

UPSU Governing Documents
Union Council Bye Law
October 2018

Approval Details

Approved by	G&A Committee	Date	May 2018
Approved by	Trustee Board	Date	June 2018
Ratified by	Union Council	Date	October 2018
Ratified by	SU UEG	Date	October 2018
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Review lead staff member	Director of Student Experience		

Reviewing this document

This document may be amended with the permission of the Board of Trustees, following pre-approval by Governance and Appointments Committee.

Union Council will then review any significant changes to this Bye-law prior to any such change taking effect in order to permit the Council the opportunity to provide feedback and raise any concerns in respect of any such change directly with the Union Chief Executive who will refer such feedback and concerns to the Board of Trustees for further consideration.

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1 Union Council

- 1.1 The composition and proceedings of the Union Council are set out within this Bye- Law. No Student Member (as defined in Part 11 of the Articles) may hold more than one seat on the Union Council at any one time.
- 1.2 The Union Council shall have the authority to:
 - 1.2.1 Represent the voice of students, holding discussion regarding student experiences and ideas/feedback from the Forums;
 - 1.2.2 Subject to Articles 17 and 31.3 in the Memorandum and Articles of Association of the Union, set the political policies of UPSU and refer policies to a Referendum of the Student Members or to the Student Members at a Student Members' Meeting;
 - 1.2.3 Make, repeal and amend the Bye-Laws jointly with the Trustees

in accordance with Article 50 of the Memorandum and Articles of Association of the Union;

- 1.2.4 Receive report from the Trustees at each meeting; and
- 1.2.5 Appoint Associate Members in accordance with Article 15 of the Memorandum and Articles of Association of the Union and the Bye-Laws

2 Union Council Membership

2.1 Union Council shall consist of the following:

2.1.1 Sabbatical Officers, as elected by Student Members of the Union in a secret cross-campus ballot:

- President,
- Vice President Education,
- Vice President Wellbeing and Diversity,
- Vice President Activities and Development,
- Vice President Sport.

2.1.2 Part Time Officers as elected by Student Members of the Union in a secret cross-campus ballot:

- Part Time Postgraduate Officer
- Part Time Societies Officer
- Part Time International Students Officer
- Part Time Academic Officer
- Part Time Sports Officer
- Part Time Welfare Officer
- Part Time Faith and Belief Officer
- Part Time Mature Students Officer
- Part Time Environment and Sustainability Officer
- Part Time Volunteering Officer

2.1.3 Part Time Liberation Officers as elected by Student Members of the Union who self-define as belonging to the following liberation groups in a secret ballot:

- Part Time Black, Asian and Minority Ethnic (BAME) Officer
- Part Time Lesbian, Gay, Bisexual and Transgender + (LGBT+) Officer
- Part Time Women's Officer
- Part Time Disabled Students' Officer

2.1.4 Part Time Partner Institutions Officer as elected by Student Members from the University of Plymouth's UK Partner

Institutions:

- Part Time Partner Institutions Officer
- 2.1.5 School Representatives as elected by Student Members of the Union in a secret cross campus ballot:
- A School Representative from each School of the University
- 2.1.6 Union Council Chair, as elected by Student Members of the Union in a secret cross campus ballot:
- Union Council Chair
- 2.2 All of the above, apart from the Union Chair, form the elected voting representatives. These are the members who count towards a quorum and are the only members with voting rights.
- 2.3 The Chair of the Accountability Board shall also attend the meeting; they shall be impartial and will have no voting rights.

3 Powers of the Union Council

- 3.1 The Union Council will be responsible for creating Political Policies for the Union and shall have the power to vote on and implement such Policies.
- 3.2 Any member of the Union Council can propose a change to the Memorandum and Articles of Association or Bye-Laws of the Union.
- 3.2.1 For proposals to change the Memorandum and Articles of Association of the Union, Article 9 of Part 1 shall be followed
- 3.2.2 For proposals to change Bye-Laws of the Union, a majority vote of the Union Council will decide if it is reasonable to call for a change. t,If Union Council is in agreement, the President will report the proposed amendment at the next Governance and Appointments Committee for consideration.
- 3.3 The Union Council will have the power to request non-confidential information from the Board of Trustees.
- 3.4 Union Council will have the power to pass a motion of no confidence in a Trustee of UPSU which must be passed by a majority vote of the Union Council. Such a motion shall only be triggered by a Secure Petition signed or agreed to by at least 800 student members. Proceedings will be as laid out in Article 26 of the M&As and in the Trustee Board Bye Law.

4 Union Council Meetings

- 4.1 The Union Council shall meet a minimum of four times per year.
- 4.2 The dates of the meetings shall be decided jointly by the Union Council Chair, the Sabbatical Officers and the Student Voice department so they can form part of the Union's annual calendar of events. Any democratic processes shall take priority over other activities. In the event of the UC Chair post being vacant, the meeting dates can be agreed between the other two parties.
- 4.3 The Deputy Chair of the Union Council shall be elected at the appropriate Union Council meeting from Part Time Officers and School Representatives nominating themselves for election.
- 4.4 The Union Council Chair will remain impartial whilst chairing the meeting.
- 4.5 Whilst chairing the Union Council, the Chair will not be permitted to vote. However if the vote is tied, the Chair may have a casting vote as per 4.6 below
- 4.6 In the case of tied vote the Chair of Accountability Board shall recommend if;
- - a casting vote of the Union Council Chair is sufficient.
 - the full membership of Union Council, including those who were not present at the meeting, shall be able to vote
 - Union Council should consider whether further student consultation is needed
- 4.7 the issue shall trigger the Referendum process as per the bye-law. This decision shall be made in agreement with the Union President or in their absence, their nominee from the Sabbatical Officer team. Meetings shall be conducted according to the [debating rules](#).

5 Agenda

- 5.1 All items for discussion and decision shall be submitted to the Student Voice Department at least 10 working days in advance of the meeting. Deadlines for submissions shall be published alongside the meeting dates.
- 5.2 It is the responsibility of the Student Voice Department to prepare the agenda with support from the Chair of Union Council. The agenda and any associated papers shall be circulated by the Student Voice Department five working days before the meeting.
- 5.3 Policy proposals shall be sent to the CEO for review prior to being circulated. The CEO shall discharge the duty of ensuring that the proposal complies with the democratic and governance processes of the Union as well as any relevant legislation, as appropriate following section 13 below, and in accordance with 5.1 above.

- 5.4 The Sabbatical Officers, Part Time Officers and School Representatives should update the Union Council about any significant issues they have dealt with and any related outcomes as a standing agenda item.

6 Apologies

- 6.1 Every UC member is expected to attend all UC meetings. If this is not possible, apologies must be submitted to the Student Voice Team, with a reason for absence, as far in advance as possible.
- 6.2 Failure to submit apologies or provide adequate reason for absence for two consecutive meetings shall result in the member concerned being removed from the Union Council.
- 6.3 If a Part Time Officer or School Representative is unable to attend a meeting, then they are able to send a Deputy. The deputy representative in attendance shall have full voting rights
- 6.4 Members who are unable to attend will still be expected to submit any necessary reports and feedback to Student Voice Department or the Chair of the Union Council.

7 Minutes

- 7.1 Minutes of the meeting, along with any relevant papers and reports, shall be made public on the UPSU website at the earliest available opportunity but not exceeding 10 working days following the meeting.

8 Quorum

- 8.1 The quorum of the Union Council shall be 75% of its elected voting membership. The meeting cannot make any decisions on any matter until this has been established. In exceptional circumstances and with the majority agreement of the members present, an email vote of absent members may be used to establish quoracy after the meeting.
- 8.2 If less than 50% of the Union Council membership attends any meeting, the Union Council shall be adjourned. The Chair of the Union Council reserves the right to adjourn the meeting if quoracy of 75% is not met.

9 Voting

- 9.1 Should the need for a vote arise, the Union Council Chair shall call for a simple

show of hands.

9.2 The order of voting shall be;

- those in favour,
- those against,
- any abstentions.

The results of all votes shall be included in the minutes of the meeting and will be published to the student membership via our website.

9.3 In exceptional circumstances, a secret ballot may be requested by any member of Union Council, to the Accountability Chair, 2 days before the meeting, giving reasons for the request. The decision to hold a secret ballot will be determined by the Accountability Chair.

9.4 Any member may request additional time for debate prior to voting or call for the deferment of voting pending further information. Agreement to do so shall be subject to a majority vote. The Chair of the Union Council retains the right to refuse requests for additional rounds of debate if they believe there was sufficient time spent on the issue.

10 Emergency Meeting

10.1 An Emergency Meeting may be called by;

- a petition of the quorate elected voting members of Union Council
- a petition of 400 Student Members of the Union, submitted to the Union President or their nominee from the Sabbatical Officer team
- the Chair of Accountability Board, with a majority agreement of the members of that Board.
- All requests to hold an Emergency Meeting must be submitted to the Student Voice Team and specify the issue to be discussed.

10.2 The Emergency Meeting should be held on a date not exceeding seven working days after the request for an Emergency Meeting has been submitted to the Student Voice Team.

10.3 Only the issue specified in the application shall be discussed at the Emergency Meeting.

11 Decisions without a meeting

11.1 It may become necessary for the Union Council to make a resolution without holding a meeting, this may occur in the following circumstances; for example during vacation time or if the decision is time critical.

- 11.2 The Union President and the Chair of Accountability Board must be in agreement for a decision to take place without a meeting.
- 11.2 The Student Voice Department shall be responsible for communicating the issue to all of the Union Council members and for collating any responses along with the final vote.
- 11.3 All of the Union Council members must be given adequate time to be made aware of the issue and to discuss and respond.
- 11.4 All communication should be made in writing, including electronic means.
- 11.5 A decision will only be made once 75% of voting members have responded.
- 11.6 Any resolution or matter discussed outside of a meeting shall be recorded and reported in the minutes at the next meeting.

12 Accountability Board

- 12.1 The Accountability Board shall be comprised of a maximum of ten and a minimum of five elected representatives and a Chair.
- 12.2 If less than five members are elected the scope and powers of the Accountability Board will be discussed by the Governance and Appointments Committee, taking into account advice from Student Voice.
- 12.3 The Election of the Accountability Board Members will be as follows and as set out in the Elections Bye-Law;
 - 12.3.1 the Chair of the Accountability Board will be elected by Student Members of the Union in a secret cross-campus ballot,
 - 12.3.2 members of the Accountability Board will be elected by Student Members of the Union in a secret cross-campus ballot.
- 12.4 Neither the Chair nor any member of the Accountability Board may be co-opted into their position.
- 12.5 The Board of Trustees may call for a bye-election of members of the Accountability Board (e.g. in circumstances such as multiple resignations or unfilled positions)
- 12.6 All Members of the Accountability Board must declare any conflict of interest at the start of any meeting or discussion, as appropriate.

- 12.7 The Chair of the Accountability Board shall attend the Union Council to act as an independent representative and ensure that any decisions made meet with the principles of democracy as defined in the Core Constitution. This may include but is not limited to;
- 12.7.1 questioning the attendance and outcomes of any Union Council meetings attended or hosted by members,
 - 12.7.2 questioning the work of the elected representatives and if that work is representative of the student body that are eligible to vote for that position,
 - 12.7.3 scrutinising any decisions made by the Union Council. The Accountability Board will have the power to recommend whether an issue is debated and voted on at Union Council or to suggest an alternative course of action such as further research or student feedback.
- 12.8 A member of the Accountability Board, where ever possible, shall attend a Forum's meeting to ensure they are working effectively and that elected representatives are held to account. Where it is not possible to attend the Forum, a member of the Accountability Board shall review the minutes of the Forum or meet with the Part Time Officer following the meeting.
- 12.9 The Chair of the Accountability Board and one other Accountability Board member will meet with the Sabbatical Officers individually, at least once a semester, to review their activity and ensure that they are working to represent the best interests of students and report back to Union Council. A copy of their report shall be available on the UPSU website
- 12.10 The Accountability Board shall also be involved in reviewing the progress of student-led Policy and determining if further action is required and, if so, by whom.
- 12.11 The Accountability Board shall meet once per month to feedback on any Forums, the Sabbatical Officers and the Union Council meetings.
- 12.12 Any Student Member of the Union may submit a question or seek feedback about the work of any Sabbatical Officer, Part Time Officer or School Representative at any time. The request should be raised in confidence with the Chair of the Accountability Board who will respect confidentiality as appropriate, and who has a duty to respond in a timely manner.
- 12.13 The Accountability Board shall have the power to recommend if an issue or Policy decision raised at a Forum, the Union Council or by a student needs further

consultation or should be deferred to the next meeting for further debate. This will be dependent on the quoracy of the meeting and the significance of the issue.

- 12.14 All calls for a censure or a vote of no confidence of either an Sabbatical Officer (in their role as a representative), Part Time Officer or School Representative shall be addressed to the Chair of the Accountability Board who, with the support of Student Voice, shall be responsible for leading an investigation and any subsequent appeals. The process shall follow in Section 15
- 12.15 If the call for censure or vote of no confidence concerns the Chair of the Accountability Board then the issue shall be raised with the Union President who will follow procedures set out in Section 15. The President or their nominee from the Sabbatical Officer team will take the place of the Chair of Accountability Board where set out in those procedures.

13 Policy

- 13.1 Policy proposals and ideas can be submitted using the Policy Proposal template (available on the [Student Voice pages](#)) in the following ways:
- By any member of Union Council with voting rights,
 - By any Student Members of the Union submitting an idea via the UPSU website and developing it with assistance from Union staff and Sabbatical Officers
 - By any Student Members of the Union working in collaboration with a Part-time Officer, School Rep or Sabbatical Officer
- 13.2 The Board of Trustees may override any decision or Policy made by the Union Council which the Board of Trustees consider (at their absolute discretion):
- has or may have negative financial implications for UPSU;
 - is or may be in breach of, contrary to or otherwise inconsistent with charity or education law or any other legal requirements (including ultra vires);
 - is not or may not be in the best interests of UPSU or in line with its charitable objects; or
 - will or may otherwise affect the discharge of any of the duties related to the overall governance, budget or strategy or UPSU
- 13.3 Policy proposals shall be reviewed by the Student Voice Department and CEO at the time of submission to ensure that they are compliant with any Union

process and adhere to current legislation governing Students' Unions; the Proposal Impact Assessment (Appendix 1) will be utilised to support the review process.

- 13.4 Feedback regarding all Policy proposals will be sought from the student membership prior to discussion at Union Council. This can be achieved through various means including digital and face to face channels. Feedback from the membership should be utilised to assist Union Council debate and decision making.
- 13.4 Any policy proposals not meeting the criteria set out above will not be accepted and shall be deferred pending amendment and resubmission.
- 13.5 Any vote on Policy by the Union Council, will be binding for two years
- 13.6 Once it has been discussed at Union Council (or Student Members' Meeting) any Policy, either accepted or rejected, may not be discussed within two years from the date of the original proposal; this includes rephrasing or redressing the proposal in another guise unless an elected representative is able to demonstrate the significance of the proposal by submitting 400 signatures from Student Members of the Union.
- 13.7 Once a policy proposal has been accepted it is the responsibility of the original proposer to assist with the implementation of any agreed resolutions. They may be assisted by Union staff or Sabbatical Officers, as appropriate.
- 13.8 It shall be the responsibility of the Student Voice Department to maintain an accurate record of all student-led policy.
- 13.9 The Accountability Board shall scrutinise student-led policy and make any recommendations to Union Council, this may include;
- holding a proposer to account if they have not progressed an issue
 - recommending that a policy lapse as it is no longer relevant
 - recommending that a lapsing policy be reviewed and re-submitted to run for a further two years.
 - ensuring compliance
- 13.10 Any policy may be subject to review from the Board of Trustees at any time within the two-year period following any changes to legislation or regulation.

14 Election of Union Council Members

- 14.1 Elections for student representatives will take place as follows and as set out in the Elections Bye-Law;

- 14.1.1 The Sabbatical Officers shall be elected by Student Members of the Union in a secret cross-campus ballot,
 - 14.1.2 Part Time Officers shall be elected by Student Members of the Union in a secret cross-campus ballot,
 - 14.1.3 Part Time Liberation Officers will be elected by Student Members of the Union who self-define as belonging to that liberation group, in a secret cross-campus ballot,
 - 14.1.4 the Part Time Partner Institution Officer will be elected by Student Members of the Union, studying at one of the University of Plymouth's Partner Institutions.
 - 14.1.5 School Representatives shall be elected by Student Members of the Union in a secret cross- campus ballot
- 14.2 Co-option of Part Time Officers, School Representatives and Deputies outside of election periods will need approval by a majority vote from the respective Forum where possible, and then formally appointed at the Union Council.

15 Censure/ Resignations

- 15.1 Procedure for Censure
 - 15.1.1 Censure is the formal disapproval of the actions of an elected representative which will be debated and voted on at Union Council, the debate and outcome of the vote will be minuted and published
 - 15.1.2 Any calls for a censure must be initiated in accordance with 12.14 above.
 - 15.1.3 On receipt of a call for a censure, the Chair of the Accountability Board, with the support of Student Voice, shall advise the elected representative in question that a censure has been proposed and of their right to make representations.
 - 15.1.4 The Chair of the Accountability Board, in consultation with Student Voice, shall then determine whether there is a prima facie case to answer. In so doing they may seek additional information from either or both of the individual who initiated the call for a censure and/or the elected representative who is the subject of the proposed censure.
 - 15.1.5 Of, on the basis of the information provided, there is potentially a case to answer, the proposal will be included on the next Union Council agenda subject to meeting the conditions of section 5 above. The proposal will then be debated and voted on at the next Union

Council meeting, this will be recorded in the minutes.

- 15.1.6 If a censure motion is carried, the elected representative concerned may appeal against the decision to the Chair of the Accountability Board, who will consult Student Voice to determine whether it is a valid appeal and if so the most appropriate mechanism for considering it. An appeal must be submitted within three working days of notification of the Union Council decision, and may be considered only on the grounds that there was a procedural flaw in the investigation or the proceedings at Union Council, or that there is relevant information which has not previously been considered, or any other reason considered valid by the Chair.
- 15.1.7 If an appeal concludes that the censure should not stand, the Chair of the Accountability Board shall advise the elected representative and the Union Council of the decision and the reasons for it.
- 15.1.8 If an elected representative is subject to two censures which have been upheld by Union Council, this will automatically trigger an Accountability Review
- 15.1.9 Following the Accountability Review and consideration of any appeal against the outcome (as per Section 16 below), the Accountability Board will provide full feedback to Union Council who, following fair discussion are able to progress a motion of no confidence (as per section 17 below)
- 15.1.10 An Accountability Review may be conducted at any time, to be decided by the Accountability Board

16 Right of Appeal against the outcome of an Accountability Review

- 16.1 If the Sabbatical Officer, Part Time Officer or School Representative in question choose to appeal the decision of an Accountability Review they must inform the Chair of the Accountability Board in writing no later than three working days after they have been informed of the outcome of the Accountability Review.
- 16.2 If an appeal is made, the Chair of the Accountability Board shall convene and Chair an independent panel to hear the appeal. The independent panel shall consist of:
- One student Trustee
 - Five randomly selected Course Representatives
- 16.3 The panel will be supported by the Student Voice team acting in an advisory and note taking capacity.

The appeal panel shall collectively decide whether the outcome of the Accountability Board review should stand or whether the appeal is upheld. This will be fed back to the Union Council by the Accountability Board Chair and recorded within the minutes.

17 Removal from Office / vote of no confidence

17.2 An elected representative of Union Council shall be removed from office if they:

17.2.1 Resign (or on death);

17.2.2 Are removed from office as an elected representative by

- A motion of no confidence in the Elected representative passed by a simple majority of Student Members voting in a Referendum, provided at least 3% of the Student Members cast a vote in the Referendum. Such a motion shall only be triggered by a Secure Petition signed or agreed to by at least 800 members; or
- A motion of no confidence in the elected representative is passed by a majority in a vote of the Union Council, following the procedures set out in Sections 15 and 16 above.
- Ceasing to be a student

17.3 Provided that, in the case of a Sabbatical Officer, such removal shall be subject to UPSU having first carried out any steps it is required to take under the Sabbatical Officer's contract of employment and/or the applicable disciplinary procedure and otherwise in accordance with good employment practice.

17.4 All resignations must be submitted to the Student Voice Department in writing, and will take effect immediately. All resignations will be reported at the next Union Council meeting.

17.5 The Board of Trustees will decide whether to hold a bye-election, whether the position can be co-opted or whether the position shall be vacant for the remainder of the year.

18 Forums

18.1 For each area the elected Part Time Officers' represent, there can be a Forum. This does not include the School Representatives

18.2 Student led Forums exist to develop and enact the policy proposals passed by Union Council

18.3 Actions set by the Chair of Union Council for the purposes of progressing policy should be completed by the relevant Part time or Sabbatical Officer and reported back to Union Council within an agreed timescale.

- 18.4 Sports and Societies Forum should be held on a regular basis and will progress both policies as well as other business as appropriate, for example approval of new groups and allocation of funding.
- 18.5 Forums shall be run and chaired by the elected Part Time Officer, with assistance from Student Voice Department, or other relevant staff members, as appropriate. Each Forum shall be supported, but not run by, one Sabbatical Officer to offer advice and clarification. Sabbatical Officers shall not be able to vote at any Forum but will be able to contribute to debate.
- 18.6 All Forums will be open to every Student Member of the Union and they may contribute to debate, including Liberation Forums. However, those members attending the liberation forums that do not self-define as belonging to that liberation group may be asked to leave or may only be invited for timed business
- 18.7 Every Student Member of the Union will be able to vote at any Forum, excluding the Liberation Forums where only those Student Members of the Union who self- define as belonging to that liberation group may vote.

19 Student Members' Meeting

- 19.1 In terms of the obligations of the Sabbatical Officers, Part Time Officers, School Representatives, Clubs and Society Committees and members of the Accountability Board in relation to the annual Student Members' Meeting reference should be made to the General Meeting Bye-Law

For further help and advice, please contact the Governance Team

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