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REGIONAL BOARD REPORT

Subject: Updates to Borders College Students' Association's Constitution	**Purpose:** **For Approval** ☒ **For Discussion** ☐ **For Information** ☐
Prepared by: Douglas Jardine	**Date:** 12 October 2018

Purpose: To present updates to the constitution of Borders College Students' Association.

Linked to Strategic Goal 3: Provide a high quality College experience.

Executive Summary:

BCSA's constitution sets out the fundamental rules that govern BCSA and includes the following;

BCSA Constitution
Appendix 1 – General Rules
Appendix 2 – Disciplinary Procedures
Appendix 3 – Finance

The constitution has been updated by BCSA to reflect developments in its structure and governance. Consultation with Ordinary members was sought at Class Representative training sessions held in Autumn 2018.

BCSA seek ratification of the changes by the Regional Board.

Recommendation:

Previous Committee Approvals:

For publication ☒	**For publication with redactions** ☐	**Not for publication** ☐

Constitution of Borders College Students' Association

There shall be a Students' Association for the learners studying at Borders College (hereafter referred to as "the College"), the name of which shall be "Borders College Students' Association" (hereafter referred to as "BCSA").

1. AIMS AND OBJECTIVES

1.1. To support and celebrate every students' studies, activities, and wellbeing.
1.2. Providing advice, support and referral to learners at the College in relation to personal, financial or educational difficulties they are experiencing.
1.3. Providing a formal channel of communication between the College and the student body.
1.4. Providing encouragement and support for the development of students.
1.5. Supporting and facilitating the creation of clubs and societies to enrich and enhance the educational, social and cultural provision at Borders College.
1.6. Providing a means by which the views of the members can be co-ordinated and expressed on matters of common concern to the appropriate external bodies.
1.7. Providing a mechanism for liaison with other Students' Associations or Unions.
1.8. o work alongside national bodies (e.g. the National Union of Students) to facilitate and support the above objectives.
1.9. Engaging in any other activity that facilitates or is conductive to the above objectives.

2. POWERS

BCSA shall have the following powers:

2.1. To appoint and dismiss such officers as are provided for in the Constitution.
2.2. To enter into such contracts and agreements as are necessary to pursue the objectives of BCSA with agreement from the College Principal where necessary to release funds.
2.3. To hold such property and equipment as is necessary to pursue the objectives of BCSA.
2.4. To propose to the Regional Board any course of action that will enhance the welfare of the student body.
2.5. To enter into membership of any body, corporate or otherwise, whose aims and objectives are in keeping with those of BCSA, including the provision of facilities.
2.6. To propose amendments to the terms of the Constitution in accordance with the procedures contained herein.
2.7. To appoint committees and sub-committees as required.

3. MEMBERSHIP

3.1. All registered students attending Borders College shall be deemed Ordinary Members of BCSA, regardless of mode of attendance.
3.2. The only students not ordinary members of BCSA shall be those that choose to opt out under the procedures laid down in the 1994 Education Act.
3.3. All Ordinary Members must produce a student card when requested to do so by Officers or staff of BCSA at a meeting or be requested to leave the meeting.

3.4. Persons who are not Ordinary Members of BCSA (including college staff, and past students) may become Associate members of BCSA subject to a fee to be decided each year by the Student President
3.5. Associate members will be entitled to attend clubs and societies.
3.6. Associate members will not be entitled to vote in elections.
Associate members are not entitled to prevent changes to BCSA through voting in referenda or other means.

4. RECIPROCAL AGREEMENTS

4.1. Members of other Associations with which BCSA has reciprocal membership agreements shall be entitled to use the facilities of BCSA in accordance with those arrangements, on production of their Association card or any other acceptable means of proving their membership of a partner Association.

5. RETURNING OFFICER

The Returning Officer shall be an independent person chosen by BCSA in advance of each election, subject to the approval of the College Board of Management They shall not be an Ordinary Member of BCSA.

5.1. They shall be responsible for the good and fair conduct of all elections.
5.2. The Returning Officer's interpretation of election regulations shall be final except as indicated in (5.5) below.
5.3. The Principal shall have the responsibility of appointing an individual to investigate any irregularities in elections drawn to their attention.
5.4. The Returning Officer may appoint deputies to support them in their duties.

6. ELECTION OF BCSA OFFICERS

6.1. All Ordinary Members are eligible to stand for election for Executive Team positions.
6.2. All Ordinary Members are eligible to vote in elections.
6.3. Officers shall be voted in for the following terms:
6.3.1. Vice President Terms will run from their election to the end of the academic year, excluding student holidays.
6.3.2. Presidential Terms will run for one calendar year beginning in June; with the date to be set each year according to the academic calendar[1].
6.3.3. Presidential Terms shall not overlap at any point, the outgoing president must finish their term before the incoming president takes up their position**.**
6.4. No person shall be elected to the post of President more than two times.

7. REMOVAL OF BCSA OFFICERS AND EXECUTIVE TEAM MEMBERS

7.1. . All Ordinary Members, and Executive Team Members of BCSA have the right to call a Vote of No Confidence.[2]
7.2. In the event of a successful petition a vote of no confidence will be put to all Ordinary members of BCSA. The vote of no confidence shall be First-Past-the-Post with ties resulting in a failed vote of no confidence.
7.3. If a Vote of No Confidence passes, the officer in question will immediately be removed from their post, and therefore the Executive Team of BCSA, and any other positions help by right of that post.
7.4. If an officer has been voted out of office, or an officer has resigned, their position will be deemed free and an immediate by-election will be called.

[1] Presidential terms should begin as soon as is practical after the conclusion of the academic year to allow the elected president to complete their course of study at the college before taking up their role.
[2] A Vote of No Confidence must be called by a petition. The required number of signatories for this petition is 10% of Full Time Student Numbers. Petitions must be presented to a BCSA Staff Member.

8. ELECTION OF STUDENT REPRESENTATIVES

8.1. Each class attending the College shall normally be entitled to elect one Class Representative.
8.2. Each Curricular area in the College shall be entitled to have one Lead Representative nominated.
8.3. In addition one further Lead Rep shall always be appointed from the Access Courses at the College.
8.4. Class Representatives shall be elected by means of a secret ballot.
8.5. Lead Representatives will be nominated by the lecturing staff, and Curriculum and Learning Manager in each faculty area for confirmation by the BCSA Executive team.
8.6. It will be the first duty of the elected representatives to inform BCSA of their appointment.

9. OFFICERS

9.1. The executive officers of BCSA shall be:
9.1.1. A President, who shall represent BCSA on all official occasions and be a member of the Regional Board
9.1.2. A Vice President (Education) who will be a member of the Regional Board. They will be responsible for supporting BCSA's work around the learning and teaching at the College, including the Student Representative System.
9.1.3. Two further Vice Presidents whose titles and roles will be defined by the sitting student president to best support their manifesto, and the needs of the membership.
9.1.3.1. Job descriptions for these roles must be prepared in advance of the Vice President elections.
9.2. Vice Presidents of BCSA shall be accountable to the Student President.
9.3. The Executive Team may appoint Ordinary Members to additional non-executive officer roles where necessary to support BCSA's activities.
9.3.1. These Officers will be accountable to a nominated member of the Executive Team.
9.3.2. Any non-executive officers must have a job description prepared and approved by the Executive Team before their appointment.

10. **EXECUTIVE TEAM MEETINGS**

10.1 The members of the Executive Team are members by virtue of the office they hold. Consequently, should they leave their elected office they will cease to be members of the Executive Team.
10.2 The Executive Team shall have responsibility for assisting and supervising the day to day administration and finance of BCSA through the Student President and BCSA Staff.
10.3 The Student President will chair meetings of the Executive Team except where a conflict of interests may occur, in which case, the chair will pass to an Executive Team member.
10.4 The Executive Team will meet a minimum of three times during each academic year, with a minimum of one meeting in each semester.
10.5 The quorum for the Executive will be no less than 50% plus one of the current serving members of the Executive Team.

11 EXECUTIVE TEAM

11.1 The Executive Team of BCSA shall consist of the elected officers of BCSA, namely the Student President and three Vice Presidents.
11.2 The function of the Executive Team shall be to exercise control generally on all matters relating to the work of BCSA.
11.3 The Executive Team have the power to appoint ad-hoc committees and to determine their remit.
11.4 The first meeting shall be held within 2 weeks of the conclusion of the Vice Presidential training.
11.5 Any item for inclusion on the agenda of an Executive Team meeting shall be submitted to the BCSA office in writing.
11.6 All motions shall bear the names of the proposer and seconder and should be submitted five working days prior to the meeting.

11.7 Proxies may attend meetings of the Executive Team where they have been selected to act as such and shall have the right to participate in meetings and vote in the absence of the regular member. Prior notice must be given to BCSA by any officer intending to send a proxy.

12 FINANCE

12.1 BCSA shall publish its budget by mid-June and accounts by mid-September, at the latest. The budget and accounts shall be submitted to the Executive Team for approval.

12.2 As BCSA operates as a department of Borders College for administrative purposes the budget and accounts shall be prepared by the College finance department and submitted to the Regional Board within the annual Borders College reports.

13 CLUBS AND SOCIETIES

13.1 BCSA have a duty to support and facilitate student clubs and activities as desired by the membership.

13.2 Any student or group of students who can demonstrate the want for a new club or society shall be entitled to reasonable support from BCSA[3]. Providing the aims, objectives and values of the club are compatible with the aims, objectives and values of BCSA.

13.3 Any club or society wishing to formalise their structure may apply for a Tartan Monkey Mark. This recognises the club has in place a constitution and committee, and has completed a development plan with BCSA.

13.4 If any club or society is found to be acting contrary to the values of BCSA it may be disbanded by a majority vote of the BCSA Executive Team.

14 LIABILITY OF MEMBERS AND STAFF

14.1 All members of BCSA who incur costs in carrying out official duties on behalf of the Association will have reasonable expenses reimbursed subject to sufficient funds being available and receipts being produced for the expenses incurred.

15 AFFILIATION TO EXTERNAL ORGANISATIONS

15.1 Notice shall be published to students of all external affiliation annually and shall include the name of the organisation(s) and the cost of the affiliation.

15.2 Affiliations to external organisations or bodies shall be decided by the Executive Team.

15.3 Details of the affiliations, including the name of the organisation(s) or bodies and the cost of subscription shall be included in the Annual Report, which shall be available to all students.

15.4 In the event of a challenge to the affiliation(s), students may petition the Executive Team for a referendum. It may only be activated if the petitioners have the support of two per cent of Ordinary members in writing.

15.5 The referendum shall be conducted in accordance with regulations for running referenda and will be the responsibility of the BCSA Staff Member.

15.6 No referendum may be reopened on the same affiliation within one calendar year.

15.7 BCSA cannot declare its absolute support for a political party, but it can support one side in a political decision.[4]

15.8 BCSA may facilitate the establishment of political societies provided support is granted by the Executive Team and the general rules of the BCSA are followed.

[3] Including promotion, facility bookings, and administrative support.

[4] Including referenda, bills, legislations etc.

Appendix 1: General Rules

1 GENERAL RULES RELATING TO BCSA MEETINGS

The following rules relate to all meetings of BCSA and may be referred to as "The Standing Order of BCSA".

1.1 Ordinary members of BCSA may speak and vote at a General Meeting of the BCSA. Only the members of the Executive Team have the right to speak and vote at Executive meetings.

1.2 All meetings of BCSA are open to all members to attend and observe. They may be allowed to speak at the discretion of the Chair.

1.3 Members of the College's Senior Leadership Team may attend and speak at college business parts of the meetings but not in areas of BCSA business unless invited to do so.

1.4 Individuals who are not members of BCSA may attend if invited to do so by the Chair and may speak as a guest.

1.5 Points of information may be raised by any member providing that the speaker occupying the floor signifies his/her intention to give way. Should he/she not signify such an intention, the person offering such information shall desist. Such points shall consist of either information offered to or asked of the speaker who has given way.

1.6 Points of order, which takes precedence over any other business, and upon which there shall be no discussion, may be raised by any member. They must be framed as a question to the Chairperson, and be related to the conduct of the meeting.

1.7 The motions shall require a single majority except where otherwise specified in the Constitution or Standing Orders.

1.8 Any suspension of Standing orders shall apply for the duration of the matter under discussion only as such other period as may be specified in the resolution for suspension of Standing Orders.

2 NOTICE AND AGENDA

2.1 At least five working days' notice shall be given of ordinary meetings.

2.2 The order of the Agenda is at the discretion of the Chair but will normally be taken as follows:

- 2.1.1 Minutes of the previous meeting
- 2.1.2 Matters arising
- 2.1.3 Other items of business, reports, statements, motions
- 2.1.4 Any other competent and urgent business

2.3 A Special Emergency Meeting may be called by the Executive Team only where business cannot be left for five days and may be dealt with at a Special Emergency Meeting.

2.4 A Staff Member and Student President are responsible for issuing the notice and agenda of all meetings in accordance with the Constitution.

3 CHAIRING THE MEETINGS

3.1 The President of BCSA shall take the Chair at meetings. If he/she is absent or relinquishes the Chair, a nominated member of the Executive Team shall take it.

3.2 The Chair shall be the sole interpreter of the rules contained in this Constitution; their interpretation of the rules shall be final.

3.3 The Chair shall be responsible for keeping the meeting in order. When the Chair speaks, the other members shall be silent. The Chair shall decide the order in which members speak.

3.4 The Chair will vacate the Chair if a conflict of interest arises, namely if they have a personal interest in the matter being discussed.

5 VOTING

5.1 Each member shall exercise one vote. The Chair may not vote unless as a casting vote in the eventuality of a tie of votes.

5.2 Voting on motions put forward at a General Meeting shall be by a show of hands or as the meeting

decides.

5.3 There shall be no proxy or postal votes.

5.4 A BCSA Staff Member will act as teller and the Chair shall act as second teller.

6 MOTIONS

6.1 Every motion shall have a Proposer and Seconder. The proposer shall speak for the motion. It shall thereafter be open for discussion.

6.2 The Proposer of any motion shall have the right to sum up on the debate immediately before the vote is taken.

6.3 Emergency motions may be moved if, and only if they deal with the matters that have arisen since the date of submission of the motion, and if there is a two-third majority vote for the discussion of this emergency motion.

6.4 After discussion, the Chair shall put the motion to the vote, normally by a show of hands.

6.5 Motions shall require a simple majority only.

6.6 Amendments to the Constitution will require of majority of 2/3rds.

7 PROCEDURAL MOTIONS

7.1 The following procedural motions may be put:

7.1.1 A vote of no confidence in the Chairperson.

7.1.2 A challenge to the Chairperson's ruling.

7.1.3 That the motion be not put.

7.1.4 That the motion be now put.

7.1.5 That a certain lettered standing order be suspended.

7.1.6 That all standing orders be suspended.

7.1.7 That the meeting be temporarily adjourned for a specific reason.

7.1.8 That the matter lie on the table.

7.1.9 That the motion be remitted to the appropriate Association Team or Sub Team.

7.1.10 The motion be referred back for investigation or re-examination.

7.1.11 That the meeting be closed.

7.1.12 That the motion be voted on in part.

7.2 Procedural motions shall have a Proposer and Seconder.

7.3 Procedural motions shall be debated in order of priority listed in Standing Orders.

7.4 If the first 2 procedural motions are put, the Chairperson shall hand the Chair to another member of the Executive. The Proposer shall state his/her case, the person who has vacated the Chair shall reply, and the matter will be put straight to a vote. In the event of it being carried, he/she shall not resume the Chair during the meeting.

8 AMENDMENTS

8.1 All amendments to a motion must be discussed at the meeting immediately after the motion is proposed.

8.2 Amendments to a motion will be discussed one at a time.

8.3 The Proposer of the amendment shall have the right to sum up before a vote is taken. They shall have two minutes to speak.

8.4 When all amendments have been voted on, the motion as amended shall be debated.

9 AMENDMENTS TO THE CONSTITUTION

9.1 The Executive Team shall approve the Constitution.

9.2 A meeting of the shall be the sole body competent to amend the Constitution.

9.3 All proposed amendments to the Constitution shall require to be passed by a two-thirds majority of those present and entitled to vote.

10 POINTS OF ORDER

10.1 Any member may raise points of order[1] which takes precedence over any business, under which there shall be no discussion. They must be asked as a question to the Chair and be related to the conduct of the meeting.

11 STANDING ORDERS

11.1 These Standing Orders[2] shall apply to all Executive Team and General meetings of the Association.

11.2 Only ordinary full time members of the Association may speak and vote at General Meetings. Other members may speak with the permission of the meeting.

11.3 Only Executive Team members may speak and vote at Executive Team Meetings. Association members who are not members of the Executive Team may attend such meetings as observers and may speak with the permission of the meeting.

11.4 A Staff Member of the Association shall be responsible for the production of minutes of all meetings.

[1] A claim or suggestion about whether the meeting is being run correctly or not.

[2] Rules ensuring continuity of procedure during a meeting.

Appendix 2: Disciplinary Procedures

1. COMPLAINTS PROCEDURE

1.1. Any complaints about the conduct of an individual member of BCSA shall be dealt with under the BCSA Complaints procedure.

2 CODE OF PRACTICE, DISCIPLINARY AND COMPLAINTS PROCEDURE

2.1 If a student feels that they have been unfairly treated by BCSA or that they have been unfairly disadvantaged by opting out of the BCSA membership, then they will have the opportunity to address the matter through the procedures outlined.

2.2 All complaints should be dealt with promptly and fairly. The informal procedures outlined below should, in normal circumstances, be started within 5 working days and completed as soon as is practical.

2.3 Both sides of the case should be heard.

2.4 A person involved in the complaint should not be involved in the investigation

2.5 The Association must at all times act within the powers it possesses by virtue of legislation and the constitution.

2.6 All rules for meetings of the BCSA as contained in the constitution shall be adhered to. Repeated breach of the rules will result in disciplinary action and may ultimately lead to expulsion by the process described in the constitution.

2.7 Any complaint concerning members of the Association shall be made, in the first instance, to the Student President who shall endeavour to resolve the matter.

2.8 If the Student President fails to resolve the matter, or the matter directly relates to the Student President, then it will be placed before the Executive Team who shall have the power to determine the disciplinary action to be taken on the basis of the facts of the case.

2.9 The person complaining and the person the complaint relates to shall have the right to be heard by the Executive Team prior to it reaching a decision.

2.10 The right of appeal contained in the constitution shall apply to all complaints.

2.11 Matters that are covered by this procedure would include:

2.1.1 Disorderly behaviour

2.1.2 Damage to Student Association or to other member's property

2.1.3 Anti-social behaviour

2.1.4 Involvement in criminal activities

2.1.5 Any other activity that may bring the BCSA into disrepute

2.1.6 Breaches of all student policies including Equal Opportunities, Harassment and Bullying and the Race Relations Policy

2.12 Any student who breaches the College Code of Discipline, and as a result is removed from their course, shall automatically cease to be a member of the BCSA during the College Disciplinary Procedure and in any consequent litigation. This will be at the discretion of the Executive Team XECUTIVE TEAM.

2.13 Where the complaint relates to college staff, then the matter will be pursued by the Student President who will inform the appropriate member of management within Borders College.

2.14 All members of staff of the BCSA shall not discriminate, or be discriminated against, on the basis of their:

- Age
- Disability
- Gender Re-assignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief

- Sex
- Sexual Orientation
- Status as Care Experienced or Care Leaver

2.15 The anti-discriminatory policy applies to all clubs and societies set up and recognised by BCSA.

2.16 In the event of a member not being satisfied with the BCSA's handling of a complaint or believing that the BCSA had been biased, prejudiced or unfair in its treatment, they shall have the right of appeal to the Principal of the College whose decision shall be final.

2.17 In the above circumstance, the complainant will have the right to be heard prior to the Principal making a decision.

2.18 None of the procedures outlined above should limit in any way the civil rights of Students.

3 EXPULSION OF MEMBERS

3.1 The Executive Team can expel any member of BCSA on the grounds of:

3.1.1 Their conduct is such that it is bringing BCSA into disrepute. The person concerned shall have a right to be heard prior to the Executive Team reaching a decision.

3.2 Any member so expelled shall have a right to appeal to the EXECUTIVE TEAM. This must be made in writing within fourteen days of the decision of the Executive Team and should be addressed to a Staff Member of BCSA unless the complaint concerns the Staff Member, in which case, it shall be addressed to the President.

3.3 In the event of a no confidence vote being passed by the Executive Team on any member of the Executive Team, they shall be deemed to have resigned. The person concerned shall have the right to be heard prior to the Executive Team reaching a decision.

3.4 The Executive Team shall have the power to recommend to the Executive Team that any Executive Officer of BCSA is removed and replaced if they:

3.1.1 Miss two consecutive meetings without reasonable cause.

3.1.2 Their conduct is such that it is bringing BCSA into disrepute.

3.1.3 They are failing to carry out appropriate duties assigned to them by the Constitution or by either the Executive Team or General Meeting.

Appendix 3: Finance

1. BCSA shall make available on request its budget by mid-June and accounts by mid-September, at the latest. The budget and accounts shall be submitted to the Executive Team for approval.

2. As BCSA operates as a department of Borders College for administrative purposes the budget and accounts shall be prepared by the Borders College finance department and submitted to the Regional Board within the annual Borders College reports.

3. BCSA shall review the finances of BCSA on a quarterly basis and shall report their findings to the Executive Team.

4. The President shall be responsible for overseeing the accounts and shall exercise supervision over all BCSA finances.

5. The financial year shall commence on 1st August each year in line with the Borders College Financial Calendar.

6. The Student President shall have the power to authorise the expenditure necessary to pursue BCSA's objectives up to a value of £650. Expenditure above this amount must be approved by a majority vote of the Executive.

7. The Executive Team may pre-approve expenditure if presented with a budget

8. The Petty Cash account will be operated by the BCSA Staff member and President. No more than £50 will be kept in the BCSA office at any one time.

9. The College's Senior Leadership Team shall determine the level of grant to be paid annually to BCSA and approve their budget for the year. Any contribution from the College will be approved by the Regional Board as part of the College budget setting procedure.

10. The collection of all money due to the Association shall be the responsibility of the BCSA Staff Member.

    a. When collecting cash a second person should be present to verify the amounts.

11. All contracts will be signed by the President (if of legal age[1]) and the BCSA Staff member.

[1] If the BCSA President is not aged 18+ the preferred signatories in order are: the Vice President (Education) followed by either of the other Vice Presidents.