

Falmouth & Exeter Students' Union

Bye-Laws

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Governing documents introduction

The way Falmouth & Exeter Students' Union (the "Union") is established and operates in law is set out in its Constitution. The current Constitution is based on the model CIO (Foundation) Constitution developed for Students' Unions by the National Union of Students (NUS) and approved by the Charity Commission. The CIO Constitution was approved by Falmouth University, the University of Exeter and the Charity Commission in 2021.

Alongside the Constitution, there are a series of Bye-Laws that have been adopted to add detail to how the Union conducts its affairs and how it is governed. For clarification purposes, should there be any inconsistencies between the two governing documents, the provision of the Constitution shall prevail. If any dispute arise in relation to the interpretation of this Constitution or any of the Bye-Laws, it shall be resolved by the Board of Trustees.

Amendments to the Constitution & Bye-Laws

Amendments to the Constitution

Please see clause 9 Reviewing and Amending the Constitution in the Constitution for the full details. Further to this section, under clause 9.2.2 the period of time is two calendar weeks during which any amendments to the Proposal may be submitted to the Board of Trustees by any Student Member.

Amendments to the Bye-Laws

As set out in clause 50 Bye-Laws in the Constitution, the Trustees and the Student Council shall have the power from time to time to jointly make, repeal or amend Bye-Laws as to the management of the Union and its working practices provided that such Bye-Laws shall not be inconsistent with this Constitution. In the event of any inconsistency, the provision of the Constitution shall prevail.

Bye-Law 1: Membership

1.1 Opting out of Student Membership

At the beginning of each academic year, student will automatically be registered as student members of the Union. In accordance with the Union's Constitution and the Education Act 1994, Student Members can opt out of Student Membership by giving written notice to Union or to whichever university they are student of.

A student who exercises their right to opt out should not be unfairly disadvantaged with regards to the provision of services (or otherwise) by reasons of having done so. If a student believes that they have been unfairly disadvantaged, they can initiate the complaints procedure, as set out in Bye Law 9 Complaints Procedure.

A student who opts out shall have no Union membership status whatsoever. However, they shall be able to use the facilities provided by the Union as if they were an associate member, but will not be required to pay any fee.

These facilities shall include:

- Access and participation in societies, and sports clubs.
- Access and participation in volunteering and fundraising events, such as RAD.
- The Advice Service and other welfare related services.

A student who decides to opt out of the Union shall not be able to:

- Be involved in the government or administration of the Union.
- Stand for election to any Union office.
- Vote on any issues decided by the Union or participate in any Union elections.

Opting out of membership can be enacted any time throughout the academic year and it will be considered only for the academic year that they are currently in. Any students who has opted out, can opt back into the membership at any time.

1.2 Associate Members

Associate membership may be granted to persons as accepted by the Board of Trustees. The Board of Trustees will determine the form of application, the class and the removal of associate members. Generally speaking, associate members will have access to and be permitted to participate in the Union's societies and sports clubs. As in line with the Constitution, associate members shall be non-voting members and will not be CIO Members for any purpose.

1.3 Removal of Student Membership

The Code of Conduct for Student Members sets out the minimum standard in which it expects its members to adhere to and Bye Law 10: Disciplinary Procedures (Student Members) sets of the procedure for any breach of this Code. Sanctions for breach of the Code of Conduct could include the suspension or removal of some of the rights and privileges of Student Membership including the holding of office.

Bye-Law 2: Trustees

2.1 Minimum number of Trustees

There must be at least four Trustees.

2.2 Term of Office

There are three types of Trustees: Sabbatical Trustees, Student Trustees and Lay Trustees. The term of office for these roles are:

- Sabbatical Trustees: one year, commencing in mid June. A Sabbatical Trustee may be re-elected for a maximum further term of one year by Student Members, as outlined in the Constitution.
- Student Trustees: two years commencing in mid June, with the opportunity to serve one additional term.
- Lay Trustees: three years, commencing in mid April or when there is a vacancy, with the opportunity to serve two additional terms.

2.2 Responsibilities

Further to the powers and responsibilities as outlined in the Constitution, all trustees have a collective duty and responsibility to:

- Ensure the Union is carrying out its purposes for the public benefit.
- Provide leadership, set the strategy and be clear about what the Union is aiming to achieve and how it is going to do it.
- Comply with the Union's governing document and the law, establishing and overseeing controls and risk management, and monitoring performance to make sure that the Union is on track to achieve its goals, making adjustments where necessary and learning from mistakes.
- Act in the Union's best interests.
- Manage the Union's resources responsibly, making good use of financial and other resources to achieve the desired outcomes.
- Act with reasonable care and skill.
- Ensure the Union is accountable, reporting to those who have an interest in what the Union is doing and how it is doing it.

2.3 Replacement of Sabbatical Trustees

As outlined in the Constitution, if a Sabbatical Trustee resigns, is disqualified or is removed from office at any time prior to the commencement of the Academic Year, the vacancy that results on the Board of Trustees shall be filled in accordance to *Bye Law 6 Elections*.

Bye-Law 3: Sabbatical Officers

3.1 Sabbatical Officer Roles

There are four full-time, paid Elected Officers, elected by secret ballot by the student members of the Union. These are:

- President Falmouth
- President Exeter
- President Student Experience
- President Welfare & Inclusivity

All four Officers named above automatically become Sabbatical Trustees as outlined in the Constitution and Bye-Law 2 Trustees.

3.2 Major Union Office Holders

The “major union office holders” for the purposes of Section 22 of the Education Act are:

- President Student Experience
- President Welfare & Inclusivity

President Falmouth and President Exeter can only be elected by the students of their respective institution. Each Officer must be a member at the time of their election and will remain a member for the duration of their term of office

3.2 Duties of Sabbatical Officers

- The Sabbatical Officers are responsible for the governance of the Union and the representation of students through consultation with the student body.
- The Sabbatical Officers responsibilities regarding representation of the student body are, but not limited to the following: to attend meetings such as committees and student council; seek student opinion on matters of interest and /or importance to them; to inform students of any issues / activities / plans that may be of importance or interest to them, particularly those that may affect their experience as a student.
- President Falmouth and President Exeter will be responsible for the academic representation of students from their respective institution.
- The President Student Experience is elected by students from both institutions and so shall represent all members on issues concerning sport and recreation facilities, activities and events.
- President Welfare & Inclusivity is elected by students from both institutions and so shall represent all members on issues concerning welfare and inclusivity issues.

3.4 Employment

- The Sabbatical Officers term of employment will run from mid-June to the end of June the following year.
- The Sabbatical Officers will be paid an annual salary, paid monthly in equal instalments.
- The Sabbatical Officers will receive reimbursement of reasonable expenses incurred while conducting Union business.

Bye-Law 4: Committees

4.1 General

The Trustees must establish the following committees:

1. Executive Committee
2. Appointments Committee
3. Finance Committee
4. Remuneration and HR Committee

Each Committee will have its own Terms of Reference and below offers a minimum for the proceedings of each. Other Committees can be established, for example Liberation Committee and any additional Committees will have its own Terms of Reference to be reviewed annually.

4.2 Executive Committee

Further to clause 35 in the Constitution, the Terms of Reference will be reviewed annually and approved by the Board of Trustees but shall always include the below:

1. There will be at least four meetings held per academic year.
2. A staff member from the Student Voice team shall take minutes of the business of all meetings except when close agenda is declared.
3. Quorum will be three members.
4. Votes shall be made by majority vote.

4.3 Appointments Committee, Finance Committee and Remuneration & HR Committee

Further to clause 33 in the Constitution, the Terms of Reference will be reviewed annually and approved by the Board of Trustees and shall always include the below:

1. There will be at least two meetings held per academic year for each Committee.
2. The Clerk to the Board of Trustees, or their deputy, shall take minutes of the business of all meetings except when close agenda is declared and circulate the minutes to all Trustees promptly.
3. Quorum will be three Trustees
4. Votes shall be made by majority vote.

Bye-Law 5: Student Council

5.1 Remit

The SU Student Council shall have the following powers and remit:

- To have the authority to represent the voice and views of students;
- To hold elected Officers to account;
- To remove an Elected Officer from office through a motion and vote of no confidence, in accordance with clause 29 of the Constitution;
- To remove a Student Trustee from office through a motion and vote of no confidence, in accordance with clause 27;
- To debate and decide the future course of action for proposals with adequate student support made through the Make a Change Tab;
- To ratify policies passed by any Subcommittee of Council;
- To set the policy of the Union;
- To refer policy to Referenda of the Members where the Council deems it necessary or appropriate;
- To make, repeal and amend the Bye-Laws jointly with the Trustees, in accordance with clause 50 of the Constitution;
- To raise issues for discussion and agree action to be taken to address them;
- To instruct Sabbatical and other elected Officers to follow up / take action on issues, as agreed by Student Council;
- To scrutinise the outcome and effectiveness of agreed action taken;
- To receive reports from elected Officers;
- To receive quarterly reports from the Board of Trustees.

5.2 Membership

The SU Student Council will comprise the following Members:

- 1 x Student Voice Chair
- 1 x Falmouth Postgraduate Taught Representative
- 1 x Falmouth Postgraduate Research Representative
- 1 x University of Exeter (Cornwall Campuses) Postgraduate Taught Representative
- 1 x University of Exeter (Cornwall Campuses) Postgraduate Research Representative
- 1 x Accommodation Chair
- 1 x Mature Representative
- 1 x Distance Learning Rep
- 1 x Falmouth Open Position
- 1 x University of Exeter (Cornwall Campus) Open Position
- 13 x Executive Officers
- 4 x Elected Sabbatical Officers

No member may hold more than one seat on the Student Council at any one time.

Members of the Student Council shall be elected into their role.

The SU shall work as far as possible for representatives to be democratically elected. Where this is not possible, an application process will be in place.

The process of appointing Council members shall be overseen by Deputy Returning Officer.

5.3 Election of the Chair

The Chair, known as the Student Voice Chair, shall remain in office for a term of 12 months from the agreed start date as outlined in election/appointment details.

The Chair must be a student and member of The SU at the time of their election/appointment.

Should the Chair cease to be a student or member of The SU at any point during their term of office, they shall automatically cease to hold the position of Student Voice Chair.

The role, responsibilities and powers of the Student Voice Chair shall be:

- To chair each meeting of the Student Council and ensure meetings are conducted in an appropriate manner;
- To chair the Student Members' meeting(s)
- To uphold the remit of the Student Council, in particular, to hold elected Officers to account;
- To ensure the Student Council operates in accordance with the Constitution and Bye-Laws;
- To be familiar with the various student representation systems in place across The SU, University of Exeter (Cornwall Campuses) Falmouth, Falmouth Exeter Plus and externally;
- To work with staff in ensuring all Student Council positions are filled as far as possible;
- To ensure the Student Council reports to the AGM and other meetings, as appropriate;
- To liaise with staff in organising Student Council meetings and the Student Members' meeting(s).

5.4 Attendees

All members can attend Student Council meetings (but do not have voting rights).

At the request of the Student Council, staff; Universities Falmouth Exeter Plus staff or other external parties may attend student Council meetings.

5.5 Meetings

The Student Council shall aim to meet twice in term 1 & term 2 and once in term 3.

Dates for Student Council meetings shall be set at the beginning of the academic year.

5.6 Minutes

A member of the Student Voice Team (or other in their absence) will act as Minutes Secretary for the Student Council.

Minutes will be taken and circulated to members within 14 working days of each meeting. Agendas for each meeting will be circulated (at least) one week before the date of the meeting.

Minutes will be made available openly to all students via the website.

5.7 Quorum

Quorum is 6 members.

5.8 Voting & Decision-making

Only Members of Student Council have voting rights.

Each member has one vote and decisions shall be determined by simple majority vote.

In the event of a hung vote, when not all members are present, the vote shall be carried forward to the next meeting (or other appropriate time). A vote taken at the following meeting shall be carried regardless of how many voting members are present, provided the meeting is quorate.

In the event of a hung vote at which all voting members are present, the Chair shall have a casting vote.

5.9 Attendance & Conduct

Members shall be expected to attend all Council meetings. Where this is not possible, apologies should be made via the Chair or Minutes Secretary in advance of the meeting.

Absence from three consecutive meetings may result in loss of membership and will be at the discretion of the Student Voice Chair. The recruitment of any unfilled positions will also be at the discretion of the Chair.

All members shall be expected to conduct themselves with appropriate professionalism and respect for others, at all times.

5.10 Reporting

The Student Council will report to members via Student Members' meetings. Reports will include: Details of achievements, current student issues, campaigns, policy updates and new / changes to committees

Bye-Law 6: Elections

6.1 Elections

There shall be the following elections:

- Sabbatical Officers
- Part-time Officers
- Student Council Chair
- NUS Delegates

6.2 Returning Officer

A Returning Officer will be appointed annually and approved by the Board of Trustees.

The Returning Officer shall be responsible for overseeing the good conduct and administration of the elections. The Returning Officer's decision is final.

One or more Deputy Returning Officers may also be appointed annually and approved by the Board of Trustees. A Deputy Returning Officer may fulfil any of the responsibilities of the Returning Officer as required.

6.3 Nominations

If members wish to run for a position, then they must nominate themselves and provide a manifesto within the time period published by the Union.

Members of the Union who are Falmouth University students and University of Exeter (Cornwall Campuses) students can nominate themselves for the positions of:

- President Student Experience
- President Welfare & Inclusivity
- All Part-time Officers roles – some of these roles are Falmouth and Exeter specific so only students of those universities can nominate themselves for these.
- Student Council Chair
- NUS Delegate

Only members of the Union who are Falmouth University students can be nominated for President Falmouth.

Only members of the Union who are University of Exeter (Cornwall Campuses) students can be nominated for President Exeter.

NUS Delegates shall be sought from across the Union membership. Eligibility, however, shall be dependent on the specific delegate post. For example, delegates at a LGBTQ+ student conference may be required to identify themselves within that group, or delegates at an international students' conference may be required to be international students.

The Deputy Returning Officer in charge of elections will be responsible for determining the validity of any submitted nomination.

6.4 Voting

Voting in all Union wide Elections will take place through whichever process the Returning Officer believes will reach the most students and will be the most secure and reflects good governance for the Union.

Voting in all elections shall be by secret ballot using the Alternative Vote (AV), or, in the case of roles with more than one positions the Single Transferable Vote (STV).

Only members of The SU are eligible to vote.

All members of the Union can vote for:

- President Student Experience
- President Welfare & Inclusivity
- All Part-time Officers roles - some of these roles are Falmouth and Exeter specific so only students of those universities can vote for these.
- Student Council Chair
- NUS Delegate

Only members of the Union who are Falmouth students can vote for President Falmouth.

Only members of the Union who are University of Exeter (Cornwall Campuses) students can vote for President Exeter.

Re-Open Nominations (RON) shall be included as a candidate.

6.5 By-Elections

In the event of the resignation, disqualification or removal of a Sabbatical Officer before the start of the academic year, a by-election shall be held to fill the vacancy provided there is sufficient time for a full election process to be completed. A final decision on holding by-elections will be at the discretion of the Returning Officer.

In the event of the resignation, disqualification or removal of a Sabbatical Officer after the start of the academic year, the elected post will remain vacant until the next scheduled election for Sabbaticals for the following academic year.

6.6 Complaints about elections

The Returning Officer is the official charged to deal with complaints about the conduct and administration of the election. They may delegate their duties to the Deputy Returning Officer.

Bye-Law 7: Referendum

7.1 Calling a Referendum

A referendum may be called on any issue by:

- a resolution of the Trustees;
- a majority vote of the Student Council; or
- subject to clauses 27.1 and 29.2.1 of the Constitution, a Secure Petition signed by or agreed to by at least 100 Student Members.

7.2 Process

The Union will publicise that a Referendum has been called for and details of the reasons why, within 5 working days of receipt of notice.

The Returning Officer, or their Deputy will be responsible for overseeing the good conduct and administration of the Referendum. The Returning Officer, or their Deputy have the power to develop local rules and regulations as they deem appropriate.

7.3 Voting

Voting will be open for five working days.

The dates and times for voting will be publicised by the Union.

For any question put to a Referendum, the two possible answers should be to the affirmative and to the negative, in that order.

A simple majority vote will determine the outcome of the Referendum.

7.4 Quorum

Subject to clauses 27.1 and 29.2.1 in the Constitution, a resolution may only be passed by Referendum if at least 350 Student Members cast a vote in the Referendum and a simple majority of the votes cast are in favour of the resolution.

7.5 Setting Policy

Subject to clause 31.3 in the Constitution, the Student Members may set Policy by Referendums. Policy set by Referendums may overturn Policy set by the Student Council and Policy set by the Student Members at a Student Members' meeting.

7.6 Referendum Complaints

The Returning Officer, or their Deputy is the official charged to deal with complaints about the conduct and administration of the election. They may delegate their duties to the Deputy Returning Officer.

Bye-Law 8: Student Members' Meeting

8.1 Annual Students' Members meeting

At least one annual Students' Members meeting must be held each academic year.

The annual Students' Members meeting shall be called by at least 14 clear days' written notice.

The notice of the annual Students' Members meeting must state the business to be transacted which shall include:

- ratification of minutes of the previous annual Student Members' meeting;
- receiving the report of the Trustees on the Union's activities since the previous annual Student Members' meeting;
- formally presenting the accounts of the Union to the Student Members;
- approving the list of affiliations of the Union; and
- open questions to the Trustees by the Student Members.

8.2 Chair

The Chair of Student Members' meeting is the Student Voice Chair.

In the absence of the Student Voice Chair, President Student Experience will be the Chair.

8.3 Student Members discussion proposals

Student Members may forward proposals for discussion at a Students' Members Meeting by contacting the Chair prior to the meeting.

8.4 Additional Students' Members meeting

The Trustees may call a Students' Members meeting at any time.

Bye-Law 9: Complaints

9.1 Introduction

Any individual student or a group of students dissatisfied with their dealings with Falmouth and Exeter Students' Union has the right to make a complaint.

Students also have the right to make a complaint if they claim to have been unfairly disadvantaged as a result of opting out of the Students' Union membership.

If a third party is named as part of any complaint, the Students' Union must notify them as to their inclusion.

Confidentiality will be maintained by the person dealing with the complaint and the complainant will not be discriminated against or suffer recriminations as a result of making a complaint.

9.2 What is not a complaint under this procedure

Complaints will not be considered valid if they:

- are made anonymously and/or;
- are made by a third party (including parents, guardians or friends of registered students) and/or;
- have already been investigated and disposed of by the Union and/or;
- are made outside of the time limit and/or;
- are malicious, vexatious or frivolous.

9.3 Complaints procedure

All complaints will be dealt with fairly and promptly and will be investigated according to the three following stages:

- 1) Informal complaint,
- 2) Formal complaint,
- 3) Review stage

9.4 Informal complaint

We expect that most complaints will be resolved via an informal discussion about the matter at the earliest opportunity. A student or other person should therefore bring the matter to the attention of the Manager of the service, or Officer Trustee responsible for the area in question. This may be orally or in writing, including by electronic format and/or the informal complaints feedback form available online.

The recipients of informal complaints are responsible for responding to them promptly and fairly. This would normally be within five working days of receiving the complaint.

9.5 Formal complaint

If the complaint has not been satisfactorily resolved informally or if the nature of the complaint is serious, the complainant has the right to raise the matter as a formal complaint. Formal complaints may be made about a service or an individual or group within the Union.

9.6 Making a formal complaint

A formal complaint must be made in writing: (i) by personal letter or (ii) via email (iii) online complaints facility available on the Students' Union website

All complaints should be addressed to the Director of Finance & Resources. A complaint concerning the Director of Finance & Resources must be addressed to the Chief Executive Officer. The Director of Finance & Resources or Chief Executive Officer will then ensure that an investigation is undertaken.

Complaints will be considered valid if the complainant: (i) provides details of their name and contact details (ii) the nature of the complaint (iii) raises the complaint within 15 working days of the event or occurrence giving grounds for complaint, unless there are exceptional circumstances approved by the Students' Union Chief Executive Officer.

Receipt of formal complaints will be acknowledged in writing within 5 working days.

Valid complaints will be investigated within 15 working days of receipt.

The complainant will be notified of any undue delay in resolving the complaint as soon as possible.

During the investigation stage the complainant and others involved may be asked to provide verbal evidence for clarification and additional information but no formal hearings will take place.

The person conducting the investigation will determine:

- all findings of fact;
- any mitigating circumstances;
- appropriate further action if any.

Where complaints are upheld, confirmation of this and that appropriate action will be taken will be confirmed in writing to the complainant.

Any disciplinary action to be taken will be done so according to the relevant Students' Union procedures which may include:

- staff disciplinary procedures
- Bye-Law 10 Disciplinary Procedure and Appeals (student members)
- clause 26 in the Constitution under the heading Disqualification, Resignation and Removal of Trustees.

9.7 Review stage

Where complaints are not upheld the complainant will be advised after completion of the investigation and informed of the right to raise the matter with Falmouth and Exeter Students' Union Board of Trustees.

Bye Law 10: Disciplinary Procedure & Appeals (student members)

10.1 Introduction

Falmouth and Exeter Students' Union's Code of Conduct has authority over any premises managed by the Union, any Union activities, including the activities of any Union Club or Union Student Group or any misconduct which takes place outside Union premises but is connected with the Students' Union and is likely to affect the reputation of the Union.

It may be necessary in the interest of relevant parties to suspend an individual or group from participation in any Students' Union activities including the activities of any Union Club or Society pending the outcomes of a Stage 3 disciplinary hearing.

This procedure has not been written as a replacement for common law; if any criminal offence has been committed normally they should be referred to the appropriate authorities. However, if an individual/group is subject to a criminal investigation it does also mean that appropriate action using this procedure may be taken and this can run concurrently.

There are 3 stages in the disciplinary procedure:

- Stage 1 Informal
- Stage 2 Members Disciplinary Committee
- Stage 3 Members Disciplinary Hearing.

10.2 Disciplinary Procedure

Stage 1 - Informal

We expect that most issues will be resolved via an informal discussion about the matter at the earliest opportunity. A student or other person should therefore bring the matter to the attention of the Manager of the service, or Officer Trustee responsible for the area in question. If the breach is serious, they will be advised of this and the process will then proceed to Stage 2 – Members Disciplinary Committee.

Stage 2 – Members Disciplinary Committee

If any member of the Students' Union is deemed to have breached the rules of the Union, and their conduct has not been able to be addressed through an informal approach (Stage 1), or the breach is considered to be serious, they will be advised of this and their conduct shall be examined by a panel consisting of the following:

- 1 Union Director or nominee
- 1 Sabbatical Officer (shall not be the Chair of the Board of Trustees)
- 1 Union Manager

This panel shall be known as the Members Disciplinary Committee.

No individual shall sit on the Members Disciplinary Committee or Appeals Committees or any other Committee regarding the complaint if they are a witness, potential witness, the complainant or directly connected with the complainant or individual or group being charged.

The Members Disciplinary Committee will decide whether the matter is resolved as:

- not substantiated
- not proven

- informal advice given
- recorded warning
- referred to Members Disciplinary Hearing (Stage 3).

The Members Disciplinary Committee may refer any matter to either Falmouth University or the University of Exeter, or any other appropriate body as it sees necessary.

The Students' Union must inform the individual/ group of the outcome and of their right of appeal in the light of additional information or evidence. Any appeal should be made in writing to Falmouth and Exeter Students' Union Chair of the Trustee Board within 10 working days.

Stage 3 - Members Disciplinary Hearing

In the event of the decision to proceed to a Members Disciplinary Hearing a panel shall normally aim to hear such a case within 20 working days of notification.

The individual/group will be notified in writing of the allegations and a copy of the Code of Conduct and Bye Law 10: Disciplinary & Appeals (student members) will be provided.

All incidents above stage 2 disciplinary hearing guidelines will be reported to the relevant University who may also invoke the Universities own disciplinary procedures for students.

The panel holding the Members Disciplinary Hearing will have access to all evidence, papers and identify and summon witnesses and conduct other enquiries as it may think fit.

The panel will consist of 5 persons, with equal attendance from both staff and representative roles with a quorum of 4:

- 1 Union Director
- Normally the President Welfare and Inclusivity (Chair)
- 1 Union Manager
- 2 Part-Time Officers

This panel shall be known as the Members Disciplinary Panel and will normally be chaired by the President Welfare and Inclusivity. All administrative support including organisation, communications and minutes will be provided by a member of Students' Union staff.

Any panel member with an affiliation to or conflict of interest with the individual/group under review must declare this before agreeing to sit on the panel and may be asked to relinquish their position for the duration of the related hearing.

In this case a suitable replacement will sit on the panel in their place.

The Members Disciplinary Panel should hear all aspects of the disciplinary matter, including hearing and asking questions of:

- the individual or group bringing the charge (or their representative)
- the individual or group subject to the charge (or their representative)
- any witnesses called by either party

Witnesses may be called by:

- The Members Disciplinary Panel
- The individual or group or his/her representative bringing the charge,
- The individual or group subject to the charge (or their representative)

Witness may give evidence and present any relevant documents to the panel.

Based on the evidence presented, the Members Disciplinary Panel shall then deliberate on the matter and decide on the appropriate action to be taken.

Evidence of any earlier misconduct shall not be presented until after the decision has been reached on the facts of the case, but then may be admitted and considered in deciding on any punishment.

The ultimate sanction shall be the suspension of Students' Union membership.

The hearing shall take place in private and a record shall be made; these shall be kept and used in any appeal.

The panel may refer any matter to the relevant University or Universities line with the guidance in [Falmouth University's Student Code of Conduct](#) or [The University of Exeter General Regulations for Students](#)

Outcomes of the disciplinary hearing will be:

- not substantiated,
- not proven,
- proven

Penalties of the disciplinary hearing can include (further guidance in the Code of Conduct):

- informal advice given,
- recorded warning,
- Group or individual suspension (Note: Whilst under suspension no member will be excluded from the Union Advice Service or access to Advice and Representation from the Students' Union).
- Life ban from Union activities

Where a Group is disciplined it will be on the basis that a percentage of its members were collectively involved. If an allegation is made against the whole Group and involves at least 20% of its members, then the Union reserve the right to take group action.

Any complaint could begin its journey at any of the above stages.

10.3 Appeals

The Members Disciplinary Panel must inform the individual or group of their right of appeal and that any appeal should be made in writing to the Chair of the Board of Trustees within 10 working days.

The grounds of the appeal should be detailed and will normally include one or more of the following headings:

- a) procedural error
- b) new evidence which could not have been made available at the Hearing
- c) unfair or perverse decision by Disciplinary Panel
- d) severity of the decision

If there are grounds for an appeal the Chair of the Board of Trustees will convene and Chair a Members Appeals Committee. This committee will be made up of:

- President (who is Chair of the Board of Trustees)

- the Chair of the Union Council
- the Union Chief Executive or Union Director.

All must not have been involved in the original Members Disciplinary Committee. Where this is not possible, due to conflict of interest or other reason(s), any vacant place on the Members Appeals Committee will be filled by a member of the Union Council as appointed by the Union Chair of the Board of Trustees.

The individual shall be notified in writing at least 10 working days in advance of the Members Appeals Committee meeting.

The Members Appeals Committee shall review the reason for the appeal and the rationale behind the original decision. They shall also review any new evidence that has emerged since the disciplinary meeting. The matter shall be put to a vote and the decision shall be final.

The hearing shall take place in private and a record shall be made.

If the individual is still dissatisfied, then they may refer their final appeal to the Union Board of Trustees. A review will be led by one Lay Trustee and one other Trustee not previously included and their decision shall be final.

Bye-Law 11: Student Activities

11.1 Definition of Student Activities

The Student Activities of the Union comprises of student Activities Groups which include Sports Clubs, Societies, Student Media Groups & Student Fundraising formed and coordinated under the direction of the Union and monitored by Activities Committee.

The definition of a Society is a student group who voluntarily meet on a regular basis for a mutual purpose including educational, religious, political and social pursuits.

The definition of a Sports Club is a student group who meet on a regular basis for a mutual sporting or active purpose. The club revolves around physical activity that is often governed by a set of rules and involves an element of competition. This includes active pastimes.

The definition of a Student Led Volunteer Project is a student Group with key aims to provide volunteering opportunities for its members. This includes collaborative opportunities with external providers such as Charities or Community Groups or original student-led projects.

The definition of Student Fundraising is 'any student led event or activity organised with intention to raise funds for a charity or qualifying organisation'.

11.2 Activities Forum

Will provide an opportunity for every Activities Group to represent their views, share ideas and direct development.

Shall have the power: (i) Make recommendations on key aspects (ii) Give guidance and support to the President Student Experience & President Welfare & Inclusivity. (iii) Hold the President Student Experience & President Welfare & Inclusivity to account. (iv) Assist in the organisation of events and campaigns.

May sub-divide to discuss relevant sports, societies, Student Media Groups matters when appropriate.

Membership will be:

- At least one member per Activities Group
- President Student Experience
- President Welfare & Inclusivity
- Sports Officer
- Societies Officer
- Volunteering Officer
- Community Officer
- Fundraising Officer
- Student Opportunities Manager (in an advisory capacity)

Will be chaired by President Student Experience or by President Welfare & Inclusivity in the President Student Experience absence.

Quorum is 50% plus one of the attendees.

Shall meet no less than three times in each academic year.

11.3 Activities Committee

Is responsible for overseeing the governance and operating policies and procedures relating to Activity Groups in accordance with the Constitution and Bye-Laws. The Activities Committee will ensure that student consultation (through the Activities Forum) informs all recommendations.

Shall have the power to: (i) to agree the subsidy grants for the groups and approve all grants (ii) approve the setting up of new Activities Groups and closure of existing ones (iii) the Sports Officer, President Student Experience & Student Opportunities Manager to agree recipients Sports Bursary grants (iv) opportunity to discuss manifesto points and arrange support where appropriate. (v) to oversee the discipline of Student Activities Groups as detailed by Bye-Law (10) Disciplinary Procedures.

Membership shall be:

- President Student Experience
- President Welfare & Inclusivity
- Sports Officer
- Societies Officer
- Volunteering Officer
- Community Officer
- Fundraising Officer
- Student Opportunities Manager (in an advisory capacity)

Will be chaired by President Student Experience or by President Welfare & Inclusivity in the President Student Experience absence.

Quorum is 50% plus one of the attendees.

Shall meet not less than three times in each academic year.

11.4 Guidelines for Activity Groups

- Activities Groups will always remain constituent parts of the Union and are subject to the day to day rulings of the Union's Committees, Referendum and the Board of Trustees.
- Activities Groups shall have the right to use space that is accessible to the Union.
- Groups shall be eligible to receive financial assistance from the Union.
- Activities Groups shall have a Constitution which includes all the provisions in the Sample Constitution and which cannot be amended to counter the spirit and intentions of these provisions.
- The President Student Experience will approve changes to the Sample Constitution. The President Student Experience decision can be appealed to the Activities Committee.
- Membership of Groups shall only be open to members of the Union on payment of an appropriate fee.
- Non-members joining Groups shall be specifically excluded from holding office on a committee.

11.5 Formation of Activity Groups

- Activities Group formation applications must be presented to the Activities Committee for approval.
- Applications for formation must state the name, aims and objectives of the proposed Group and include the name, student number, year, email, contact number and demonstrate interest from other students who want to start the group.
- A petition in support of the Activities Group listing the names, student numbers and signatures of 20 members who would wish to join that group will accompany applications for formation.

- Any Activities Group whose membership falls below 15 members will be monitored and supported to increase their membership to remain sustainable. After six months, or if the group does not engage with the support offered, if the Activity Group still has fewer than 15 members then the Activities Committee may rule that the Group will no longer be recognised by the Union.
- On dissolution, all assets and monies of the Group revert to the Union.
- Any data held by the Union about the Group will adhere to the General Data Protection Regulation (GDPR).

11.6 Responsibilities of Activity Groups

- All Activities Groups members are subject to the requirement of the Code of Conduct and will be held accountable for the actions of their Activities Group under the remit of Bye-Law (10) Disciplinary Procedure and are expected not to bring their Activities Group, the Union or their Universities into disrepute.
- Every Activities Group must have a committee. Membership of this committee must be decided democratically by the members of the Activities Group and provide the Union with the names and details of its committee members. The Activities Group must have a minimum of three committee members. Where a group elects at least one but fewer than three committee members during their annual elections, the group will be supported to run a by-election to fill these roles before the start of the academic year, without having their affiliation to the Union revoked.
- Each Activities Group must hold an Annual General Meeting where the minutes are recorded. We recommend that this is held during the second term.
- The Activities Group must have an elected Chair (or equivalent), a Treasurer and Secretary in office. Additional positions may be added to suit the needs of the specific group. Each year the positions are open to re-election.
- Activities Groups must abide by the Union's Financial Procedures.
- Activities Groups may not hold any external bank account.
- Activities Groups must promote the views, interests and organise activities of common concern for members of the Activities Group.