



# **South Lanarkshire College Students' Association Constitution**

**This Constitution shall take effect from March 2021 and invalidates all former Constitutions of this Association.**

**The Constitution shall be subject to review by the Students' Association and the Board of Management of South Lanarkshire College at least every five years, in accordance with the Education Act 1994.**

**Last updated: 22 January 2021**

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## **Introduction**

Part II of the Education Act 1994 requires South Lanarkshire College's Board of Management to 'take steps as are reasonably practicable to secure that any students' union at the establishment operates in a fair and democratic manner and is accountable for its finances'.

South Lanarkshire College Students' Association is a democratically run organisation committed to serving and representing its' students. The Board of Management will further endeavour to ensure the activities of the Students' Association do not contravene the College's equal opportunities policy or bring the College into disrepute.

The Constitution is a legally binding document providing the framework for the actions and the operation of the Association and comprises of three sections:

### **Section 1 – The Articles**

This section defines the Aims and the Objectives of the Students' Association, as well as setting out what can or cannot be done by the Students' Association Executive. Guidelines are provided to indicate how the Association can represent its' members and, should they arise, how members can air their concerns.

### **Section 2 – The Schedules**

This section gives further operational details in relation to processes within the Association.

### **Section 3 – The Appendices**

This section includes all other regulations the Association must follow.

## **Name and Status**

There shall be a Students' Association at South Lanarkshire College (hereafter referred to as SLC), the name of which shall be South Lanarkshire College Students' Association (hereafter referred to as the Association). The Association is an unincorporated association with exempt charitable status.

The Association's Constitution is a legal document defining;

what the Association can and cannot do;

how the Association should operate; and

how and where members can raise concerns or issues.

## **Aims and Objectives**

The aims and objectives of this Association will be:

- To advance the education of its members while enhancing their learning experience at SLC for public benefit.
- To represent the interests of its members and be the channel of communication with SLC and external bodies.
- To protect and champion the welfare of its members.
- To promote and provide social, cultural, sporting and recreational activities and forums for discussions to enhance the personal development of our students.

## **Equality and Diversity**

The Association will always seek to:

- Ensure recognition for the diversity of its members while promoting equal opportunity for all.
- Advocate equal opportunities for the participation and inclusion of groups.
- Pursue its aims and objectives independent of any political or religious influence.
- Further details of the College's Equality Policy can be found here: <https://www.south-lanarkshire-college.ac.uk/about-us/equality/equality-policy/>

## **Powers**

This Association is empowered to:

- Set the policy of the Association.
- Amend the Constitution and Schedules as appropriate, subject to the approval of the Board of Management.
- Elect, appoint and dismiss office bearers according to the Constitution in line with the election schedule.
- Enter responsible contracts and agreements, in line with SLC financial regulations, to effectively pursue its aims and objectives.
- Hold any property and equipment necessary to pursue these affairs.
- Appoint Committees and Sub-Committees as required.
- Regularly report to SLC Board of Management.
- Propose to the Board of Management any course of action to enhance the welfare of its members.
- Do anything, while keeping within the law, to achieve our aims and objectives.

## **Members**

- Full membership to the Association is open to enrolled students of SLC, aged over 16, who have not chosen to opt out.
- Any Sabbatical Officer, i.e. major-union office holders, shall be a full member of the Association.
- Student Associations with whom a reciprocal agreement has been concluded shall be Reciprocal Members.
- College academic and support staff, as well as past learners, may become Associate Members. Associate Members cannot be involved in the governance or policy making of the Association.

Membership is non-transferrable and will automatically end:

- when a student is no longer enrolled with the College or, in the case of Sabbatical Officers, student status is withdrawn in line with the College processes;
- on written notice a student no longer wishes to be a member, in line with the Schedules; or
- the decision is taken to remove membership under the Code of Conduct.

All members can use the Association's facilities and take part in the Association's educational, social, sporting and cultural activities. Members can speak and vote at meetings, nominate other members, stand and vote in our elections, and hold office in clubs and societies.

Enrolled students of the College under the age of 16 shall not be members of the Association, but may take part in certain activities, as agreed by the Association.

## **Executive Committee**

The Executive Committee will be the supreme decision-making body while running the day to day business of the Association, raising issues and concerns on behalf of its' members.

The Committee shall include the following Executive Officers of the Association:

- 2 major-union office holders: President and Vice President
- Up to 8 Student Officers (non-major office holder)

The 'major union office holders' for the purposes of Section 22 of the Education Act 1994 will enter into a contract of employment with the College. The term of office, duties and method of payment will be set out in the Schedules.

College staff who support the ongoing development of the Association may attend meetings to provide guidance and advice. They will not have voting rights in the decision-making process.

The Executive Committee will include the major-union office holders and non-major union office holders. They will be elected in line with the elections schedule. There will never be more than 14 members of the Executive Committee at any one time, inclusive of college staff representation.

The Executive Committee will run the Association on a day-to-day basis in line with this Constitution and its Schedules, any relevant legislation and any decisions the members make at General Meetings or Special General Meetings.

The Executive Committee will have the power to elect sub-committees or groups as it decides to help meet Association aims and objectives.

The members of the Executive Committee will be elected in accordance with the Election Schedule.

Executive Officers will no longer be officers if:

- they resign by giving notice to the committee they sit on;
- they fail to attend two committee meetings in a row without sending apologies; or
- a motion of no confidence in the Officer is passed by a 66% majority in a vote of the Executive Committee. Meetings must meet quorate requirements. This means the minimum number of members must attend for a decision to be carried forward.

Holding office is a privilege of membership and can be withdrawn if the Code of Conduct is breached by any member.

## **Elections**

All office and major-union office holders will be elected by secret ballot in line with the election regulations set out in the Schedules. All eligible members of the Association are entitled to stand for election on submission of a nomination form and all members are eligible to vote. Those not eligible to vote include staff, Associate Members or students whose membership has ended.

The President and Vice-President will be members of the South Lanarkshire College Board of Management.

Elections will take place on an annual basis. If positions remain vacant, by-elections will be called in line with the rules set out in the election regulation schedule.

A copy of the election timetable and a copy of the election regulations will be posted on the Association notice boards at least 21 college days before the elections take place.

The election shall be publicised with the location, the arrangements for voting and the list of candidates. Publication will take place via social media channels, the Student Association Moodle Page, the College website and the Student Newsletter.

All office and major-union office holder's terms of office will last one academic year.

No member can hold one, or a combination of, major-union offices for more than two years.

## **Referendums**

A referendum, in which all members will be allowed to vote, may be called on any issue by:

- a majority vote of at least two thirds of the Executive Committee; or
- member petition detailing the issue and including the name, course and student ID number of the proposer, counter signed by at least 150 members.

Policy set by a referendum can overturn policy set by the members at the AGM or by the Executive Committee.

We will hold referendums in line with the Schedules.

## **Meetings**

Executive meetings will be held quarterly with quorum dictating at least 50% of members of the Executive Committee are in attendance. A major-union holder should always be present.

Any other general meetings shall be termed 'Special General Meeting'. This should take place following a written request from the Executive Committee.



The Executive Committee will meet with Class Representatives at least once a month to discuss current issues and understand the general views and mood of the student body.

The Annual General Meeting (AGM) shall be held towards the end of the academic year. This meeting will discuss all Association business.

There must be at least 25 members of the Association present at an AGM for the meeting to be quorate, including the Executive Committee.

Every member will have one vote and decisions will be made on a simple majority basis.

For the AGM and 'Special General Meetings' the Association will give members at least 7 college working days' notice of the place, day and time of the meeting and details of the agenda. Notices of motions, bearing the name of the proposer and seconder, will be submitted to the Vice President of the Association in writing, not less than 5 college working days before the General Meeting at which they are to be discussed.

At all meetings minutes will be taken by the Association Administrative Support staff from Student Services. Minutes of each meeting will be circulated and displayed as soon as possible after the meeting. Minutes shall be confirmed at the next appropriate meeting. A copy of the minutes will be held online in an accessible place.

A major-union office holder shall chair all General Meetings. If they are absent or relinquish the Chair, it will be taken by another member of the Executive Committee.

The Chair shall be responsible for the running order and conduct of the meeting.

## **Clubs and Societies**

Clubs and societies may be recognised provided they meet the requirements set out in the schedules and do not breach the Associations' aims and objectives. The Board of Management shall earmark a sum in the Association's budget for granting funds to recognised clubs and societies.

## **Affiliation to External Organisations**

Any proposal to affiliate to another organisation must be approved by the members at an AGM or by referendum.

We will inform the College about all new links to other organisations, including the name of the organisation and the fee to be paid. This information will be included in our annual report. Our annual report is presented at the AGM and is available to all our members and SLC.

If any member objects to a current link with a specific organisation they must present a petition, signed by at least 150 members, to the President. We will call a referendum on the issue and hold it in line with the Schedules. We cannot hold another referendum about the same matter in the same academic year.

## **Complaints Procedure**

If we receive any complaints about an individual officer, or any member of the Student Association, we will deal with these under the complaint procedures set out in the Schedules.

## **Finance and Accounts**

To enable the Association to carry out its aims and objectives, appropriate and sustainable funding will be determined following agreement of the Association's budget by the Board of Management of the College.

The Association will maintain adequate accounting records and have annual accounts prepared by an accountant employed by the College, who is a member of any of the major accountancy bodies in the United Kingdom (CCAB – (Consultative Committee of Accountancy Bodies). The annual budget and accounts will be signed off by the Executive Committee (usually by the 2 major-union office holders). They will be required to state that the accounts are a complete and accurate representation of the financial transactions of the Association for that year. The annual accounts, along with the annual report, will be presented at the AGM. A copy of the Associations' budget and annual accounts will be made available to all students through the SA Moodle page.

## **Minutes**

Minutes shall be taken at all meetings and circulated at the next appropriate meeting. Confirmed minutes shall be filed and made available to all students via the College Moodle page.

A copy of the Constitution (including any amendments), a copy of the annual report and any plans for the Association's activities, including the budget, shall be made available to all students via an online accessible place.

## **Amendments to the Constitution**

The Executive Committee of the Association and Board of Management of SLC will review this Constitution, at least every five years from the previous date of approval.

The Constitution can only be amended through a resolution passed at an Executive Committee meeting by at least two thirds of those present, who are entitled to vote to satisfy quorate, when approved by the College Board.

## **Indemnity**

Every Executive Officer and anyone approved to make decisions on behalf of the Association shall be indemnified out of the assets of the Association against loss or liability, while engaging in the execution of their office. Their liability for the consequences will not be affected providing there is no negligence or unlawful action on their part.

## **Winding up**

In the event of the Association being wound up any money or property remaining, after all debts have been paid, will belong to and be held by SLC. The College will hold these funds in trust for the purpose of a Students' Association for the representation of the students of SLC. The new Association will be set up as soon as is reasonably practicable.

## **Interpretation**

If anyone challenges any part of this Constitution, a major-union office holder will be asked to make the decision.

If the major-union office holder's decision is challenged, then the Executive Committee will make the decision.

In the event of a dispute as to the interpretation of the Constitution, the guidance of the Clerk to the Board will be sought.

## **Code of Conduct**

The Executive Committee will draw up a Code of Conduct to be approved and amended from time to time by the Board of Management. All members of the Association are required to adhere to this code, particularly when on Association premises, or attending events organised by the Association, its clubs or societies. The Code of Conduct may include restrictions up to and including the unlimited suspension of all or any rights of Association membership.

This constitution was approved on behalf of South Lanarkshire College by 2 members of the Board of Management, on the 16 March 2021.

This constitution was approved on behalf of South Lanarkshire College Students' Association on the 16 March 2021.

## **Legal Context**

The Further and Higher Education (Scotland) Act 1992 places a duty on College Boards of Management to ensure that there is a students' association within the College.

The Education Act 1994 further defines what a students' association is and places further duties on the College Board of Management to ensure that the organisation is run in a fair, free and proper manner. The Act takes a 'quality assurance' approach to students' associations, setting out a list of requirements that the association has to fulfil.

In contrast, the Post-16 Education Act takes a quality enhancement approach to students' associations and has created a legal requirement for colleges to have in place 'arrangements for the purpose of seeking to ensure that the interests of the students are represented by a students' association. Colleges are expected to ensure that students' associations are fulfilling their purpose and representing their student body.

This Constitution, which must be approved by both the Association and the College Board, shall take effect from 16 March 2021. It will be subject to review by the Student Association Executive Committee and the College Board of Management at least every five years, in accordance with the Education Act 1994.

We ('the Association') are a students' association within the meaning of the Education Act 1994. We act as a voice for our members and are devoted to their educational interests and welfare. The College provides us with funds to help us meet our aims and objectives as set out in this document.

## The Schedules

This section outlines the operational details and provides insight into how matters are agreed and progressed.

Schedules are subject to amendments as and when required. Schedules can be amended upon mutual agreement by the major-union office holders.

## Schedule One

### Election Regulations

This schedule outlines what to do for all elections for all positions in the Association. It also outlines the procedure to follow if a vacancy occurs in any position. Executive posts will be subject to a secret election ballot open to all members of the Association.

#### 1 General

- 1.1 The elections of the major-union office holders, and any other elected officers of the Association, shall be carried out in accordance with these regulations (hereby referred to as the Regulations).
- 1.2 The Association's staff or College staff supporting the Association shall implement the Election process. They will be called the Election Administrators.
- 1.3 The Elections shall be by secret ballot of all Members of the Association.
- 1.4 In addition to the Regulations, the Association shall be obligated to comply with;
  - 1.4.1 The College rules, regulations and policies (including but not limited to IT, Health and Safety, bullying and harassment etc). These policies can be found within your induction documentation on the Student Portal, in addition to the following webpage: <https://www.south-lanarkshire-college.ac.uk/about-us/procurement-policies/>
  - 1.4.2 Association rules, regulations and policies as set out in the Constitution.
  - 1.4.3. The laws of Scotland.
- 1.5 The Association will hold elections for the following roles as outlined in the Articles:

i. major-union office holders

a. President

b. Vice President

ii. other non-sabbatical office holders

a. Student Officers

## **2 The Returning Officer**

2.2 The Returning Officer may appoint nominees to act on their behalf in the day-to-day supervision of the Elections, they will be called Election Administrators. The Returning Officer will normally be a member of the Student Services team and not a member of the SA.

2.3 The Election Administrators in acting on behalf of the Returning Officer, carry out the following functions:

2.3.1 oversee the procedure for the acceptance of nominations and the determination and publication of valid nominations;

2.3.2 oversee and co-ordinate the promotion of elections and instructions for students on how and when they can vote;

2.3.3 fix the date of the elections which will be then ratified by the Executive Committee, the publication of the notices giving information about the date of the Elections and the arrangements for the Elections;

2.3.4 support the Returning Officer in conducting the count; and

2.3.5 oversee the announcement of the result.

2.4 The Returning Officer will make rulings on complaints according to the Regulations. Where a rule is unclear, the Returning Officer will make a ruling in the balance of probabilities having reviewed all the available evidence.

2.5 The Returning Officer will appoint a Deputy Returning Officer who shall not be a member of the Association but who may be a member of College or Association staff.

2.5.1 The Deputy Returning Officer will oversee the day-to-day election process and co-ordinate the Election Administrators;

2.5.2 The Deputy Returning Officer will receive complaints and pass them to the Returning Officer within 48 hours of their receipt. The Returning Officer will respond to complaints within 5 working days, as per the College's Complaint Guidelines. Further details of which can be found here: <https://www.south-lanarkshire-college.ac.uk/life-at-slc/student-charter-and-policies/complaints-procedure/> ;

2.5.3 The Deputy Returning Officer may be asked to discuss incidents and complaints with the Returning Officer in the process of reaching a decision;

2.5.4 The Deputy Returning Officer will communicate any rulings that the Returning Officer makes in writing to the candidate or member concerned.

2.6 The Returning Officer will oversee and conduct the count. They will also validate the results.

### **3 Nominations**

3.1 Each Member shall be eligible to stand as a candidate for an Election.

3.2 A candidate may only stand for election for one officer post within the Student Association election during any one election period.

3.3 The Election Administrators will post a notice on the Association's website and multiple digital channels at least 8 days of College term-time before the date on which nominations open stating the;

3.3.1 period for nominations,

3.3.2 posts for which nominations can be made,

3.3.3 places from which nomination forms can be obtained and

3.3.4 places to which completed nomination forms must be returned.

- 3.4 The deadline for nominations will be final and members handing in nominations late will not be included as candidates in the election. Extensions will be made if members request it before the deadline and there is a legitimate reason why the deadline cannot be met.
- 3.5 Candidates are encouraged to submit a manifesto alongside their completed nomination form. All manifestos received will be collated and published by the Association.
- 3.6 On closing of the nominations, the Election Administrators will inspect all nominations and manifestos and verify that they comply with the Regulations.
- 3.7 The Election Administrators will draw up a list of candidates after the close of the nominations and will post a notice on the Association noticeboard and website as soon as is reasonably practicable stating the date of the election and the arrangements for voting.
- 3.8 Voting will take place online. Paper versions will be available if required for accessibility requests.
- 3.9 The Returning Officer and the Election Administrators shall, as soon as reasonably possible, arrange a meeting at which they shall brief the candidates on the election process, rules and procedure. All candidates will be afforded an opportunity to ask questions relating to the Election at the end of the briefing.
- 3.10 The Candidates' Briefing is compulsory for all candidates. If candidates cannot attend, they should give notice of this to an Election Administrator before the meeting. If a candidate fails to attend without giving prior notice this may result in disqualification from the elections.
- 3.11 The Election Administrators will make sure every candidate is sent a copy of the election rules and process.



## **4 Campaigning**

- 4.1 As soon as is reasonably practicable following the close of the nominations, a list of valid nominations and manifestos will be published by the Association.
- 4.2 The campaigning period shall commence at the end of the Candidates' Briefing at a time announced by the Returning Officer and shall end at the close of voting.
- 4.3 Campaigns should be fully transparent and accountable to the Association.
- 4.4 Any coverage of the Elections by the Association by whatever medium or media shall be fair and balanced. All candidates will be afforded the same opportunities to promote their candidacy.
- 4.5 Each candidate may receive a small budget from the Association for canvassing materials. Finances and what they can be spent on shall be confirmed at the Candidates' Briefing.
- 4.5.1 Candidates must not exceed their budget limits. These are:
- Major-union officer positions: £30
  - All other roles: £15
- 4.5.2 All candidates must submit a written list of all campaign costs, with corresponding receipts to the Election Administrators no later than 1 hour before close of voting on the final day. If candidates do not spend any money during their campaign this must be made clear on the submission.
- 4.5.3 Items freely and readily available to all candidates can be used without itemisation.
- 4.5.4 Candidates cannot spend their own money on items related to their campaign.
- 4.6 Candidates should not undertake campaign activity which others could not also reasonably do.
- 4.7 Candidates must not do anything to gain an unfair advantage and may only benefit from what is openly available to all candidates.

- 4.8 Candidates may only use mailing lists where lawful to do so. In most cases, this will require the consent of the members on the list to use their details.
- 4.9 Election material deemed to be offensive or derogatory cannot be used by any candidate or campaign team.
- 4.10 The Returning Officer and Election Administrators reserve the right to remove any election material which in their reasonable opinion is inappropriate.
- 4.11 Candidates may only alter, move or remove their own campaign materials.
- 4.12 “Hustings” shall be held at a designated time following the Candidates’ Briefing and shall be chaired by a nominee of the Returning Officer who is not a member of the Association.
- 4.13 Each candidate is encouraged to attend “Hustings”.

## **5 Election**

- 5.1 The Elections for major-union officer positions shall be held no later than the final Friday in May of each academic year.
- 5.2 The Elections for non-sabbatical officers will be held no later than the last Friday in September of each new academic year.
- 5.3 In the event that following the proper conclusion of the Elections, at least one post remains vacant; a by-election for these posts shall be held.
  - 5.3.1 For non-sabbatical officer positions a by-election shall be held in January following the new intake of students.
  - 5.3.2 By-elections for major-union officer positions shall be held no later than the last Friday in September of the new academic year.
- 5.4 If, following a by-election there remain vacant non-sabbatical positions, the Executive Committee shall have the power to co-opt members into these posts. They shall be full voting members of the Executive Committee for the rest of their one term.

5.4.1 The President and Vice President positions as major-union office holders, cannot be co-opted on the Executive and, in accordance with the Education Act 1994 Section 22, must be elected in a secret ballot of all members.

5.5 The same procedure for nominations and campaigning shall apply for by-elections as set out in Clauses 3 and 4 of these regulations.

## **6 Voting**

6.1 The responsibility for ensuring that voting is conducted in accordance with the provisions of this Clause shall rest solely with the Returning Officer.

6.2 Voting shall take place at the appropriate voting stations or electronically at times to be determined by the Returning Officer.

6.3 The locations and arrangements of voting stations and the list of candidates shall be publicised by the Association as an absolute minimum as soon as is reasonably practicable.

6.4 Members of the Association may vote upon the production of a valid College matriculation card or via secure valid electronic access.

6.5 The voting system used for elections shall be "First Past the Post". Each eligible student will be able to cast one vote for the candidate of their choice.

6.6 The voting page shall bear a brief description for members explaining how the voting system works.

6.7 There shall be an additional candidate for each election entitled Re-Open Nominations (RON). RON is available to ensure our members have the choice to make a positive vote. RON can be selected when you don't agree with the policies of any of the candidates standing or where you genuinely don't think any of the candidates are the best person for the job. By voting for RON members are asking for a new election with new policies and/or candidates to take place.

6.7.1 RON, for the purposes of the count, shall be treated as a candidate, though it will not be allowed a publicity budget as allowed to the other candidates in the Election in terms of Clause 4.4.

6.7.2 If RON wins the Election, then the Election shall be re-run according the by-election rules in clause 5.3 and 5.4 of these regulations.

6.7.3 In the event of a re-run of the Election, RON shall appear as an option on the ballot paper.

6.8 Candidates and their supporters must allow voters to cast their ballot freely and must not communicate with voters in any way once they have begun to complete their ballot. This means they must not be in the immediate vicinity of a voter when they are in the act of casting their vote. Every electronic device will be deemed a ballot box.

## **7 Administration**

7.1 The Returning Officer, Deputy Returning Officer and the Election Administrators will administer the count.

7.2 Candidates are not allowed to be present at the count but may appoint a scrutiner on their behalf.

7.3 Where appropriate, in the circumstances of any Election, the Returning Officer and the Election Administrators shall be entitled to appoint polling officers and counters.

7.4 The candidate with the most votes (i.e. first passed the post) on the first count will be deemed to be elected to that post.

7.5 In the event of a tie at the exhaustion of all transferable votes, the candidate with the highest number of first preferences shall be deemed the winner. If these are tied a coin toss shall decide the Election outcome.

7.6 The Returning Officer shall be responsible for instructing the Election Administrators to announce and publicise the results of the Election, both by way of the Association website and any other reasonable means or media deemed appropriate.

## **8 Candidates**

- 8.1 Candidates must treat other candidates, students and members of the public with respect.
- 8.2 Candidates already in office shall be given the same privileges and restrictions as the other candidates in the Election.
- 8.3 Candidates must not undermine the fair and democratic running of elections.
- 8.4 Candidates must not break the law, college specific regulations or general Association policy including the Code of Conduct.
- 8.5 Candidates must have a commitment to anti-racism in line with our Values of Promoting Equality and Diversity, as written in the Articles.

## **9 Tenure of Office**

- 9.1 The tenure of office for the President and Vice President shall be a 12-month period commencing 1<sup>st</sup> July in the same year as the election from which they were elected to that post.
- 9.2 Training will be undertaken to enable the President and Vice President to fulfil their roles.
- 9.3 Depending on their original College status and the Education Act 1994, Section 22, the President and Vice President may stand for re-election at the close of their first tenure of office.
- 9.4 The maximum period of office of the President and Vice President (major-union office holders) which may be held by an individual candidate is 2 tenures.
- 9.5 There shall be no restriction on the number of times members can stand for election to the non-major office holder positions.
- 9.6 An officer may not run for re-election of any position if they have held that named position for a period of up to 2 years.

## **10 Complaints and Appeals**

10.1 If a student believes that a candidate or their campaign team is in breach of the rules they may submit a complaint to the Deputy Returning Officer who will pass the information to the Returning Officer as soon as is reasonably practicable. All complaints should contain the following information:

- Which of the guiding principles the candidate is alleged to have breached?
- Information about the nature of the complaint, including where relevant, dates, times and locations
- An idea of what the complainant wants to happen as a result of the complaint
- Supporting evidence to back up the complaint

10.2 The Returning Officer will investigate the complaint and determine whether it will be upheld. If upheld, possible courses of action can include, but are not limited to, the following:

- A public warning
- Directing candidates to remove election materials/delete social media posts
- Suspending a candidate's campaigning activities for a given period of time
- In extreme circumstances, the Returning Officer may disqualify a candidate

10.3 The deadline for the submission of complaints is one hour after the close of polling. Complaints must be submitted to either the Returning Officer or Deputy Returning Officer.

10.4 The Returning Officer reserves the right to investigate any unsound activity and make any rulings which are fair and reasonable in all the circumstances.

10.2 Disqualified candidates may appeal the decision of the Returning Officer in writing to a member of College staff appointed by the Executive Board, who shall set up an appropriate appeal panel. The appeal panel will not include any individuals involved in a candidate's campaign.

10.3 Options open to the Appeal Panel include but are not limited to;

- upholding or dismissing the appeal;
- request a re-running of the election;
- any other reasonable request.

## Schedule Two

### Clubs and Societies

#### 1 Setting up a Club or Society

1.1 No club or society may receive funds from the Association or use Association facilities without recognition in each academic year from the Executive Committee.

1.2 To be considered for recognition, the club or society will present before the Executive Committee an acceptable constitution, a plan of activities and a list of prospective members in accordance with the clubs and societies schedule.

1.3 No club or society will be recognised if its objectives conflict with those of the Association. However, this restriction cannot be interpreted to prevent the establishment of political, religious or ethnically based clubs and societies.

1.4 Any club or society wishing to be recognised by the Association will present before the Executive Committee:

- A list of 10 signatures from members
- The proposed membership fee
- A constitution for the club or society to include:

1.4.1 the name of the club/society;

1.4.2 the aims and objectives of the club/society (which cannot be contrary to those of the Association);

1.4.3 regulations relating to membership eligibility to the club/society;

1.4.4 provision for the election of a committee for the club/society to include as a minimum a chairperson, a secretary and a treasurer;

1.4.5 the responsibilities of the committee;

1.4.6 provision for general meetings for all members of the club or society;

1.4.7 provision for an annual general meeting for the presentation and approval of income and expenditure accounts;

1.4.8 provision for the Association statement on equal opportunities.



## **2 Money for Clubs and Societies**

2.1 The Executive Committee will earmark a sum in the Association budget which will grant aid for all recognised Clubs and Societies.

2.2 To receive funding an eligible Club/Society will submit a budget proposal to the Executive Committee before their AGM.

2.3 The Executive Committee will decide on the allocation of funds for Clubs and Societies depending on the level of activity in the club/society; the number of members it has and any special equipment or travel considerations.

2.4 The allocations will be reviewed in Executive Committee meetings, to be held once a term.

## **3 Meetings of Clubs and Societies**

3.1 A quarterly general meeting of each society will be held starting from the end of September of each academic year with quorum being a minimum of 50% of membership. Meetings can be held and attended online in order to ensure quoracy is met.

3.2 Each club will elect a representative from each group to attend the monthly meetings with an Association Officer.

## **4 Responsibilities of Clubs and Societies**

4.1 No-one from a club or society may commit either the club or society or the Association to any expenditure, without prior authorisation through the Association's budgetary control system.

4.2 The club or society will be responsible for promoting itself during induction week to encourage new membership.

4.3 All clubs and societies' committees will produce an activity report and an income/expenditure sheet to the Executive Committee at the end of each term.

4.4 The club or society will hold no funds or independent bank accounts whatsoever outside the Association accounts.

4.5 The chairperson of the club/society will be responsible for the smooth running of any social events or activities and convening general meetings.

4.6 The club or society will be responsible for publicising general meetings, providing agendas and taking minutes of the meetings.

4.7 The Executive Committee will ensure all expenditure is legitimate, does not exceed the club or society's allocation for that year and there is an accurate list of all equipment

purchased. Any equipment purchased will be returned to the Association at the end of the academic year.

4.8 Any income received by a club or society must be paid directly to the Association with annual accounts being lodged with the Association at the end of the academic year.

4.9 Failure to abide by these regulations and the Association's Constitution may result in suspension of the club or society by the Executive Committee.

4.10 Each leader of a club or society must sign the disclosure form showing that they have read the terms and conditions that apply for clubs and societies within the Association as shown in Appendix 5.

## **Schedule Three**

### **Meeting Regulations**

#### **1 The Executive Committee**

The business of the Association will be divided into two parts:

- a) College Business: to discuss any matters relating to student members associated with their education and other college issues.
- b) Association business: to discuss all other issues of interest to members.

#### **2 Who can Attend?**

2.1 All members of the Executive Committee are expected to attend meetings and if they can't, apologies should be submitted to the Chair before the scheduled time and date. Any member who fails to attend two consecutive meetings, without providing apologies and their reason being acceptable to the Executive Committee, will be deemed to have resigned.

2.2 Any full member of the Association may attend meetings. Individuals who are not members of the Association wishing to attend a meeting must receive permission from the meeting by submitting a request to the Chair. The Chair will then vote on whether they may attend.

#### **3 Who May Speak?**

3.1 Any full member of the Executive Committee may speak at meetings.

3.2 Any full member of the Association may attend and speak with the permission of the meeting. Members of SLC Senior Leadership Team may attend and speak on the business part of the meeting, unless the meeting requests they do not. Any other individual may attend and speak as a guest, if invited to do so by the Executive Committee.

#### **4 Who May Vote?**

4.1 Only members of the Executive Committee who are present at the meeting may vote.

4.2 The Chair may not vote unless the vote is tied, then they will have the casting vote.

#### **5 How Things Get Done**

5.1 All items for discussion will be submitted to the President 5 days before the meeting. Proposed amendments to the Constitution or Schedules must be submitted 7 days before the meeting takes place.

5.2 All debates require the signatures of 2 full Association members, the proposer and seconder.

5.3 The President will publicise details of all Executive Meetings on the Association noticeboards and publications 10 days before they take place.

5.4 Any full member of the Association can propose changes to debates. Changes require the signatures of at least 2 members and must be submitted 2 college days before the meeting takes place.

## **6 Who Runs the Meeting?**

6.1 The President is responsible for the agenda and publicising the meeting.

6.2 The President will chair the Executive Committee meetings. If they are absent or relinquish the Chair, it will be taken by the Vice President or another member of the Executive Committee.

6.3 In the event of any situation arising that is not already covered by meeting regulations, then the Chairperson will decide the procedure to be adopted, subject to the Executive Committee's approval.

6.4 If the Chair is in conflict or alleged to be in conflict with the item under discussion, the Chair will resign to the Deputy Chair for the duration of that item's discussion.

## **7 What is Discussed at Meetings?**

7.1 The agenda of the meeting will normally be taken in the following order:

a) College Business

- Welcome from the Chair
- Checking the minutes of the previous meeting for accuracy
- Matters arising from the minutes of the last meeting
- Reports from the senior management team
- Management question time
- Education issues

b) Association Business

- Checking the minutes of the previous meeting for accuracy
- Matters arising from the minutes of the last meeting
- Reports from the Executive Committee
- Reports from the Board of Management
- Other reports
- Executive question time
- Debates
- Discussion groups

- Any other business

7.2 The meeting will have the right to table the following items collectively as a consent agenda, provided written reports and minutes have been distributed in advance:

- Checking the minutes of the previous meeting for accuracy
- Matters arising from the minutes of the last meeting
- Reports from the Executive Committee
- Reports from the Board of Management

7.3 Any member can request any item to be discussed in full, provided notice has been given before the meeting.

7.4 All debates will run as follows:

- The proposer of the debate will make a speech
- Any changes to the debate will be raised in accordance with clause 3.8 of these regulations
- The Chair will invite a speech against the debate
- The Chair will balance the number of speeches for and against in the debate
- The Chair will invite any questions or statements relating to the debate
- The proposer will then have an opportunity to sum up
- The vote is then taken

## **8 Changes to the Debate**

8.1 Any changes will run as follows:

- Changes to the debate will be raised after the proposer has spoken
- The Chair will invite and take a speech against the change
- The Chair should attempt to balance the number of speeches for and against any changes
- The Chair will leave time before the vote for questions and statements
- When all the changes have been voted upon, the main debate will be discussed and voted upon.

## **9 General Rules**

9.1 Every debate will have a proposer and seconder.

9.2 Any motion can only be withdrawn with the consent of the meeting.

9.3 Debates require a simple majority decision unless otherwise specified in the Constitution.

9.4 Emergency debates are discussed if other matters have arisen since the original submission date of debate and must have a two thirds majority vote for discussion at this debate. The debate is then submitted in writing to the Chair before the debate takes place.

## **Schedule Four**

### **Finance regulations**

The Association is responsible for ensuring that the funds provided to it are used only in accordance with the Education Act 1994, the Code of Practice for the Association, the requirements of the charity legislation and any other statutory rights applicable to the Association. The Association is governed by law relating to educational charities. Though, while it may spend money on political debate, it may not support political or other causes which have nothing to do with its members' education or welfare as students.

The Association receives funds from the College Board of Management to assist with operational costs. The Association is a separate entity from the College, run by the students for the benefit of the students. The College recognises that students may require advice and some assistance from College finance staff in the design and operation of financial procedures and the College will provide this as required. The operation of these financial procedures is the responsibility of the Association officers. From an operational perspective, the student funds will be monitored by the College Finance Department throughout the year.

#### **General**

- 1** The Executive Committee will be responsible, with support from the College's nominated finance manager, for conducting the financial affairs of the Association fairly and honestly and with all due diligence to maintain solvency.
- 2** Out-with the sitting period of the Executive of the Association the Presidential Team can authorise budget proposals.
- 3** The Executive will prepare a forecast of their spending at the beginning of the financial year (operating from 1st August to 31st July) which will be presented to the College's nominated finance manager for approval.
- 4** The Board of Management will consider and at its discretion, approve an annual budget allocation to the Association, which will be monitored by the College's nominated finance manager.
- 4** The Association will operate all its finances under separate codes within the College's financial systems. The Association, its clubs, societies and committees will not hold a bank account separate from the College's accounts. The Association will not incur a deficit without prior approval of the College.

## **5 Collecting Money**

The Finance Officer, under Board of Management supervision, is responsible for the collection of all money and should be promptly notified of any money due to or owed to the Association.

## **6 Contracts**

6.1 No financial agreement, e.g. a leasing contract, can be entered into directly by the Association. The College will assist the Association by purchasing goods on credit terms in line with their own purchasing procedures.

6.2 Purchases can be authorised by the President or Vice-President up to £50. The Head of Student Services can authorise any over £50.

6.3 All purchases should be charged to the College's nominal ledger code (930382) for Student Association Funds from where they will be re-allocated when preparing the Association accounts.

## **7 Financial Statements**

7.1 Areas of proposed expenditure will be drawn up by the Board of Management and approved by the Executive Committee in June.

7.2 The Finance Officer, under the direction of the Board of Management, will provide the Executive Committee with a financial statement once per annum.

## **8 Loan Agreements**

8.1 No loan agreement can be entered into by the Executive Committee.

## **9 Security and Insurance**

9.1 The Association is responsible for maintaining proper security at all times of stock, stores, furniture, equipment, cash and any other assets under its control. The Association office should be locked if unoccupied. Office keys will be held by the President, the Vice-President and the Head of Student Services.

9.2 The Board of Management will inform the Executive Committee in any case where security is thought to be defective or where special security measures need to be put in place.

9.3 The Board of Management is responsible for ensuring the proper insurance cover is in place including fire risks, theft, damage or loss of property and employers' liability.



## **10 Events**

10.1 All events undertaken or provided by the Association must be costed and budgets prepared.

10.2 The President and the Finance Officer, under the direction of the Board of Management, will draw up a proposed entertainment budget annually, subject to ratification by the Association.

10.3 Records of all event expenditure must be kept. If expenditure is likely to exceed the proposed budget the Finance Officer will inform the Board of Management. The Association, under the direction of the Executive Committee, is responsible for ensuring budgets are not exceeded, unless there has been prior approval.

## **11 Expenses to Association Members**

11.1 Any member of the Executive Committee can receive expenses for pre-approved costs incurred while on Association business.

11.2 A Petty Cash form should be completed, signed by the claimant and authorised as detailed in Schedule 4.10.

11.3 Receipts must be provided for all purchases and stapled to the petty cash claim form.

11.4 Petty cash forms will be numbered sequentially, referenced to the petty cash book and retained by the Association.

## **12 Petty Cash**

12.1 Petty cash can be requested in advance of purchase from the President or Vice-President who will complete the funding advance form with the claimant. If the President or Vice-President are unavailable refer to the College Financial Accountant or Head of Student Services.

12.2 A funding advance form must be prepared for all cash advance requests. A copy of the completed, signed and approved form should be presented to the Association office.

12.3 The funding advance form must be retained to record the advance and document receipts and monies returned for accounting purposes.

12.4 The President and Vice-President can authorise petty cash advances to a maximum of £100. Anything more than this can be authorised by the Head of Student Services. In the absence of the Head of Student Services the College Financial Accountant or the Head of Finance can authorise advances of more than £100.

12.5 Segregation Duties apply, and no one can authorise their own cash advance request.

12.6 Funding Advance Forms are available from the Association office and funds will be paid from here for successful applications.

12.7 Receipts and any money remaining must be returned to the Association office within 48 hours of receiving the advance, unless exceptional circumstances apply. The Association will retain all receipts for audit purposes.

### **13 Donations**

13.1 The Association will not make any donations or affiliations to any organisation outside the aims and objectives of the Association. Association facilities may be used for special events to raise money for a specific charity or cause. Only the net profit from such events can be passed onto the charity.

13.2 Any member of the Executive Committee under the age of 18 cannot sign contracts, financial agreements, authorise any expenditure, take responsibility for budgets or make any financial decisions.

## **Schedule Five:**

### **Job Descriptions**

#### **1 The President**

The role of President will be a full-time paid post with a tenure of 1 year. The holder will enter into an employment contract with South Lanarkshire College.

The President will be afforded office space by the College and will be based within the College campus.

The President will:

- 1.1 Be the figurehead of the Students' Association and endeavour to involve as many students as possible in the Association.
- 1.2 Be the Student Governor on the College Board of Management and a member of the Regional Strategic Board with the periods of office to coincide with the duration of holding sabbatical office.
- 1.3 Attend any relevant meetings and act as the representative for students and their experiences.
- 1.4 Work to improve the education experience of students at SLC.
- 1.5 Work closely with key support staff to ensure the College's commitment to social responsibilities and environmental sustainability is maintained and is embedded in the work of the Association.
- 1.6 Liaise with the Principal through bi-monthly meetings to ensure that the College are kept abreast of student issues and the work of the Association.
- 1.7 Coordinate all Student Association campaigns.
- 1.8 Be responsible for their own training requirements, as well as the line management and necessary training of the Executive Officers and the Support Officer within the Association.
- 1.9 Collate student feedback for the purpose of effectively representing students to the College and external organisations.

- 1.10 Welcome students during office hours to support and signpost them to either staff or resources within the College or externally for further advice and guidance.
- 1.11 Support students through disciplinary and appeal proceedings and accompany them to meetings as their representative.
- 1.12 Work with relevant stakeholders to improve and enhance the student experience.
- 1.13 Be the official spokesperson of the Students' Association to the media and other external bodies on behalf of the students.
- 1.14. Coordinate and Chair the meetings of the Executive Committee.
- 1.15 Liaise with the National Union of Students (NUS) and the local NUS area organisation.

This list is not exhaustive and there may be other activities relevant to their role that the Vice President is required to carry out throughout their term in office.

## **2 The Vice President**

The Vice President will be a flexible part-time role with a tenure of 1 year. The holder will enter into an employment contract with South Lanarkshire College.

The Vice-President will be afforded office space by the College and will be based within the College campus.

The Vice-President will:

- 2.1 Act as the President's deputy in all matters.
- 2.2 Act as Chair of the Executive Committee in the President's absence.
- 2.3 Be a member of the College Board of Management.
- 2.4 Campaign on non-educational aspects of the student experience including, but not limited to; travel, money, access, retention, extra-curricular activities, wellbeing and mental health.
- 2.5 Sit on College Committees relevant to the role and act as the student representative.
- 2.6 Work closely with key staff to ensure the College's commitment to social responsibility and environmental sustainability is maintained and is embedded in the work of the Association.

2.7 Collate student feedback for the purpose of effectively representing students to the College and external organisations.

2.8 Welcome students during office hours to support and signpost them to either staff or resources within the College or externally for further advice and guidance.

2.9 Work with relevant stakeholders to improve and enhance the student experience.

2.10 Attend training relevant to their role as a representative and Board member.

This list is not exhaustive and there may be other activities relevant to their role that the Vice President is required to carry out throughout their term in office.

## **The Appendices**

This section includes other regulations that the Association must follow.

### **Appendix One:**

#### **1 Opting Out**

1.1 Every student will be able to relinquish their right of membership of the Association.

1.2 A student who opts out of the Association will not be able to participate in the democratic and decision-making function of the Association. This includes not being able to stand for any officer or representative position, including leading a club or society.

1.3 A student who opts out of the Association will continue to have the right to attend any Association run events and participate in clubs and societies already set up within the Association.

1.4 A student wishing to opt out must indicate this within 6 weeks of the start of their course by completing the opt out form, available from Association President.

1.5 Any student wishing to resume membership of the Student Association, will not be eligible until the next academic year.

## **Appendix Two:**

### **2 Disciplinary Procedure**

- 2.1 All members of the Association, its clubs and societies, are always expected to abide by the Constitution and its schedules, as well as the Equal Opportunities Policy.
- 2.2 The Association's disciplinary policy has authority over any premises managed by the Association, any Association activities, including the activities of its clubs and societies, or any misconduct that takes place away from SLC but is connected to the Association and likely to affect its reputation.
- 2.3 If any student, club or society breach the rules of the Association their conduct will be examined by a panel of 3 Executive Committee members, known as the Disciplinary Committee.
- 2.4 The Disciplinary Committee must convene within 7 college days of the alleged offence occurring. The student will be given written notice of the time, date and place of the hearing, together with notification of the alleged breach, at least 3 days before the hearing.
- 2.5 In cases involving the misuse of Association facilities, resources or behaviour likely to cause potential danger or offence, the student, club or society may be suspended from using specific premises or resources until the Disciplinary Committee has reached a decision.
- 2.6 Anyone directly connected with the student, club or society under charge or who may be either a witness or a potential witness, can sit on the Disciplinary or Appeals Committees.
- 2.7 The person, or their representative bringing the charge, can call witnesses to give evidence as appropriate. They can question any witnesses involved with the hearing.
- 2.8 The student under charge or their representative can call their own witness to give evidence and present any relevant documents to the panel. They are also able to question any witnesses involved with the hearing.
- 2.9 The Committee can question any witness, the person bringing the charge, the student, club or society under charge or any nominated representative.
- 2.10 The Disciplinary Committee will deliberate the matter and decided the appropriate action to be taken. Their decision will be based on the evidence presented and examined in the presence of whoever is under charge. Any evidence of earlier misconduct cannot be presented until after a decision has been reached on the facts of the case. When a decision has been reached this can then be admitted and

considered on deciding on any punishment. The ultimate sanction is suspension from the Association for a specified length of time.

- 2.11 The Association Disciplinary Committee can refer any matter to the College Disciplinary Committee.
- 2.12 The Disciplinary Committee must inform the person of their right to appeal and that any appeal should be made in writing to the Chair of the Executive Committee within 5 college days.
- 2.13 If the student is still not satisfied, they can appeal to an Appeal Committee made up of 3 students appointed by the Executive Committee. The student will be given written notice at least 5 college days in advance of the meeting.
- 2.14 The Appeal Committee will hear the reason for appeal and the rationale behind the original decision. They will consider any new evidence that has since come to light, put to a vote and their decision will be final.
- 2.15 The hearing will be held in private unless the subjects of the charge request it be held in public. A record must be kept for use in any appeal. The decision will then be posted on an Association notice board if requested by the subject of the charge.
- 2.16 The Executive Committee Officers can be removed from office by:
  - A two-thirds majority vote at a quorate meeting of the Association, this is where a minimum number of members must be present for the decision to be carried forward.
  - A referendum of the members of the Association
  - On the grounds of gross misconduct resulting in exclusion from the College.
- 2.17 Class representatives can be removed from office by:
  - A two-thirds majority vote at a quorate meeting of the Association, this is where a minimum number of members must be present for the decision to be carried forward.
  - On the grounds of gross misconduct resulting in exclusion from the College.
- 2.18 The regulations for a ballot to remove a member of the executive from office will be determined by the Returning Officer, within the limits of this Constitution.
- 2.19 Any member of the Executive Committee or any other committee who has been absent from two successive ordinary meetings, without submitting acceptable apologies to the Chair, is automatically deemed to no longer hold office.



- 2.20 Any resignation must be in writing to the Chair of the Executive Committee. Resignations are effective immediately and must be reported to the Executive Committee.
- 2.21 In the case of a vacancy arising a by-election will be held in accordance with Schedule One, Election Regulations, of this Constitution.

## **Appendix Three:**

### **3 Students' Association Code of Practice**

The South Lanarkshire College Students' Association will be allowed to act with as much authority as is consistent with the requirements of (a) accountability for the expenditure of public money and (b) compliance with the Education Act 1994. It is an overriding requirement that the Students' Association must operate in a fair and democratic manner and be accountable for its finances.

#### **3.1 Constitution**

3.1.1 The Association will have a written constitution approved and periodically reviewed by the Board of Management at intervals of not more than 5 years. Any amendments to the Constitution must be approved by the Board of Management.

#### **3.2 Elections**

3.2.1 Appointment to major Association offices will be by election in a secret ballot in which all members of the Association are entitled to vote.

3.2.2 The Board of Management will agree the appointment of an independent Returning Officer to conduct the elections and be satisfied elections are fairly and properly conducted.

#### **3.3 Sabbatical Officers**

3.3.1 No one can hold sabbatical Association office or paid elected office for more than 2 years in total.

#### **3.4 Membership**

3.4.1 All students enrolled at SLC over the age of 16 can be members of the Association unless they decide to opt-out, in accordance with the opt-out regulations of this Constitution. Students will be informed annually by SLC of the opt-out procedure and consequences of choosing to do so. Any student who chooses to opt-out will not be unfairly disadvantaged regarding the provision of services or otherwise.

3.4.2 The consequences of opting out of membership are:

- The student cannot participate in any democratic processes of the Association.
- The student cannot hold office in any club or society of the Association.
- The student cannot be represented by the Association.

### **3.5 Finances**

- 3.5.1 The financial affairs of the Association will be properly conducted in accordance with Schedule Four, the Financial Regulations of this Constitution and include appropriate arrangements for the approval of the Association's budget and the monitoring of their expenditure.
- 3.5.2 The Association's annual accounts will be made available to the Board of Management and all students.

### **3.6 Allocation of resources to Clubs and Societies**

- 3.6.1 The procedure for allocating resources to clubs and societies will be fair in accordance with Schedule Two of this Constitution and be made available in writing to all students.

### **3.7 Affiliations to External Organisations**

- 3.7.1 Any decision to affiliate with an external organisation will be published to include the organisation's name and details of any subscription or fee to be paid and any donation to be made or proposed to be made. This information will be made available to all students.
- 3.7.2 The Association will produce a list of all affiliations and the financial implications of these annually.
- 3.7.3 The Executive Committee will approve the annual list of affiliations. Association members can request a secret balloted vote on the continuation of an affiliation with an organisation. This requires a requisition signed by 200 members delivered to the President at intervals of not less than 1 year.

### **3.8 Freedom of Speech**

- 3.8.1 The Association and its' members are bound to observe the College's Code of Practice in relation to freedom of speech as required by section 43 of the Education Act, 1986.

### **3.9 Complaints**

- 3.9.1 The complaint procedure is open to all students who are dissatisfied in their dealings with the Association or who feel they have been unfairly treated or disadvantaged after opting out of Association membership. Further information regarding this process is available from <https://www.south-lanarkshire-college.ac.uk/life-at-slsc/student-charter-and-policies/complaints-procedure/>

- 3.9.2 Any complaint about the Association will be addressed to the President. If it relates to the President, then it will be addressed to the Vice-President.
- 3.9.3 The President will respond to a complaint in writing within 10 college days.
- 3.9.4 If the complainant is not satisfied with the outcome, they can appeal to the Executive Committee who will appoint an independent person to consider and resolve the complaint. The Committee will respond within 10 college days.
- 3.9.5 Members who complain will also be referred to the mechanisms in this Constitution to remove officers and change the policy of the Association.