Bye-Laws

of

Open University Students Association

(An Unincorporated Association)

Date approved by the Central Executive Committee: April 2018
Date ratified by the Board of Trustees: April 2018
Date Published on Students Association Website: May 2018

Open University Students Association, Charity Commission Registration Number in England & Wales: 1144251; in Scotland SC042840
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Bye-Laws of Open University Student Association

1. Introduction

1.1. These Bye-Laws should be read in conjunction with the Constitution of the Open University Student Association (the Association). Together, these documents form the basis for the operation of the Association.

1.2. Should there be any conflict or contradiction between the Constitution and Bye-Laws, then the former shall take precedence.

1.3. If any dispute arises in relation to the interpretation of the Constitution, or any of these Bye-Laws, or if any conflict or contradiction between Bye-Laws exist, it shall be resolved by the Board of Trustees. This decision shall be final.

1.4. The meanings of any defined terms used in these Bye-laws are set out in Clause 21.

2. Membership

2.1. In addition to the membership established by the Association Constitution, there shall also exist:

2.2. Honorary Life Members

   2.2.1. In recognition of services rendered to the Association Centrally, the Central Executive Committee may elect Honorary Life Members.

   2.2.2. A nomination proposed by six full members of the Association and including a short citation shall be addressed in writing to the President.

   2.2.3. Upon the receipt of a nomination for Honorary Life Membership it shall be conducted under Presidents Business of the agenda for the Central Executive Committee.

2.3. Honorary Vice Presidents

   2.3.1. In recognition of services rendered to the Association Centrally and in anticipation of a continued, active relationship with the Association, the Central Executive Committee may elect up to five Honorary Vice Presidents.
2.3.2. A nomination proposed by six full members of the Association and including a short citation shall be addressed in writing to the President.

2.3.3. Upon the receipt of a nomination for Honorary Vice President it shall be conducted under Presidents Business of the agenda for the Central Executive Committee.

2.3.4. Honorary Vice Presidents shall hold that position for a period of four years and shall not be eligible for re-appointment. On completion of their term an outgoing Honorary Vice President shall be offered Honorary Life Membership of the Association.

2.4 Holders of Honorary positions shall not be entitled to vote in any proceeding of Association Business, and any rights awarded by the relevant unit shall not be conferred on any other unit.

3. Board of Trustees

3.1. The Association Board of Trustees has the ultimate responsibility for directing the affairs of the Association. This includes ensuring that the Association is solvent, well governed and delivers the objectives for which it was established.

3.2. Specifically, the Board of Trustees will:

3.2.1. ensure that the Association is run in accordance with its Constitution, charity law and all other applicable laws and regulations;

3.2.2. ensure that the Association’s assets and resources are used only for the agreed purposes and are properly secured and insured;

3.2.3. approve the annual budget, any submission to the University concerning the subvention and the Association’s annual financial statements;

3.2.4. approve and monitor the financial procedures of the Association;

3.2.5. approve the Association’s strategic plans and annual reports;

3.2.6. appoint the Association’s bankers, accountants, legal advisors, human resource consultants and auditors and receive any reports from such;
3.2.7. approve all amendments to the Association Constitution for submission to a vote of Conference;

3.2.8. appoint, establish the job description, agree the remuneration and annually appraise the performance of the Association’s Chief Executive Officer.

3.2.9. agree the remuneration and annual appraisal of the President and Deputy President.

3.3. To these ends, the Board of Trustees may veto, overturn or return to the originating body for reconsideration the decision of any Association Officer, Committee, meeting or employee which would either prejudice the legal, financial or charitable objectives of the Association, or affect the Trustees ability to Discharge any of their responsibilities referred to in the Association Constitution.

3.4. The Association Chief Executive Officer will be the Secretary to the Board of Trustees.

3.5. The Board of Trustees may request attendance and report of any person who, in the view of the Trustees, may provide the Board of Trustees with pertinent or useful information or opinion to facilitate the discharge of its duties.

Officer and Student Trustees

3.6. There will be three elected Officer Trustees, who work Association wide, as follows:

3.6.1. The President

3.6.2. Deputy President

3.6.3. Vice President Administration

3.7. Role descriptions for Officer Trustee positions will be drawn up by the Association Central Executive Committee and ratified by the Board of Trustees.

3.8. Officer and Student Trustees will be elected in accordance with the procedures set out in Section 11.
3.9. The term of office for all Officer and Student Trustees will be from 1st August of the year in which the biennial elections are held to 31st July two years after that election.

3.10. An Officer or Student Trustee wishing to resign must do so in writing to the President and Chief Executive Officer. They must give two weeks’ notice in which they will produce a handover document.

3.11. In their absence, for any reason, Officer Trustees may be replaced in their duties by other Association Officers as agreed by the Central Executive Committee. Student Trustees who need to be replaced within a year of their term commencing may be replaced in their duties via a bye-election. Student Trustees requiring replacement more than a year after the commencement of their term of office may be replaced in their duties by other eligible members as agreed by the Central Executive Committee. Any such change in Trustees must be ratified by the Board of Trustees.

3.12. Officer and Student Trustees may be disciplined by the Association following the procedures set out in Section 13.

3.13. Officer or Student Trustees must not hold any paid position within the Association except as provided for by the Constitution.

3.14. Should any Student Trustee be elected as President, Deputy President or Vice President Administration, then they must immediately resign their position as a Student Trustee on taking office.

**External Trustees**

3.15. Unless their appointment is terminated in accordance with the Association’s Constitution, External Trustees shall serve two-year terms up to a maximum of four such terms, commencing either directly after the completion of the term of office of their predecessor or immediately after their appointment if the position is vacant.

3.16. External Trustees must not be a member of the Association, hold any elected or paid position within the Association, or the University, nor be a member of the University Council. Former Association Officers may not be External Trustees until five years after their term of office has ended.

3.17. External Trustee vacancies will be advertised publicly following an analysis of any skills gaps on the Board of Trustees e.g. financial, legal, HR etc.
4. The Central Executive Committee (CEC)

4.1. The Central Executive Committee (CEC) will;

4.1.1. Ensure the effective and democratic representation of OU students both within the University and the wider world of Higher Education.

4.1.2. Provide guidance to the Association Officers.

4.1.3. Be asked to review and agree any changes to policies and procedures proposed by Association Officers.

4.1.4. Work to widen the democratic nature of the Association’s decision making.

4.1.5. Provide a forum for students to raise and discuss issues that concern them.

4.1.6. Develop the Association policy in line with the Association Byelaws.

4.2. The CEC will consist of the following

4.2.1. the President and Deputy President of the Students Association.

4.2.2. the elected Vice Presidents viz. Vice President Administration; Vice President Community; Vice President Education; Vice President Equality and Diversity; Vice President Media and Campaigns; Vice President Student Support and Vice President Student Voice.

4.2.3. should the President need to be replaced within a year of their term commencing the Deputy President shall assume the role on a temporary basis until a by-election has been held and a replacement elected

4.2.4. in the event of the President needing to be replaced more than a year after the commencement of her or his term then the Deputy President shall automatically fill the role until the end of the term unless the Central Executive determines otherwise. Any such decision of the Central Executive must be verified by the Board of Trustees.

4.2.5. a by-election will be held to replace Association Officers other than the President if the post falls vacant in the first year of office.
4.2.6. Association officers other than the President requiring replacement more than a year after the commencement of their term of office may be replaced in their duties by other eligible members as agreed by the Central Executive Committee. Any such decision must be ratified by the Board of Trustees.

4.2.7. One Area Association Representatives for each of the following: England, Northern Ireland, Scotland, Wales, Europe and the Republic of Ireland.

4.2.8. the member elected to represent the Association on the University Council.

4.2.9. Faculty Representatives elected by the general membership. One such representative to be studying a module within the respective Faculty at the time of election.

4.3. The following rules shall apply regarding eligibility for the role of CEC Member:

4.3.1. Only full members of the Association as defined by clauses 12.1 and 12.3 of the Constitution may be proposed as candidates for election to the CEC.

4.3.2. No person other than the President or Deputy President may simultaneously hold elected membership of the CEC and paid employment with the Association save for casual employment in exceptional circumstances at the discretion of the CEC. The President and Deputy President will not be permitted to engage in any other paid employment with the Association beyond that due to their elected position.

4.3.3. No person may simultaneously hold more than one elected position on the CEC.

4.4. The CEC will hold at least four meetings per year while having discretion over its meeting methods.

4.5. The Association President and Chief Executive Officer will be responsible for organising all CEC meetings.

4.6. No less than 14 clear days notice will be given of all Central Executive Committee meetings. Posting on the CEC electronic notice board, shall be sufficient method.
4.7. The Association President will chair all meetings of the CEC. In their absence, the CEC will elect another of their members to chair the meeting.

4.8. The Association’s Chief Executive Officer will appoint a secretary for the meetings. They will take minutes and ensure that they are published within four weeks of the meeting.

4.9. The quorum for any CEC meeting will be 50% of the filled places of the Committee. Non-quorate meetings may discuss issues and pass recommendations to the Board of Trustees.

5. Conference Steering Committee

5.1. Steering Committee will have overall responsibility for organising the Association’s Conference.

5.2. The membership of steering committee shall be:

5.2.1. the President;

5.2.2. Vice President Administration who shall chair the Committee

5.2.3. Vice President Community and one other member elected from and by the Central Executive Committee;

5.2.4. four full members of the Association who shall not be current members of CEC;

5.2.5. a former member of the Central Executive Committee/Board of Trustees/National/Regional Assembly Executive, who does not hold any official position but is still a member of the Association, appointed by the President;

5.2.6. members of the Association’s staff management team in an advisory capacity.

5.2.7 In the event a named post on the Steering Committee is vacant the CEC may appoint another of its members to that position.

5.3. The responsibilities of Steering Committee will include:

5.3.1. the preparation and management of all formal business;
5.3.2. supporting and advising the Chief Executive Officer in relation to the administrative and organisational arrangements for Conference;

5.3.3. supporting and advising the President in relation to the nonbusiness content of Conference.

5.4. The Steering Committee shall be accountable to the Board of Trustees and Central Executive Committee.

6. OU Students Association Conference

6.1. Conference shall meet every two years, in late June/early July.

6.2. Board of Trustee Members and Central Executive Committee Members will be answerable to Conference for decisions and actions they have taken.

6.3. Conference shall be able to ask that proposals or reports are referred back to the Board of Trustees or Central Executive Committee.

6.4. A Rules Revision Convention shall be held every four years commencing in 2013 and be widely publicised to provide all members with the opportunity to participate in the review of the Constitution. The Rules Revision Convention shall be held in the months of October to December with any proposed changes being submitted to the next Association Conference for affirmation.

6.5. The Association Conference will consist of both a face to face element and an online element. The online element will be open to all members to read, but only online delegates will be able to participate.

6.6. All those with delegate status at either element of the Association Conference shall have one equal vote in the formal decision-making process.

6.7. No student may have delegate status at more than one element of Association Conference.

6.8. There will be an equal number of delegate places available at each element of the Association Conference except as provided for at 6.10 below. The votes of all delegates at both elements shall be aggregated to decide upon the voting result of any election or proposal presented to Conference.
6.9. Delegates from the ‘Rest of the World’ Region shall only be allowed to participate at the online element of Conference, but shall be entitled to the combined number of delegate places for the online element as they would otherwise have been entitled to for both elements of Conference.

6.10. The Nations and Europe will be allocated 1 delegate place per 465 members or part thereof for each element of Conference. The remaining places will be open to application via the registration process. In the event of applications exceeding the available places for any Region or Nation, places will be determined by some form of random lottery.

6.11. Affiliated Societies shall be entitled to 1 delegate per 500 members or part thereof for each element of Conference.

6.12. The Disabled Student Group and PLEXUS shall be entitled to a total of 2 delegates per 500 members or part thereof for the combined elements of Conference. Such delegates may decide individually which element they attend but may not attend both elements.

6.13. Board of Trustee Members and Central Executive Committee members will attend the Association Conference as delegates and may attend both elements, but they will only have one vote. External Trustees will be invited as guests, but will not be able to vote.

6.14. Prospective members of the incoming CEC and Board of Trustees will be reserved a delegate place at Conference.

6.15. The face to face element of the Association Conference will consist of at least half a day’s business and up to one and a half days of presentations, workshops and discussion with opportunities to network and socialise. The Online element of the Association Conference will consider the same, formal business items but this Conference will be appropriately tailored to the medium used with a range of other activities e.g. presentations, workshops and discussion with opportunities to network and socialise, which may be different to those at the Face to Face element of the Conference.

6.16. Extraordinary meetings of the Association Conference may be called under the terms of the Association’s Constitution.
7. Nations and Regions

7.1. There will be 7 Nations and Regions. One for each of the four Nations of the United Kingdom, the Republic of Ireland, Europe and the Rest of the World.

8. Policy Reviews

8.1. The Central Executive Committee shall be able to initiate policy reviews. It will also be open to individual members or groups of members to initiate a policy review on topics of their choosing subject to the support of a minimum of 50 members in order to justify the use of Students Association resources e.g. Central Executive Committee Members and staff time.

8.2. The policy review shall have a timetable and staff support to ensure that a formal report is produced.

8.3. There shall be consultation with the membership on policy reviews. Such consultation shall be widely publicised, include invitations to comment and discuss and where appropriate employ available technologies for such purposes as surveys, polls and referendums. The results of consultations shall be published and considered as part of the policy review.

8.4. The Central Executive Committee will be obliged to find time in their work programme for its consideration.

8.5. The Central Executive Committee will publish its conclusions in a coherent form as an Association Policy Statement.

8.6. Policy Statements will be placed on the Agenda for the Association’s next Conference for formal affirmation.

9. Students Association Clubs

9.1. Students Association Clubs may be established for the following purposes:

9.1.1. to facilitate social interaction between students;

9.1.2. to facilitate informal networking and support between students;

9.1.3. to provide for special-interest groups.
9.2. Clubs may also be asked to provide feedback or information to either their local Assembly or the CEC. They may also be invited to form temporary networks of several Groups for this purpose.

9.3. Membership of each group will be determined by the Groups own membership, with the expectation that they will abide by certain fundamental principles e.g. being open to all students with that interest/in that area etc.

9.4. The Association will not support discriminatory practices or find itself providing resources and support to a closed group of friends.

9.5. Restricted membership may be acceptable in certain circumstances, e.g. to exclude those fundamentally opposed to the aims and beliefs of the club or in compliance with the Equality Act 2010 but will require the approval of the Central Executive Committee.

9.6. Individual clubs will decide how to run themselves. However, in order to get access to Association resources e.g. the ability to send out newsletters/messages through centrally issued emails, they will need to be registered as a Students Association Club.

9.7. A central register of all Clubs will be maintained by the Association staff team.

9.8. The Central Executive Committee will approve or remove access to Association facilities for all clubs.

9.9. Officially registered Clubs will be able to:

9.9.1. Send out an initial recruitment advert to all potential Club members with annual reminders;

9.9.2. use the Association’s branding and logo;

9.9.3. have a centrally provided online forum;

9.9.4. advertise in newsletters etc;

9.10. Officially registered Clubs will be required to:

9.10.1. be open to all students who meet their membership criteria;
9.10.2. support the Association’s principles of equality, openness, diversity and be non-discriminatory;

9.10.3. operate within our legally defined objectives;

9.10.4. not bring the Association or the University into disrepute.

9.11. The entitlement to use Association funds will be related to the purpose the funds are being requested for and not the type of Club.

9.12. Allocation of funds will be at the discretion of an Awards Panel (up to a pre-determined amount and within a budget assigned for this purpose). Amounts above this will need to be approved by the Board of Trustees.

9.13. As a guide Clubs may be funded for the following, although any decision may depend on the nature of a given event and the funds available:

9.13.1. room hire

9.13.2. equipment hire

9.13.3. speaker fees

9.13.4. travel expenses for the organisers of an event

9.13.5. refreshments at a special event

10. Equality and Diversity

10.1 This Association is open to all members without discrimination by means of race, gender, physical or mental disability, age, sexual orientation or any other characteristic and therefore the Association should make continued effort to ensure that wherever practically possible:

10.2 Communication

10.2.1 all written communications from the Association to members shall be in accessible formats when requested with, for example, alternatives for tables and written descriptions of pictures.

10.2.2 all websites used by the Association shall be presented so that the format can easily be adapted by screen readers and those with visual limitations including sub titles for video recordings.
10.2.3 individual forums within the Association’s suite of on-line forums shall all include Guidelines for Accessibility. Moderators shall be directed to help participants be made aware of and adhere to these Guidelines.

10.2.4 any other on-line groups or forums set up in the name of the Association, for example Facebook groups, should be encouraged to adhere to these Guidelines for Accessibility.

10.3 Meetings and events

10.3.1 any meeting or event organised and potentially fundable by this Association shall be held in an accessible venue. Consideration shall be given, amongst others, to mobility, access, noise and light levels, dietary requirements, public transport access, time and day of venue. All reasonable efforts should be made to accommodate an individual member’s requirements provided adequate notice is given.

10.3.2 there will be a Facilitation Panel to consider facilitation requests that require very specialised resources or very large costs for assistance at centrally organised Students Association events. All requests will remain confidential. The chair will be appointed by the President.

10.3.3 remote attendance of meetings, for instance via phone or Skype, shall be considered whenever requested and shall be supported if beneficial.

10.3.4 a hearing loop shall be provided if requested.

10.3.5 meeting papers shall be provided in an alternative format if requested.

10.3.6 members shall be entitled to register for attendance at the Biennial Conference which will take place either face to face or on-line. Participation in elections, voting and debates shall be equally accessible at both elements of Conference.

10.4 General

10.4.1 The Association will strive to adopt best practice in matters of equality and diversity and seek to proactively deal with issues addressed by national and international legislation.
10.5 **Equality and Diversity within the OU**

10.5.1 This Association will continue to raise awareness of equality and diversity issues with the University whenever and wherever relevant.

11. **Election of Central Executive Committee members and Student Trustees**

11.1. The Association’s Chief Executive Officer will act as Returning Officer for all elections under this Bye-law. They will be responsible for the drafting and implementation of elections rules, in consultation with Vice President Administration. Decisions regarding the election rules and regulations are made at the Returning Officer’s discretion. The Returning Officer may appoint Deputy Returning Officers from among the Association’s senior staff where appropriate and delegate to them responsibility for elections as appropriate.

11.2. The elections for the Central Executive Committee and Board of Trustees will take place in the lead-up to the biennial Conference. Elections will be held online with provision for accessible alternatives where practicable. Election results will be announced before Conference and published on the Association website as soon as possible afterwards. Should positions remain unfilled or if a post holder resigns, then a bye-election will take place in February of the following year.

A further bye-election window in September of a non-Conference year may be used if required to fill any remaining vacancies which have occurred before mid-term.

Any by-elections outside of these periods will need the approval of the CEC and Board of Trustees.

11.3. There is a general requirement in relation to all elections in the Students Association that those standing are required to provide certain, prescribed information about their study profile and general location so that the electorate can be aware of such issues in exercising their votes. The nomination form will include a section covering these details which must be completed.

11.4. The Returning Officer will publish information about all aspects of the elections and the requirements for candidates and voters, prior to opening the call for nominations.
11.5. All candidates for all elections are able to self-nominate and must supply the nomination form and a manifesto of up to 500 words to the Returning Officer before the close of nominations. They will supply a photograph and/or video according to the Election Rules.

11.6. Each candidate for Area Association Representative must be registered with the University within the Nation or one of the Regions for which they are nominated.

11.7. Each candidate for Faculty Association Representative must either be enrolled for a module or registered for a qualification within the appropriate Faculty or in the case of the Open Programme Representative be studying for an Open Degree.

11.8. Upon submitting the completed nomination form the candidates are bound by the terms and conditions of the election rules and regulations as noted in the elections rules, the Association Constitution, and Bye laws. The Returning Officer’s decision is final.

11.9. The Returning Officer will not reveal details of any nominations prior to the close of nominations.

11.10. The Returning Officer will publicise the opening times and locations for questions at least 14 days prior to the event.

11.11. If a Hustings (questions to Candidates) procedure takes place, it will be chaired by the Returning Officer or their Deputy. Questions will be taken from full members of the Association and the Chair will regulate the number and length of time taken over questions.

12. Expenses and Payments

12.1 This section sets out the basis for claims for reimbursement of expenses incurred while on official Students Association business. The Board of Trustees have ultimate responsibility for determining the budget and ensuring compliance by all parties with any measures in force to safeguard those resources.

12.2 When incurring expenses on behalf of the Association you are asked to have regard for the nature of the organisation and for ensuring that all expenditure is reasonable. You should also ensure before incurring expenses that the Association has an agreed budget for covering such activities. If in doubt about any action which will give rise to a claim to the
Association for reimbursement of expenses, check with the relevant staff in the Association’s Resources team before incurring the expenditure.

12.3 When attending centrally organised Association events and meetings the accommodation and catering charges are usually paid directly by the Association. If you choose to order newspapers, use the phone or put bar orders on your room, you will be required to settle such charges personally and they will not be reclaimable as expense.

12.4 When using your car to attend Association events, mileage can be claimed at the current rate per mile. Where passengers (whose fare would otherwise be paid by the Association) are carried, an allowance per mile for the first passenger and a lower allowance per mile for further passengers may be claimed. Details of any passengers must be entered on the claim form, in the space provided.

12.5 All claims must be submitted on the appropriate form together with all receipts and received by the staff team within six weeks of the event. If you fail to submit a claim within this time frame you must provide the staff team with a written explanation for the delay. If there is an issue with your explanation it will be referred to Vice President Administration for a decision regarding payment.

12.6 The cost of car hire and fuel NOT mileage will only be reimbursed if it is at least as cost effective as public transport (e.g. several people travelling together to the same event/meeting). Prior approval is required from the staff team if this is not the case or if there is a special need.

12.7 All claim forms are available either for e. completion or manual submission and will be made readily available online or on request from the office. Claim forms are also available at all Association meetings/events.

12.8 If you require an advance to attend Association meetings/events you must complete an advance claim form stating details of the meeting/event, mode of transport and the amount you require. Advances must be received by the staff team at a minimum of 10 working days prior to the event.

12.9 Having received an advance from the Association you are required to submit a claim supported by receipts within six weeks of the event. An advance is a debt owing to the Association and as such it is an audit requirement for a claim to be submitted, together with receipts where appropriate, detailing the expenditure of the advance received. If you
have nothing further to claim you are still required to submit a claim to cover any advance.

12.10 Payment of expenses and advances will be by cheque or BACS (direct to your bank account). If you wish for your expenses to be paid directly into your bank account complete the section on the claim form requesting your bank account details. Once a BACS payment has been set up you will receive a unique four digit BACS code for all future claims and you need only provide your bank details again if they change.

12.11 The Association’s financial year runs from the 1 August to 31 July. Please ensure that any claims up to and including 31 July are sent to the staff team no later than 14 August each year.

12.12 The Chief Executive Officer has delegated responsibility for authorising all claims and will only refer an individual claim to the Office-holder formally identified in 12.14 below in the case of a query about the appropriateness of a claim.

12.13 On days when the President and Deputy President are in receipt of their overnight allowance they will only be able to claim for essential travel and accommodation costs.

12.14 VP Administration will authorise referred claims from all CEC members (except VP Administration), Trustees, Chief Executive Officer and other student volunteers.

12.15 The President or Deputy President will authorise any referred claims from VP Administration

13. Grievance and Complaint Procedures

13.1 Complaints against members:

13.1.1 These can be grouped as follows (the list is not exhaustive)

• Breach of the bullying and harassment policy
• Bringing the Association into disrepute
• Failure to follow Association rules for use of its online spaces

13.1.2 Legitimate criticism of the Association, any post holder or candidate for election will not be considered grounds for a complaint. However, criticism of the character or motives of members (either as a group or as individuals) could be grounds for disciplinary action either as to content or the way it is expressed.
13.1.3 Regard should also be taken as to the context of any alleged misconduct.

13.1.4 Controversial statements not involving the Association or its members issued outside an official context would not normally be considered grounds for complaint. However, such statements might be considered for disciplinary action if they are made in an official capacity regardless of where or if made in an official context. Official context includes but is not restricted to Association or University meetings, forums and social media sites managed by the Association or University.

13.1.5 For example, a member may hold particular political views but if expressed privately this would not be a disciplinary matter (although extreme views posted on Association forums may breach other regulations and may be referred to the University as part of the Prevent Duty). A member expressing such views in an official capacity or using their position to promote such views external to the Association may find themselves liable to disciplinary action for bringing the Association into disrepute.

13.2 Procedure:

13.2.1 Anyone may make a complaint to the Association’s President that a particular member has engaged in conduct that may be injurious to the character of the Association, its members or staff or which might bring the Association into disrepute. If the complaint involves the President then it should be addressed to the Deputy President who will act as President for the purpose of the complaint for the remainder of the procedure.

13.2.2 The President will decide whether or not there is a case to answer. If it decided that there is then the matter will be dealt with under this procedure. If it is felt necessary the President may also, without prejudice to the outcome of the investigation, suspend the member who is the subject of the complaint until the disciplinary process (including any appeal) is completed.

13.2.3 If appropriate the President may refer the complaint to the University to be dealt with under the OU complaints and disciplinary procedure.

13.2.4 The President will appoint a panel of no fewer than three members to investigate the complaint. The panel will normally consist of Central Executive Committee members but may also include other members not on the Committee if it is felt that would be in the
interest of justice. This panel will conduct an investigation as they feel appropriate and will ensure the subject of the complaint has a full opportunity to respond.

13.2.5 The panel will then decide on the basis of the evidence whether or not the complaint is upheld and if so whether it is serious enough to justify further action. If they agree it is they can award the following penalties:

a) A Verbal Warning which will be kept on file for six months
b) A Formal Written Warning which will be kept on file for twelve months
c) Temporary suspension for a set time from a post or representative role. This will be kept on file for two years following the completion of the suspension
d) Permanent suspension from any post or representative role
e) Temporary suspension for a set time from membership of the Association – this will also lead to removal from any post held as these are held as Members of the Association
f) Recommend permanent expulsion from the Association. This will need to be ratified by the Board of Trustees who will review the case to ensure all correct procedures have been followed.

13.2.6 A full report shall be given to the member concerned detailing the panel’s decision and the reason for the sanction applied. They will also be given details of the Appeal Process if any sanction has been imposed.

13.2.7 For the avoidance of doubt removal from a post includes removal of all posts contingent on the primary one held. So an ex officio Trustee or Director would be removed from those positions in addition to the primary one.

13.2.8 In the case of salaried elected officers their employment is conditional upon holding elected office for which they must be members of the Association. If their membership is revoked they will no longer be able to hold office and as such their contract of employment can be terminated.

13.2.9 Members who have been subject to this disciplinary process can appeal within 10 working days of the original decision being notified.

13.2.10 The purpose of the appeal is to remedy any defects in the disciplinary process and the member involved should be made aware that it is not a reinvestigation of the original allegation. Therefore the grounds for appeals are:
• That the decision was unreasonable in light of the evidence presented
• That the penalty is disproportionate to the offence
• New evidence that has come to light since the original decision was made or that there was relevant information that the student feels has not been considered.
• The process was not applied correctly
• Extenuating circumstances that have not already been considered

13.2.11 An Appeal Panel will be appointed, chaired by an elected member from the Central Executive Committee. The panel will have four further members. Neither the Chair nor any of the other members appointed to this panel will have had prior formal involvement in this case. The Panel will convene and decide within 15 working days of the appeal being lodged or, should deliberations be prolonged, provide an update as to when the decision will be given.

13.2.12 The Appeal Panel will be given the report of the Disciplinary Panel to review and will invite the member appealing against that decision to state their case. They will be given access to the evidence if they request.

13.2.13 The Appeal Panel can overturn the original decision if it feels the evidence was insufficient to justify it or if it finds there was a defect in process. It may reduce the period of any sanction or the level of the sanction if it feels the sanction was excessive. It may not increase the severity of any sanction. If new evidence has come to light it can refer the decision back to the original panel.

13.2.14 There is no appeal to the Association against the ruling of the Appeal Panel.

13.2.15 The University will be informed of any temporary suspension or permanent expulsion from the Association. The Association will also make a formal request to the University to replace the member if they hold any representative post.

13.2.16 The Association may notify the University of the reasons for the decision if it believes the member is a potential threat to the reputation of the University or the well-being of other students.

13.2.17 Accurate records will be kept detailing:

• Any breach of disciplinary rules or unsatisfactory performance,
• The Member defence or mitigation,
• The action taken and the reasons for it,
• Whether an appeal was lodged, its outcome and any subsequent developments.

13.2.18 These records are to be kept confidential and retained in line with current Data Protection Law and Guidelines.

13.3 Complaints against the Association:

13.3.1 Complaints against the Association will be processed according to the OU Student Association General Complaints procedure. These are part of a specific Deputy Chief Executive Officer’s remit and they will oversee any action taken.

13.4 Complaints against elected members:

13.4.1 This section is still under review

13.5 Appointed Members:

13.5.1 An appointing body may de-select a post-holder at any time, following review of performance or having received a complaint which is upheld. The body must give notice of its intention and reasons and provide the member concerned with the opportunity to put his or her case to the appointing body before any decision is made. In the case of any representative to the University who is de-selected, the University shall be notified that the Association has had occasion to review that person’s position and formally request that the Association be allowed to appoint a replacement to that post.

13.5.2 The Office will keep a record of all post holders deselected on file for information. It will not, in itself, be grounds for non-selection in the future but may be taken into consideration by any future selection panel.

13.6 Association Forums

13.6.1 The Complaints and Disciplinary procedures for the Association Forums are as defined in the Comprehensive Guide to the Association Forums. A copy of this section is appended to these bye-laws.

14. Representatives Appointments to Open University Central Committees

14.1 Central Committee Representatives

14.1.1 The Association appoints representatives as student members of
OU Academic Governance Committees in accordance with the Terms of Reference for those committees (as approved by Senate). These are known as Central Committee Representatives.

14.1.2 Central Committee Representatives must be full members of the Association as defined by the constitution at the time of appointment.

14.2 Appointments Committee

14.2.1 There shall be an Appointments Committee with responsibility for considering applications from potential Central Committee Representatives.

14.2.2 The Appointments Committee has the authority to appoint Central Committee Representatives.

14.2.3 The Board of Trustees may accept, amend or reject recommendations made by the Appointments Committee.

14.2.4 The Appointments Committee shall consist of:

a) The Vice President Education (Chair)
b) The President (or President’s nominee from the Officer Team or the Student Member of Council
c) A member of the Board of Trustees (elected by the Board)
d) A member of the CEC (elected by the CEC)
e) Two existing Central Committee Representatives (chosen by the President)
f) A Deputy Chief Executive Officer of the Association (Secretary, non-voting)

14.2.5 In the absence of the VP Education the Committee will elect a temporary Chair

14.2.6 Four voting members shall constitute a quorum

14.2.7 A decision relating to the appointment of a Central Committee Representative shall require a majority of those participating in the vote. If the vote is split, the Chair will have a casting vote.

14.2.8 The Board of Trustees shall approve annually the Principles of Appointment and role description against which applications shall be considered.

14.2.9 The Appointments Committee will convene when needed, either face to face or online.
14.3 Central Representatives Seminar

14.3.1 To provide training, information and guidance to Central Committee Representatives and to aid the Appointments Committee in making their decisions, a Central Committee Representatives Seminar shall be held annually – usually in either June or July. This will be organised by Vice President Education with support from the Appointments Committee, existing Central Committee Representatives and Association staff.

14.4 Term of Appointment

14.4.1 The term of appointment for Central Representatives will ordinarily last one or two years, beginning on 1st September and ending on 31st August to coincide with the University’s committee timetable. At the conclusion of this term, the Central Committee Representative must reapply if they wish to continue.

14.5 Applications as part of the main appointment period

14.5.1 Applications shall be sought from continuing and potential Central Representatives between June and July in years which a new term of appointment will begin.

14.5.2 These applications will be considered by the Appointments Committee at a meeting held in August and applicants will either be approved or rejected.

14.5.3 After this meeting the Appointments Committee will appoint representatives to fill vacant positions on Committees.

14.6 Applications made outside the main appointment period

14.6.1 Applications will be accepted and processed at any point during the year between August and April.

14.6.2 For applications received outside the standard application period (as defined in 14.5.1), the Appointments Committee may:

   - Invite the applicant to attend the next seminar for consideration at that time;
   - Appoint the applicant
   - Reject the application

14.7 Removal of Central Representatives

14.7.1 A Central Committee Representative may be removed by the Board of Trustees, on recommendation from the Appointments
Committee, from any committee to which they have been appointed if:

a) They have failed to attend two or more meetings within one committee year without prior agreement;

b) Their conduct while acting as a Central Representative has been investigated and deemed to be unacceptable

14.7.2 Any investigation necessary under 14.7.1 will be conducted in accordance with the process outlined for appointed posts in the Association’s Disciplinary and Complaints Procedure

14.8 Senate Reference Group

14.8.1 The membership of the Association’s Senate Reference Group shall be as laid out in the constitution of that group and approved by the Senate.

14.8.2 Where that constitution includes representative who are not ex officio from other roles, these are to be selected by a process approved by the Senate Reference Group

14.8.3 The term of appointment for these regional/national representatives is the same as outlined in 14.4 for Central Committee Representatives. Representatives with ex officio roles will be members only as long as they are still in post.

15. Disabled Students Group

15.1 There shall be a Disabled Students Group (DSG) for the purpose of presenting disability issues to the Central Executive Committee which, where appropriate, will raise the issues with the University.

15.2 The DSG shall be recognised as the Association's consultative group on disability issues and shall therefore be represented by VP Equality and Diversity supported by other Officers as required.

15.3 Whilst the group will be run autonomously in accordance with its operational guidelines, it shall comply with the Association’s Constitution and be accountable to the Central Executive Committee.

16. Societies

16.1 A group of members combining together to form a society may apply to the Central Executive Committee for the status of an affiliated society of the Association. The Central Executive Committee shall be responsible
for granting, maintaining affiliation status in accordance with rules approved by the Central Executive Committee and Board of Trustees.

16.2 The Central Executive Committee shall appoint a member of that Committee who will be responsible for liaising with and advising the society at all stages of its application for affiliation. The Chair of the Societies Standing committee will be kept informed of developments.

Procedures for Affiliation

16.3 The Society's formal request to affiliate must be accompanied by a copy of its constitution.

16.4 The constitution will be reviewed by the Vice President Administration to ensure that it does not contain any clause in conflict with the criteria set out below.

16.5 Where a Society constitution is amended the revised version must conform to the criteria and must be forwarded to the Association Chief Executive Officer within four weeks of its approval by the society.

16.6 The Societies Standing Committee (or its Chair acting on behalf of the Committee) will be asked to comment on any overlap of aims between the applicant society and societies which are already affiliated.

16.7 If the application is straightforward the Vice President Administration will advise the CEC that the officers of the society should be invited to sign an agreement accepting the terms of the affiliation and acknowledging the grounds for disaffiliation.

16.8 If there are problems which cannot be resolved by the Vice President Administration following liaison with the nominated contact of the proposed society the application will be submitted for consideration by CEC.

16.9 A society which has been refused affiliation shall, within 28 working days of the decision of CEC being reached, be furnished with written notice setting out the reasons for such refusal.

16.10 A society which has been refused affiliation by CEC may, within 28 working days of the notice being received, request that the decision be reconsidered by the Board of Trustees.
Criteria for Affiliation

16.11 The aims of the society stated in its constitution must not be inconsistent with any of the objectives of the Association and must adequately define the scope of the society's activities.

16.12 Membership of a society must normally be open to all members of the Association, although provision may be made in its constitution for the exclusion of those who are overtly unsympathetic to its aims.

16.13 A society must have a minimum of 10 members in order to commence affiliation and must achieve and maintain at least 25 members within a year of affiliation and 40 members within two years of affiliation in order to remain affiliated.

16.14 At least 50% of the full or voting membership of the society must be made up of the following categories: full members of the Association; past full members of the Association; members of staff of the University.

16.15 In order to remain affiliated a society must supply a signed statement with its audited or examined accounts certifying that the society fulfils the membership requirements as contained elsewhere in these Bye-Laws.

16.16 Neither the OU nor the Association’s branding may be used in any way by affiliated societies.

16.17 The Society's constitution must specify that Office and Committee Members will be elected. The method of such election must be made clear to the society's membership.

16.18 The society must inform the Association's Chief Executive Officer or nominee of the names of the elected officers.

16.19 The opportunity to represent the society on the Societies Committee must be open to all of the society's members. All Society members who are also members of the Association must also be given the opportunity to represent their society at the Association Conference. The methods of appointment, which must be acceptable to the Chief Executive Officer and the Vice President Administration, must be made known to the membership of the society.

Financial Arrangements and Annual Report

16.20 The annual accounts or financial statements must be examined by two persons who were not officers or committee members during the year in
question or by a professionally qualified accountant. Auditors acceptable to the Association Chief Executive Officer and the Vice President Administration must be used if the society's turnover exceeds £5,000 in any year.

16.21 A copy of the annual report summarising the activities of the society, the annual accounts or financial statements and minutes of the meeting which approved them must be submitted to the Association’s staff team.

16.22 The Association staff team must be informed in advance of, and be sent a copy of, the budget of any enterprise proposed by a society which involves a budgeted cash turnover in excess of £1,500 and for which the society's funds are insufficient to cover a total loss of the society's commitment in that enterprise.

Voluntary Disaffiliation from the Association

16.23 A society may disaffiliate by the notification to the Association General Manager of a resolution to disaffiliate that has been carried by a properly constituted General Meeting of the society.

16.24 An Affiliated Society that has been wound up or dissolved by a properly constituted General Meeting, or if a quorum for such a meeting cannot be obtained by any other procedure approved by the Board of Trustees, shall be deemed to be disaffiliated.

Disaffiliation by the Association

16.25 An Affiliated Society may be disaffiliated on the following grounds:

16.25.1 failure to continue to meet one or more of the criteria for affiliation;

16.25.2 failure of the society to conform to the requirements and limitations of its own constitution;

16.25.3 serious mismanagement affecting either the financial or general operation of the society;

16.25.4 conduct of activities which, in the opinion of the Central Executive Committee or Board of Trustees, are likely to bring the Association into disrepute.
Procedure for Disaffiliation by the Association

16.26 If a society’s actions (or failure to act) are alleged by a member or members of the Central Executive Committee to give cause for disaffiliation, the allegations will be investigated by the Board of Trustees. The Board of Trustees will normally be chaired by the President and include two other members of the Board of Trustees with the Association’s Chief Executive Officer in attendance. The Board of Trustees must take such statements from and/or interview such officers or members of the society and other witnesses as are necessary to determine the truth of the allegations. The Board of Trustees report must include:

16.26.1 a statement of the allegations and the committee's findings as to their truth;

16.26.2 a statement of whether or not there has been a cause for disaffiliation;

16.27 If cause for disaffiliation has been found a recommended penalty, to be enforced by the Executive Committee, must be one of the following:

16.27.1 the society be reprimanded;

16.27.2 the society be given a fixed time (not exceeding six months) to put its affairs in order and failing that be disaffiliated;

16.27.3 the society be immediately disaffiliated.

16.28 A copy of the committee's report must be sent to the officers of the society and to all members of the Central Executive Committee, and Board of Trustees.

16.29 If cause for disaffiliation was not found by the committee, the matter shall be considered closed.

16.30 If the committee has found cause for disaffiliation then the CEC must review the findings and decide whether to confirm that disaffiliation or substitute a lighter penalty. The society shall have the right to send up to two of its members to the relevant Central Executive Committee meeting in order to put its case against disaffiliation. The decision of the CEC shall be final.

Societies Committee

16.31 Relationships with affiliated societies will be managed by a sub-committee of the Board of Trustees called the Societies Committee.
Membership

16.32 The Societies Committee Chair

16.33 The President

16.34 Vice President Administration and Vice President Community..

16.35 One delegate from each affiliated society, appointed in accordance with the rules for affiliation as approved by the Central Executive Committee.

Observers

16.36 An affiliated society may, at its own expense, send observers to meetings of the Societies Committee. Such observers shall be entitled to speak with the permission of the Societies Committee but shall not be entitled to vote.

Meetings and Business

16.37 The Societies Committee shall hold an Annual General Meeting in June/July of each year which shall include an online element.

16.38 The Societies Committee shall meet on such other occasions as it shall determine in its absolute discretion.

16.39 Meetings of the Societies Committee shall be conducted in accordance with Standing Orders.

16.40 The Societies Committee shall receive an Annual grant from the Association. Such grant shall be determined by the Board of Trustees. The grant shall be allocated in such manner as the Societies Committee shall determine, subject to the approval of the Board of Trustees, to finance the Societies Committee’s operation and to assist the affiliated societies in their operations.

16.41 The Societies Committee shall undertake such actions as it shall determine to assist the affiliated societies in their operations subject to the approval of the Board of Trustees for any actions that include contact with individuals or organisations outside the Association. It will also act as a conduit for the representation of Society views to the Association.

16.42 The Societies Committee shall elect its own Chair.
16.43 The Election of the Societies Committee Chair shall be conducted by the voting members at the Committee’s Annual General Meeting.

16.44 In the event of an emergency occurring between meetings of the Societies Committee, the Chair of the Committee, the President and the Association Chief Executive Officer shall consult together and act on behalf, and in place, of the Societies Committee.

Definitions and Interpretations

In these Bye-laws, the following terms shall have the following meanings:

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Academic Year”</td>
<td>The period between 1st August in one Year to 31st July in the next Year.</td>
</tr>
<tr>
<td>“Appointments Committee”</td>
<td>The committee set up in accordance with the Bye-Laws.</td>
</tr>
<tr>
<td>“Board of Trustees” or “Board”</td>
<td>The Board of Trustees of the Association.</td>
</tr>
<tr>
<td>“Bye-Laws”</td>
<td>The Bye-Laws setting out the working practices of the Association made from time to time in accordance with the Association Constitution.</td>
</tr>
<tr>
<td>“Chair”</td>
<td>The chair of the Board of Trustees. Similarly, the chair of any committee relevant to the described section of the Constitution or Bye Laws.</td>
</tr>
<tr>
<td>“Chief Executive Officer”</td>
<td>The Chief Executive Officer of the Association who is appointed by the Board of Trustees as the senior manager of the organisation.</td>
</tr>
<tr>
<td>“Clear Days”</td>
<td>In relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect.</td>
</tr>
<tr>
<td>“Code of Practice”</td>
<td>The code of practice relating to the Open Universities obligations under Section 22 of the Education Act.</td>
</tr>
</tbody>
</table>
### “Connected Person”
Any person falling within one of the following categories and where payment to that person might result in the relevant Trustee obtaining benefit: (a) any spouse, civil partner, parent, child, brother, sister, grandparent or grandchild of a Trustee; or (b) the spouse or civil partner of any person in (a); or (c) any other person in a relationship with a Trustee which may reasonably be regarded as equivalent to such a relationship; or (d) any company or LLP or firm of which a Trustee is a paid director, member, partner or employee, or shareholder holding more than 1% of the capital.

### “Constitution”
The Association Constitution.

### “Education Act”

### “Returning Officer”
The member of the Association staff responsible for the administration of the Association elections.

### “External Trustee”
A Trustee who for the avoidance of doubt shall not be deemed to be either an Association office holder or a Central Executive Committee Member for the purposes of section 22 of the Education Act.

### “In Writing”
Written, printed or transmitted writing including by electronic communication.

### “Members”
Members of the Association being Students at the Open University.

### "Observer"
Person entitled to attend and speak at a meeting but not vote.

### “Personal Interest”
A financial interest or an interest that does not arise in the ordinary course of being a Member or a Trustee (for example, being a member of a club or society).

### “Policy”
Representative and campaigning policy set by Central Executive Committee

### “President”
The president of the Association, as elected by the Members in accordance with the Bye-Laws.

### “Secure Petition”
A written request to the Association which shall be held securely online.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Student”</td>
<td>Any individual who is formally registered for an approved programme of study provided by the Open University. For the avoidance of doubt, the Open University shall determine whether or not an individual has student status.</td>
</tr>
<tr>
<td>“Central Executive Committee”</td>
<td>The body of Students constituted in accordance with this Constitution and the Bye-Laws of the Association.</td>
</tr>
<tr>
<td>“Student Trustee”</td>
<td>A Trustee elected who is a Student</td>
</tr>
<tr>
<td>“Subsidiary Company”</td>
<td>Any company in which the Association holds more than 50% of the shares, controls more than 50% of the voting rights attached to the shares or has the right to appoint a majority of the board of the company.</td>
</tr>
<tr>
<td>“Trustee” and “Trustees”</td>
<td>The Officer Trustees, the Student Trustees and the External Trustees.</td>
</tr>
<tr>
<td>“visitor”</td>
<td>Person entitled to attend a meeting but not speak except by permission of the Chair. A visitor may not vote at that meeting</td>
</tr>
<tr>
<td>“the Association”</td>
<td>The Open University Student Association</td>
</tr>
<tr>
<td>“Open University”</td>
<td>The Open University</td>
</tr>
<tr>
<td>England</td>
<td>For the purposes of representation, England shall include the Isle of Man and the Channel Islands</td>
</tr>
<tr>
<td>Nations</td>
<td>The four constituent nations of the United Kingdom plus the Republic of Ireland</td>
</tr>
<tr>
<td>Europe</td>
<td>Students registered with the Open University resident in the European Economic Area (excepting the United Kingdom and the Republic of Ireland) as well as Switzerland, Monaco, Andorra, San Marino, Vatican City and Gibraltar. Any overseas territories of a European Nation outside Europe shall be considered part of the Rest of the World.</td>
</tr>
<tr>
<td>Rest of the World</td>
<td>Students Registered with the Open University registered outside the United Kingdom, Republic of Ireland and Europe (as defined above). For the avoidance of doubt those Départments of France outside Europe are to be considered in this category.</td>
</tr>
</tbody>
</table>
Words importing the singular shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa.

Any reference to a statute, statutory provision or subordinate legislation ("legislation") shall (except where the context otherwise requires) be construed as referring to such legislation as amended and in force from time to time and to any legislation which (either with or without modification) re-enacts, consolidates or enacts in rewritten form any such legislation.
APPENDICES

Appendix 1

FROM THE COMPREHENSIVE GUIDE TO THE ASSOCIATION FORUMS

SECTION D – COMPLAINTS AND DISCIPLINARY PROCEDURES

1. Introduction

a. OU Student Association public forums are open to everyone with access to the University’s computing services. The University allows the Association to run this service on the basis that the Association takes responsibility for ensuring that the University’s Student Computing Policy and online communication systems guidelines are adhered to and where necessary enforced. Details can be found at: http://www.open.ac.uk/students/charter/essential-documents/computing

b. All users of Association forums must familiarise themselves with the contents of these documents and operate within the stated rules. For all purposes relating to Association’s Forums, references to ‘the rules’ means those specified within the documents referred to above. Where users of the services are in breach of the conduct required the Association reserves the right to limit or terminate their use of the services.

c. These Procedures explain:

- what to do when another user is in breach of the rules
- how breaches of the rules are dealt with
- what action can be taken if there is a suspicion of an unfair treatment

d. In order to avoid contradictions or inconsistency in the treatment of members in relation to online conduct as opposed to conduct in general, these are the only procedures which will apply to conduct in Association forums. However, issues arising from these may be referred for consideration under the Association general disciplinary procedures if they fall under these.
e. Where CAP (Controller Advisory Panel) is considering matters formally referred to it under these procedures, not less than two members of CAP will be involved and all decisions will be made on behalf of CAP collectively. If it is necessary for any matter dealt with under the Disciplinary Procedure to be considered by an Appeal Panel of the Central Executive Committee (CEC), no less than three members of the CEC will be involved. No member of CAP will form part of that Appeal Panel.

f. It is not acceptable to try to bypass these procedures by writing directly to the individual mailboxes of the members of the CEC, including the President. CEC members will not enter into private discussions on matters which are, or which ought properly to be, the subject of these procedures.

2. Complaints Procedure

a. Stage 1 of the Complaints Procedure

In the first instance any complaint about conduct in an Association forum should be taken up with the moderators (mods) of the forum concerned using the ‘Contact Your Moderator’ forum. You should receive a response within 3 working days of submitting your complaint, but not necessarily have your complaint resolved in that time.

Following a response from the mod(s) if you remain dissatisfied, you may raise your complaint under Stage 2 of the procedure.

b. Stage 2 of the Complaints Procedure

If you have a complaint about the Association forum moderation or you remain dissatisfied after raising a complaint with the moderators, you can submit a formal complaint to the Association Forum Controller who can be contacted at ousa-controller@open.ac.uk. You will receive an acknowledgement to confirm that your message has been received.

You should be precise about the nature of your complaint and you will need to cite details of the message(s) about which you are complaining by giving the name of the forum, the subject thread, name of poster and time of posting. You may use quotes from messages to help explain your complaint but this will not be a substitute for providing the full details of where the message(s) can be found.
Association Complaints are managed by the staff members at the Association Office through the Forum Controller ID. If a senior member of Association staff is satisfied that your complaint is relatively straightforward and can be handled at that level, you will receive a response within 5 working days. If the judgement of staff is that the matter is more complex or could require serious disciplinary action it will be referred to CAP at Stage 3 of the procedure. You will receive a confirmation email about the way your will be dealt with within 5 working days.

If you have received a response to your complaint from a member of staff under Stage 2 of the procedure but you are not satisfied with that response, you may raise your complaint to Stage 3 of the procedure.

c. Stage 3 of the Complaints Procedure

Where a senior member of Association staff judges your complaint to be complex and/or potentially requiring a serious disciplinary action, or where you remain unhappy following a receipt of a response from a member of staff under Stage 2 of the procedure, the matter will be considered by a panel of not less than three members of CAP.

Where a complaint is being referred to Stage 3 by a senior member of the Association staff they will make such other enquiries as are necessary in order to provide CAP with the relevant information as possible. Where you are raising a complaint at Stage 3 of the procedure, this should be sent to the Forum Controller with the subject title ‘Stage 3’. The original dialogue concerning your complaint at Stage 2 will automatically be referred to CAP but you should provide a clear and concise explanation of why you are not satisfied with the outcome at Stage 2.

You will receive a response within 15 working days. If for any reason it is not possible to give you a full response to your complaint within 15 working days, then you will be informed of the delay by the Forum Controller and receive an indication of when you can expect a full response.

If your complaint is not upheld you will be given an explanation of the decision.

The decision of CAP will be final as far as Association’s Complaints Procedure is concerned. However if you believe that the Association
has failed to comply with or uphold the University’s Student Code of Computing Conduct or the Online systems guidelines, or has not acted in accordance with its own stated procedures, then you do have the right to submit a complaint under the University’s Complaints Procedure which can be accessed from the following area:
http://www.open.ac.uk/students/charter/essential-documents/procedure-complaints-about-the-ou-students-association-ousa

You will be expected to provide the University with evidence of where the Association has failed.

3. Disciplinary Procedure

   a. Introduction
   Where the Association has evidence that a user of the forums is not complying with the rules the Association will attempt in the first instance to resolve any problems informally. However, where it appears that the conduct concerned is serious or deliberate, then the Association shall not hesitate to use the formal disciplinary procedure.

   Please be aware that the Association only has jurisdiction over the activity on the Association online forums and cannot deal with problems that occur in other areas of the Open University's Online Teaching services. These should be referred to Forum moderators if appropriate or alternatively complaints should be made in writing to complaints-appeals@open.ac.uk providing the detail of where the problem is occurring and these will be directed to the administrators concerned.

   For areas outside of the University's service, for example Facebook or Twitter, complaints should be addressed to the relevant system administrator.

   Whilst the initial stages of this Disciplinary Procedure have been specifically tailored to deal with the online forums conduct, the latter stages comprise The Association Disciplinary Procedure covering the conduct of all Association members in all situations.

   Similarly, if it is deemed necessary by the Forum Controller a contributor may have their access temporarily suspended or modified, without prejudice to the outcome until an investigation, which might include an appeal has been concluded. This is to allow for unacceptable online conduct to be treated on an equal footing with unacceptable conduct in any other situation. In the case of users of the forum services who are
not Association members, where it may be necessary to exclude such users from the forum services, findings on their conduct will be reported to the University. Any suspension made under these provisions will be reviewed by CAP within 5 days of being imposed.

b. Informal Action

Where the Association decides that a user’s conduct within the forum network is not acceptable, but that it is a relatively minor or unintentional breach of the rules, consideration will be given to the use of an informal warning.

Informal warnings are intended to draw attention to, or clarify, the conduct that is unacceptable. As part of an informal warning the person concerned may be required to issue an explanation, either to an individual or to a forum. Where an informal warning has been issued this and any inappropriate messages concerned will be kept on file for a specified period of time (see table below, section 3d) and may be referred to in the future if there is a need to take further action.

Informal warnings will most commonly be issued by the Forum Controller

c. Formal Action

Where the Association decides that the inappropriate conduct is more serious, or where previous informal warnings have been ineffective, or where a user has more than two current informal warnings, formal disciplinary action may be taken. This may include disciplinary actions ranging from a period of “read only” access to any or all forums through exclusion from one or more forums, temporary exclusion from the Association forums or permanent exclusion from the Association’s Forum areas.

Whenever formal disciplinary action against a user of the Association’s services is considered necessary, the person will be informed of the case against them and will be given the opportunity to put their side of the story. Once a decision has been made, the person will be informed of the basis of the decision and any disciplinary action to be applied. At that time the person will also be reminded of any right of appeal.
Although there are different levels of sanction under this procedure, users cannot assume that they are entitled to any particular number of warnings or levels of disciplinary action. The Association reserves the right to apply the level of disciplinary action which it feels appropriate in all the circumstances. The higher level disciplinary actions will only be awarded by CAP and in the case of the more serious disciplinary actions, there will be a right of appeal to the CEC.

d. Summary of Disciplinary Procedure

The table below summarises the key features of action under this Disciplinary Procedure. The word “exclusion” means the removal of all access to Association’s public forums.

<table>
<thead>
<tr>
<th>ACTION</th>
<th>AUTHORITY TO ISSUE *</th>
<th>APPEAL RIGHTS</th>
<th>TIME HELD ON FILE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apology required</td>
<td>Forum Controller</td>
<td>No</td>
<td>3 months</td>
</tr>
<tr>
<td>Informal warning</td>
<td>Forum Controller</td>
<td>No</td>
<td>3 months</td>
</tr>
<tr>
<td>Formal warning with no disciplinary action</td>
<td>Forum Controller with the approval of the Head of Operations</td>
<td>No</td>
<td>6 months</td>
</tr>
<tr>
<td>Read only for up to 1 month</td>
<td>Forum Controller with the approval of the Head of Operations</td>
<td>Yes - CAP</td>
<td>2 years</td>
</tr>
<tr>
<td>Temporary exclusion of up to 1 month</td>
<td>Forum Controller with the approval of the Head of Operations</td>
<td>Yes - CAP</td>
<td>2 years</td>
</tr>
<tr>
<td>Read only for a period over 1 month</td>
<td>CAP</td>
<td>Yes - CEC Appeal panel</td>
<td>2 years from completion of the period of read only access</td>
</tr>
<tr>
<td>Temporary exclusion for a period over 1 month</td>
<td>CAP</td>
<td>Yes – CEC Appeal panel</td>
<td>2 years from completion of the period of exclusion</td>
</tr>
<tr>
<td>Permanent exclusion</td>
<td>CAP</td>
<td>Yes - CEC Appeal Panel and approved by the</td>
<td>No expiry time</td>
</tr>
<tr>
<td>ACTION</td>
<td>AUTHORITY TO ISSUE *</td>
<td>APPEAL RIGHTS</td>
<td>TIME HELD ON FILE</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>---------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Association President</td>
<td></td>
</tr>
</tbody>
</table>

* This refers to the lowest level of authority necessary to issue the disciplinary action.

Appendix 2

OU STUDENTS ASSOCIATION BULLYING, HARASSMENT AND CYBER-ABUSE POLICY

Policy Statement

The OU Students Association is committed to equality for all in an inclusive and diverse community which values and respects difference. The Association’s vision is to encourage a vibrant and active student community. We promote open access and equal opportunity, within which all OU students feel a sense of belonging and where they are able to positively influence the student experience, engage and support each other. This Policy is intended to support that vision and to ensure that it is upheld by and applicable to all Association members, volunteers and staff.

This Policy applies to all Association events, both online and face to face. This includes but is not limited to; Meet-ups, Facebook Chats, Formal meetings and Committees, Facebook Live, Hustings, Forums, Volunteering and Adobe Connect sessions.

This Policy only applies to Students Association events and any incidences which occur during Open University events, should be reported using the OU dignity and respect policy. Regardless of the platform used, if a members’ behaviour is such that it brings the Association into disrepute, disciplinary action may still be taken.

For instances occurring on unofficial social media groups, pages or accounts, the Association encourages its members to follow the appropriate complaints procedure as indicated by the provider or as defined in Open University Policy.

Members of the Association are entitled to their own views and opinions, as well as the opportunity to express themselves and to respectfully disagree or debate matters with
others. However, the Association are aware of times when disagreements can lead to members experiencing bullying.

Bullying is a form of harassment as defined in the Equality Act 2010 to be unwanted behaviour which causes offense or makes an individual feel intimidated or humiliated. It can happen on its own or alongside other forms of discrimination. This sort of behaviour may happen repeatedly or just the once.

According to the Equality Act, behaviour that is meant to or has the effect of either: [ ] violating an individual’s dignity, or [ ] creating an intimidating, hostile, degrading, humiliating or offensive environment

This means that as long as the incident has one of the above effects then it is considered harassment, even if the perpetrator did not mean to offend or intimidate.