinary Committee.

- a) If possible, the authorised person shall identify themselves to the person

- whose conduct is in question;
- b) The authorised persons may issue a warning or make a formal charge;
 - c) If a warning is issued, the authorised person may make a formal charge if the conduct continues;
 - d) The charge form, together with a written statement from the authorised person, shall be sent to the Vice-President as soon as possible.

10.7 INITIAL DATE FOR HEARING

- 10.7.1 The President or their nominee shall organise a meeting of the Union Disciplinary Committee to hear the case. A notice shall be sent to the member/s charged with the date of the meeting and a copy of the charge form and any written statements giving at least five notice days prior to the date of the meeting.
- 10.7.2 The member charged shall have the right to appear and to be represented by a member of the Union. If the member charged or their representative fails to attend the initial meeting of the committee, the hearing shall be deferred for a maximum of 15 Notice Days. Notice of at least 5 Notice Days shall be given to the charged member if a second meeting has to be arranged.
- 10.7.3 If the member or their representative fails to appear at the second meeting, the case will be heard in the member's absence at that meeting.

10.8 PROCEDURE OF MEETINGS

- 10.8.1 The procedure at meetings of the Disciplinary Committee shall be as follows:
- a) The committee shall invite the member charged (and/or their representative) (the accused), and the persons who initiated the charge (the complainant) into the room;
 - b) The chairperson shall ask the accused whether they wish the meeting to be held *in camera*;
 - c) The chairperson shall read out the details of the charge (as noted on the charge form) and ask the accused how they plead;
 - d) If the accused pleads guilty, the chairperson shall then receive details of any mitigating circumstance and prior convictions. They may request further details for the purpose of clarification;
 - e) If the accused pleads not guilty, the chairperson shall ask the complainant to present their case. If the complainant introduces witnesses, these may be questioned by the accused. The committee may also ask questions to

clarify any matter. Each witness shall leave the room after their evidence has been presented. The accused shall then present their case. If they introduce witnesses they may be questioned by the complainant (and by the Committee). Each witness shall leave the room after their evidence has been presented:

- i) The complainant shall sum-up their case;
- ii) The accused shall sum-up their case;
- iii) Accused and complainant shall both leave the room while the Committee considers its verdict. Both parties shall return for the announcement of the verdict;
- iv) If the verdict is guilty the Committee shall then receive details of any mitigating circumstances and/or prior convictions;
- f) In the case of the accused pleading or being found guilty, the complainant and accused shall be asked to leave the room while the Committee considers the penalty to be imposed, and both shall return for this to be announced;
- g) The committee may refer a case to the Trustee Board if they feel that the case merits a more severe penalty than they are able to impose.

10.9 INFORMING MEMBER OF DECISION

10.9.1 Following the meeting and within 5 Notice Days, the President shall inform the accused member by recorded delivery of the decision of the committee, and if they have been found in breach of discipline they have the right to appeal.

10.10 APPEALS PROCEDURES

10.10.1 Appeals shall be heard by the Union Trustees. In cases where the Trustee Board has acted as the Discipline Committee, the appeal will be heard by a committee formed by one representative each from:

- a) The University
- b) The National Union of Students
- c) A senior representative (Officer or staff) from another Student Union.

10.10.2 A letter of appeal shall be received by the President within ten Notice Days of the member being informed of the Disciplinary Committee's decision. The appeals procedure shall be as detailed in Bye-Laws 9.6 and 9.7 for the Disciplinary Committee.

10.10.3 The Trustees shall have the power to change the verdict if they deem necessary. Should the Appeals Committee uphold the verdict the penalty imposed by the Disciplinary Committee shall stand unless the Appeals Committee have sufficient grounds to amend the penalty.

10.10.4 Appeals against a verdict of the Disciplinary Appeals Committee shall be made to the Disciplinary Committee of the University.

10.11 MINOR BREACHES OF DISCIPLINE

10.11.1 Minor breaches of discipline taking place in the Union may be dealt with by the Union Minor Disciplinary Group.

10.11.2 This Group shall consist of the Chief Executive Officer and a member of the Parliament appointed by the Executive for this purpose. They shall have the power to impose one or more of the following penalties:

- a) an admonition;
- b) a reprimand;
- c) such fine as it considers appropriate, but not exceeding £25;
- d) suspension from some or all of the privileges of membership of the Union for a period not exceeding six weeks;
- e) A requirement to make good in whole or in part any loss or damage caused.

10.11.3 The Group may decide to refer the case to the Union Disciplinary Committee if they feel the penalties available are insufficient or that the case is more appropriately dealt with there.

10.11.4 The member charged shall be asked to attend meeting. They shall be entitled to be accompanied by another Student Member or representative of the Union. The meeting shall be held as soon after the event as possible and the procedures shall be informal. The member may opt to have the case heard by the Union Disciplinary Committee.

10.11.5 The member may appeal against the decision of the Group to the Union Discipline Committee.

10.12 PAYMENT OF FINES

10.12.1 If an appeal has not been lodged in the specified time, the decision of the

Disciplinary Committee, or Appeals Committee, shall become final.

- 10.12.2 The President shall then send a letter (by recorded delivery) requiring payment of any outstanding fine. If within two weeks from the date this letter was sent, the outstanding fine has not been paid, the member shall be suspended from all privileges of the Union until the fine is paid.

10.13 SUSPENSION OF PRIVILEGES

- 10.13.1 When a member is suspended from all privileges of the Union a letter shall be sent to affiliated societies and corporate bodies informing them of this fact, and instructing them to prevent the member from holding office or taking part in any activities of the Union.

- 10.13.2 The Secretary of the University shall be notified of any suspension.

10.14 EXCLUSION

- 10.14.1 Notwithstanding the provisions contained elsewhere in this Bye-Law, the Parliament shall have the authority to exclude an individual student from any premises which fall under the jurisdiction of the Union.

- 10.14.2 The exclusion shall have effect only where there exists a threat to the safety of members, their guests, staff or property of the Students Union.

- 10.14.3 The exclusion will apply until the case has been decided by disciplinary procedures or the member requests that the exclusion be reviewed by the Parliament.

- 10.14.4 The Secretary of the University shall be notified of any exclusion.

11. ACTIVITIES

11.1 CONDITIONS OF AFFILIATION

11.1.1 A society or club shall satisfy the following conditions before being granted the status of an affiliated body by the Society Group:

- a) It shall have a membership of at least 10 Student Members of the Union unless it is a society created for the Scottish Borders Campus whereby it shall have a membership of at least 5 Student Members of the Union;
- b) The society's committee shall consist of at least three positions of Treasurer, President and one other committee member;
- c) It shall submit and abide by a constitution which it shall not amend without the approval of the Activities Committee. The Activities Committee shall have the power to require societies to amend their constitution if this is necessary in order to ensure the proper running of the society;
- d) It shall lodge with the Activities Committee on affiliation, and thereafter by the date specified by the Union the following:
 - i) A copy of its current constitution;
 - ii) A list of its office-bearers;
 - iii) Details of its bank accounts, investments and cheque signatories;
 - iv) A copy of its members privacy statement;
- e) It shall nominate the President or their nominee to attend Society Group.

11.2 INTERIM AFFILIATION

11.2.1 Provided that the Society requesting affiliation meets all the conditions of Bye Law 11.1, Affiliations can be approved by the following officers without the need to go to Society Group. In order for this to happen, ALL of the following officers must approve the affiliation:

- a) Vice President Community
- b) Society Group Member of Parliament
- c) Activities Coordinator

11.2.2 It is the responsibility of the Activities Coordinator to notify by email the above people to inform them of the affiliation. In the event of the vote not being unanimous, the affiliation will be presented to Society Group as normal, in the case of further action, the society affiliation will be presented

at the Executive Meeting at the first available opportunity.

11.3 FINANCIAL SUPPORT

11.3.1 Each affiliated society or club may apply for financial support from the Society Group. Society Group is responsible for deciding on financial support under the direction of the Vice President Community.

11.3.2 The procedure for issuing Societies Development Funding shall be as follows:

- a) Bids for funding at £299 or less shall be considered by the Vice-President Community and Activities Coordinator
- b) Single or cumulative bids for funding at £300 or more shall be presented to the Societies Group at their next meeting. Society Group representatives shall then vote to approve the funding.
- c) The criteria for funding shall be used to build community or enhance the skill set within the society. Further guidance shall be available from the Activities Coordinator.

11.4 DISAFFILIATION

11.4.1 A society or club may be disaffiliated by a two-thirds majority resolution of the Parliament on the grounds of actions contrary to the aims of the Union, or failure to fulfil the requirements regarding affiliation to the Union specified in this Bye-Law.

11.4.2 Societies shall use these Bye Laws for guidance on any matter not covered by their own constitution. The Activities Coordinator shall provide guidance on interpretation of the Bye Laws in conjunction with the Chief Executive Officer.

11.5 AFFILIATION OF CORPORATE BODIES

11.5.1 Corporate bodies formed by members of the Union for the furtherance of sectional, professional or recreational interests may be affiliated to the Union with the approval of the Trustees.

11.6 CONDITIONS OF AFFILIATION

11.6.1 Such bodies will be required to satisfy the following conditions:

- a) To submit a copy of a constitution for approval by Trustees;

- b) The constitution shall not be amended without the approval of Trustees;
- c) To submit accounts annually to the Union.

11.6.2 Corporate Affiliate Bodies may apply for financial support from the Union.

11.6.3 Trustees may withdraw the affiliation of any Corporate Affiliate Body as provided in the Constitution.