

Leeds Arts Union

CONSTITUTION OF LEEDS ARTS UNION (AN UNINCORPORATED ASSOCIATION)

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1. Introduction

- 1.1 This Constitution is approved by the Board of Governors in accordance with the requirements of section 22(2) of the Education Act 1994 ('the Act'). The Act requires the governing body of Leeds Arts University ('the University') to secure that the Union has a constitution, the provisions of which should be subject to the approval of the governing body and to be reviewed by that governing body at intervals of not more than five years.
- 1.2 The Act requires Leeds Arts Union ('the Union') to have a written Code of Practice that sets out the requirements of the Act, and how they are operated. It is intended that these documents, and other related documents referenced within them, are to be read and understood in tandem.

2. Name and Status

- 2.1 The Union is a Students' Union as defined within section 20 of the Act. It is an Unincorporated Association formed to further the educational interests and welfare of its members.
- 2.2 As an excepted charity, the Union is required to uphold charitable values. In accordance with this, the Trustees of the Union have the same responsibilities as trustees of any other charity.

3. Aims and Objectives

- 3.1 The objective of the Union is the advancement of education of students at the University for the public benefit, through the following aims:
 - To promote the educational interests and welfare of students at the University through representation, support and advice.
 - To be the recognised representative channel between the student body at the University and any other relevant external organisations.
 - To provide social, cultural, and recreational activities, and forums for discussions and debate for the personal development of its students.
- 3.2 The Union will pursue equality of opportunity for all students regardless of any protected characteristic.
- 3.3 The Union shall uphold the Code of Practice on Freedom of Speech and Expression as established by the University.
- 3.4 The Union shall not affiliate to any political party or religious organisation.
- 3.5 Under the Act, Leeds Arts University has a duty to ensure that the Union operates in a fair and democratic manner and is held to proper account for its finances. The Union therefore works alongside Leeds Arts University in ensuring that the affairs of the Union are properly conducted and that the educational and welfare needs of the Union's members are met.
- 3.6 The Union, and its representatives, shall abide by this Constitution, the Code of Practice of Leeds Arts Union ('Code of Practice'), the Student Charter and the Code of Practice on Freedom of Speech and Expression.
- 3.7 The Union shall conduct and manage its own affairs and funds in accordance with this Constitution and the Code of Practice. Annual reports, including annual accounts and

external affiliations, shall be presented for approval to the Board of Governors of the University, as outlined in these documents.

4. Membership

- 4.1 All students registered on full-time or part-time courses at the University are automatically full members of the Union unless membership ceases or is suspended in accordance with clauses 4.5 or 4.6.
- 4.2 All members of the Union shall be entitled to use the services and amenities provided by the Union unless revoked or suspended in accordance with the terms of this Constitution.
- 4.3 All members are entitled to stand for and hold Union positions, including those in clubs and societies, providing they meet the criteria outlined in Paragraph 4 of the Code of Practice.
- 4.4 All members are eligible to vote in the Student Elections, as detailed in Paragraph 4 of the Code of Practice.
- 4.5 Membership of the Union will cease if:
 - 4.5.1 A member chooses to terminate their membership in accordance with the opt-out regulations as detailed in Paragraph 3 of the Code of Practice.
 - 4.5.2 A member ceases to be a student, including instances where a student's registration is terminated by Leeds Arts University.
- 4.6 Leeds Arts University may take the decision to temporarily suspend and/or remove an individual's access to the Union facilities, activities or any other rights and privileges of membership that are under the control of Leeds Arts University, where this is considered to be a proportionate and appropriate response under disciplinary procedures.

5. The Students' Union Executive Officer Committee

- 5.1 The Students' Union Executive Officer Committee membership will be made up of elected positions of no more than 12 members, and a minimum of 5 members, which represent the interests of the student body.
- 5.2 Except in the case of the Students' Union President where sabbatical, the Students' Union Executive Officers shall be part time, voluntary positions open to all current members.
- 5.3 The term of office for all Students' Union Executive Officers, with the exception of the Students' Union President, shall run from the end of the academic year of which they were elected until the end of the next academic year. In most cases this will be one year, but in all circumstances will not exceed two years.
- 5.4 If a Students' Union Executive Officer is elected in a by-election their term of office will end at the end of the academic year during which they were elected.
- 5.5 The role of the Students' Union Executive Officers can be found detailed in Paragraph 13 of the Code of Practice. This paragraph outlines the expectations of all individuals holding a post, and failure to demonstrate these undertakings may result in an individual being removed from post.

6. The Students' Union President

- 6.1 The Students' Union President shall be a position open to all members, the dates of such appointment to be in accordance with the Code of Practice. Where the role is sabbatical, the member will need to have completed their final year of study by the date that they would be expected to take up office. The position will be open to the incumbent President who may serve a second and final year as President, the term of office never exceeding two years.
- 6.2 The role of the Students' Union President can be found detailed in Paragraph 14 of the Code of Practice. This paragraph 14 outlines the expectations of the individual holding this post, and failure to demonstrate these undertakings may result in an individual being removed from post.

7. Trustees

- 7.1 The Trustees of the Union shall be made up of the following persons:
- All members of the Students' Union Executive Officer Committee as Students' Union Trustees;
 - A University Trustee, which will typically be a member of Students' Union Liaison staff.
- 7.2 Where the position of Students' Union President is a sabbatical role, at the same time as commencing the term of office, the Students' Union President shall enter into a contract of employment with the University for a term as determined by this Constitution. If such a contract of employment is entered into, the Students' Union President will be an employee of the University and as such is subject to any and all University procedures.
- 7.3 At the same time as commencing a term of office as a Students' Union Executive Officer, all members of the Students' Union Executive Officer Committee automatically become a Students' Union Trustee.
- 7.4 Each Students' Union Trustee, with the exception of the Students' Union President if a sabbatical role, must be a student at the commencement of their term (and must continue to be a student for the duration of their term as Students' Union Trustee).
- 7.5 A Students' Union Trustee may serve a maximum of two consecutive terms.
- 7.6 Students' Union Trustee(s) may be removed from their position of Trustee in accordance with clause 8.
- 7.7 University Trustee(s) are nominated annually by the University. If the office of a University Trustee is vacated in accordance with paragraph 8, then the University may appoint an interim University Trustee until such a time that a permanent replacement can be nominated.

8. Removal of Trustees

- 8.1 In accordance with paragraph 15 (Removal from Office), the office of a Trustee shall be vacated if:
- 8.1.1 The holder of the position becomes prohibited by law from being a charity trustee;

- 8.1.2 In the case of any Students' Union Trustee, including the Students' Union President where this is not a sabbatical role, the holder of the position ceases to be a Students' Union Executive Officer, withdraws their membership from the Union, or ceases to be a student;
- 8.1.3 In the case of any university employee who is also a Trustee (including the Students' Union President where this is a sabbatical role, or a University Trustee), the holder of the position resigns as an employee of the University or their contract of employment is terminated by the University.

8.2 In the case of any Students' Union Trustee having their access to facilities, activities or any other rights and privileges of Union membership that are under the control of Leeds Arts University removed or temporarily suspended by the University in accordance with clause 4.6, this matter will be referred to the Board of Trustees for consideration as to whether they may continue as a Trustee and to what part, if any, they may continue to play in the Union.

8.3 The office of a Trustee shall be vacated if a motion of no confidence in the Trustee is passed by simple majority of Members voting in a Referendum, provided that the Referendum is carried out in accordance with paragraph 14.

8.4 The office of a Trustee shall be vacated if the Board of Trustees (as defined in clause 9.1) are satisfied that any member of the Board of Trustees is unable or unfit to discharge the functions of a Trustee, provided that the quorum as outlined in 9.2 is met. This includes where the Board of Trustees, in its absolute discretion, considers that the actions or decisions of a Trustee:

- 8.4.1 has or may have significant financial implications for the Union;
- 8.4.2 is or may be in breach of, contrary to or otherwise inconsistent with education law or any other legal requirements (including ultra vires);
- 8.4.3 is not or may not be in the best interests of the Union or all or any of its charitable objectives; or
- 8.4.4 will or may otherwise affect the discharge of any or all of the responsibilities referred to in clause 9.1.

9. Powers of the Trustees

9.1 The Trustees shall be responsible for the governance and oversight of the Union and (subject to the Act, this Constitution and the Code) may exercise all the powers of the Union. A meeting of the Trustees at which a quorum is present ('the Board of Trustees') may exercise all powers exercisable by the Trustees.

9.2 The quorum for Trustees' meetings shall be 40% of membership.

9.3 No alteration of this Constitution shall invalidate any prior act of the Trustees which would have been valid if that alteration had not been made.

9.4 The Board of Trustees' powers under clause 9.1 shall include but not be limited to responsibility for:

- 9.4.1 the governance of the Union;
- 9.4.2 agreeing the annual budget proposal of the Union with the University's finance department;
- 9.4.3 managing the budget of the Union; and
- 9.4.4 the strategy of the Union.

10. Annual General Meeting

- 10.1 An Annual General Meeting (AGM) will be held once in each academic year, in accordance with Paragraph 11 of the Code of Practice.
- 10.2 Union members will be given at least 14 days' notice of the place, time and date of the meeting, and the general nature of the business to be transacted.
- 10.3 The AGM shall be held at such a time and place as the Students' Union Executive Officer Committee shall think suitable to allow the maximum number of members to attend.
- 10.4 Business to be transacted shall include:
 - 10.4.1 Ratification of the minutes of the previous AGM;
 - 10.4.2 Receiving the annual accounts of the Union for the previous financial year;
 - 10.4.3 Approving the list of affiliations of the Union;
 - 10.4.4 Open questions to Students' Union Executive Officers.
- 10.5 The quorum for the AGM shall be 16 members, which can include the Students' Union Executive Officers and must include the Students' Union President when in post unless in extraordinary circumstances as per clause 11.10 of the Code of Practice.
- 10.6 AGMs will follow the procedures outlined in Paragraph 11 of the Code of Practice.

11. Students' Union Executive Officer Committee Meetings

- 11.1 The Students' Union Executive Officer Committee will meet at least 3 times a year.
- 11.2 Additional Committee Meetings may be called by the Students' Union President, or by 2 members of the Students' Union Executive Officer Committee. Committee members must receive notice of meetings at least 7 days before the meeting.
- 11.3 Students' Union Executive Officer Committee Meetings will follow the procedures outlined in Paragraph 9 of the Code of Practice.
- 11.4 All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.
- 11.5 If a consensus cannot be reached a vote will be taken and a decision will be made by a simple majority of members present. If the number of votes cast on each side is equal, the Chair shall have the deciding vote.

12. Board of Trustee Meetings

- 12.1 Board of Trustees Meetings shall be called when required in accordance with this Constitution or the Code of Practice.
- 12.2 Board of Trustees Meetings will follow the procedures outlined in Paragraph 10 of the Code of Practice.
- 12.3 All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.
- 12.4 If a consensus cannot be reached for matters that require it, a vote will be taken and a decision will be made by a simple majority of members present. If the number of votes cast on each side is equal, the Chair shall have the deciding vote.

13. Student Executive Meetings

- 13.1 Student Executive Meetings shall be attended by the Students' Union Executive Committee, the Vice-Chancellor, the Pro-Vice-Chancellor Education, the Head of Marketing and Communications, a member of Students' Union Liaison staff and the Vice-Chancellor's Secretary.
- 13.2 The Student Executive Meeting shall be held 3 times per academic year.
- 13.3 The Student Executive Meeting shall provide an opportunity for the Students' Union Executive Committee to present updates to the Vice-Chancellor and Pro-Vice-Chancellor Education, and to represent the student voice through communication, consultation and discussion.

14. Referenda

A Referendum may be called on any issue which does not break the law by:

- 14.1 a resolution of the Board of Trustees;
- 14.2 a majority vote of the Students' Union Executive Officer Committee; or
- 14.3 in accordance with the Union's Code of Practice.

15. Removal of Students' Union Executive Officers

- 15.1 The office of any member of the Students' Union Executive Officer Committee, including the Students' Union President may be vacated if:
 - 15.1.1 in the case of the Students' Union President where it is a sabbatical role, they cease to be or resign as an employee of the University;
 - 15.1.2 in the case of a member of the Students' Union Executive Officer Committee (including the President when not a sabbatical role), they withdraw their membership from the Union, or cease to be a student;
 - 15.1.3 in the case of a member of the Students' Union Executive Officer Committee, they resign by notice to the Union; or
 - 15.1.4 in the case of a member of the Students' Union Executive Officer Committee, they fail to attend two consecutive meetings of the Students' Union Executive Officer Committee. If, in the opinion of the University Trustees, there are no mitigating circumstances for that failure, the Board of Trustees may therefore resolve that they be removed for this reason. If a Board of Trustees meeting is called in accordance with this clause 15.1.4, it is at the discretion of the remaining members of the Board of Trustees if the Students' Union Executive Officer in question is to be in attendance at the meeting (in all or in part).
- 15.2 In the case of any member of the Students' Union Executive Officer Committee having their access to Union facilities, activities or any other rights and privileges of membership that are under the control of Leeds Arts University removed or temporarily suspended by the University in accordance with clause 4.6, this matter will be referred to the Board of Trustees for consideration as to whether they may continue as a member of the Students' Union Executive Officer Committee and to what part, if any, they may continue to play in the Union.
- 15.3 In addition to the mechanisms outlined in paragraph 14, the Students' Union President, or any elected member of the Students' Union Executive Officer Committee may be removed from office by a resolution of the student body that appointed them. The resolution shall be submitted for a referendum in accordance with the process as detailed in Paragraph 12

of the Code of Practice and shall specify that there is no confidence in the person elected to the role.

15.4 If a resolution of no confidence is carried in accordance with clause 15.3, the resignation of the Students' Union President or elected member of the Students' Union Executive Officer Committee will take effect immediately and the vacancy may be filled through a by-election as outlined in Paragraph 4 of the Code of Practice.

15.5 If, in accordance with the terms as laid out in this Constitution, any member of the Students' Union Executive Officer Committee, including the Students' Union President resigns, is disqualified or is removed from office at any time prior to the commencement of the Academic Year, the vacancy may be filled in accordance with clause 4.12 of the Code of Practice.

15.6 If, in accordance with the terms as laid out in this Constitution, any member of the Students' Union Executive Officer Committee, including the Students' Union President resigns, is disqualified or is removed from office at any time following the commencement of the Academic Year, the vacancy may be filled in accordance with clause 4.12 of the Code of Practice.

16. Societies

All recognised Union societies shall be formed and administered in accordance with Paragraph 6 of the Code of Practice and must abide by this Constitution.

17. Affiliations to External Organisations

17.1 External affiliations include any form of membership or formal association with external organisations undertaken by the Union.

17.2 External affiliations, including approval of proposed new affiliations and annual publication of current affiliations shall be administered in accordance with Paragraph 7 of the Code of Practice and in accordance with 3.4 of this Constitution.

18. Finance and Indemnity

18.1 Union funds must be used only for the purposes which are permitted by this Constitution and the Code of Practice, and which promote the charitable aims and objectives of the Union.

18.2 The Union budget and annual accounts shall be submitted to the University's Board of Governors by a member of Students' Union Liaison staff. The Board of Governors will be responsible for the overall approval of the budget and annual accounts.

18.3 Finances, including financial reporting, shall be administered in accordance with Paragraph 5 of the Code of Practice.

19. Complaints Procedure

19.1 Any complaints about the Union, the Students' Union President, or the Students' Union Executive Officers shall be dealt with according to the process outlined in Paragraph 8 of the Code of Practice.

19.2 Where a complaint is made against any University employee, the University may initiate its own investigation into the complaint as part of its processes and procedures relating to its employees.

20. Constitutional Amendments

This Constitution and Code of Practice, and any suggested amendments, revisions or updates are to be approved by the University's Board of Governors. Any such changes shall not be valid unless and until approved by the Board of Governors.

21. Day to Day Management of the Students' Union

Leeds Arts University may appoint and employ staff to support the operation of the Students' Union. This may also include the Students' Union President, where this is a sabbatical role. Whilst these staff are part of the University's line management structure, priorities are set by the elected officers (including the Students' Union President), who are supported by the appointed staff. Any staff members must ensure that all activities of the Students' Union are in accordance with this Constitution, the Code of Practice, any legal requirements and the regulations of the University. Staff must at all times abide by and behave in accordance with their terms and conditions of their employment.

22. Interpretation

In the event of a dispute as to the interpretation of any part of the Constitution or Code of Practice, the ruling of the Students' Union President shall be sought. The Students' Union President will consult with Students' Union Liaison staff and, where necessary, seek advice from the Compliance Manager for consideration. If there is no Students' Union President in post, an extraordinary Students' Union Executive Officer Committee Meeting shall be called to consider the matter. Where necessary, the Compliance Manager shall be consulted.

23. Winding Up

If the Union is wound up or dissolved, and all debts have been satisfied, any money or property remaining that have not been provided by the University will be held by the University in trust for the purposes of a Students' Union that represents the students of the University.