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 inconsistences 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 Forum 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 have 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 July, with the opportunity to serve one additional term.
- Lay Trustees: three years, commencing in 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
- Vice President Falmouth
- Vice President Exeter

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:

- University of Exeter: President, and Vice President Exeter
- Falmouth University: President, and Vice President Falmouth

All Sabbatical Officer roles 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

3.3 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 Forum; 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 Vice President roles are responsible for ensuring equivalent student experience at the Truro and Falmouth campuses.

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 Engagement 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 Forum

5.1 Representative and campaigning functions in the SU and their role

There are the following different bodies as part of the SU:

A Student Forum (which shall meet the requirements of a "Student Council" in the constitution). It's role shall be to consider the views of students and decide on the position of the students' union on a range of issues and to prioritise them.

A Student Members' Meeting. Its role shall be to receive the accounts of the students' union as outlined in the Articles and to act with the same authority as a student forum.

A Student Executive. Its role shall be to take the positions set by the student forum or members meeting and decide on how they will be enacted.

Referenda, within which all students may vote and which may set a position and set of actions.

A Trustee Board, as outlined in the Constitution, which has overall legal responsibility for the union.

5.2 Student Forums and Student Members' Meetings – logistics and chairing

Both Student Forums and Student Members' Meetings will be open to all student members. There will be at least one Student Members' Meeting held each year to present the accounts, trustee report and affiliations to student members, and give members the ability to ask questions directly to the CEO and Trustees. All references to "Student Forums" in this byelaw shall also apply to Student Members' Meetings.

The Trustee Board will set out the dates of the Student Forums at least one month prior to the end of each academic year at a time that they feel will maximise student attendance. There will be at least one every term but no more than six in any academic year except for emergencies.

Student Forums shall take place as a hybrid meeting. Details of the location, including any online link, shall be circulated at least one week before the meeting.

5.3 Chairs of Student Forums

The Chair and Vice Chair of student forum shall be elected by the student body.

The role of the Chair and Vice Chair shall be:

a) To promote an accessible and inclusive student forum

b) To ensure the proceedings of student forum inform student members on the issues being reported and debated to allow them to make meaningful decisions

c) To ensure that the student executive report on the work they have done on the student forum priorities.

5.4 Discussion at student forums and creation of positions

Each Student Forum will discuss the following

a) A report from the Student Executive Committee on their work

b) New proposals for positions

c) Allocation of priorities for the union

d) Any other business from the Executive Committee. This will include the requirements for the annual members meeting once each year (see section 18.2 of the constitution).

5.5 Student Executive Committee report

The Sabbatical Officers will produce a written report of the work they have undertaken on the union priorities and their manifesto pledges that will be made available on the website at least 1 week before each student forum. Each Sabbatical Officer's report should be no more than two sides of A4 long.

The chair or vice chair of the forum will invite questions on the report from members present.

5.6 New proposals for positions

Student members will be able to suggest topics for positions online up to two weeks before each Forum. Students will be able to vote for which three they wish discussed up to one week before the Forum.

The Student Executive committee (as a group) will also be able to submit one position proposal to the forum which will be discussed.

Position proposals must outline a belief in relation to students of Falmouth and Exeter University. They should not outline specific actions or tactics that should be taken. They should outline how marginalised students have been considered in the proposal.

The Forum Chair and Vice Chair may set out guidelines for how positions are proposed if they wish.

5.7 Position discussion within the Forum

The Chair or Vice Chair of the forum will facilitate conversations among members of the forum on the proposed positions. These may be taken one after another or concurrently but attendees of the forum should be able to take part in at least 3 of the 4 proposals.

To help the Forum understand the issues being raised the chair will present information and invite suitable experts and those with lived experience of the motions being discussed to come to the meeting and present ideas and answer questions.

After the discussion the Forum will vote on which of the proposals (if any) will become positions of the union. This will be done by a show of hands and simple majority. The Chair will decide on the outcome of the vote but any exact tie will lead to the position falling.

Once agreed a proposal will become the position of the union for three years or unless, in the view of the Student Executive Committee, a later position contradicts it.

5.8 Prioritisation of positions

The Student Executive Committee will be expected to work on their manifesto pledges and the top six priorities of the union.

The Student Forum will vote on the top six positions of the union, including those just agreed for the Student Executive Committee to work on as a priority.

The "positions" will still be valid and can reflect the beliefs of the union in discussion with the university and others but their work will not be prioritised.

5.9 Student Executive committee

The Executive Committee's responsibility shall include representation and campaigning work and the implementation of the positions (policy) of the union.

After each Student Forum the Executive Committee shall agree on what work shall be undertaken to advance the six priority positions agreed by the forum. They shall seek to engage students in the design and delivery of this work.

They shall report back to the forum in line with byelaw 5.5 above.

The Student Executive Committee may also agree an emergency position on any issue provided that this is done by a majority vote of all members. Such an emergency position shall remain valid until the next student forum.

Meetings of the Student Executive Committee can be organised however the members agree but they must:

a) meet at least once before Forum and after Forum

b) publish copies of minutes once approved

5.10 Trustee Board

The Trustee Board has legal responsibility for the students' union and, for the avoidance of doubt, may override any decision made by another body of the union in line with section 31 of the constitution.

Bye-Law 6: Elections

6.1 Elections

The SU will hold elections for the following positions on dates deemed most suitable for students as agreed by The SU Elections & Democracy Committee:

a) Sabbatical Presidents and Vice Presidents

b) Executive Officers

c) Committee and Forum positions

Elections shall be conducted cross-campus using an online voting system wherever possible.

The SU will use either the Single Transferable Vote (STV) or Alternative Transferable Vote (ATV) counting systems as defined by the Electoral Reform Society of Great Britain and Northern Ireland.

The SU Elections and Democracy Committee shall be responsible for overseeing and organising the Union's elections.

Members of The SU Elections and Democracy Committee and The SU Trustee Board are not permitted to nominate or support any election candidates.

6.2 Nominations

Members of the Union from across the combined Falmouth and UECC student body can be nominated for the positions of Executive Officers and the Student Forum Chair.

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

Only members of the Union who are UECC students can be nominated for President and Vice President Exeter.

NUS Delegates shall be sought from across The SU membership with priority given to members of The SU Leadership Team. Eligibility, however, shall be dependent on the specific delegate post. For example, delegates at a lesbian, gay and bisexual 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.

Nominations for Committee/Forum positions shall be sought from across The SU membership unless otherwise stated.

Re-Open Nominations (RON) shall be included as a candidate on all ballot forms.

Students will need to provide their current student ID number to prove their eligibility to be nominated or to propose or second a candidate.

Only members of the Union may be nominated.

Only members of the Union may propose or second a candidate.

Candidates may only be nominated by students who are eligible to vote for the post the candidate is running for.

A list of candidates running for all positions shall be posted on The SU notice boards, emailed to students and a public announcement shall be made to the Members of the Union within 48 hours of close of nominations.

Candidates cannot hold more than one position at any one time, and therefore cannot run for more than one election being run at the same time.

6.3 Voting

Only members of The SU are eligible to vote.

Voters will need to provide their current student ID number to prove their eligibility to vote.

All members of the Union across the combined Falmouth and UECC body combined can vote for all Executive Officers and the Student Forum Chair.

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

Only members of the Union who are UECC students can vote for President and Vice President Exeter.

Those eligible to vote for NUS Delegates and Committee positions shall be stated for the relevant elections.

Votes shall be counted and verified by the senior and/or Deputy Returning Officers who shall then announce the elections results within 48 hours of the close of voting.

6.4 Election Rules

Rules of the elections shall be reviewed annually and detailed in The SU Election Pack.

The SU Elections and Democracy Committee shall have responsibility for the production and publicity of the Election Pack.

Each Election Pack should include at least:

a) Nomination form (including an anonymous equal opportunities monitoring section that can be separated)

b) Timetable for the election

c) Rules for the election

d) Election events

e) Disciplinary and complaints procedures

f) Details of the count and the results

g) CRB declaration for Trustees if appropriate

h) Contract for Sabbaticals if appropriate

i) Guidance on publicity and campaigning

6.5 Returning Officers

A Senior Returning Officer and Deputy Returning Officer will be agreed by The SU Elections and Democracy Committee and appointed by the Engagement Team before nominations open for each election.

6.6 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 SU Elections and Democracy Committee.

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.

6.7 Complaints about elections

All candidates and their campaign teams are required to abide by the letter and spirit of all election rules and procedures, University regulations and the law.

The Senior and/or Deputy Returning Officers shall investigate all complaints or breaches which are drawn to their attention.

Any complaints about the conduct of the elections, an elections candidate or student relating to the elections must be addressed to the Senior Elections Officer by the close of voting, at returningofficer@thesu.org.uk

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 Forum; 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 Forum 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 Forum Chair.

In the absence of the Student Forum Chair, one Officer from each university will Co-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

In order to be considered under this Complaints Procedure, complaints should be reported, in writing, to the Students' Union within three months of the issue arising or the incident taking place.

Late complaints may be accepted in exceptional circumstances at the discretion of the Chief Executive or their nominee, whose decision is final.

Group complaints can be accepted if these include details of all complainants and identify a named spokesperson.

Anonymous complaints will not be accepted under this Complaints Procedure.

The respondent will be provided with details of a complaint that has been received about them, to ensure transparency and enable them to provide an informed response.

The Students' Union aims to conclude cases under this Bye Law within 30 days of the complaint or incident being reported.

Reasonable adjustments to time limits can be made, at all stages of the process, when deemed appropriate by the Chief Executive or their nominee and the complainant and/or respondents will be kept informed.

Complaints against the Students' Union, Full Members, and students of the University who are eligible for Full Membership but have exercised the right not to be a member, shall be considered in accordance with this Complaints Procedure.

Complaints against all other classes of members shall be considered by the Chief Executive or their nominee and their decision shall be final.

Complaints against the Students' Union made by persons who are not Full Members shall be considered by the Chief Executive or their nominee and their decision shall be final.

Complainants or respondents may not have external or legal representation at any stage of the complaint's procedure. For the avoidance of doubt this applies to written and verbal representation.

In the context of this Complaints Procedure 'parties' refers to the individual or group making the complaint, the respondent to the complaint and the Students' Union.

In the context of this Complaints Procedure 'evidence' means material or factual information directly relating to the matter of the complaint. The party presenting the evidence is responsible for demonstrating its relevance.

In the context of this Complaints Procedure 'witness' means an individual able to provide impartial, factual, first-hand evidence directly relating to the matter of the complaint. This does not include opinion or comment.

Where there may be a conflict of interest during consideration and adjudication of a complaint the Students' Union will take reasonable steps to avoid or mitigate the conflict.

When a complaint is dismissed, it should be because of one of the following reasons: insufficient evidence and/or the complaint is deemed to be frivolous, vexatious, repetitive, unrealistic, disproportionate and/or with unrealistic expectations of outcomes.

At each stage of the Complaints Procedures, the Students' Union will consider the support needs of each party and provide or refer to appropriate support as required.

9.2 Complaints about the Students' Union

Complaints should usually fall under one or more of the following categories, noting that this list is neither exhaustive nor exclusive:

- Cost quality, or delivery of facilities, services or activities provided by the Students' Union;
- Treatment of a student or group of students by the Students' Union;
- Actions contrary to the Students' Union Constitution, Bye-Laws or approved policies;
- Fundraising activity undertaken by, or on behalf of, the Students' Union;
- Students' Union breaches of statutory or regulatory requirements including any Freedom of Speech complaints.

9.3 Complaints about a Full Member

The Students' Union may consider complaints against any member's conduct in relation to events or activities organised by the Students' Union, either on the premises or elsewhere, including officials of the Students' Union, acting in an official capacity, or members of a recognised society in the course of their usual activities.

This Complaints Procedure will cover the following types of incident noting that this list is neither exhaustive nor exclusive:

- Indecent threatening, violent or disorderly behaviour;
- Drug taking or intoxication while representing the Students' Union;
- Personal harassment that relates to a person's background or personal characteristic;
- Sexual harassment or inappropriate sexual behaviour;
- Behaviour that is bullying, hostile, intimidating, discriminatory, malicious or insulting;
- Abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end;
- Behaviour likely to cause injury, impair the safety of others or put at risk of harm any person;
- Damage to, or defacement of, Students' Union property either through misappropriation or through intentional or reckless acts;
- Any misappropriation of Students' Union resources or property;
- Theft fraud, deceit, deception or dishonesty;
- Behaviour which brings, or is likely to bring, the Students' Union into disrepute;
- Disruption, obstruction of, or improper interference with the social, governance or cultural activities of the Students' Union;

- Misconduct or inappropriate behaviour on premises of organisations associated with the Students' Union under reciprocal or other agreements;
- Breaches of Students' Union data protection, health and safety, safeguarding, equality and diversity or other policies or regulatory requirements;
- Failure to comply with a remedy or penalty previously applied under this procedure.

In the absence of a written complaint, the Students' Union may implement its Disciplinary Procedure (Bye Law 10) to deal with identified or suspected misconduct or inappropriate behaviour in relation to Students' Union activity, events, services or premises.

In certain cases, (for example a complaint of harassment):

- Arrangements may be made to ensure the complainant does not to come into direct contact with the respondent, but such arrangements shall ensure that both parties, or their nominees, can hear evidence and be given an opportunity to ask questions of the other party;
- The Chief Executive, their nominee, or Panel Chair, may use their discretion to allow written evidence to be considered anonymously, subject to them verifying the authenticity of the evidence.

9.5 Complaints about a Students' Union Sabbatical Officer, or Student Representative

Complaints about a Sabbatical Officer will be referred to an External Trustee to determine whether the complaint should be dealt with under this procedure or the Students' Union's employee procedures.

Complaints about a Student Trustee will be referred to an External Trustee to determine whether the complaint should be dealt with under this procedure or the Students' Union's **Disciplinary Procedure (Bye Law 10).**

Where a complaint about an Officer or Student Representative (Student Trustee, Academic Rep, or Forum Facilitator) of the Students' Union results in exclusion from office, or removal of duties, this outcome shall be implemented in accordance with **Disciplinary Procedure (Bye Law 10).**

9.6 Complaints about a Students' Union Employee

Complaints about a member of staff will be treated as a complaint about the Students' Union and considered against the standards, policies and procedures of the relevant service.

If, in the course of investigating the complaint, or at any subsequent stages, the Chief Executive or their nominee, have reason to believe that the conduct or behaviour of an employee may justify further consideration, the matter will be referred to the relevant employee procedures.

9.7 Assessment of complaints

Complaints are assessed by the Chief Executive, the Chair of the Board if the complaint involves the Chief Executive, or either of their nominees, who may:

- Dismiss the complaint;
- Propose an informal means of resolution;
- Request further information in order to fully assess the complaint;

- Allocate the complaint for consideration under the Procedural Stages;
- Refer the complaint to the University to be dealt with under their Discipline Regulations;
- Report or advise the complainant to report the complaint to the Police to be dealt with under the criminal justice system.

9.8 If the complainant is not satisfied with a decision to dismiss or informally resolve their complaint at the assessment stage, they may request in writing, that the complaint is considered under the Procedural Stages.

9.9 Such a request will be considered by the Chair of the Board of Trustees, or an External Trustee if the complaint involves the Chair of the Board who may:
- Uphold the original decision; or
- Refer the complaint for consideration under the procedural stages.

9.10 If not satisfied with the Chair of the Board of Trustee's or External Trustees' decision to uphold the original decision, the complainant has recourse to University Appeal (Stage 4).

9.11 Procedural stages

There will be up to three official stages to the Students' Union's Complaints process:
- Local Resolution (Stage 1)
- Complaints Panel (Stage 2)
- Appeal Panel (Stage 3)

9.12 Once these stages have been exhausted, there is a further right of appeal to the University if a complainant or respondent (if applicable) is dissatisfied with the final complaint outcome; this is known as University Appeal (Stage 4).

9.13 Local Resolution (Stage 1)

The Chief Executive, Chair of the Board or their nominees will allocate the complaint to the most appropriate Sabbatical Officer, Committee or Head of Department to investigate the complaint and determine the appropriate outcome.

At this stage, a complaint can be
- Dismissed; or
- Upheld, wholly or partially, with an appropriate remedy or penalty applied; or
- Referred to a Stage 2 Complaints Panel for consideration and decision.

If the complainant or respondent (if applicable) is not satisfied with the Stage 1 outcome they may request in writing, that a Complaints Panel (Stage 2) is convened, on one or more of the following grounds:
- Incorrect outcome was reached;
- Resolution and or/penalty was unfair or disproportionate;
- New evidence which could not reasonably have been available at the time.

The decision to convene a Complaints Panel (Stage 2) will be taken by the Chief Executive or their nominee, subject to consultation with the Chair of the Board of Trustees or Deputy Chair of the Board of Trustees.

If a Complaints Panel (Stage 2) request is rejected, the complainant or respondent if applicable, has recourse to University Appeal (Stage 4).

9.14 Complaints Panel (Stage 2)

The Complaints Panel will consider the original complaint in full, taking account of all evidence previously considered, plus new evidence presented by any party to the complaint. The Panel may decide to:

- Uphold the complaint in full or in part with an appropriate remedy and/or penalty applied;
- Reject the complaint;
- Remove, reduce or increase any remedies and/or penalties previously applied.

If the complainant or respondent (if applicable), is not satisfied with the decision of the Complaints Panel, they may request in writing, that an Appeal Panel (Stage 3) is convened, on one or more of the following grounds:

- Procedural irregularity at Stage 2 leading to an incorrect or unfair outcome;
- Resolution and/or penalty was manifestly unfair or disproportionate.

The decision to convene an Appeal Panel (Stage 3) will be taken by an External Trustee.
If an Appeal Panel (Stage 3) request is rejected, the complainant or respondent if applicable, has recourse to University Appeal (Stage 4).

9.15 Appeal Panel (Stage 3)

The Appeal Panel will consider the appeal on the relevant grounds and may decide to:

- Uphold the appeal in full or in part;
- Reject the appeal;
- Remove, reduce or increase any remedies previously applied.

Where the complainant or respondent where applicable, is not satisfied with the decision of the Appeal Panel (Stage 3) they have recourse to University Appeal (Stage 4).

9.16 Appeals to the University (Stage 4)

An appeal to the University must be made in writing to the University Secretary on one or more of the following grounds:

- Material procedural irregularity which rendered the process leading to the decision unfair;
- Material which the student could not reasonably have been expected to produce at the time of the decision taken in respect of the complaint casts substantial doubt on the appropriateness of the decision.
- The decision taken in respect of the complaint was manifestly unreasonable.

An appeal to the University will not be a re-hearing of the original complaint. The University will focus on whether the complaint was properly considered by the Students' Union under this Complaints Procedure.

Where any procedural error by the Students' Union is identified, the University can refer the complaint back to the Complaints Procedure for reconsideration.

The University Secretary will reserve recommendations as to a complaint outcome for appeals where the Students' Union's decision is found to be unlawful or unreasonable.

The decision of the University Secretary is final and cannot be challenged via this Complaints Procedure.

9.17 Outcomes, Remedies and Penalties

The following outcomes are available at procedural stages 1-3:

- A complaint is wholly upheld;
- A complaint is partially upheld;
- A complaint is dismissed.

When a complaint is wholly or partially upheld, remedies shall be fair and proportionate.

9.18 Once the outcome has been determined, the following remedies are available at Stages 1-3:

- Improvements or changes to Students' Union services, outlets, facilities, policies or procedures are recommended;
- The complainant and respondent are required to participate in training and/or mediation and conflict resolution;
- An apology is given;
- A referral to a University or external agency able to provide appropriate support.

9.19 Where a complaint relates to the conduct of a student, the additional penalties are available at Stages 1 - 3:

- Caution on future conduct;
- A letter of concern;
- Full or partial ban from, or access to, Students' Union building, licensed premises, services, events and/or activities for a prescribed period;
- Removal of the right to stand as a candidate for all or any elections for Students' Union Sabbatical Officer, Student Representative, or as an NUS delegate;
- Removal of, or ban on obtaining, Associate Membership
- Referral to the University for consideration under its disciplinary procedures;
- Referral to other action, including legal action, if such action is deemed to be in the best interests of the organisation;
- Referral to the Students' Union employment procedures for consideration of current or future employment.
- Failure to comply with the conditions of any remedy or penalty, applied at any stage of the process, will constitute an act of misconduct and the Students' Union may take further action against the student including extending the penalties, re-hearing the case or referring that matter for action under the Disciplinary Procedure (Bye Law 10).

9.20 Temporary Measures

In order to protect the Students' Union or any of its members or staff, the Chief Executive can exclude any student from all or any premises, services and activities pending consideration of a complaint under the Bye-Laws. Any exclusion will be subject to regular review.

The Chief Executive may only take such action if, in their opinion, it is necessary to protect the Students' Union or any of its members or employees.

9.21 Timeframes

The Students' Union aims to deal with complaints within the following time limits and will keep parties notified if more time is required.

Complaints will usually be assessed and a written response issued within two weeks of receipt.

Where a complaint is dealt with via Informal Resolution (Stage 1), a written outcome will usually be provided within 4 weeks of allocation.

Where a complaint is dealt with by Complaints Panel (Stage 2) or Appeal Panel (Stage 3):

- The Panel will usually be convened within 6 weeks of the referral or request;
- All parties will usually receive a least 2 weeks notice of the date of the hearing;
- All parties will be required to submit any evidence or details of witnesses they wish to rely on at least 1 week in advance of the hearing;
- The outcome will usually be notified in writing within 1 week of the hearing date.

The complainant and respondent will usually have two weeks in which to challenge or appeal a decision at any official stage of the Complaints Procedure.

Complaints may be heard outside of university term-times, during which time the deadlines may be extended.

If a Full Member has been excluded from candidacy for elected office, the respondent may appeal specifically against this penalty outside the usual time limits:

The appeal may only be submitted on the grounds that the penalty was inappropriate to the offence for which the respondent was found responsible.

It must be submitted at least one month before the close of nominations for the post(s) for which the respondent wishes to stand.

If assessed as applicable, the appeal will be considered by an Appeal Panel (Stage 3) but time limits for notice and evidence may be shorter than usual.

The member may not be given an extension of any election deadlines as a result of such an appeal.

9.22 General Arrangement for Panels

Selecting the Panel

Panel members will be drawn from a pool made up of Sabbatical Officers, Student Representatives, and staff.

A Complaints Panel will consist of two student representatives, including at least one Sabbatical Officer, and one member of staff. The staff member will also have a role in advising the process.

An Appeal Panel will consist of two Student Representatives, including at least one Sabbatical Officer who is acting in their capacity as Trustee of the Students' Union, and the Chief Executive (or nominee). The Chief Executive will also have a role in advising the process.

All Panels will be chaired by a Sabbatical Officer, unless there is a conflict of interest, in which case a suitable replacement, which may be a staff member, student representative or independent person from a partner organisation, will chair the Panel.

All panel members will be selected ensuring there is no conflict of interest. Any party may request reconsideration of any Panel member on the grounds of partiality or conflict of interest. Such a request shall be considered by the Panel Chair and their decision shall be final.

In specific and conflicted circumstances, an independent person or an individual from NUS may make up part of the panel.

9.23 Submitting Evidence

Statements and other evidence (including witnesses attending the hearing) may be submitted to a Panel, with all such information shared with all relevant parties prior to the hearing.

Arrangements for notifying witnesses of a Panel hearing will be the responsibility of the person who has requested their attendance.

Any information previously considered at earlier stages will be provided, as evidence, to a Panel hearing.

The Panel may request the input of Students' Union staff and external experts where necessary to fully consider the case.

No information about previous offences will be considered until and unless the complaint is upheld.

9.24 Attendance at the Hearing

Complainants or respondents may be accompanied by a Full Member who may speak on their behalf, but may not have external or legal representation;

A Panel hearing can be adjourned if a request is made to the Chair, by any party or Panel member, in order to consider further information, hear further witnesses or allow extra time for other reasons. Such agreement will not be unreasonably withheld and the Chair shall determine the length of the adjournment;

If the complainant or respondent and/or their representative fails to attend the hearing, the Panel may proceed with the hearing or adjourn for a reasonable period.

9.25 Making a decision

The panel will first determine the outcome of the case;

If the outcome is to uphold the complaint, the Panel will be informed of any previous offences. In such instances, the respondent will be given the opportunity to make a statement to the Panel before a decision is reached on the remedies or penalties imposed.

The Panel will then consider what remedies and penalties to set in place.

9.26 A Panel hearing will operate in accordance with the following procedures:

- The Chair will introduce all present, outline what will happen in the hearing, and ensure everyone understands the purpose of the hearing;
- The complainant or appellant will present their case and introduce any supporting statements and/or or witnesses;
- There will be an opportunity for the members of the Panel and the respondent (if applicable) to question the complainant or appellant and any witnesses;
- The respondent (If applicable) will present their case and may introduce any supporting statements and/or or witnesses;
- There will then be an opportunity for members of the Panel and the complainant or to question the respondent (if applicable);
- Any external experts or Students' Union staff called by the Panel will be heard;
- The complainant will be given the opportunity to make a final statement;
- The respondent (if applicable) will be given the opportunity to make a final statement;
- The complainant and respondents (if applicable) will be asked to leave the room to allow the Panel to make a decision;
- The decision will be notified to all parties in writing, including information about further rights of appeal.
- Where relevant, case precedents will be recorded and may be referred to in future Complaints Panel and Appeal Panel hearings.

9.27 A written summary of proceedings will be taken and made available to the complaint or respondent on request. Such information will be confidential but the Panel may publish its decision in such a way as it determines.

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 any stage of the procedure. If there is an immediate risk to health and safety or wellbeing, individuals and or group activity will be suspended pending an investigation.

Ongoing complaint or disciplinary proceedings can be reported to the universities by exception, at any stage of the process.

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 2 stages in the disciplinary procedure:

- Stage 1 Informal
- Stage 2 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 a Head of Department or Sabbatical Officer responsible for the area in question. A Head of Department, or nominee will then investigate the issue. Matters which don't breach the code of conduct, or are deemed to be low-level breaches, will be considered under this stage.

The investigating officer will then decide if the matter is

- not substantiated
- not proven
- wholly proven
- partially proven
- referred to Stage 2- Members Disciplinary Hearing

If the matter is not substantiated or not proven, the below action may be taken:

- informal advice given
- Letter of apology to be written
- training and/or mediation and conflict resolution for the complainant and respondent

If the matter is wholly or partially proven, the below action may be taken against individuals:

- recorded warning
- Letter of apology to be written
- Temporary removal or suspension from club/society committee or membership

If the matter is wholly or partially proven, the below action may be taken against groups:

- recorded warning
- Letter of apology to be written
- Temporary removal of privileges such as support from website and/or other support
- Temporary removal of ability to hire or use university facilities as a club/society
- Temporary suspension of student group activities

The above sanctions are not exhaustive and the investigating officer may impose any temporary sanctions deemed appropriate.

If the conduct breach is serious, the respondent will be advised of this and the process will then proceed to Stage 2 - Members Disciplinary Hearing.

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 2 - 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 at this stage 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 Sabbatical Officer(not the Chair of the Board)
- 1 Union Head of Department
- 1 Union Staff Member
- 2 Student Representatives

This panel shall be known as the Members Disciplinary Panel and will normally be chaired by a Sabbatical Officer. All administrative support including organisation, communications and minutes will be provided by a member of Students' Union staff. A student representative can be a Student Trustee, Academic Rep, or Forum Facilitator.

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,
- partially proven
- wholly proven

If the matter is not substantiated or not proven, the below action may be taken:

- informal advice given
- Letter of apology to be written
- training and/or mediation and conflict resolution for the complainant and respondent

If the matter is wholly or partially proven, the below action may be taken against individuals:

- recorded warning
- Letter of apology to be written
- Full or partial ban from, or access to, Students' Union building, licensed premises, services, events and/or activities for a prescribed period;
- Removal of the right to stand as a candidate for all or any elections for Students' Union Sabbatical Officer, Student Representative, or as an NUS delegate;
- Removal of, or ban on obtaining, Associate Membership

- Removal or suspension from club/society committee or membership
- Lifetime ban from the SU and no longer a member
- Refer to University for disciplinary action
- Fine for damages

If the matter is wholly or partially proven, the below action may be taken against groups:

- recorded warning
- Letter of apology to be written
- Club/society fine
- Removal of privileges such as support from website and/or other support (for a week/month/year)
- Removal of ability to hire or use university facilities as a club/society (for a week/month/year)
- Removal of teams from the Club/Society
- Removal from BUCS competitions or local leagues
- Removal of grant funding and/or the ability to apply for funding
- Refer to University disciplinary action
- Disaffiliation of student group for (1/2/3 years)

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:

- the Sabbatical Officer who is Chair of the Board of Trustees (or nominee)
- 1 Student Representative
- the Union Chief Executive (or nominee)

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 nominee 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.