Bye-Laws

of

The Open University Students Association

(A Company Limited by Guarantee)

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# By-E-Laws
of
The Open University Students Association

## Table of Contents

<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>4</td>
</tr>
<tr>
<td>2. Membership</td>
<td>4</td>
</tr>
<tr>
<td>2.2. Honorary Life Members</td>
<td>4</td>
</tr>
<tr>
<td>2.3. Honorary Vice Presidents</td>
<td>4</td>
</tr>
<tr>
<td>3. Board of Trustees</td>
<td>5</td>
</tr>
<tr>
<td>Officer and Student Trustees</td>
<td>6</td>
</tr>
<tr>
<td>External Trustees</td>
<td>7</td>
</tr>
<tr>
<td>4. The Central Executive Committee (CEC)</td>
<td>7</td>
</tr>
<tr>
<td>5. Conference Steering Committee</td>
<td>11</td>
</tr>
<tr>
<td>6. OU Students Association Conference</td>
<td>11</td>
</tr>
<tr>
<td>7. Nations and Regions</td>
<td>13</td>
</tr>
<tr>
<td>8. Position Statement Reviews</td>
<td>13</td>
</tr>
<tr>
<td>9. Equality, Diversity and Inclusion</td>
<td>14</td>
</tr>
<tr>
<td>9.2. Communication</td>
<td>14</td>
</tr>
<tr>
<td>9.3. Meetings and events</td>
<td>14</td>
</tr>
<tr>
<td>9.4. General</td>
<td>15</td>
</tr>
<tr>
<td>9.5. Equality, Diversity and Inclusion within the OU</td>
<td>15</td>
</tr>
<tr>
<td>10. Election of Central Executive Committee Members and Student Trustees</td>
<td>15</td>
</tr>
<tr>
<td>11. Expenses and Payments</td>
<td>16</td>
</tr>
<tr>
<td>12. Complaints and Misconduct Procedure</td>
<td>17</td>
</tr>
<tr>
<td>12.1. Complaints against members:</td>
<td>17</td>
</tr>
<tr>
<td>12.2. Complaints against the Association:</td>
<td>17</td>
</tr>
<tr>
<td>12.3. Vote of No Confidence in Trustees or members of the Central Executive Committee</td>
<td>17</td>
</tr>
<tr>
<td>12.4. Association Forums</td>
<td>19</td>
</tr>
<tr>
<td>13. Representatives’ Appointments to Open University Central Committees</td>
<td>19</td>
</tr>
<tr>
<td>13.1. Central Committee Representatives</td>
<td>19</td>
</tr>
<tr>
<td>13.2. Appointments Committee</td>
<td>19</td>
</tr>
<tr>
<td>13.3. Removal of Student Representatives</td>
<td>19</td>
</tr>
</tbody>
</table>
Bye-Laws of The Open University Students Association

1. Introduction

1.1. These Bye-Laws should be read in conjunction with the Articles of Association (the Articles) of The Open University Students Association (the Association). Together, these documents form the basis for the operation of the Association. Unless words are otherwise defined in this document, the same definitions from the Articles shall apply.

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

1.3. If any dispute arises in relation to the interpretation of the Articles, or any of these Bye-Laws, or if any conflict or contradiction between Bye-Laws exists, 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 Clause17.

2. Membership

2.1. In accordance with Article 11.1.5, there exist the following types of honorary membership:

2.2. Honorary Life Members

2.2.1. In recognition of services rendered to the Association, the Central Executive Committee (hereinafter referred to as “CEC”) 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 next meeting of the CEC, where possible, or otherwise decided by the CEC using electronic means (such as their online forums or a discussion via email exchange when it may relate to a serving member of the CEC or member of staff).

2.3. Honorary Vice Presidents

2.3.1. In recognition of services rendered to the Association and in anticipation of a continued, active relationship with the Association, the CEC 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 next meeting of the CEC, where possible, or otherwise decided by the CEC using electronic means (such as their online forums or a discussion via email exchange when it may relate to a serving member of the CEC or member of staff).

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.

2.3.5. Holders of Honorary positions shall not be entitled to vote in any proceeding of Association Business.

2.4. Nominations for Honorary positions will be open to scrutiny of the Board of Trustees, and potential refusal, where there are any concerns for the reputation of the Association or other such concern, in accordance with Articles.

2.5. Honorary membership status may be removed in the event of an upheld complaint or misconduct.

3. Board of Trustees

3.1. The Association Board of Trustees (composed of the same individuals as the Association’s Company Law Members) 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, but not exclusively, the Board of Trustees will:

3.2.1. ensure that the Association is run in accordance with its Articles of Association, 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 Articles of Association 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;

3.2.9. agree the remuneration and undertake through the Chair, the annual appraisal of the President and Deputy President.

3.3. 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 Articles of Association.

3.4. The Association shall appoint a Secretary to the Board of Trustees from time to time as required.

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 CEC 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 10.

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, with notice to the Chair of the Board of Trustees. They must give two weeks’ notice in which they will produce a handover document.

3.11. In their continued absence from duties, for any reason, Officer Trustees may be replaced in their duties by other Association Officers as agreed by the CEC. Student Trustees who need to be replaced within a year of their term commencing may be replaced in their duties through a by-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 CEC. 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 12.

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

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 Articles of Association, 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, EDI, IT etc.

3.18. One of the External Trustees will normally be appointed as Chair of Trustees.

4. The Central Executive Committee (CEC)

4.1. The 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 Staff, Student Representatives and Volunteers.

   4.1.3. Be asked to input on, review and agree, as appropriate, any changes to policies and procedures within the CEC’s remit.

   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 Bye-Laws.

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 who are Vice President Administration; Vice President Community; Vice President Education; Vice President Engagement; Vice President Equality, Diversity and Inclusion (EDI); Vice President Student Support.

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 CEC determines otherwise. Any such decision of the CEC must be verified by the Board of Trustees.

4.2.5. If the Deputy President is unwilling or unable to take on the role of President in circumstances at 4.2.3 or 4.2.4, the CEC will consult with the Trustees and seek to find a replacement from within the CEC. Any such decision of the CEC must be ratified by the Board of Trustees.

4.2.6. 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.

4.2.7. Elected representatives, 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 the co-option of other eligible members as agreed by the CEC on a time-limited basis. Any such decision must be ratified by the Board of Trustees.

4.2.8. Co-opted representatives will have full voting rights and access to CEC forums for the duration of their co-option.

4.2.9. One Area Association Representatives (AARs) for each of the following: England, Scotland, Wales, Ireland, and Continental Europe.

4.2.10. The member elected to represent the Association on the University Council.

4.2.11. Faculty Association Representatives (FARs) elected by the general membership; one representative for each of the faculties (STEM, FASS, WELS and FBL) plus a Faculty Association Representative to cover Access modules and the Open Degree. Representatives must be studying or registered on a module within the respective Faculty at the time of election (see Section 10).

4.2.12. Any elected representative may appoint, with the agreement of the President, an eligible member to deputise for them at an individual or series of meetings or at an event.

4.2.13. A deputy will have full voting rights at CEC meetings. The elected representative may delegate to the deputy a proxy vote to be exercised by the deputy at meetings they attend on behalf of the elected representative.
4.2.14. Co-option is best suited for commitments of a longer duration such as (but not limited to) cases where a vacancy arises outside of by-election windows or cover for part or full duties for a period of extended absence.

4.2.15. Deputising is best suited to one-off commitments, such as a meeting or event or possibly a short series of commitments.

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 the Articles of Association may nominate themselves as candidates for election or proposed for co-option to the CEC, or to act as a Deputy.

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 and Trustees. 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.

4.3.4. All Student Members of the Association wishing to stand for election or co-option to the CEC must declare as part of their nomination:

i) any unspent convictions other than traffic convictions resulting in a Fixed Penalty Notice or equivalent.

ii) if they are subject to any reason which would bar them from a Trustee role. These are defined by the Charity Commission and include having an unspent conviction for one or more of the offences listed here1:

• having an IVA, debt relief order and/or bankruptcy
• having been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator)
• having been removed from being in the management or control of any body in Scotland (under relevant legislation)
• having been disqualified by the Charity Commission
• being a disqualified company director
• being a designated person for the purposes of antiterrorism legislation
• being on the sex offenders register

1 1. an offence involving dishonesty or deception (for example theft or fraud)
2. specified terrorism offences as defined by the Terrorism Act 2000, the Counter Terrorism Act 2008 or the Serious Crimes Act 2007
3. a specified money laundering offence as defined by the Proceeds of Crime Act 2002
4. specified bribery offences as defined by the Bribery Act 2010
5. the offence of contravening a Charity Commission Order or Direction
6. offences of misconduct in public office, perjury, or perverting the course of justice
7. aiding attempting or abetting the above offences
• having been found in contempt of court for making (or causing to be made) a false statement
• having been found guilty of disobedience to an order or direction of the Charity Commission

4.3.5. The following posts will be subject to a Standard Disclosure and Barring Services check:

- President
- Deputy President
- Vice President Administration
- Vice President Equality, Diversity and Inclusion
- Vice President Student Support

4.3.6. In addition to the roles specified at 4.3.5, any postholder engaged in regulated activity will be required to undergo an Enhanced DBS check.

4.3.7. Any convictions declared or disclosed in accordance with clauses 4.3.4 to 4.3.6 will not automatically exclude a member from acting. The declaration or disclosure will be referred to the Safeguarding Panel who will determine each case in accordance with their Terms of Reference.

4.4. The CEC will hold at least four meetings per year.

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

4.6. Normally 14 clear days’ notice will be given of all CEC meetings. Posting on the CEC electronic notice board shall be a sufficient method.

4.7. The Association President will chair meetings of the CEC. In their absence, the Deputy President will chair the meeting unless unavailable in which case the CEC will elect another of their members to chair the meeting.

4.8. The Association’s Chief Executive 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 is 50% of the filled places of the Committee. Non-quorate meetings may discuss issues and pass recommendations to the Board of Trustees.

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2 The Standard DBS check will show all cautions and convictions spent or unspent unless they have been filtered. Cautions are filtered after 6 years (2 years if the offence was committed by someone under the age of 18). Eligible convictions are filtered after 11 years (5.5 years if the offence was committed by someone under the age of 18). The following are never filtered.
Offences listed by the DBS – typically these involve violence, safeguarding, sexual offences and supply of drugs. Any conviction leading to a custodial sentence. This includes suspended sentences. More than one conviction is on record.
4.10. Following election and upon taking office, the CEC will produce a programme of work derived from the Association strategy and student feedback to provide the focus for and drive the work of the CEC. The programme of work will be reviewed at least annually.

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 co-chair the Committee with the President

5.2.3. Vice President Community;

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

5.2.5. the Chair of Societies or their nominee from the Societies Committee;

5.2.6. Vice President Equality, Diversity and Inclusion or their nominee;

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

5.2.8. in the event the membership of the Steering Committee does not include a member with accessibility requirements, appropriate advice on accessibility will be sought.

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 in relation to the administrative and organisational arrangements for Conference;

5.3.3. supporting and advising the President in relation to the non-business content of Conference.

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

6. OU Students Association Conference

6.1. Conference shall meet every two years, in accordance with the Articles of Association.
6.2. Board of Trustee members and CEC 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 CEC.

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 Articles of Association. The timing of the Rules Revision Convention shall allow sufficient time for the preparation of proposed changes for submission to the next Association Conference for affirmation.

6.5. The Association Conference will normally 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 6.9 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 delegate places proportionate to the number of registered students in each area as follows:

1 delegate place per (or part thereof), calculated as follows:

\[
\text{(Total number of students registered in the area divided by the Total number of registered students)} \times \text{No. of places available}
\]

The remaining places will be open to application via the registration process. In the event of applications exceeding the available places for any Nation, places will be determined by a form of random lottery.

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

6.12. The Official Association Groups shall be entitled to a total of 2 delegates per 500 Group 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 CEC 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. Newly elected 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 student awareness and engagement activities. 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 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 Articles of Association.

7. Nations and Regions

7.1. The Association’s recognised nations and regions will be agreed from time to time by the CEC in line with the Articles. The Association currently recognises England, Scotland, Wales, Ireland and International (representing members in Europe as well as the Rest of the World) as representative areas with direct representation on the CEC.

8. Position Statement Reviews

8.1. The CEC shall be able to initiate position statement reviews. It will also be open to individual members or groups of members to initiate a position statement review on relevant topics, subject to the support of a minimum of 50 members in order to justify the use of Students Association resources e.g. the capacity of CEC members and staff.

8.2. The position statement 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 position statement 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 position statement review.

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

8.5. The CEC will publish its conclusions in a coherent form as an Association Position Statement.
8.6. Position Statements will be appended to the CEC Report to Conference for information.

9. Equality, Diversity and Inclusion

9.1. This Association is open to all members without discrimination by means of any protected characteristic as defined under the Equality Act 2010 and subsequent amendments. The Association will therefore make continued effort to ensure that wherever practically possible:

9.2. Communication

9.2.1. 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.

9.2.2. 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 subtitles for video recordings.

9.2.3. 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.

9.2.4. 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.

9.3. Meetings and events

9.3.1. Any meeting or event organised or funded by the Association shall normally 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.

9.3.2. If deemed necessary, there will be a Student Panel convened online by the President to consider facilitation requests that require very specialised resources or significant costs for assistance at centrally organised Students Association events. All requests will remain confidential. The Panel will include Vice President Administration and the chair will be appointed by the President.

9.3.3. Remote attendance of meetings shall be considered whenever requested and shall be supported if reasonable.

9.3.4. A hearing loop shall be provided if reasonably requested.

9.3.5. Meeting papers shall be provided in an alternative format if requested.

9.3.6. 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.

9.4. General

9.4.1. The Association will strive to adopt best practice in matters of equality, diversity and inclusion.

9.5. Equality, Diversity and Inclusion within the OU

9.5.1. The Association will continue to raise awareness of equality, diversity and inclusion issues with the University whenever and wherever relevant.

10. Election of Central Executive Committee Members and Student Trustees

10.1. The Association’s Chief Executive 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.

10.2. 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, in consultation with Vice President Administration.

10.3. The elections for the CEC and Board of Trustees will normally 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 and published on the Association website as soon as possible afterwards. Should positions remain unfilled or if a post holder resigns, then a by-election will take place in February of the following year.

10.4. A further by-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.

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

10.6. 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.

10.7. 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.
10.8. All candidates for all elections are able to self-nominate and must supply the nomination form, a manifesto and any other requirements set out in the Election Rules to the Returning Officer before the close of nominations.

10.9. 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.

10.10. 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 and Access Programme Representative, either be currently studying or have recently studied an Access module or be currently studying an Open degree and be able to demonstrate a broad understanding of the Open and Access programmes.

10.11. Upon nominating themselves for a role, each candidate will need to declare any unspent criminal convictions. All successful candidates who will be specifically working with vulnerable adults or children under the age of 18 will be required to undertake a DBS check upon election to that role.

10.12. 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 election rules, the Association Articles of Association, and Bye-Laws. The Returning Officer’s decision is final.

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

10.14. 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.

11. Expenses and Payments

11.1. When incurring expenses on behalf of the Association all expenditure must be reasonable. Claimants must ensure, before incurring expenses, that the Association has an agreed budget for covering expensed activities. The relevant staff in the Association’s Finance and Resources team can advise before incurring the expenditure.

11.2. Claims for reimbursement may only be made in accordance with the Association’s Travel and Subsistence Policy. All claims must be submitted on the appropriate form together with all receipts and received by the staff team within four weeks of the event. Failure to submit a claim within this time frame requires a written explanation for the delay. The VP Finance and Administration will make final decisions regarding payment.

11.3. Claim forms are available either for electronic completion or manual submission.
11.4. Advances on expenses to be incurred are available. Completed Advance Claim Forms must be received by the staff team a minimum of 10 working days prior to the event.

11.5. All claims supported by receipts must be made within four weeks of the expenditure. An advance also requires a claim to be submitted, together with receipts where appropriate, detailing the expenditure of the advance received.

11.6. Reimbursement will be by bank transfer.

12. Complaints and Misconduct Procedure

12.1. Complaints against members:

12.1.1. Our Complaints and Misconduct process for complaints against members can be found within our Resolving and Settling Differences Procedure. Our initial approach to reported issues will be to seek resolution with an informal and personal approach, before escalating issues to an official complaint if required.

12.1.2. Any staff member can receive and act on an informal complaint, and this process details the different stages of our process, and what you can expect at each stage.

12.2. Complaints against the Association:

12.2.1. Complaints against the Association will be processed using our Resolving and Settling Differences Procedure. Our initial approach to reported issues will be to seek resolution with an informal and personal approach, before escalating issues to an official complaint if required.

12.3. Vote of No Confidence in Trustees or members of the Central Executive Committee

12.3.1. Please note these are additional to the disciplinary process as defined in section 12.1 which will take precedence. They cover situations which may not be disciplinary in nature, but which may cause doubt regarding the position of the post holder.

12.3.2. Trustees:

12.3.2.1. These are subject to confidence votes as detailed in the Articles of Association.

These are:

- Article 22.2 The Office of Trustee shall be vacated if a majority resolution of no confidence is passed by the Trustees;
- Article 22.3 The Office of Trustee shall be vacated if a majority resolution of no confidence is passed by the CEC. For the avoidance of doubt:
12.3.2.2. a motion of no confidence in the Trustee is passed by a simple majority of the CEC provided that at least two-thirds of the CEC in office at the time cast a vote. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 100 Student Members.

12.3.2.3. a motion of no confidence in the Trustee is passed by a 66% majority in a vote of the CEC.

12.3.2.4. A Trustee will have a right to appeal against a no confidence vote as defined in the Articles.

12.3.3. Members of the Central Executive Committee:

12.3.3.1. Complaints about the performance of an elected member, outside of issues that can be addressed under section 13.1 of these Bye-Laws, should be made by petition to the Chief Executive, Director of Membership Services or an appropriate member of the CEC and supported by 100 Student Members of the Association.

12.3.3.2. The President/Deputy President will investigate the matter, providing every opportunity for the Respondent to answer the issues raised. Complaints of this nature will be considered at an extraordinary meeting of the CEC who will decide, either by consensus or majority vote, if the complaint is upheld and, if so, the nature of any sanction to be applied.

12.3.3.3. For the avoidance of doubt if a post holder has an ex officio role on both the Board and CEC, removal from one position means removal from both (and any other ex officio roles held).

12.3.4. Appointed Members:

12.3.4.1. 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.

12.3.4.2. 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.
12.4. Association Forums

12.4.1. 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.

13. Representatives’ Appointments to Open University Central Committees

13.1. Central Committee Representatives

13.1.1. 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 the Senate). These are known as Central Committee Representatives (hereinafter referred to as CCRs).

13.1.2. Student Representatives must be full members of the Association as defined by the Articles at the time of appointment.

13.1.3. The term of appointment for Central Committee Representatives is one or two years (at the member’s choice) from 1 September – 31 August.

13.1.4. Representatives with ex officio roles will be members only as long as they are still in post.

13.2. Appointments Committee

13.2.1. There shall be an Appointments Committee with responsibility for considering applications from candidates for appointment.

13.2.2. The Appointments Committee has the authority to appoint CCRs, SRG members (including the three non ex-officio members of Senate) and CDC members.

13.2.3. The Appointments Committee are governed by a Terms of Reference and Processes and Principles of appointment which are approved annually by the Board of Trustees.

13.3. Removal of Student Representatives

13.3.1. A Student 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:

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

13.3.3. Their conduct while acting as a Central Representative or Senate Reference Group member has been investigated and deemed to be unacceptable.
13.3.4. Any investigation necessary will be conducted in accordance with the process outlined for appointed posts in the Association’s Resolving and Settling Differences Procedure

13.4. Senate Reference Group

13.4.1. 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 of the Open University.

13.4.2. Where that constitution includes representatives, who are not ex officio from other roles, these are to be selected by a process approved by the Senate Reference Group to meet membership requirements for a diverse group.

13.4.3. The term of appointment for Senate Reference Group members is one or two years (at the member’s choice) from 1 August - 31 July. Representatives with ex officio roles will be members only as long as they are still in post.

14. Official Association Groups

14.1. The Association establishes Groups to act as consultative groups on issues affecting their members and to raise, where appropriate these issues with the University.

14.2. The Official Association Groups are represented by Vice President Equality, Diversity and Inclusion supported by other CEC members as required.

14.3. Whilst the Groups will be run autonomously in accordance with the Groups Operational Guidelines, they shall comply with the Association Articles of Association and be accountable to the CEC.

14.4. All Student Members of the Association wishing to stand for election as Chair of an Official Association Group Committee must declare as part of their nomination:

i) any unspent convictions other than traffic convictions resulting in a Fixed Penalty Notice or equivalent.

ii) if they are subject to any reason which would bar them from such a role (see clause 4.3.4).

14.5. All Student Members of the Association elected to the Committee of an Official Association Group working specifically with vulnerable groups who administer or moderate any Association online spaces will be subject to a Standard Disclosure and Barring Service check.

15. Societies

15.1. A group of members combining together to form a Society may apply to the CEC for the status of an Affiliated Society of the Association. The CEC shall
be responsible for granting, maintaining affiliation status in accordance with rules approved by the CEC and Board of Trustees.

15.2. The CEC 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 committee will be kept informed of developments.

15.3. **Procedures for Affiliation**

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

15.3.2. 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.

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

15.3.4. The Societies 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.

15.3.5. 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.

15.3.6. 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.

15.3.7. 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.

15.3.8. 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.

15.4. **Criteria for Affiliation**

15.4.1. 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.

15.4.2. 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.
15.4.3. 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.

15.4.4. 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.

15.4.5. 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.

15.4.6. Neither the University’s nor the Association’s logos may be used in any way by Affiliated Societies. The “OU Students Association Societies” logo can be used by Affiliated Societies only on their website or in official publications.

15.4.7. 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.

15.4.8. The Society must inform the Association's Chief Executive or nominee of the names of the elected officers.

15.4.9. 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 and the Vice President Administration, must be made known to the membership of the Society.

15.4.10. Any Society specifically set up for vulnerable adults or children under 18 must show how they will safeguard their members and be willing to DBS check any members engaged in regulated activity.

15.5. Financial Arrangements and Annual Report

15.5.1. Where a Society operates its own bank account, the annual accounts or financial statements must be prepared in accordance with the guidelines issued by the Association. The accounts 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 and the Vice President Administration must be used if the Society’s turnover exceeds £10,000 in any year.

15.5.2. 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 within 7 months of the accounting year end.
15.5.3. Where a Society holds its funds in the Association’s bank account (a Central Unit Banking Scheme -“CUBS” - account), an appointed Officer of the Society will be required to review the annual statement of accounts provided by the Finance and Resources Assistant and complete an annual CUBS account declaration. This must be returned to the Association’s staff team within 3 months of the accounting year end.

15.5.4. Failure to submit annual accounts/an annual accounts declaration in accordance with these Bye-Laws may result in the Society’s affiliation being suspended until compliance is restored. During this time, the Society will not be considered for any Association grant funding or be able to claim reimbursement of expenses in relation to Association activities. Any attendance at Association events or meetings during this time will be at the Society’s own expense.

15.5.5. On-going failure to submit annual accounts/an annual accounts declaration in accordance with these Bye-Laws may lead to the disaffiliation by the Association of the Society.

15.6. Voluntary Disaffiliation from the Association

15.6.1. A Society may disaffiliate by the notification to the Association Chief Executive of a resolution to disaffiliate that has been carried by a properly constituted General Meeting of the Society.

15.6.2. 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.

15.7. Disaffiliation by the Association

15.7.1. An Affiliated Society may be disaffiliated on the following grounds:

- failure to continue to meet one or more of the criteria for affiliation;
- failure to prioritise or meet the required safeguarding requirement;
- failure of the Society to conform to the requirements and limitations of its own constitution;
- serious mismanagement affecting either the financial or general operation of the Society;
- conduct of activities which, in the opinion of the CEC or Board of Trustees, are likely to bring the Association into disrepute.

15.8. Procedure for Disaffiliation by the Association

15.8.1. If a Society’s actions (or failure to act) are alleged by a member or members of the CEC to give cause for disaffiliation, the allegations will be investigated by the Board of Trustees. The Board of Trustees will convene a panel, chaired by the Chair of Trustees or their nominee and will include two other members of the Board of Trustees with the
Association’s Chief Executive 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:

- a statement of the allegations and the committee’s findings as to their truth;
- a statement of whether or not there has been a cause for disaffiliation;

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

- the Society be reprimanded;
- the Society be given a fixed time (not exceeding six months) to put its affairs in order and failing that be disaffiliated;
- the Society be immediately disaffiliated.

15.8.3. A copy of the committee’s report must be sent to the officers of the Society and to all members of the CEC, and Board of Trustees.

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

15.8.5. 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 CEC meeting in order to put its case against disaffiliation. The decision of the CEC shall be final.

15.9. Societies Committee

15.9.1. Relationships with Affiliated Societies will be managed by a sub-committee of the Board of Trustees called the Societies Committee.

15.9.2. Membership will comprise:

- The Societies Committee Chair
- The President
- Vice President Administration and Vice President Community.
- One delegate from each Affiliated Society, appointed in accordance with the rules for affiliation as approved by the CEC.

15.10. Observers

15.10.1. 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.

**15.11. Meetings and Business**

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

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

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

15.11.4. 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. In all circumstances, the grants provided by the Association will be such that the monies must only be used to support activities or projects or for expenditure that furthers the Association’s charitable objects.

15.11.5. 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.

15.11.6. The Societies Committee shall elect its own Chair.

15.11.7. The Election of the Societies Committee Chair shall be conducted by the voting members at the Committee's Annual General Meeting.

15.11.8. 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 shall consult together and act on behalf, and in place, of the Societies Committee.

**16. Students Association Clubs**

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

- to facilitate social interaction between students;
- to facilitate informal networking and support between students;
- to provide for special-interest groups.
16.2. Clubs may also be asked to provide feedback or information to the CEC. They may also be invited to form temporary networks of several Clubs for this purpose.

16.3. Membership of each club will be determined by the Club’s 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.

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

16.5. 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 CEC.

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

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

16.8. The CEC will approve or remove access to Association facilities for all clubs.

16.9. Officially registered Clubs will be able to:

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

16.9.2. use the OU and OU Students Association name but not the OU’s or the Association’s branding and logo as these are subject to copyright;

16.9.3. have a centrally provided online forum;

16.9.4. advertise in newsletters etc;

16.9.5. promote their events and activities through the Association’s networks and social media;

16.9.6. access, once trained, the Association’s Adobe Connect Club Room to run sessions for their members;

16.9.7. send a Club lead to participate in either on-line or in-person networking sessions run by the Association;

16.9.8. participate in Association events aimed at promoting academic, social and support services to OU students.

16.10. Officially registered Clubs will be required to:

16.10.1. be open to all students who meet their membership criteria;

16.10.2. support the Association’s principles of equality, openness, diversity and be non-discriminatory;
16.10.3. operate within our legally defined objectives;
16.10.4. not bring the Association or the University into disrepute.
17. 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>&quot;Academic Year&quot;</td>
<td>The period between 1st August in one Year to 31st July in the next Year.</td>
</tr>
<tr>
<td>&quot;Appointments Committee&quot;</td>
<td>The committee set up in accordance with the Bye-Laws.</td>
</tr>
<tr>
<td>&quot;Articles of Association&quot; or &quot;Articles&quot;</td>
<td>The Articles of Association of the Association.</td>
</tr>
<tr>
<td>&quot;the Association&quot;</td>
<td>The Open University Students Association</td>
</tr>
<tr>
<td>&quot;Board of Trustees&quot; or &quot;Board&quot;</td>
<td>The Board of Trustees of the Association.</td>
</tr>
<tr>
<td>&quot;Bye-Laws&quot;</td>
<td>The Bye-Laws setting out the working practices of the Association made from time to time in accordance with the Association Articles of Association.</td>
</tr>
<tr>
<td>&quot;Central Executive Committee&quot;</td>
<td>The body of Students constituted in accordance with the Articles of Association and the Bye-Laws of the Association.</td>
</tr>
<tr>
<td>&quot;Chair&quot;</td>
<td>The chair of the Board of Trustees. Similarly, the chair of any committee relevant to the described section of the Articles of Association or Bye-Laws.</td>
</tr>
<tr>
<td>&quot;Chief Executive&quot;</td>
<td>The Chief Executive of the Association who is appointed by the Board of Trustees as the senior manager of the organisation.</td>
</tr>
<tr>
<td>&quot;Clear Days&quot;</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>&quot;Code of Practice&quot;</td>
<td>The code of practice relating to the Open Universities obligations under Section 22 of the Education Act.</td>
</tr>
<tr>
<td><strong>“Connected Person”</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>“Education Act”</strong></td>
<td>The Education Act 1994, as amended from time to time.</td>
</tr>
<tr>
<td><strong>“England”</strong></td>
<td>For the purposes of representation, England shall include the Isle of Man and the Channel Islands.</td>
</tr>
<tr>
<td><strong>“Europe”</strong></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><strong>“External Trustee”</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>“Faculty Association Representative”</strong></td>
<td>There will be on Representative for each of the Faculty of Arts and Social Sciences (FASS), Faculty of Business and Law (FBL), Faculty of Science, Technology, Engineering and Mathematics (STEM), Faculty of Wellbeing, English and Language Studies (WELS) and for members on Open and Access programmes.</td>
</tr>
<tr>
<td><strong>“In Writing”</strong></td>
<td>Written, printed or transmitted writing including by electronic communication.</td>
</tr>
<tr>
<td><strong>“members”</strong></td>
<td>Means the Student Members as defined in the Association’s Articles of Association, unless otherwise defined.</td>
</tr>
<tr>
<td><strong>“Nations”</strong></td>
<td>The four constituent nations of the United Kingdom plus the Republic of Ireland.</td>
</tr>
<tr>
<td><strong>“Observer”</strong></td>
<td>Person entitled to attend and speak at a meeting but not vote.</td>
</tr>
<tr>
<td><strong>“Open University”</strong></td>
<td>The Open University.</td>
</tr>
<tr>
<td><strong>“Position Statement”</strong></td>
<td>Representative and campaigning policy set by Central Executive Committee (CEC).</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
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<td>-------------------------------</td>
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<tr>
<td>“President”</td>
<td>The President of the Association, as elected by the Members in accordance with the Bye-Laws.</td>
</tr>
<tr>
<td>“Regulated activity”</td>
<td>Regulated activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA). Regulated activity determines eligibility for DBS checks.</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>
<tr>
<td>“Returning Officer”</td>
<td>The member of the Association staff responsible for the administration of the Association elections.</td>
</tr>
<tr>
<td>“Secure Petition”</td>
<td>A written request to the Association which shall be held securely online.</td>
</tr>
<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>“Student Trustee”</td>
<td>A Trustee elected who is a Student</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>
</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 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 Association President</td>
<td>No expiry time</td>
</tr>
</tbody>
</table>

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