

always putting  
**students**  
first



**constitution**

LUSU 



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## PREAMBLE

Lancaster University Students' Union is a democratic organisation, which believes that its strength derives from the engagement and activism of its membership.

Its core purpose shall be the pursuit and development of its members' interests; championing the needs and wellbeing of Lancaster University students in the educational, social and cultural fields. LUSU endeavours not only to represent and promote student interests, but also to arrange provision of relevant opportunities and services, ensuring throughout a collective spirit of tolerance and respect.

This Constitution has been written with this outlook in mind and aims to embody our principles and values, promote the common good and ensure we remain a strong and sustainable organisation.

Finally, revised though this Constitution may be:

- (a) It can always be improved, and
- (b) For democracy to work effectively, people must be willing to participate.

**Tim Roca**

LUSU President, 2007/2008

**Michael Payne**

LUSU President, 2008/2010

**Robbie Pickles**

LUSU President, 2010/2011



## 1. SECTION ONE: BACKGROUND

### 1.1. Name

The name of the organisation shall be 'Lancaster University Students' Union', henceforth referred to as 'LUSU'.

### 1.2. Nature and Purpose

- 1.2.1. LUSU is a students' union within the meaning of the Education Act 1994. LUSU is devoted to the educational interests and welfare of its members.
- 1.2.2. LUSU is an independent charity that is separate but part of Lancaster University, as described by the University Statutes.
- 1.2.3. Under the Education Act 1994, Lancaster University has a statutory duty to ensure that LUSU operates in a fair and democratic manner and is held to proper account for its finances. LUSU therefore works alongside Lancaster University in ensuring that the affairs of LUSU are properly conducted and that the educational and welfare needs of LUSU's members are met.
- 1.2.4. The relationship between the University and LUSU is further defined in the 'Code of Practice between Lancaster University and Lancaster University Students' Union'.
- 1.2.5. LUSU will seek at all times to:
  - 1.2.5.a. ensure that the diversity of its membership is recognised and that equal access is available to all Members of whatever origin or orientation;
  - 1.2.5.b. pursue its aims and objectives independent of any political party or religious group;
  - 1.2.5.c. pursue equal opportunities by taking positive action within the law to facilitate participation of groups discriminated against by society.
- 1.2.6. This Constitution has been structured to give the Board of Trustees reasonable authority to manage the affairs of LUSU in a professional manner. The Members enjoy the right, which must be exercised in accordance with charity law, to elect a proportion of the Trustees and to dismiss all of the Trustees. The Board of Trustees will give the utmost consideration to the views of Members.

### 1.3. Definitions and Interpretation

- 1.3.1. The meanings of any defined terms used in this Constitution are set out in Section 19. If any dispute arises in relation to the interpretation of this Constitution or any of the Bye Laws, in the first instance it shall be resolved by the LUSU President and thereafter may be referred to the Trustee Board for ultimate resolution.

## 2. SECTION TWO: OBJECTS AND POWERS

### 2.1. Mission Of LUSU

To ensure representation, support, opportunities and services for Lancaster Students.

- 2.1.1. The strategic direction of LUSU shall be put to a referendum of the membership every three years and shall be prepared by the Trustee Board with the support of the LUSU Council.

### 2.2. Objects

LUSU's objects are the advancement of education of students at Lancaster University for the public benefit by:

- 2.2.1. promoting the interests and welfare of students at Lancaster University during their course of study and representing, supporting and advising students;
- 2.2.2. being the recognised representative channel between students and Lancaster University and any other external bodies;
- 2.2.3. providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of its students.
- 2.2.4. The objects of LUSU shall be pursued only within its Constitution and within the law. No LUSU body or Officer may act in contradiction to this.

### 2.3. Powers

To further its objects, but not to further any other purpose, LUSU may:

- 2.3.1. provide for the supply of goods, services and other facilities to the members and, where appropriate, to non-members;
- 2.3.2. establish, support, promote and operate a network of student activities for Members;
- 2.3.3. support any RAG or similar fundraising activities carried out by its Members for charitable causes, including the provision of administrative support, banking facilities and acting as a holding trustee of any funds raised;
- 2.3.4. alone or with other organisations:
  - 2.3.4.a. carry out campaigning activities;
  - 2.3.4.b. seek to influence public opinion;
  - 2.3.4.c. make representations to and seek to influence governmental and other bodies and institutions

Regarding the reform, development and implementation of appropriate policies, legislation and regulations provided that all such activities shall be confined to the activities which an English and Welsh charity may properly undertake and provided that LUSU complies with the Education Act and any guidance published by the Charity Commission;

- 2.3.5 write, make, commission, print, publish or distribute materials or information or assist in these activities;
- 2.3.6 promote, initiate, develop or carry out education and training and arrange, provide or assist with exhibitions, lectures, meetings, seminars, displays or classes;

- 2.3.7 promote, encourage, carry out or commission research, surveys, studies or other work and publish the useful results;
- 2.3.8 provide or appoint others to provide advice, guidance, representation and advocacy;
- 2.3.9 co-operate with other charities and bodies and exchange information and advice with them;
- 2.3.10 become a member, affiliate or associate of other charities and bodies;
- 2.3.11 support, set up or amalgamate with other charities with objects identical or similar to LUSU's objects, and act as or appoint trustees, agents, nominees or delegates to control and manage such charities;
- 2.3.12 purchase or acquire all or any of the property, assets, liabilities and engagements of any charity with objects similar to LUSU's objects;
- 2.3.13 incorporate and transfer all its assets to a charitable limited liability legal entity, and dissolve at any time following such incorporation and transfer if the Trustees consider it appropriate to do so;
- 2.3.14 raise funds and invite and receive contributions from any person provided that LUSU shall not carry out any taxable trading activities in raising funds;
- 2.3.15 borrow and raise money on such terms and security as LUSU may think suitable (but only in accordance with the restrictions imposed by the Charities Act 1993);
- 2.3.16 purchase, lease, hire or receive property of any kind including land, buildings and equipment and maintain and equip it for use;
- 2.3.17 sell, manage, lease, mortgage, exchange, dispose of or deal with all or any of its property (but only in accordance with the restrictions imposed by the Charities Act 1993);
- 2.3.18 make grants or loans of money and give guarantees;
- 2.3.19 set aside funds for special purposes or as reserves against future expenditure;
- 2.3.20 invest and deal with LUSU's money not immediately required for its objects in or upon any investments, securities, or property;
- 2.3.21 delegate the management of investments to an appropriately experienced and qualified financial expert provided that:
  - 2.3.21.1 the investment policy is set down in writing for the financial expert by the Trustees;
  - 2.3.21.2 every transaction is reported promptly to the Trustees;
  - 2.3.21.3 the performance of the investment is reviewed regularly by the Trustees;
  - 2.3.21.4 the Trustees are entitled to cancel the delegation at any time;
  - 2.3.21.5 the investment policy and the delegation arrangements are reviewed at least once a year;

- 2.3.21.6 all payments due to the financial expert are on a scale or at a level which is agreed in advance and are notified promptly to the Trustees on receipt; and
- 2.3.21.7 the financial expert may not do anything outside the powers of the Trustees;
- 2.3.22 arrange for investments or other property of LUSU to be held in the name of a nominee (being a company or a limited liability partnership registered or having an established place of business in England and Wales) under the control of the Trustees or a financial expert acting under their instructions and to pay any reasonable fee required;
- 2.3.23 lend money and give credit to, take security for such loans or credit and guarantee or give security for the performance of contracts by any person or company;
- 2.3.24 open and operate banking accounts and other facilities for banking and draw, accept, endorse, negotiate, discount, issue or execute negotiable instruments such as promissory notes or bills of exchange;
- 2.3.25 trade in the course of carrying out any of its objects;
- 2.3.26 establish or acquire subsidiary companies to carry on any taxable trade;
- 2.3.27 subject to Clause 2.4 (Limitation on private benefits), employ and pay employees and professionals or other advisors;
- 2.3.28 grant pensions and retirement benefits to employees of LUSU and to their dependants and subscribe to funds or schemes for providing pensions and retirement benefits for employees of LUSU and their dependants;
- 2.3.29 pay out of the funds of LUSU the cost of any premium in respect of any indemnity insurance to cover the liability of the Trustees (or any of them) which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust or breach of duty of which they may be guilty in relation to LUSU provided that no such insurance shall extend to:
  - 2.3.29.1 any claim arising from any liability incurred by the Trustees to pay a fine imposed in criminal proceedings or a sum payable to a regulatory authority by way of a penalty in respect of non-compliance with any requirement of a regulatory nature (however arising);
  - 2.3.29.2 any liability incurred by the Trustees in defending any criminal proceedings in which the Trustees are convicted of an offence arising out of any fraud or dishonesty, or wilful or reckless misconduct;
  - 2.3.29.3 any liability incurred by the LUSU Trustees that arises out of any conduct which the Trustees knew (or must reasonably be assumed to have known) was not in the interests of LUSU or in the case of which they did not care whether it was in the best interests of LUSU or not;
- 2.3.30 do all such other lawful things as shall further LUSU's objects.

#### **2.4 Limitation on private benefits**

- 2.4.1 The income and property of LUSU shall be applied solely towards the promotion of its objects.

- 2.4.2 Except as provided below no part of the income and property of LUSU may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any Member of LUSU. This shall not prevent any payment in good faith by LUSU of:
  - 2.4.2.1 any payments made to any Member in their capacity as a beneficiary of LUSU;
  - 2.4.2.2 reasonable and proper remuneration to any Member for any goods or services supplied to LUSU provided that if such Member is a Trustee Clause 2.4.3 shall apply;
  - 2.4.2.3 interest on money lent by any Member to LUSU at a reasonable and proper rate;
  - 2.4.2.4 any reasonable and proper rent for premises let by any Member to LUSU.
- 2.4.3 Except as provided below no Trustee may sell goods, services or any interest in land to LUSU; be employed by, or receive any remuneration from, LUSU; or receive any other financial benefit from LUSU. This shall not prevent any payment in good faith by LUSU of:
  - 2.4.3.1 any payments made to any Trustee or Connected Person in their capacity as a beneficiary of LUSU;
  - 2.4.3.2 reasonable and proper out of pocket expenses of the Trustees;
  - 2.4.3.3 reasonable and proper remuneration to any Officer Trustee or Connected Person for any goods or services supplied to LUSU on the instructions of the Trustees provided that:
    - 2.4.3.3.1 for the avoidance of doubt, the authorisation under this provision shall extend to the remuneration of Officer Trustees, the Chief Executive and Connected Persons under contracts of employment with LUSU;
    - 2.4.3.3.2 subject to Clause 2.4.3.3.1, the authorisation under this provision shall not extend to the service of acting as Trustee;
    - 2.4.3.3.3 if the person being remunerated is a Trustee the procedure described in Clause 7.10 (Conflicts of Interest) must be followed in considering the appointment of the Trustee and in relation to any other decisions regarding the remuneration authorised by this provision;
    - 2.4.3.3.4 if the person being remunerated is a Connected Person the procedure described in Clause 7.10 (Conflicts of Interest) must be followed by the relevant Trustee in relation to any decisions regarding such Connected Person;
    - 2.4.3.3.5 subject to Clause 2.4.6, this provision may not apply to more than half of the Trustees in any financial year (and for these purposes such provision shall be treated as applying to a Trustee if it applies to a person who is a Connected Person in relation to that Trustee); and
    - 2.4.3.3.6 at all times the provisions of the Education Act are complied with;

- 2.4.3.4 interest on money lent by any Trustee or Connected Person to LUSU at a reasonable and proper rate
  - 2.4.3.5 any reasonable and proper rent for premises let by any Trustee or Connected Person to LUSU;
  - 2.4.3.6 reasonable and proper premiums in respect of indemnity insurance effected in accordance with Clause 2.3.29;
  - 2.4.3.7 any payments made to any Trustee or officer under the indemnity provisions set out at Clause 7.8;
  - 2.4.3.8 any payments authorised in writing by the Charity Commission.
- 2.4.4 In Clauses 2.4.2 and 2.4.3, references to LUSU shall be read as references to LUSU and/or any Subsidiary Company.
- 2.4.5 For any transaction authorised by Clause 2.4.3 [or Clause 2.4.4, the Trustee's duty (arising under the Companies Act 2006) to avoid a conflict of interest with LUSU shall not be applied provided the relevant provisions of Clause 2.4.3 [or Clause 2.4.4] have been complied with.
- 2.4.6 Where a vacancy arises on the Board of Trustees with the result that Clause 2.4.3.3. applies to more than half of the Trustees, LUSU may continue to pay remuneration to its Officer Trustees and any Connected Persons receiving remuneration in accordance with Clause 2.4.3.3 provided that LUSU uses all reasonable endeavours to fill the vacancy as soon as possible.

## 2.5 Incorporation

- 2.5.1 The Members at a General Meeting or by Referendum may authorise the Trustees to transfer the assets and liabilities of LUSU to a limited liability entity established for exclusively charitable purposes with the same or similar objects, and to dissolve LUSU at any time following the transfer if it is considered appropriate to do so.

## 2.6 Dissolution

If any property remains after LUSU has been wound up or dissolved and all debts and liabilities have been satisfied, it shall not be paid to or distributed among the Members of LUSU. It shall instead be given or transferred to some other charitable institution or institutions having similar objects to those of LUSU and which prohibits the distribution of its or their income and property among its or their members to an extent at least as great as this Constitution imposes upon LUSU. The institution or institutions which are to benefit shall be chosen by the Members of LUSU at or before the time of winding up or dissolution of LUSU at or before the time of winding up or dissolution.

### 3. SECTION THREE: MEMBERSHIP

#### 3.1. Full Membership

Full membership will be automatically accorded to:

- 3.1.1. All full-time and part-time University students who are registered for degrees or diplomas of the University and who are receiving regular tuition, supervision or another form of academic moderation on the Bailrigg site.
- 3.1.2. Affiliated students from another institution, and who are receiving regular tuition, supervision or another form of academic moderation on the Bailrigg site.
- 3.1.3. The Full Time Executive Officers of LUSU
- 3.1.4. Full Member Entitlements
  - 3.1.4.a. Attend, vote, speak, propose and amend motions at General Meetings;
  - 3.1.4.b. Vote in any LUSU election or referenda, except in the elections where there are eligibility criteria for candidates agreed by the LUSU Council and contained within the Constitution and/or the Bye Law pertaining to such posts;
  - 3.1.4.c. Be a candidate in LUSU elections except where there are eligibility criteria for candidates agreed by the LUSU Council and contained within the Constitution and/or the Bye Law pertaining to such posts.
  - 3.1.4.d. Join all clubs and societies registered with LUSU and participate in any other activities organised by LUSU, unless specific, eligibility criteria have been ratified by the LUSU Council as fair and reasonable;
  - 3.1.4.e. Enjoy the use of LUSU's facilities provided for the entire membership;
  - 3.1.4.f. Exercise the rights under 3.1.4 (a)-(d) in respect of their College JCR;
  - 3.1.4.g. Expect efficient, effective and impartial service from any section of LUSU;
  - 3.1.4.h. Complain about LUSU, using the complaints procedure laid down in the Constitution and any relevant Bye Laws;
  - 3.1.4.i. Receive on request the LUSU Constitution and Bye Laws, information on Opting-Out from membership and its effects, budgets and financial reports (both annual and interim), timetable and procedures for resource allocation, and the procedure for complaints;
  - 3.1.4.j. Seek advice and information from the LUSU President, VP (Events and Democracy) or Chief Executive on any aspect of their rights, or any other matter concerning LUSU;
  - 3.1.4.k. Expect the LUSU Officers to effectively represent their interests within or without the University, following policy laid down by General Meetings and implementing decisions of other LUSU bodies.
  - 3.1.4.l. Full Members' membership rights shall be proven by production of such documentation as the LUSU Council may from time to time designate.

#### 3.2. Associate Membership

3.2.1. Associate membership will automatically be given to:

- 3.2.1.a. Continuing education students.
- 3.2.1.b. Students on short courses who are receiving regular tuition and academic moderation on the Bailrigg campus.

- 3.2.1.c. Students on a year abroad.
- 3.2.1.d. Students on a year's work experience or placement, away from the University.
- 3.2.1.e. Summer University and Summer Programme students.
- 3.2.1.f. Students at associated institutions and colleges of the University or studying on Lancaster programmes with collaborative partner institutions as approved by Lancaster University's Senate.
- 3.2.1.g. Students enrolled with Study Group International at Lancaster University.
- 3.2.1.h. Intercalating Students.
- 3.2.1.i. All members of the University and employees of the University.
- 3.2.2. The LUSU Council may designate from time to time further categories of associate membership. These will be agreed on an annual basis as an approved Bye Law.
- 3.2.3. Granting by LUSU of associate membership shall not be taken to imply granting rights to other University facilities.
- 3.2.4. Associate members shall have rights as set out in 3.1.4 (c), (d) and (f) only with the exception of those students in categories 3.2.1.c, 3.2.1.d and 3.1.2.h who shall be allowed rights as highlighted in 3.1.4.b.1
  - 3.2.4.a. Associate members from categories 3.2.1.c, 3.2.1.d and 3.1.2.h shall only be allowed rights as highlighted in 3.1.4.b.1 of this Constitution when the term of office for which they intend to stand begins during a time in which they will be a full member as classified in 3.11 of the Constitution.

### **3.3. Membership Suspension & Expulsion**

- 3.3.1. The LUSU Council may in accordance with the relevant disciplinary procedures laid down in this Constitution or its Bye Laws, suspend or expel any full or associate member from LUSU. This shall be done where there is evidence that an act or omission by that member, in the opinion of the LUSU Council, has or may have a detrimental effect on LUSU.
- 3.3.2. There shall be rights of appeal to a Senior Officer of the University as nominated by a Pro-Vice-Chancellor.
- 3.3.3. Any full member who is expelled from membership of LUSU must surrender to LUSU all documentation of membership and will be treated by the University as an opted-out student and have rights as agreed between the University and LUSU.

### **3.4. Opting Out of Membership**

All members of LUSU have the right to opt out of LUSU membership forfeiting all rights and entitlements. Opt out is through a request in writing by the member to the University Secretary. Further information can be found in the Code of Practice between Lancaster University University and Lancaster University Students' Union.

### **3.5. Gender Status**

A member's gender status shall be determined by that by which they are registered with the University Student Registry.

## 4. SECTION FOUR: THE CONSTITUTION

### 4.1. Constitutional Amendment

- 4.1.1. Save where the amendment to the Constitution is a consequential amendment due to a change in the Bye Laws (for example, the number or heading names of clauses, names of officer roles), the whole or any part of the main body of this Constitution may at any time be added to, repealed, or amended by:
  - 4.1.1.a. a resolution passed by a two thirds majority at an Ordinary General Meeting;
  - 4.1.1.b. a two thirds majority of a quorate referendum subject to the provisions contained in Section 5.
- 4.1.2. Such addition, repeal or amendment shall not take effect until there has been approval by The Trustee Board, who have responsibility for interim changes to the Constitution and ensuring:
  - 4.1.2.a. No amendment shall be made which would have the effect of LUSU ceasing to be a charity.
  - 4.1.2.b. Clause 2.2 (Objects) and Clause 2.4 (Limitation on private benefits) may not be amended without the prior written consent of the Charity Commission.

### 4.2. Constitutional Review

- 4.2.1. Responsibility for the annual review of the Constitution lies with the LUSU Council acting through the Constitutional Review Committee in the first instance.
- 4.2.2. No such reviews shall infringe or prejudice the powers or prerogatives of the Trustee Board as set out in Section 7.5
  - 4.2.2.a. In the first term of every academic year, the LUSU Constitutional Review Committee shall meet and review the operation of the Constitution over the previous Academic Year.
  - 4.2.2.b. Such a review can make proposals to be approved under the procedure in clause 4.1 of this Constitution.
- 4.2.3. At least every fifth academic year (the first cycle of which commences from the first year of operation of this Constitution) there shall be a full and thorough review of the Constitution and Bye Laws, conducted by the Trustee Board.
- 4.2.4. Lancaster University shall review and approve the Constitution on a five year basis as required for the purposes of compliance with Section 22 of the Education Act.
- 4.2.5. The LUSU Council shall, prior to that review, conduct its own review and pass a report of that review to the University to assist the University Council.

## **5. SECTION FIVE: REFERENDA**

### **5.1. Role**

Referenda shall be the supreme policy-making body of LUSU, so long as the policy does not infringe upon the powers and duties of the Trustee Board as set out in Section 7

### **5.2. Referendum Powers**

- 5.2.1. A LUSU Referendum shall exercise all powers, which are necessary for the furtherance of the objects of LUSU contained in Section 2. These powers should include the ability to:
  - 5.2.1.a. Decide on a motion to repeal, amend or add to the Constitution;
  - 5.2.1.b. Decide on a motion of no confidence in, or censure of, any of LUSU's elected Officers or members of the Trustee Board;
  - 5.2.1.c. Decide on a motion to determine the opinion of LUSU on any policy issue;
  - 5.2.1.d. The LUSU referendum may make binding decisions on all matters, which a general meeting may decide upon, as detailed in sub-section 6.2.
- 5.2.2. Decisions of a LUSU Referendum cannot be superseded by decisions of lower bodies; a LUSU General Meeting, the LUSU Council or the LUSU Executive.

### **5.3. Call and Notice for Referendum**

- 5.3.1. LUSU referenda may only be called in term time when one of the following occurs:
  - 5.3.1.a. The LUSU President shall deem it advisable;
  - 5.3.1.b. A resolution of a General Meeting requests it;
  - 5.3.1.c. A resolution of the Trustee Board requests it;
  - 5.3.1.d. A resolution of the LUSU Council requests it.
  - 5.3.1.e. The LUSU President is requested by a petition of not less than 600 full members of LUSU. Such requests must be sent to the LUSU President in writing as laid down in Schedule C: Bye Law 2 (Referenda).

### **5.4. Referendum Proposals**

- 5.4.1. Any referendum proposals, upon referral from Elections Sub Committee, may only be ruled out of order by the Trustee Board if deemed to be detrimental to the furtherance of the objectives of LUSU and/or contrary to the well being of the organisation as a whole.
- 5.4.2. A proposal for referendum may, in extremis, be vetoed by the LUSU President if deemed to be to the detriment of the organisation. The LUSU Council shall have the power, by a qualified majority vote of its membership, to over-turn this veto if they deem it necessary.
- 5.4.3. A proposal for a LUSU Referendum on a policy issue shall be passed by a qualified majority, provided the number of full members voting in favour is not less than 800.
- 5.4.4. A proposal for a LUSU Referendum, which seeks to remove an Officer from office or a Trustee from the Trustee Board (excluding the Officers of College JCR Executives or the Post Graduate Students' Association), shall require a qualified majority from a turnout of at least 1,000 full members.
- 5.4.5. A proposal for a LUSU Referendum, which seeks to amend this Constitution in any way, shall require a qualified majority from a turnout of at least 1200 full members.

- 5.5. LUSU Referenda shall be organised by the Election Sub-Committee of LUSU. Unless stated otherwise, they shall as far as possible follow the same procedural rules as for LUSU elections, which are detailed in Section 13 of this Constitution and Schedule B: Bye Law 1 (Elections).
- 5.6. No external organisations shall be allowed to provide material resources to support a campaign for a referendum, except at the discretion of the Election Sub Committee.
- 5.7. All LUSU Referenda shall be conducted in accordance with the attendant Bye Laws of this Constitution.

## **6. SECTION SIX: GENERAL MEETINGS**

### **6.1. Role**

The General Meeting shall be a policy-making body of LUSU, subject to the decisions of a LUSU Referendum and so long as the decisions do not infringe upon the powers and duties of the Trustee Board as set out in Section 7.

### **6.2. Powers of A General Meeting**

- 6.2.1. General Meetings shall be called to exercise all powers, which are necessary for the furtherance of the objects of LUSU contained in Section 2. These powers shall include the ability to:
  - 6.2.1.a. Decide on a motion to repeal, amend or add to the Constitution;
  - 6.2.1.b. Decide on a motion of no confidence in, or censure of, any of the LUSU's elected Officers;
  - 6.2.1.c. Debate on a motion to determine the opinion of LUSU on any policy issue;
  - 6.2.1.d. Decide on a motion to delegate the authority of the General Meeting to an elected representative, the LUSU Council or the LUSU Executive Committee;
  - 6.2.1.e. Elect a member to represent the view of LUSU;
  - 6.2.1.f. Mandate elected representatives to express a particular view on a particular issue, or to carry out a particular function;
  - 6.2.1.g. Instruct the LUSU Council to set up committees, whose functions, powers and composition shall be determined by the General Meeting.
- 6.2.2. **The General Meeting shall not have the power to:**
  - 6.2.2.a. Mandate LUSU Officers to break the law;
  - 6.2.2.b. Discuss or debate any matter defined by the LUSU Council, LUSU Trustee Board, or LUSU Executive Committee as restricted business;
  - 6.2.2.c. Discuss or debate any matter related to gross misconduct alleged to have been committed by LUSU Officers.
- 6.2.3. **LUSU Policy**
  - 6.2.3.a. Policy decisions of a General Meeting cannot ordinarily be superseded by decisions of The Trustee Board unless subject to clause 6.1.
  - 6.2.3.b. Policy decisions of a General Meeting cannot be superseded by decisions of the LUSU Council or any sub-committees of the LUSU Council.
  - 6.2.3.c. Policy decisions of a General Meeting may be superseded by a decision of a LUSU referendum.
  - 6.2.3.d. Policy decisions of the LUSU Council can be superseded by the decision of a General Meeting.

### **6.3. Ordinary General Meetings**

- 6.3.1. There shall be an Ordinary General Meeting (OGM) held during the first and last term of the academic year on a date determined by the VP (Events and Democracy).
- 6.3.2. The business to be transacted at a General Meeting shall be outlined in Schedule C: Bye Law 3 (General Meetings).
- 6.3.3. There shall be further OGMs held when:

- 6.3.3.a. The LUSU President shall deem it advisable;
- 6.3.3.b. The Trustee Board shall deem it advisable;
- 6.3.3.c. One third of the sitting membership of the LUSU Council (excluding co-optees) shall deem it advisable;
- 6.3.3.d. The LUSU President is requested, by a petition of not less than 150 full members to convene a meeting. Such requests must be sent to the LUSU President in writing, with a statement of the objects for which the meeting is desired. An Ordinary General Meeting must take place within ten days of such a request.
- 6.3.4. Notice shall be posted of such a meeting not less than seven full days before the time set for the meeting.
- 6.3.5. No other business than that specified on the agenda shall be transacted, although this shall not preclude the moving of amendments to motions specified in the agenda.
- 6.3.6. Seven days notice shall be required for a General Meeting to discuss:
  - 6.3.6.a. Constitutional amendments, repeals or additions.
  - 6.3.6.b. A vote of no confidence.
  - 6.3.6.c. Amendments to an approved budget.
  - 6.3.6.d. The approval of a budget.
- 6.3.7. No General Meeting may take place during a University vacation.
- 6.3.8. **Quoracy**
  - 6.3.8.a. The quorum at an Ordinary General Meeting shall be two hundred full members.
  - 6.3.8.b. No business shall be transacted unless such a quorum is present, and unless the Chair announces that the quorum is filled.
  - 6.3.8.c. Motions shall be passed by a simple majority (unless specified elsewhere in this Constitution) but shall require a minimum of two hundred votes in favour.
  - 6.3.8.d. The quoracy shall be established by counting the number of full members' present using the proof of membership as specified in Schedule C: Bye Law 3 (General Meetings) and recounting as appropriate to allow for members leaving.

#### 6.4. **Emergency General Meetings**

- 6.4.1. Emergency General Meetings (EGM) shall be called when:
  - 6.4.1.a. The LUSU President shall deem it advisable;
  - 6.4.1.b. The Trustee Board deems it advisable;
  - 6.4.1.c. A simple majority of the sitting membership of LUSU Council (excluding co-optees) shall deem it advisable;
  - 6.4.1.d. The LUSU President is requested, by a petition of not less than 225 full members, to convene a meeting. Such requests must be sent to the LUSU President in writing, with a statement of the objects for which the meeting is desired.
- 6.4.2. An Emergency General Meeting must take place within three working days of such a request.

- 6.4.2.a. Notice of the time, location and object of the meeting shall be posted widely about the campus and in each college, (and published in appropriate media as soon as possible) not less than twenty-four hours before the time set for the meeting.
  - 6.4.2.b. All publicity shall be impartial, expressing no views on the business to be debated.
  - 6.4.2.c. No other business than that specified on the agenda shall be transacted, although this shall not preclude the moving of amendments to motions specified in the agenda.
- 6.4.3. **Limited Powers of An Emergency General Meeting**
- 6.4.3.a. Emergency General Meetings may not pass amendments to the Constitution.
  - 6.4.3.b. Emergency General Meetings may not transact any financial business.
  - 6.4.3.c. Emergency General Meetings may not discuss a motion of no confidence in, or censure of, any of the elected officials or representatives of LUSU.
- 6.4.4. **Quoracy**
- 6.4.4.a. The quorum at an Emergency General Meeting shall be 300 hundred full members. No business shall be discussed or transacted unless such a quorum is present and unless the Chair announces that the quorum is filled.
  - 6.4.4.b. Motions shall be passed by a simple majority (unless specified elsewhere in this Constitution) but shall require a minimum of three hundred votes in favour.
  - 6.4.4.c. The quoracy shall be established in the manner as described in 6.3.7.d.
- 6.5. At all General Meetings Standing Orders may be suspended with a qualified majority, but under no circumstances may the main body of the Constitution, or any part of it, be suspended.
- 6.6. **Votes of No Confidence**
- 6.6.1. A vote of no confidence may be taken in any elected Officer or members of the Trustee Board at an Ordinary General Meeting.
    - 6.6.1.a. In order for such a motion to pass there shall be a qualified majority voting in favour, from a quoracy of 400 full members of LUSU.
    - 6.6.1.b. The carrying of such a motion by a qualified majority shall entail the immediate resignation by the Officer concerned.
- 6.7. A motion to amend the LUSU Constitution shall require a qualified majority voting in favour from a quoracy of 400.
- 6.8. Decisions of a General Meeting that affect the responsibilities of the Trustee Board shall be implemented by the Trustee Board unless they conflict with their Constitutional, legal and financial responsibilities. Where a conflict does arise, the President shall firstly attempt to resolve it but failing that, the matter shall be referred to a Pro-Vice-Chancellor and the Complaints Procedure specified in Section 16 shall be followed.

## **7. SECTION SEVEN: TRUSTEE BOARD**

### **7.1. The Trustee Board**

The Trustee Board shall be made up of the following persons:

- 7.1.1. Not more than six Officer Trustees, elected in accordance with clause 7.3.2
- 7.1.2. Not more than three Student Trustees, elected in accordance with clause 7.3.3
- 7.1.3. Not more than four External Trustees, appointed in accordance with clause 7.3.4

7.2. The Chief Executive (ex officio) shall be in attendance

### **7.3. Appointment of Trustees**

- 7.3.1. No person may be appointed as a Trustee in circumstances that, had he or she already been a Trustee, would have disqualified them from acting in law.

#### **7.3.2. Full Time Executive Officers as defined in Section 19.**

- 7.3.2.a. Up to six Officer Trustees shall be elected by secret ballot by the Members of LUSU at an election to be held in accordance with the Bye Laws. The Officer Trustees shall be elected to posts set out in this Constitution.
- 7.3.2.b. The Officer Trustees shall remain in office for a term of one year commencing in accordance with the Sections 13 and 14 of this Constitution and contracts of employment. The term of office may be shorter or longer on a transitional basis to coincide with an alteration of the year start or end. Subject to a transitional change in the year of office, an Officer Trustee may be re-elected for a maximum further term of one year by the Members of LUSU at an election to be held in accordance with the Bye Laws. For the avoidance of doubt, an Officer Trustee's terms of office may be either consecutive or non-consecutive.
- 7.3.2.c. Each Officer Trustee must be a Student or an Officer Trustee at the time of his or her election. An Officer Trustee shall become a Member of LUSU on commencement of his or her appointment or re-appointment as an Officer Trustee. Such membership shall cease when the Officer Trustee ceases to be an Officer Trustee.
- 7.3.2.d. The Officer Trustees shall be deemed to be "major union office holders" for the purposes of Section 22 of the Education Act.
- 7.3.2.e. At the same time as commencing the term of office as a Trustee, the Officer Trustee will enter into a contract of employment with LUSU for a term to be determined by this Constitution. The duties and method of remuneration of each Officer Trustee shall be as set out in the Bye Laws.

#### **7.3.3. Student Trustees**

- 7.3.3.a. Student Trustees shall be elected by secret ballot by the members at an election to be held in accordance with the Bye Laws.
- 7.3.3.b. Each Student Trustee must be a Student at the time of his or her election (and shall continue to be a Student for the duration of his or her term as a Student Trustee).
- 7.3.3.c. Student Trustees shall remain in office for a term of one year commencing in accordance with the Bye Laws. The term of office may be shorter or longer on a transitional basis to coincide with the alteration of the year start or end.
- 7.3.3.d. Student Trustees may hold no other office or staff position.

#### **7.3.4. External Trustees.**

- 7.3.4.a. Up to four External Trustees shall be appointed by a simple majority vote of the LUSU Council from such persons as have been recommended by a Trustee Board's Appointments Committee.
- 7.3.4.b. Unless their appointment is terminated in accordance with Clauses 7.14, External Trustees shall remain in office for a term of up to three years commencing from their date of appointment.
- 7.3.4.c. Lengths of service shall vary and be recommended to the LUSU Council and Trustee Board by the Appointments Committee.
- 7.3.4.d. External Trustees may serve a maximum of two terms, which may either be consecutive or non-consecutive.
- 7.3.5. The Trustee Board shall have the power to co-opt temporary non-voting members to advise on specific matters.
  - 7.3.5.a. Co-opted members may serve for a non-renewable maximum of two years.
  - 7.3.5.b. There shall be no more than two co-opted members of the Trustee Board at any time.

#### **7.4. Proceedings of the Board**

- 7.4.1. The Trustee Board will meet on at least six occasions each year, and a rolling schedule will be maintained.
- 7.4.2. The Trustee Board shall receive and discuss reports from the Chief Executive at each meeting.
- 7.4.3. The Trustees shall agree the regulation and operation of Board meetings through Bye Laws to be ratified by the LUSU Council.
- 7.4.4. **Notice:** A call for a meeting of the Trustee Board may be made by;
  - 7.4.4.a. The LUSU President
  - 7.4.4.b. Four Trustees
- 7.4.5. Notice of every meeting of the Trustee Board stating the general particulars of all business to be considered at such meeting can be communicated to each Trustee at least seven clear days [excluding Weekends and Bank Holidays] before such meeting unless urgent circumstances require shorter notice,
- 7.4.6. Where short notice has been given proceedings of any meeting shall not be invalidated by an irregularity in respect of such notice or by reason of any business being considered which is not specified in such general particulars.
- 7.4.7. Quoracy shall only be reached if over half of the serving Trustee Board members are present and student representation listed under clauses 7.1.1 and 7.1.2 is in the majority. Quorate meetings may exercise all powers exercisable by the Trustees.
- 7.4.8. The Secretary shall be appointed by the Trustees through the Chief Executive in consultation with the Chair of the Trustee Board and may be removed by them.
- 7.4.9. No alteration of the Constitution or Bye Laws shall invalidate any prior act of the Trustees, which would have been valid if that alteration had not been made.
- 7.4.10. The LUSU President shall ordinarily be the Chair of the Trustees unless another Officer Trustee is appointed by the Trustee Board.

#### **7.5. Powers Of the Trustees**

- 7.5.1. The Trustee Board shall have responsibility for overseeing the administration and management of LUSU:

- 7.5.1.a. The governance of LUSU.
  - 7.5.1.b. The budget of LUSU (subject to approval of the University if required under the Education Act 1994).
  - 7.5.1.c. The management of LUSU.
  - 7.5.1.d. The appointment procedure for the position of Chief Executive including role definition.
- 7.6. The Trustee Board shall have the authority to override any decision made by the members at referenda, General Meeting or by the LUSU Council which the Trustees consider (in their absolute discretion):
- 7.6.1. Have material financial considerations and/or policy that would require expenditure outside the budget.
  - 7.6.2. Requirements of charity or education law or other legal requirements.
  - 7.6.3. Any matter that would otherwise be ultra vires for LUSU.
  - 7.6.4. Any changes to the regulation and operation of the Trustee Board set out in Schedule B: Bye Law 5 (Trustee Board) which have not had the approval of the Trustee Board.
- 7.7. The Trustee Board shall make a quarterly report to the LUSU Council on matters affecting LUSU.

**7.8. Indemnity**

- 7.8.1. Without prejudice to any indemnity to which a Trustee may otherwise be entitled, every Trustee shall and every other officer or auditor of LUSU may be indemnified out of the assets of LUSU against any liability incurred by him or her in defending any proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted or in connection with any application in which relief is granted to him or her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of LUSU, and against all costs, charges, losses, expenses or liabilities incurred by him or her in the execution and discharge of his or her duties or in relation thereto.
- 7.8.2. The Trustees shall have power to resolve pursuant to Clause 2.3.29 to effect trustees' indemnity insurance, despite their interest in such policy.

**7.9. Trustee Board Financial Responsibilities**

The Trustee Board has responsibility for ensuring:

- 7.9.1. There shall be a policy for the fair allocation of resources, approved by the Trustee Board via the LUSU Council and the University Council.
- 7.9.2. LUSU maintains financial records and prepares audited accounts in accordance with the Charities Commission and relevant accounting standards and that these records are:
  - 7.9.2.a. Published to the membership and other LUSU stakeholders.
  - 7.9.2.b. Shall be submitted annually to the first possible LUSU Council meeting of the subsequent academic year by the LUSU Executive and thence to the Annual General Meeting of LUSU. Any donations made and any affiliations shall be listed.
  - 7.9.2.c. The LUSU Annual Accounts and Trustee's Report shall be submitted to such University bodies as the University Council may specify.
- 7.9.3. Ensuring that a sound and transparent system of monitoring and financial management is maintained including the approval of Financial Regulations.

- 7.9.4. The appointment of Auditors (who shall be approved by the University Audit Committee).
- 7.9.5. The Trustees shall have all necessary powers to discharge their responsibilities and duties, as shall the LUSU Executive; including access to the Internal Auditor, or to LUSU, College and University disciplinary procedures; recovery of debts via the University debtor procedures; action by the Police and Courts in serious matters.

#### **7.10. Conflicts of Interest**

- 7.10.1. Whenever a matter is to be discussed at a meeting and a Trustee has a Personal Interest in respect of that matter then he or she must:
  - 7.10.1.a. declare his or her interest to the Trustees;
  - 7.10.1.b. remain only for such part of the meeting as in the view of the other Trustees is necessary to inform the debate;
  - 7.10.1.c. not be counted in the quorum for that part of the meeting [or decision-making process]; and
  - 7.10.1.d. withdraw during the vote and have no vote on the matter.
- 7.10.2. If any question arises as to whether a Trustee has a Personal Interest, the question shall be decided by a majority decision of the other Trustees.
- 7.10.3. In particular, Clause [7.10.1] shall apply to any matter that may directly or indirectly relate to the position of an Officer Trustee who is or is to be remunerated as an employee by LUSU.

#### **7.11. Delegation of Trustee Powers**

- 7.11.1. The Trustees may, by power of attorney or otherwise, appoint any person to be the agent of LUSU for such purposes and on such conditions as they determine.
- 7.11.2. The Trustees may delegate any of their powers or functions to any committee or the implementation of any of their resolutions and day-to-day management of the affairs of LUSU to any person or committee in accordance with the conditions set out in this Constitution and Schedule B: Bye Law 5 (Trustee Board) regarding the operation of the Board.

#### **7.12. Delegation To Committees**

In the case of delegation to committees:

- 7.12.1. the resolution making that delegation shall specify those who shall serve or be asked to serve on such committee (though the resolution may allow the committee to make co-options up to a specified number);
- 7.12.2. Subject to Clause 7.13.1, the composition of any such committee shall be entirely in the discretion of the Trustees and may comprise such of their number (if any) as the resolution may specify;
- 7.12.3. the deliberations of any such committee shall be reported regularly to the Trustees and any resolution passed or decision taken by any such committee shall be reported forthwith to the Trustees and for that purpose every committee shall appoint a secretary;
- 7.12.4. all delegations under this Clause shall be revocable at any time; and
- 7.12.5. the Trustees may make such regulations and impose such terms and conditions and give such mandates to any such committee or committees as they may from time to time think fit.

7.12.6. The Trustees shall establish the following committees (which is a non-exhaustive list) in accordance with their powers under Clauses 7.11.2 and 7.122:

7.12.6.a. Executive Committee (as further described in Section 9)

#### **7.13. Delegation of day-to-day management powers to LUSU Chief Executive**

In the case of delegation of the day-to-day management of LUSU to the Chief Executive:

- 7.13.1. the delegated power shall be to manage LUSU by implementing the policy and strategy adopted by and within a budget approved by the Trustees and if applicable to advise the Trustees in relation to such policy, strategy and budget;
- 7.13.2. the Chief Executive shall report regularly to the Trustees on the activities undertaken in managing LUSU and provide them regularly with management accounts sufficient to explain the financial position of LUSU. Annually, the Trustees shall provide the Chief Executive with a detailed, agreed set of priorities

#### **7.14. Disqualification, Removal or Resignation of Trustees**

7.14.1. The following shall be situations when the office of Trustee shall be considered vacant:

- 7.14.1.a. A board member is prohibited by law from being a charity trustee;
- 7.14.1.b. In the case of a Full Time Executive Officer Trustee, when they ceases to hold office in the stated capacity;
- 7.14.1.c. In the case of a Student Trustee, he or she ceases to be a student;
- 7.14.1.d. Notice of resignation is made to the LUSU President;
- 7.14.1.e. If a board member becomes incapable through injury, ill health etc;
- 7.14.1.f. If a Trustee fails to attend three consecutive meetings, then they may be removed by a simple resolution of the board;
- 7.14.1.g. The office of External Trustee shall be vacated if a majority resolution of no confidence is passed by the Trustees. For the avoidance of doubt, the Trustee concerned and any Trustee who has a conflict of interest in relation to the matter shall not vote on this resolution and the quorum shall be adjusted accordingly;
- 7.14.1.h. He or she is removed from office under clauses.

7.14.1.h.1. A Trustee may be removed from the board if a quorate referendum passes with a qualified majority a motion of no confidence.

7.14.1.h.2. A Trustee may be removed from the board if a quorate general meeting passes with a qualified majority a motion of no confidence.

7.14.2. With the exception of 7.14.1.b, if an Officer Trustee or the Chief Executive ceases to be a trustee through the above provisions they shall not cease to a Full Time Executive Officer or the Chief Executive as a result.

#### **7.15. Rights of Removed Trustee**

7.15.1. A resolution to remove a Trustee in accordance with Clauses contained in 7.14.1.h shall not be passed unless the Trustee concerned has been given at least seven full days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been afforded a reasonable opportunity of being heard by or making written representations to the Trustees.

7.15.2. A Trustee removed from office in accordance with Clause 7.14.1.h shall be entitled to appeal the decision to remove him or her to an Appeals Panel within 14 days of the resolution.

7.15.2.a. The Appeals Panel shall be made up of a nominee of Lancaster University, one independent person and a chief executive/Chief Executive and President of another students' union. The independent person shall be a Member who is not a Trustee or a member of the Student Council.

7.15.2.b. The selection of the members of the Appeals Panel and its procedures shall be set out in the Bye Laws.

#### **7.16. Replacement of Trustees**

In the event of a vacancy on the Board of Trustees, a Trustee shall be appointed to the vacancy by a simple majority vote of the LUSU Council from such persons as have been recommended by the Trustee Board.

#### **7.17. Full Time Executive Officers and Permanent Official**

The Full Time Executive Officers and Permanent Official shall each have the right to:

7.17.1. attend and speak at any meeting of any LUSU body or committee, or society, on any matter affecting their responsibilities and contractual duties;

7.17.2. sign any agreed contracts or other agreed legal documents on behalf of LUSU as delegated by the Trustee Board;

7.17.3. may, subject to the Bye Laws of LUSU, delegate their duties in writing to specific named officers and officials.

## **8. SECTION EIGHT: LUSU COUNCIL**

### **8.1. Role**

- 8.1.1. There shall be a policy-making LUSU Council.
- 8.1.2. The LUSU Council shall constitute the political leadership of LUSU and, excepting for a directive from a LUSU Referenda or General Meeting, shall be judged to represent the membership in all matters.
- 8.1.3. The LUSU Council shall be responsible for producing policy and position statements outlining the direction of LUSU in the furtherance of its aims and objectives, as well informing the Trustee Board and LUSU Executive as to the meaning of policy and political priorities.
- 8.1.4. The LUSU Council shall determine the policy of LUSU either by its own resolution or by the adoption and ratification of policy decisions taken by its sub-committees.
- 8.1.5. All LUSU sub-committees and standing committees shall be accountable to the LUSU Council.

### **8.2. Powers of the LUSU Council**

- 8.2.1. The LUSU Council shall be empowered to discuss any matter relevant to LUSU excluding matters directly concerning individual LUSU Staff and their actions.
- 8.2.2. The LUSU Council shall be empowered to set up working parties of which the composition and terms of reference shall be as LUSU Council sees fit, to investigate matters relevant to LUSU, subject to other parts of the Constitution and its Bye Laws.
- 8.2.3. The LUSU Council shall approve the LUSU budget subject to the procedures laid down in Section 16.
- 8.2.4. The LUSU Council shall have the power to make Bye Laws pursuant to the main body of the Constitution as appropriate, excepting that they shall not infringe on the powers and prerogatives of other LUSU Bodies as laid down in the Constitution in particular the Trustee Board.
- 8.2.5. The LUSU Council has the power to form sub-committees by making Bye Laws.
- 8.2.6. The LUSU Council has the power to take disciplinary action against members or groups of members, through procedures set down in the Schedule B: Bye Law 2 (Disciplinary Procedure).
- 8.2.7. The LUSU Council has the power to remove elected Officers for misconduct on a temporary basis.
  - 8.2.7.a. During vacations the LUSU Executive Committee can act for the LUSU Council on Full Time Executive Officer matters. Such suspension shall only be until an Ordinary General Meeting can be convened at the earliest possible constitutional date.
  - 8.2.7.b. In the case of JCR Exec Officers, a recommendation shall be made to the relevant JCR that they be removed from office; the JCR may only reject the recommendation if a contrary resolution of a quorate JCR General Meeting is presented to the LUSU Council.
  - 8.2.7.c. Any such resolution must be passed by qualified majority and with the Cross Campus LUSU Council Officer and VP (Events and Democracy) in attendance.

- 8.2.8. The LUSU Council has the power to delegate some or all of its powers to the LUSU Executive Committee.
- 8.2.9. Decisions of sub committees and standing committees shall only take effect upon LUSU Council approval, unless otherwise specified, excepting that they shall not infringe on the powers and prerogatives of other LUSU Bodies as laid down in this Constitution.
- 8.2.10. Budgetary and financial matters will be reported to the LUSU Council for information and approval where necessary, subject to Section 16 of the Constitution.

### **8.3. Committees of the LUSU Council**

- 8.3.1. The following will be permanent standing committees of the LUSU Council (varied only as the result of decision of the University Council):
  - 8.3.1.a. Bowland College JCR Executive
  - 8.3.1.b. Cartmel College JCR Executive
  - 8.3.1.c. County College JCR Executive
  - 8.3.1.d. Furness College JCR Executive
  - 8.3.1.e. Fylde College JCR Executive
  - 8.3.1.f. Postgraduate Students' Association
  - 8.3.1.g. Grizedale College JCR Executive
  - 8.3.1.h. Lonsdale College JCR Executive
  - 8.3.1.i. Pendle College JCR Executive
- 8.3.2. The following will be permanent sub-committees of the LUSU Council (varied only as a result of an amendment to this Constitution):
  - 8.3.2.a. LUSU Executive Committee
  - 8.3.2.b. Elections Sub-Committee
  - 8.3.2.c. LUSU Sports Association
  - 8.3.2.d. LUSU Societies' Association
  - 8.3.2.e. SCAN
  - 8.3.2.f. Bailrigg FM
  - 8.3.2.g. LU Cinema
  - 8.3.2.h. RAG Committee
  - 8.3.2.i. Academic Council
  - 8.3.2.j. Equality, Welfare and Diversity Council
  - 8.3.2.k. Nightline Committee
  - 8.3.2.l. Green Committee
  - 8.3.2.m. Constitutional Review Committee
  - 8.3.2.n. Lesbian, Gay, Bisexual, Trans and Queer Association
  - 8.3.2.o. Presidents' Committee
  - 8.3.2.p. Student Media Board
  - 8.3.2.q. LUTUBE.TV
  - 8.3.2.r. Social and Events Committee

8.3.2.s. Cross Campus Officer Committee

8.3.3. Details of their operation shall be as set out in the Bye Laws.

8.4. The LUSU Executive Committee shall operate as defined in Section 9 of this Constitution.

**8.5. Membership Composition of the LUSU Council**

8.5.1. The Full Time Executive Officers of LUSU as defined in Section 19.

8.5.2. Two representatives from each College JCR Exec/PGSA, to be defined in Schedule C: Bye Law 6 (LUSU Council).

8.5.3. Other Officers as specified in Schedule C: Bye Law 6 (LUSU Council) but no more than 50 plus those specified in this Constitution.

8.6. All members are accountable to the LUSU Council and shall have the right to speak and vote at each meeting and call meetings as defined elsewhere in this Constitution.

8.7. The Full Time Executive Officers are accountable for their representational and campaigning work to the LUSU Council, but shall not be accountable to the LUSU Council for their actions as Trustees.

8.8. All Officers, except for JCR Exec/PGSA representatives, may be mandated by the LUSU Council within the scope of its authority set out in this Constitution.

8.9. Constituencies and procedures for elections shall be as set out in Schedule B: Bye Law 1 (Elections), except where already provided for in this Constitution.

8.10. The quorum for the LUSU Council will be one third of the then serving members.

## 9. SECTION NINE: LUSU EXECUTIVE COMMITTEE

### 9.1. Role and Powers

- 9.1.1. Subject to the powers of the Trustee Board, the general administration of LUSU affairs, as laid down by the LUSU Council in policy and by the Trustee's in line with their legal and financial responsibilities, shall be deputed to the LUSU Executive.
- 9.1.2. It shall be charged with the overall co-ordination, direction and administration of LUSU's affairs. It shall conduct and regulate the financial and general aims and purposes of LUSU on a day-to-day basis.
- 9.1.3. The Executive Committee shall be responsible for:
  - 9.1.3.a. Carrying out the decisions and policies of the LUSU Council and Trustee Board, other than those delegated to other specific committees or persons;
  - 9.1.3.b. The day-to-day administration and co-ordination of LUSU affairs, via the line management structure, subject to other Sections of the Constitution, and specific delegations by the Trustee Board;
  - 9.1.3.c. The development, co-ordination and delivery of the organisation's representational and campaigning activity.
- 9.1.4. Budgetary and financial matters will be reported to the Executive Committee for approval where necessary, subject to section 16 of this Constitution.

### 9.2. Composition:

- 9.2.1. Ex Officio
  - 9.2.1.a. Full Time Executive Officers as defined in Section 19.
- 9.2.2. Appointed
  - 9.2.2.a. Three JCR Exec/PGSA Presidents
  - 9.2.2.b. Three Cross Campus Officers
    - 9.2.2.b.1. These members shall be elected at a quorate meeting of the LUSU Council.
    - 9.2.2.b.2. At least one must be a woman and at least one a man.
- 9.3. The Chief Executive will be in attendance and also any staff needed for the business of the meeting as agreed by the Chair and the Chief Executive.
- 9.4. Quorum shall be seven members in term time and five in vacations.
- 9.5. Staff secretarial support for the Executive shall be arranged by the Chief Executive in consultation, with the Chair of the committee.

## **10. SECTION TEN: JUNIOR COMMON ROOM EXECUTIVES/POSTGRADUATE STUDENTS ASSOCIATION**

- 10.1. The Junior Common Room Executives and Postgraduate Students Association shall be an integral part of LUSU. Each JCR Exec shall be a standing committee of the LUSU Council and will have autonomous powers, permanently delegated, subject to the responsibilities and powers of other LUSU Bodies as laid down in this Constitution, to act and to form policy within the remit of their own Bye Laws, except in the following areas:
- 10.1.1. Estimates & Budgets: These shall be prepared by Officers of the JCR Execs in consultation with their College Principal and LUSU Staff and shall then be approved by the LUSU Trustee Board.
  - 10.1.2. External Affiliations: Where procedures under Section 15 of this Constitution shall be followed.
  - 10.1.3. Financial Management: Which shall be conducted in line with the relevant LUSU Financial Regulations. JCR Execs must seek the approval of the Trustee Board before accepting any form of financial support from an outside body, or coming to any agreement, which might in any way impact upon LUSU.
  - 10.1.4. Constitutional and Legal Requirements: JCR Execs shall act within the law and within their Constitution as set down in the Education Act 1994 and elsewhere and LUSU has the power to intervene to prevent a JCR Exec from acting illegally, by whatever action is deemed necessary by the Trustee Board in consultation with LUSU staff and necessary legal advice.
  - 10.1.5. Elections: JCR Exec elections will be the responsibility of the LUSU Elections Sub-Committee and there shall be a single procedure for all JCR Exec elections provided for in the LUSU Constitution and Schedule B: Bye Law 1 (Elections).
- 10.2. Bye Laws: By week five of the first term, each JCR Exec must review its Bye Law and report its findings to the LUSU Council including proposals for any amendments, which LUSU Council shall approve or reject notwithstanding the other provisions of this Constitution.

## **11. SECTION ELEVEN: ACADEMIC COUNCIL**

- 11.1. There shall be an academic council, co-convened by the Cross Campus Academic Council Officer and the VP (Academic).
- 11.2. There shall be at least two meetings of Academic Council per term prior to meetings of University Senate.
- 11.3. The aims of the Academic Council are to:
  - 11.3.1. Advise the LUSU Council about student policy on educational issues that affect all major student demographics at Lancaster;
  - 11.3.2. Represent the educational views and interests of LUSU members to University bodies where University educational policy is formed;
  - 11.3.3. Agree the uses of LUSU education budget and make recommendations as to its size for consideration by the appropriate bodies within LUSU.
- 11.4. Procedures for the operation for the Academic Council can be found in Schedule C: Bye Law 5 (Procedure for LUSU Councils).
- 11.5. The membership of the Academic Council shall be contained in Schedule C: Bye Law 7 (Academic Council) and shall not exceed 50.

## **12. SECTION TWELVE: EQUALITY, WELFARE AND DIVERSITY COUNCIL**

- 12.1. There shall be an Equality, Welfare and Diversity Council co-convened by the Cross Campus EWD Council Officer and the VP (EWD).
- 12.2. There shall be at least three meetings of Equality, Welfare and Diversity Council per term.
- 12.3. The aims of the Equality, Welfare and Diversity Council are to:
  - 12.3.1. Develop the equality, welfare and diversity agenda of LUSU;
  - 12.3.2. Monitor the enforcement and implementation of LUSU's Equal Opportunities Policy and the Code of Practice as set out by university;
  - 12.3.3. Represent the views and interests of LUSU members to University bodies where University equal opportunities and welfare policy is formed;
  - 12.3.4. Advise the LUSU Council about student policy on related issues that affect all different student demographics at Lancaster;
  - 12.3.5. Develop, co-ordinate and facilitate campus wide and college-based campaigns to raise awareness and challenge prejudice in society.
- 12.4. Procedures for the operation for the Equality, Welfare and Diversity Council can be found in Schedule C: Bye Law 5 (Procedure for LUSU Councils).
- 12.5. The membership of the Equality, Welfare and Diversity Council shall be contained in Schedule C: Bye Law 8 (EWD Council) and shall not exceed 50.
- 12.6. The Equality, Welfare and Diversity Council shall have the power to establish its own subcommittees, which shall be detailed in Schedule D: Bye Law 22 (EWD Council Subcommittees).

## 13. SECTION THIRTEEN: ELECTORAL PROCESSES

### 13.1. Principles

- 13.1.1. Voting in elections will be by single transferable vote as defined by the Electoral Reform Society of Great Britain.
- 13.1.2. LUSU Delegates to NUS Conferences shall ordinarily be elected by cross campus ballot unless otherwise stated in Bye Laws to this Constitution.

### 13.2. Eligibility

- 13.2.1. All full members of LUSU are automatically eligible to stand and vote in LUSU elections, with the exception of where relevant specified candidacy criteria and electorates have been agreed in this Constitution or its pursuant Bye Laws.
  - 13.2.1.a. Status is derived from Section 3.1 of this Constitution.
- 13.2.2. All full members of LUSU are eligible to stand in elections for Full Time Executive Officer position unless disqualified from being a Trustee.
- 13.2.3. No member of LUSU will be eligible to be a Full Time Executive Officer for more than two terms of office.
- 13.2.4. No member may hold the same office for more than two full consecutive terms of that office.
- 13.2.5. For all Cross Campus Officer or Elected Student Trustee positions, candidates must be full members of LUSU throughout their term in office.
- 13.2.6. For avoidance of doubt an Officer who ceases to be a full member of LUSU shall cease to be an Officer.

### 13.3. Administration of Electoral Processes

- 13.3.1. All LUSU elections to Officer posts will be administered by the Elections Sub-Committee and held in accordance with Schedule B: Bye Law 1 (Elections).
  - 13.3.1.a. Membership of the Elections Sub-Committee shall include the VP (Events and Democracy), the Cross Campus Elections Officer elected by cross-campus ballot to act as the Committee Chair and a representative from each JCR Exec/PGSA. This must be the position with responsibility for elections as prescribed by the relevant JCR Exec/PGSA Bye Law (Schedule D).
  - 13.3.1.b. The Trustees shall appoint a Deputy Returning Officer from the LUSU Staff on the advice of the Chief Executive, to support electoral processes and advise on procedure and good practice.

## 14. SECTION FOURTEEN: ELECTED OFFICERS & DELEGATES

- 14.1. In the Lent term, prior to the Full Time Executive Officer elections, the LUSU Council and Trustee Board shall agree a contract of employment, including a job description and details of terms and conditions, for the Full Time Executive Officer posts defined under Section 19 of this Constitution.
- 14.2. No Officer shall be allowed to take up their post who has not signed their contract of employment by the 1st May, following the date of election. Full Time Executive Officers shall receive remuneration from LUSU.
- 14.3. The Full Time Executive Officers shall be deemed by the University to be students for the period in which they hold office.
- 14.4. Cross Campus Officer shall have role descriptions as laid out in Schedule D: Bye Law 26 (Cross Campus Officer Committee). Other issues pertaining to posts shall be contained within the Bye Laws.
- 14.5. Removal From Office:**
- 14.5.1. An Officer may be removed from office (and thus from employment in the case of a Full Time Executive Officer ) on the following grounds:
- 14.5.1.a. No-confidence: If the General Meeting or referendum approves such a proposal, subject to such decisions being in accordance with the relevant Sections of this Constitution, the Officer concerned shall be deemed to have resigned.
- 14.5.1.b. Gross Misconduct: An Officer may be removed from office for gross misconduct (and thus from employment in the case of a Full Time Executive Officer) by procedures agreed by the LUSU Council and the Trustee Board.
- 14.5.2. There shall be a procedure laid out in Schedule B: Bye Law 2 (Disciplinary Procedure), for the removal of Officers, which will have fair, transparent and timely processes.
- 14.5.3. Officers shall have access to the full complaints procedure as detailed Section 19 and shall have access to the office of the Independent Adjudicator. However, the formal internal procedure shall be deemed to have reached its conclusion only after any appeal to a Pro-Vice-Chancellor.
- 14.6. Mandates:**
- 14.6.1. LUSU officers or delegates may be mandated to express a particular view on a particular issue, or to carry out a particular function by properly constituted LUSU policy-making bodies. These shall be deemed to be the LUSU Council and LUSU Executive and any others as may be defined within Bye Laws to this Constitution.
- 14.6.2. Elected members of the University Council shall be exempted as shall student officers and/or staff when acting in their capacity as Trustees.
- 14.7. Media Independence:**
- 14.7.1. The final decision over publication of content in SCAN lies with the Vice President (Media and Communications) except in circumstances where such content may have legal/financial implications for LUSU.
- 14.7.1.a. In these circumstances the LUSU President, in consultation with the Chief Executive, shall make representations on behalf of the Trustee Board to resolve the matter.

- 14.7.1.b. The process as outlined in 14.7.1.a shall also be applied in matters relating to other LUSU media groups that hold status as defined in 8.3.2 of this Constitution.

## 15. SECTION FIFTEEN: AFFILIATIONS

- 15.1. If LUSU decides to affiliate to an external organisation, it should publish notice of its decision stating:
- 15.1.1. the name of the organisation;
  - 15.1.2. details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation.
- 15.2. Any such notice should be made available to the governing body and to all students and:
- 15.2.1. Where LUSU is affiliated to any external organisations, a report should be submitted for review to the Trustee Board and the LUSU Council not less than once a year, containing the information listed in clauses 15.1.1 and 15.1.2;
  - 15.2.2. Affiliations will be published as part of the Trustees' Report to the membership;
  - 15.2.3. A current list of affiliations shall be submitted for approval by the membership annually to a General Meeting.
  - 15.2.4. At such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding five per cent) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.
- 15.3. For the purposes of 15.1, affiliations made by LUSU affiliated clubs and societies are excluded.

## 16. SECTION SIXTEEN: COMPLAINTS

- 16.1. LUSU shall have a written complaints procedure set out as in Schedule B: Bye Law 3 (Complaints Procedure), which shall be subject to approval by the LUSU Council and the University Secretary to ensure compliance with Section 22 of the 1994 Education Act.
  - 16.1.1. This procedure shall allow students or groups of students who are dissatisfied with their dealings with LUSU or claim to be unfairly disadvantaged by virtue of not being members of LUSU to have their complaints dealt with promptly and fairly, and secure effective remedial action.
  - 16.1.2. A copy of the procedure shall be available from the main LUSU website and shall be made available to all students, in hard copy upon request.
  - 16.1.3. The complaints procedure shall be reviewed on an annual basis.
  - 16.1.4. Complaints directly against staff shall be dealt with through the Code of Practice.
- 16.2. The principles for the said complaints procedure shall be:
  - 16.2.1. Natural justice;
  - 16.2.2. Transparent and timely processes;
  - 16.2.3. Procedures for reconciliation and arbitration;
  - 16.2.4. That there shall be a nominated person to advise on complaints.
  - 16.2.5. They shall include a mechanism for external scrutiny of complaints by Lancaster University, where it is clear a complaint cannot be resolved within LUSU.
- 16.3. If the complaint is regarding alleged breaches of University Rules and Regulations, the complaint shall be dealt with via the relevant disciplinary procedures.

## **17. SECTION SEVENTEEN: DISCIPLINE**

- 17.1. LUSU shall be responsible for monitoring discipline in LUSU Premises and in relation to the services and activities organised by any LUSU bodies established under this Constitution and Bye Laws or affiliated to LUSU.
- 17.2. LUSU shall also have the power to take disciplinary action in respect of any breaches of the Constitution, Bye Laws (Schedules B-D), Financial Regulations or the Code of Practice for the Education Act 1994.
- 17.3. Disciplinary Regulations shall be specified in Schedule B: Bye Law 2 (Disciplinary Procedure) and shall be approved by the University Secretary.

## 18. SECTION EIGHTEEN: LUSU STAFF

- 18.1. With the exception of the Trustee Board, no LUSU Bodies shall discuss or debate staff matters nor shall they have the power to decide on any matters relating to LUSU staff.
- 18.2. The Trustee Board shall ultimately be responsible for staff matters and shall ordinarily manage such matters through the Chief Executive and a Code of Practice to be agreed between LUSU and the University.
- 18.3. LUSU Staff shall observe and faithfully implement the policies of the governing bodies of LUSU and shall be required at all times to give independent, impartial advice to LUSU Officers and LUSU Bodies.
- 18.4. Complaints concerning staff conduct are to be dealt with under the Code referred to in 16.1.4.
- 18.5. The Chief Executive shall act as Head of Department for LUSU staff and in the first instance the LUSU President shall be the principal Student Officer with regard to staff matters.
- 18.6. Any new staff posts shall be first discussed by the Chief Executive and the LUSU President in private; a report shall then be made in private to the Trustee Board whose approval shall be required to any such new post.
- 18.7. Decisions of LUSU bodies which affect the responsibilities of the Chief Executive shall be implemented by the Chief Executive, unless they conflict with their contractual responsibilities.
  - 18.7.1. Where a conflict does arise, the Chief Executive shall firstly attempt to resolve it with the Trustee Board, failing that the issue will be held in abeyance and the Chief Executive shall take the matter directly to the University Secretary.
- 18.8. The Chief Executive, if absent for more than three working days, shall nominate in writing a senior Officer to act on their behalf.
  - 18.8.1. In cases of emergency the next most senior Officer would be asked to act in an order of succession known to relevant LUSU Officers and the Trustees and notified to the University.

## 19. SECTION NINETEEN: DEFINITIONS

In this Constitution and in all Bye Laws made hereunder, unless the context otherwise requires, the following expressions shall have the meaning hereby assigned to them:

- 19.1. **'ACADEMIC COUNCIL'**: The Academic Council of Lancaster University Students' Union.
- 19.2. **'AFFILIATED STUDENT'**: A member of Lancaster University whose course of study is delivered at Lancaster by Lancaster University, but whose final award is conferred by another Higher Education Institution.
- 19.3. **'ASSOCIATE MEMBER'**: An associate member of Lancaster University Students' Union.
- 19.4. **'SPORTS ASSOCIATION'**: The LUSU Sports Association.
- 19.5. **'COLLEGE JCR'**: The body of students in one college/ the Junior Common Room of that college.
- 19.6. **'COLLEGE JCR EXEC'**: The elected LUSU officers who represent their respective Junior Common Room.
- 19.7. **'CONSTITUTION'**: The Constitution of Lancaster University Students' Union as amended from time to time.
- 19.8. **'CROSS CAMPUS OFFICER'**: The elected Cross Campus Officers of LUSU.
- 19.9. **'FINANCIAL YEAR'**: The yearly period (1<sup>st</sup> August to 31<sup>st</sup> July) for which accounts and financial affairs of Lancaster University Students' Union are drawn up and calculated.
- 19.10. **'FULL MEMBER'**: A full member of Lancaster University Students' Union.
- 19.11. **'FULL TIME EXECUTIVE OFFICER'**: An elected, paid Sabbatical Officer of LUSU.
- 19.12. **'CHIEF EXECUTIVE'**: The Chief Executive of Lancaster University Students' Union and the principal permanent official of LUSU.
- 19.13. **'GENERAL MEETING'**: A meeting of full members of Lancaster University Students' Union.
- 19.14. **'LU CINEMA'**: The LU Cinema of Lancaster University Students' Union.
- 19.15. **'LUSU'**: Lancaster University Students' Union.
- 19.16. **'OFFICER'**: An Officer of Lancaster University Students' Union.
- 19.17. **'OFFICER TRUSTEE'**: Full Time Executive Officers who by virtue of this position also are ex officio members of the Trustee Board
- 19.18. **'PERMENANT OFFICIAL'**: The Chief Executive and in their absence the Deputy Chief Executive.
- 19.19. **'PGSA'**: The Postgraduate Students Association. The elected LUSU officers who represent the students of the Graduate College.
- 19.20. **'POLICY'**: Resolutions of properly constituted LUSU bodies with regard to political decisions subject to the Trustee Boards legal and financial responsibilities.
- 19.21. **'PRO-VICE-CHANCELLOR'**: A Senior University Officer with responsibility for student affairs empowered to act by the Vice-Chancellor on their behalf acting with fully delegated responsibility.
- 19.22. **'QUALIFIED MAJORITY'**: A vote in which a two-thirds majority is required.
- 19.23. **'RESTRICTED BUSINESS'**: Any matters concerning:
  - 19.23.1. Members of LUSU Staff (their appointment, promotion, dismissal, responsibilities, terms and conditions)

- 19.23.2. Information deemed to have been given in confidence by a third party.
- 19.23.3. Commercially sensitive information (where the information being the public domain would be to the detriment of the organisation).
- 19.23.4. Any such business designated by the Trustees.
- 19.24. '**SCAN**': The official newspaper of Lancaster University Students' Union.
- 19.25. '**SOCIETIES ASSOCIATION**': The LUSU Societies Association.
- 19.26. '**TERM OF OFFICE**': The period of time during which an Officer serves between two elections for that post.
- 19.27. '**TRUSTEE BOARD**': The governing body of LUSU and comprises of the persons set out in Section 7.
- 19.28. '**LUSU COUNCIL**': The LUSU Council of Lancaster University Students' Union comprising the persons set out in Section Eight.
- 19.29. '**LUSU EXECUTIVE**': The LUSU Executive of the Lancaster University Students' Union comprising of the persons set out in Section 9.
- 19.30. '**LUSU REFERENDA**': A secret ballot on a given issue or issues at which all full members of Lancaster University Students' Union may vote.
- 19.31. '**LUSU STAFF**': A person employed to work in LUSU, under the direction of the Chief Executive.
- 19.32. '**UNIVERSITY**': The University of Lancaster.
- 19.33. '**UNIVERSITY COUNCIL**': The Council of the University of Lancaster.
- 19.34. '**UNIVERSITY SECRETARY**': Means the Secretary of the University of Lancaster as appointed by the University Council.
- 19.35. '**UNIVERSITY SENATE**': The Senate of the University of Lancaster.
- 19.36. '**WORKING YEAR**': The times when the University is open (i.e. a calendar year excluding weekends and those periods in the Christmas and Easter vacations when the University is officially closed).
- 19.37. The following positions are defined as the Full Time Executive Officers:
  - 19.37.1. '**LUSU PRESIDENT**'
  - 19.37.2. '**VICE PRESIDENT (ACTIVITIES)**'
  - 19.37.3. '**VICE PRESIDENT (EVENTS AND DEMOCRACY)**'
  - 19.37.4. '**VICE PRESIDENT (EQUALITY, WELFARE AND DIVERSITY)**'
  - 19.37.5. '**VICE PRESIDENT (ACADEMIC)**'
  - 19.37.6. '**VICE PRESIDENT (MEDIA AND COMMUNICATIONS)**'



# july 2010

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