

Constitution of Edinburgh College Students' Association

We, Edinburgh College Students' Association (hereby referred to as EC Students' Association) are a Students' Association within the meaning of the Education Act (1994). EC Students' Association acts as a voice for our members (students), their educational interests, and their welfare. EC Students' Association is an autonomous body independent of Edinburgh College.

EC Students' Association's legal status is that we are a charity registered in Scotland (charity number SC028544).

Part 1: The Articles

This section defines the aims and objectives of EC Students' Association, as well as setting out what can and cannot be done. This section is divided into chapters.

Article 1

EC Students' Association

1.1 Name and Overview

There shall be a Students' Association in the name of Edinburgh College Students' Association (and in this Constitution it is called 'EC Students' Association'). EC Students' Association is a Students' Association within the meaning of the Education Act 1994. EC Students' Association acts as a voice for its members and is devoted to their educational interests and wellbeing. Edinburgh College provides EC Students' Association with the funds to help facilitate the educational experience of the students. EC Students' Association shall:

- a) Be an unincorporated association of members
- b) Have recognised charitable status
- c) Be a non-profit making organisation and any financial surpluses shall be reinvested in the Association
- d) Adhere to the requirements of the Education Act 1994 (as amended) and to the associated College Code of Practice
- e) There shall be Schedules to the Constitution which shall set out further provisions on certain matters.

1.2 Aims and Objectives

1.2.1 As a charity registered in Scotland, EC Students' Association's charitable aims are as follows:

- a) the advancement of education
- b) the advancement of health
- c) the advancement of citizenship or community development
- d) the advancement of public participation in sport
- e) the promotion of religious or racial harmony
- f) the promotion of equality and diversity

- g) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantages

1.2.2. In pursuance of these above aims, EC Students' Association aims to advance the education of Edinburgh College students for the public benefit by:

- a) Promoting the interests and welfare of students at Edinburgh College during their course of study
- b) Representing, supporting, advising, informing and listening to students in their needs, aspirations and throughout life at College
- c) Being the recognised representative channel between students and Edinburgh College and any other organisation outside Edinburgh College
- d) Providing quality social, cultural, sporting and recreational activities and forums for discussion and debate, for the personal development of our students
- e) Promote, educate and celebrate equality, diversity and inclusion wherever it can throughout the Association's activities
- f) Promote the awareness of environmental sustainability among our members

1.3 *Powers of EC Students' Association*

To further its objectives, but not to further any other purpose, EC Students' Association may:

- a) Provide and promote activities, services and facilities for our members
- b) Raise funds and receive grants and donations
- c) Carry out new activities, functions and services within the lawful parameters to achieve our objectives

1.4 *Membership of EC Students' Association*

1.4.1 EC Students' Association members will be:

- a) All students aged 16 and over who are enrolled at the College and have not opted out of EC Students' Association membership
- b) Our Full Time Officers who are our elected and paid representatives

1.4.2 EC Students' Association members can:

- a) Attend, vote and speak at EC Students' Association meetings
- b) Vote in Students' Association elections
- c) Hold voluntary or paid part-time posts with EC Students' Association
- d) Be represented by EC Students' Association Full Time Officers or Staff
- e) Use EC Students' Association facilities
- f) Take part in EC Students' Association activities
- g) Hold office in EC Students' Association approved clubs and societies
- h) Run for EC Students' Association Full Time Officer positions

Article 2

The Running of EC Students' Association

2.1 Elections

- a) In line with the Education Act (1994), all office holders will be elected by a secret ballot of EC Students' Association members
- b) The way in which elections will be run is outlined in Schedule 1 of this Constitution
- c) The Full Time Officers will be elected between the months of February and May during each calendar year in accordance with Schedule 1
- d) In line with Education Act (1994) no member will hold a Full Time Officer post within EC Students' Association for more than two years

2.2 Major Office Bearers of EC Students' Association

- a) The major office bearers shall be the three 'Full Time Officers'. The portfolios of those Officers are set out in Schedule 2
- b) EC Students' Association's Executive Committee will be the Full Time Officers who are elected in line with the Schedules
- c) Full Time Officers shall hold office from 1 July to 30 June each year
- d) Details of how EC Students' Association manages the resignation or removal of the Full Time Officers are set out in Schedule 2

2.3 Referenda

The running of a referendum will be the responsibility of the Returning Officer and/or Deputy Returning Officer.

- 2.3.1 A referendum, in which all members will be allowed to vote, may be called on any issue by:
 - a) A majority vote of at least two thirds of EC Students' Association's Executive Committee; or
 - b) On receipt of a petition setting out the issue and the name, course, college number and signature of at least 275 of EC Students' Association's members
- 2.3.2 To be valid, a referendum must have a minimum turnout of 15% of EC Students' Association's membership
- 2.3.3 The EC Students' Association's Board of Trustees will be responsible for enacting the outcome of referenda within the parameters of legislative and strategic frameworks

Article 3

Administration and Governance of EC Students' Association

3.1 Governance

3.1.1 The EC Students' Association's Board of Trustees is responsible for all of EC Students' Association's activities, our governance, management, budget and strategy and shall act at all times in line with their obligations in terms of the Charities and Trustee Investment (Scotland) Act 2005.

3.1.2 Members of the Board of Trustees will act according to Code of Conduct as detailed in Schedule 6 of this Constitution

3.1.3 The EC Students' Association Board of Trustees shall be made up as follows:

Ex-officio

3 Full Time Officers

Appointed

3 External Trustees

2 Student Trustees

In attendance

a) Association Director

b) Others as may be invited to present information at the request of the EC Students' Association Board of Trustees

c) Clerk to the Board appointed by the Association Director

3.1.4 The external Trustees shall be appointed for a period of three years and a maximum of three periods

3.1.5 The EC Students' Association Board of Trustees shall:

a) seek, in good faith, to ensure that EC Students' Association acts in a manner which is consistent with its purposes

b) oversee the strategic direction of EC Students' Association

c) ensure the proper and prudent administration of EC Students' Association, both legally and financially

d) ensure EC Students' Association's financial viability and sustainability to enable it to meet its aims and objectives

e) ensure EC Students' Association complies with its governing documents, charity law and all other relevant legislation or regulations

f) protect and manage any of EC Students' Association's property and ensure the proper investment of EC Students' Association's funds

3.1.6 To enable it to do this, the EC Students' Association Board of Trustees shall:

a) receive and consider EC Students' Association's management accounts

b) receive and approve EC Students' Association's Budget

c) receive a report from the Executive Committee and a report from the Association Director on EC Students' Association's activities

d) have the power to scrutinise, approve or overturn decisions of Committees of the Association based on the principles outlined in the EC Students' Association Board of Trustees Schedule (Schedule 6) attached to this Constitution

e) appoint the Association Director, ensure that proper employment legislation is applied in their dealings with the Association Director, and to monitor their performance

f) act as an Appeal panel in any disciplinary or grievance matter as may be required as per Schedule 4 of this Constitution

- 3.1.7 The EC Students' Association Board of Trustees will meet on a quarterly basis, with additional meetings scheduled at the Board's request
- 3.1.8 The EC Students' Association Board of Trustees may delegate any and all of their powers or functions to any committee or body, or the implementation of their resolutions and the operational management of EC Students' Association to any person or committee, subject to the provisions set out in the EC Students' Association Board of Trustees Schedule (Schedule 6) attached to this Constitution
- 3.1.9 The EC Students' Association Board of Trustees can override any decision or policy made by members at a referendum, or by the Executive Committee which:
- a) Has or may have serious financial impact on EC Students' Association
 - b) Is or may be against the law or contravenes the Constitution
 - c) Is in the opinion of the Trustees seriously damaging to EC Students' Association or its members

3.2 *Administration*

3.2.1 Finance

We will receive appropriate funds from Edinburgh College to allow us to carry out our objectives as per the Education Act (1994) (see Schedule 3).

3.2.2 Complaints

If we receive any complaints, these will be dealt with under the EC Students' Association complaints procedure (see Schedule 4).

3.2.3 Staffing

All contracted staff including Full-Time Officers will follow the Policies of Edinburgh College as employees of EC Students' Association. All Association staff will be line-managed by the Association Director who reports to the EC Students' Association Board of Trustees. The Association Director is responsible for maintaining good communication and working relationships with senior College staff.

3.3 *Amendments to the Constitution*

- a) The EC Students' Association Board of Trustees and Edinburgh College will review this Constitution at least every five years from the date of this Constitution
- b) Any amendment made to the Constitution shall only take effect once it has been approved by a majority of the EC Students' Association Board of Trustees and the College Board of Management
- c) No amendment to the Constitution or Schedules shall be made which would impede or interfere with the effective running of EC Students' Association as a charity
- d) Any amendments or additions to Schedules will be approved by consultation of EC Students' Association's Board of Trustees

3.4 *Interpretation*

- a) If anyone challenges any part of this Constitution, EC Students' Association Board of Trustees will nominate an External Trustee for this purpose to make a ruling
- b) If a member of EC Students' Association is not satisfied with this decision, they may appeal to the EC Students' Association Board of Trustees, whose decision will be final

Updated: June 2023

Part 2: Schedules

This section gives further direction on where to source information relevant to the Constitution.

Schedule 1

Elections

This outlines how EC Students' Association runs its elections and other formal voting structures. This includes the election of Full Time Officers.

Schedule 2

Student Representation

This outlines how EC Students' Association runs its student representation. This includes the Class Rep System, the Executive Committee, policy decisions and how EC Students' Association manages its formal meeting process and the broad portfolio of responsibilities for the Full Time Officers, how decisions will be made and the process for removal of major office bearers.

Schedule 3

Financial Procedures

This outlines how EC Students' Association manages its finances. This includes but is not limited to: how money is accounted for, how spending decisions are made and how monies are requested.

Schedule 4

Complaints

This outlines how EC Students' Association will deal with any complaints that are made against EC Students' Association, its staff or its procedures.

Schedule 5

Clubs and Societies

This outlines how EC Students' Association sets up and maintains its Clubs and Societies. This includes but is not limited to: the process of setting up a new club or society and the process to maintain existing clubs and societies.

Schedule 6

EC Students' Association Board of Trustees

This outlines how the EC Students' Association Board of Trustees functions, including their duties, such as setting out the EC Students' Association's Code of Conduct

Schedule 1

Elections

1. *Election regulations for Full Time Officers*

1.1. General

- a) The elections of the President and Vice-Presidents (together being the “Full Time Officers”) and any other elected officers of the Association shall be carried out in accordance with these regulations (the “Regulations”).
- b) The EC Students’ Association Board of Trustees shall appoint a Returning Officer, who shall not be a member of the student body, and shall be responsible for the good conduct of elections for one year.
- c) The Elections shall be by secret ballot of all Members of the Association using the Single Transferable Vote system.
- d) In addition to the Regulations, the Association and all candidates shall be obligated to comply with:
 - The College rules, regulations and policies (including but not limited to IT, Health & Safety, bullying and harassment etc.)
 - Edinburgh College Students’ Association rules, regulations and policies
 - The laws of Scotland

2. *The Returning Officer*

- 2.1. The Returning Officer may appoint nominees to act on their behalf in the day-to-day supervision of the Elections.
- 2.2. The Association’s administrative staff shall, in acting on behalf of the Returning Officer, carry out the following functions:
 - a) Oversee the procedure for the acceptance of nominations and the determination and publication of valid nominations.
 - b) Fix the date of the Elections, and publish information about the arrangements
 - c) Supervise and conduct the count
 - d) Oversee the announcement of the result
- 2.3 The Returning Officer has the power to remove candidates from the Elections should their conduct breach regulations set out in this schedule or should the candidate cease to be a member of the Association.
- 2.4 The Returning Officer’s decision will be final, and all decisions will be reported to the EC Students’ Association Board of Trustees after Elections are concluded.

3. *Nominations*

- 3.1. Each Member shall be eligible to stand as a candidate for an Election
- 3.2. The Full Time Officers may stand for re-election at the close of their first tenure of office. The maximum period of office an individual Full Time Officer may hold is two tenures, irrespective of position.
- 3.3. A candidate may only stand for election for one post within the EC Students’ Association Election.
- 3.4. The EC Students’ Association administration staff will post a notice at least ten days of College term-time before the date on which nominations open stating the:

- a) period for nominations
- b) posts for which nominations can be made
- c) where nomination forms can be accessed
- d) how to access additional support with the nominations process

- 3.5. Candidates are required to submit content for their manifesto along with their completed nomination form, which includes the nominee's name and photo, in order for their candidacy to be valid.
- 3.6. Candidates may also submit design materials, but it is not a requirement of their candidacy. If no design is submitted by the nominee, the EC Students' Association will create one using a template and the supplied manifesto information. All design materials will be published by EC Students' Association.
- 3.7. On closing of the nominations, the EC Students' Association administrative staff will inspect all nominations and manifestos and verify that they comply with the Regulations. Any irregularities will be reported to the Returning Officer.
- 3.8. The EC Students' Association administrative staff will draw up a list of candidates after the close of the nominations, and will publish their manifestos as soon as is reasonably practicable, stating the date of the Election and the arrangements for voting.
- 3.9. The Returning Officer and the EC Students' Association's administrative staff shall, as soon as reasonably practicable following the publishing of the notice in terms of paragraph 3.8, arrange a meeting at which they shall brief the candidates on the Election process and procedure. All candidates will be afforded an opportunity to ask questions relating to the Election at the end of the briefing.

4. *Campaigning*

- 4.1. The campaigning period shall start at the end of the Candidates' Briefing at a time announced by the Returning Officer and shall end at the close of voting.
- 4.2. Any coverage of the Elections by EC Students' Association, by whatever means or media, shall be fair and balanced providing equal exposure to all candidates, as far as reasonably practicable.
- 4.3. No money will be given up front to candidates. However, each candidate will have access to a small budget from EC Students' Association for canvassing materials. EC Students' Association staff can access this budget on behalf of the candidates on the production of valid receipts. No other monies shall be spent on canvassing by the candidate. Full details on the finances shall be confirmed at the Candidates' Briefing.
- 4.4. No offensive or derogatory election material shall be produced during the campaign by any candidate.
- 4.5. The Returning Officer and their appointees reserve the right to remove any election material which in their reasonable opinion is inappropriate.
- 4.6. The Association shall facilitate students asking questions of candidates in a format laid out by the Returning Officer or Association administration staff.

5. *Election*

- 5.1. The Elections for the Full Time Officers' posts shall be held no later than 31st May of each academic year.

- 5.2. In the event that following the proper conclusion of the Elections, at least one post remains vacant, it shall be permissible to hold further Elections with a view to appointing candidates to assume such vacant posts. The decision as to whether or not to hold such further Elections shall be at the sole discretion of the Returning Officer.
- 5.3. In such cases, any further Election(s) must take place as soon as is reasonably practicable. The same procedure for nominations and campaigning shall apply as set out in paragraphs 3 and 4 of these regulations, except for the timing restrictions which shall be decided at the sole discretion the Returning Officer.

6. *Voting*

- 6.1. Voting shall take place at the appropriate voting stations or electronically at times to be determined by the Returning Officer.
- 6.2. The location and arrangements of voting stations shall be published before polling opens.
- 6.3. Voting stations will be provided across College Campuses and will allow for a confidential ballot to take place. These will be located in easily-accessible spaces and managed by EC Students' Association administration staff, to allow students to cast votes in confidence.
- 6.4. Members of EC Students' Association may vote upon the production of a valid College I.D. card or via validated electronic access.
- 6.5. Votes shall be cast by electronic means, or in sealed ballot boxes, where appropriate. All paper voting slips issued shall be placed in the sealed ballot box at the time of voting, whether used or not.
- 6.6. Ballot papers shall bear the name of each candidate, the position being contested and a suitable space for indicating the voting preference of the voter.
- 6.7. There shall be an option on the ballot paper entitled "Re-Open Nominations" ("RON").
 - 6.7.1. RON, for the purposes of the count, shall be treated as a candidate, though it will not be allowed a publicity budget as allowed to the other candidates in the Election in terms of paragraph 4.3.
 - 6.7.2. If RON wins the Election, then the Election shall be re-run at a date to be determined by the Returning Officer.
- 6.8. Candidates and their supporters should not be in the immediate vicinity of a voter when they are in the act of casting their vote.

7. *Election Administration*

- 7.1 The Returning Officer and a member of EC Students' Association's administrative staff shall administer the count.
- 7.2 The Returning Officer shall be responsible for announcing and publicising the results of the Election.

8. *Candidates*

- 8.1. Candidates already in office, or Student Staff members shall be given the same privileges and restrictions as the other candidates in the Election.
- 8.2. Candidates may only benefit from what is openly available to all candidates.

9. *Election Complaints and Appeals*

- 9.1. The procedure for the consideration of complaints relating to elections shall be as follows:

- a) Formal complaints must be submitted in writing with any supporting evidence to the Returning Officer.
 - b) The Returning Officer shall investigate any formal complaint within the terms of the EC Students' Association's Complaints Procedure (see Schedule 4) and decide what action shall be taken, including but not limited to the disqualification of any candidate concerned, or the annulment of the relevant election.
- 9.2. Disqualified candidates may appeal the decision of the Returning Officer in writing to the EC Students' Association Board of Trustees, who shall appoint an Appeals Panel.
- 9.3. Options open to the Appeals Panel include but are not limited to:
- a) upholding or dismissing the appeal
 - b) requesting a re-running of the Election

10. By-Elections for Full Time Officers

If any of the above posts falls vacant before the 31st May then a by-election may be arranged by the Returning Officer, following the Elections Regulations as outlined above.

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Schedule 2

Student Representation

This outlines how EC Students' Association runs its student representation. This includes the Class Rep System, the Executive Committee, policy decisions and how EC Students' Association manages its formal meeting process and the broad portfolio of responsibilities for the Full Time Officers, how decisions will be made and the process for removal of major office bearers.

1. *Full Time Officer Portfolios*

All Full Time Officers at the Association are together responsible for:

- a) Representing the students' interests at formal College Meetings
- b) Advocating for individual students where required
- c) Representing students at the College Board of Management and College Committee meetings
- d) Promoting equal rights and opportunities for members of the Students' Association
- e) Work towards ensuring a positive learning experience for all students

1.1. President

The role of President exists to represent the views and needs of our membership; defending their rights and developing the student experience. The President is a key link between the College Board of Management and the College students. The President is a Full-Time Officer and Trustee of EC Students' Association, and is an ex-officio Member of the College Board of Management. The President's remit is to represent students on learning and teaching matters. The President shall be responsible for:

- a) Acting as ambassador for EC Students' Association by representing the interests of its members to the College and external bodies
- b) Working alongside the College wherever possible to ensure an ethos of partnership is maintained between EC Students' Association and the College
- c) Facilitating opportunities for Class Reps to provide feedback on their learning and teaching experience, and working with Class Reps to ensure student voice is included in decision making across the College
- d) Coordinating a programme of activities that engages students in the enhancement of learning and teaching, working with College and external partners
- e) Actively engaging with all campuses, being present on campus and engaging with students at their place of study
- f) Proactively engaging with our members, ensuring that EC Students' Association is accountable and informing our members on our work and issues affecting students
- g) Campaigning and representing students on issues affecting their lives and other appropriate national issues
- h) Working with the EC Students' Association Director to ensure that the policy and direction of EC Students' Association finances, personnel and the central resources of EC Students' Association are fit to meet the needs of our members
- i) Acting as Delegation Leader for NUS Scotland and NUS National Conferences, or

appointing a representative from within the EC Students' Association Full Time Officers team

- j) Ensuring EC Students' Association make full use of our membership of NUS, including campaigns, surveys and events etc.
- k) Such other matters as appropriate or agreed through the annual planning process

1.2. The role of the Vice President Welfare exists to represent the views and needs of our membership; defending their rights and developing the student experience. The Vice President Welfare remit includes organising activities that promote wellbeing; representing equalities groups and developing student welfare matters such as physical, sexual and mental health, widening participation and national issues affecting wellbeing. The Vice President Welfare is a Full-Time Officer and ex officio Trustee. The Vice President Welfare shall be responsible for:

- a) Deputising for the President when required
- b) Acting as an ambassador for EC Students' Association and representing the interests of its members
- c) Working alongside the College wherever possible to ensure an ethos of partnership is maintained between EC Students' Association and the College
- d) Coordinating a programme of activities that promotes wellbeing for a diverse range of students and enhances the student experience, working with relevant College departments and external partners
- e) Representing the views of Equalities Groups and coordinating activities that promote equality and diversity
- f) Defending the rights of students on welfare matters and national issues affecting wellbeing, or other issues as appropriate
- g) Actively engaging with all campuses, being present on campus and engaging with students at their place of study
- h) Campaigning and representing students on issues affecting their wellbeing such as health, financial wellbeing, equality and diversity and other appropriate national issues
- i) Proactively engaging with our members, ensuring that EC Students' Association is accountable and informing our members on our work and issues affecting students
- j) Promotion of equal rights and opportunities for members of EC Students' Association
- k) Such other matters as appropriate or agreed through the annual planning process

1.3. The role of the Vice President Activities exists to represent the views and needs of our membership; defending their rights and developing the student experience. The Vice President Activities remit includes building communities by supporting clubs and societies, and organising events. The Vice President Activities is a Full-Time Officer and ex officio Trustee. The Vice President Activities shall be responsible for:

- a) Deputising for the President when required

- b) Acting as an ambassador for EC Students' Association and representing the interests of its members
- c) Working alongside the College wherever possible to ensure an ethos of partnership is maintained between EC Students' Association and the College
- d) Coordinating a programme of events that meet the needs of a diverse range of students and enhances the student experience, working with relevant College departments and external partners
- e) Lead on the work of EC Students' Association to encourage sustainability within EC Students' Association and College, promoting sustainable policy and practice within the student body
- f) Campaigning and representing students on issues affecting their lives such as financial barriers to extra-curricular activities, and other appropriate national issues
- g) Actively engaging with all campuses, being present on campus and engaging with students at their place of study
- h) Proactively engaging with our members, ensuring that EC Students' Association is accountable and informing our members on our work and issues affecting students
- i) Promotion of equal rights and opportunities for members of EC Students' Association
- j) Actively enable enhancement of student life and student experience through community building, and fostering a sense of belonging amongst the student community
- k) Such other matters as appropriate or agreed through the annual planning process

2. *The Class Representative System*

The Class Representative System is the principal body by which student opinion on Learning and Teaching matters is reported to EC Students' Association and its designated staff. The Class Representatives' feedback is used to inform decision making by the wider College community and College Management.

- 2.1. At Edinburgh College, every class should be represented by at least one Class Rep
- 2.2. Class Reps should be selected by their peers as soon as is reasonably practicable after the beginning of their academic session
- 2.3. Class Reps will be given the opportunity to attend training, meetings, give feedback through surveys, events and activities, and be a voice for students at the College
- 2.4. Class Reps shall provide a pool of engaged, informed and active student representatives from which elected officers may draw to assist with the organisation of, and participation in, campaigns to bring about change to improve the student experience

3. *The Executive Committee*

- 3.1. The Executive Committee is formed of the Full Time Officers and supported by the Association Director
- 3.2. The Executive Committee shall meet at least monthly with the following tasks:

- a) Discussion of the Annual Priority Objectives and progress towards meeting these objectives
- b) Discussion of any current student issues raised through the student representative structures including Class Rep meetings, EC Students' Association surveys and casework
- c) Planning activities and distributing workload among the Executive Committee and EC Students' Association staff team
- d) Discussing, agreeing and making decisions on the EC Students' Association stance and position on current issues or circumstances facing the Members
- e) Discussing, agreeing and making decisions on policy statements for EC Students' Association as per paragraph 4 below

3.3. The President is the ex-officio Chair of the Executive Committee

4. *Policy Decisions and how they are made*

4.1. The procedure for making policy decisions is as follows:

- a) Papers for policy changes and proposals are prepared and presented to the Executive Committee where required
- b) The relevant Full Time Officer is responsible for presenting the proposal as per their portfolio (see Schedule 2, 1.1; 1.2; 1.3)
- c) There is then an opportunity for discussion among the Executive Committee, after which the policy decisions must be agreed unanimously
- d) In the event that policy changes or proposals are not agreed unanimously, the status quo will be maintained, and the Executive Committee will be bound by the convention of collective responsibility
- e) In the event that policy changes or proposals are not agreed unanimously, the policy changes or proposals may be amended and returned for further consideration

5. *Formal Meeting Procedures*

5.1. At EC Students' Association, the below Committees should follow the rules set down in this Schedule as guidance on best practice, where possible and appropriate:

- Meetings of the EC Students' Association Board of Trustees
- Meetings of the Executive Committee (consisting of the Full Time Officers and supported by the Association Director)
- Sub Committees as established by the EC Students' Association Board of Trustees (see Schedule 6.4)

5.2. The work of Committees will be communicated to Members in one or more of the following ways:

- a) Through official Association communication channels
- b) Through the Class Representative System
- c) Through annual reporting

5.3. Convening meetings

Dates, times and venues for all meetings will be communicated to the members of the relevant Committee(s) at the beginning of the Academic Year for the remainder of that Academic Year

- a) If this is not possible, dates, times and venues will be communicated to the Committee(s) members at least 10 working days prior to the date of the meeting
- b) The announcement of a date and time for a meeting will be accompanied by a call for business, whereby members can submit items of business to the Chair for discussion
- c) In the case of Emergency or Extraordinary meetings, the Chair shall ensure that as much notice as is practicable is given to the membership
- d) All items of business must be submitted to the Chair of the meeting at least five working days in advance of the agenda being published, along with any supporting papers. Any item not submitted by the time the agenda is published may be brought up under AOCB, but it will be at the discretion of the Chair if the item is discussed or passed to the next meeting.

5.4. Quorum of Meetings:

- a) The quorum shall be 50% + 1 of the overall membership of the Committee for the decisions to be binding
- b) If a quorum is not met, the meeting shall be abandoned unless the Articles or these Schedules provide otherwise
- c) If members of the Board or Committee leave during a meeting and this brings the number of Board or Committee below the quorum, then the meeting is no longer quorate. The Chair may continue the meeting; however, no decisions may be made. The Chair may also adjourn the meeting.

5.5. Agendas

There should be an agenda for every meeting, produced by the Chair of that Committee. Agendas and supporting papers will be distributed to all members of the Committee prior to the meeting taking place, at least five days in advance. The agenda should include the following:

- Members present
- Apologies
- Declarations of Interest (if any)
- Minutes and Matters Arising
- Items of Business
 - Items for information
 - Items for discussion
- Any Other Competent Business (AOCB)

5.6. Voting and decision-making

- 5.6.1. Only Members of the Board or Committee shall be entitled to vote at any Board or Committee Meeting
- 5.6.2. Decisions on matters will be decided by consensus where possible at the direction of the Chair
- 5.6.3. Where a consensus is not reached, a vote will be taken where a simple majority is required
- 5.6.4. Board or Committee members will have the option to vote 'For', 'Against' or 'Abstain'. The Chair of the Board or Committee will not have a vote in the first instance

5.6.5. In the event where a vote is tied, the Chair of the Board or Committee will have a casting vote

5.7. Powers of the Chair and the conduct of meetings

- a) If the Chair of a Board or Committee is absent, chairing duties shall be passed to the Deputy Chair (if available) or to a nominee of the Chair.
- b) During meetings, the Chair shall:
 - Introduce each item and its purpose
 - Request contributions
 - Encourage participation
 - Ensure others do not dominate the meeting
 - Delegate tasks
 - Record votes if necessary
 - Make sure the meeting keeps to time

6. *The Removal of Major Office Bearers*

Major Office Bearers are the elected Full Time Officers and Trustees of EC Students' Association. Major Office Bearers are at all times expected to fulfil their obligations and represent EC Students' Association as set out in Schedule 2.1 (Full Time Officers) and Schedule 6 (Trustee Board Members), and to adhere to EC Students' Association's Code of Conduct (Schedule 6.6). As per the constitution paragraph 3.2.3, all contracted EC Students' Association staff, including Full Time Officers, will follow the Policies of Edinburgh College as employees of EC Students' Association.

Should there be a complaint against a Major Office Bearer, the Complaints procedure outlined in Schedule 4 shall be followed. The Major Office Bearer in question cannot be present or involved in the decision on the outcome of a complaint against them. Outcomes of complaints against Major Office Bearers shall be reported back to the EC Students' Association Board of Trustees, for information or further action.

The EC Students' Association Board of Trustees has the power to remove Major Officer Bearers for good cause by a simple majority, if any Major Office Bearer is in serious or persistent breach of their duties, including but not limited to the following:

- a) gross negligence
- b) dereliction of duty
- c) breach of Association Rules, as outlined in the Constitution and Schedules
- d) for bringing the Association into disrepute in any other way

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Schedule 3

Financial Procedures

This outlines how EC Students' Association manages its finances. This includes but is not limited to: how money is accounted for, how spending decisions are made and how monies are requested.

1. Edinburgh College will provide EC Students' Association with the appropriate funds, in order to carry out its objectives as per the Education Act (1994).
2. Financial Year
 - 2.1. EC Students' Association's Financial Year will run from 1st July until 30th June.
 - 2.2. The Association Director will present the budget for the next Financial Year to the EC Students' Association Board of Trustees by the month of May in the preceding year, before being presented to the College Board of Management for approval.
 - 2.3. The Association Director will arrange for annual accounts to be independently examined and present to the EC Students' Association Board of Trustees for discussion and final approval, as soon as is reasonably practicable after the end of the financial year.
3. Administration of funds
 - 3.1. All income and expenditure will be recorded in order to inform the annual accounts process.
 - 3.2. The Association Director shall be the budget holder.
 - 3.3. A report of EC Students' Association's finances will be presented at each of EC Students' Association Board meetings. This presentation will provide Board members the opportunity to seek clarification on any expenditure and performance against budget in the financial period covered.
 - 3.4. Expenditure may be classified and processed in the following ways:
 - a) Planned expenditure such as ongoing contracts for goods or services
 - b) Upon receipt of invoices for goods or services within a specified timeframe
 - c) Direct purchasing of goods or services
 - d) Reimbursement of expenses by EC Students' Association Staff, Full Time Officers or Trustees.
 - 3.5. All expenditure must be approved by either the Association Director or Full Time Officer(s) before processing
 - 3.6. Spending limits:
 - a) Any individual purchase below £1000 may be approved by Association Director or Full Time Officer(s) before processing
 - b) Any individual purchase exceeding £1000 but less than £2000 must be approved by both Association Director and Full Time Officer(s) before processing
 - c) Any individual purchase exceeding £2000 must be approved by both Association Director and the EC Students' Association Board of Trustees
 - 3.7. Any reasonable expenses incurred by EC Students' Association Staff, Full Time Officers or Trustees will be reimbursed in a timely manner

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Schedule 4

Complaints

This outlines how EC Students' Association will deal with any complaints that are made against EC Students' Association, its elected Full Time Officers, its staff or its procedures.

1. With any complaint, the first recourse should be to seek to resolve informally the issue giving rise to the complaint. The Association Director or Chair of the EC Students' Association Board of Trustees upon receipt of a complaint should first determine whether informal discussion with the complainant(s) and appropriate action thereafter could reasonably be expected to achieve informal resolution. During either the formal or informal stage of the complaints process, temporary measures or adjustments may be put in place to protect both parties in the complaint, until a solution is reached. Only if informal resolution has been unsuccessful or if the complaint was deemed unlikely to be resolved informally, shall the formal procedure which follows be invoked.
2. Complaint Format

Any complaint must be in writing and sent to the Association Director or, if it refers to the Association Director, to the Chair of the EC Students' Association Board of Trustees. We have a two-stage complaints procedure. We will always try to deal with complaints as quickly as is practicable, and will inform the complainant of the timeline in which they can expect a response.
3. Complaint procedure
 - 3.1 Stage 1: Frontline response.
 - a) We aim to respond to complaints quickly (where possible when the complainant first tells us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.
 - b) We will give the complainant our decision at Stage 1 in five working days or less, unless there are exceptional circumstances, in which case we will inform the complainant of the timeline in which they can expect a response.
 - c) If the complainant is not satisfied with the response we give at this stage, we will inform them of what they can do next. If the complainant chooses to, they can take their complaint to Stage 2. The complainant must normally ask us to consider their complaint at Stage 2 either:
 - within one month of the event or incident they want to complain about
 - within one month of receiving their Stage 1 response (if this is later)
 - 3.2 Stage 2: Investigation
 - a) We will look at the complaint at this stage if the complainant is dissatisfied with our response at Stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.
 - We will acknowledge the complaint within five working days.
 - We will confirm the points of complaint to be investigated and what the complainant wants to achieve.

- We will investigate the complaint and give the complainant our decision as soon as reasonably practicable. This will be after no more than 20 working days unless there is clearly a good reason for needing more time, and we will inform the complainant of the timeline in which they can expect a response.
- b) When using Stage 2:
- we will acknowledge receipt of the complaint within five working days
 - we will confirm our understanding of the complaint, what we will investigate, and what outcome the complainant is looking for
 - we will try to resolve the complaint where we can (in some cases we may suggest using an alternative complaint resolution approach)
 - where we cannot resolve the complaint, we will give the complainant a full response as soon as possible, normally within 20 working days
- c) Should our investigation be likely to take longer than 20 working days, we will inform the complainant of the timeline in which they can expect a response.

4. Appeal of a Complaint Outcome

4.1. This may be made on 3 grounds:

- a) procedural irregularity; that EC Students' Association has not followed its own procedure
- b) that there is additional or new evidence that has not yet been considered in the investigation
- c) that the outcome is not consistent with the conclusions of the investigation

4.2. The appeals stage does not re-hear the whole case but will restrict itself to reviewing the procedure followed and the evidence on which the original decision was made, and ensuring that it complied with the agreed procedure, and that the outcome was reasonable.

4.3. If a complainant wishes to appeal the outcome of a Stage 2 complaint, they must do so in writing within 10 working days of the complaint outcome, stating their grounds for appeal as per paragraph 4.1.

4.4. Once an appeal is received and acknowledged, an Appeals Panel will be established within 10 working days, consisting of the following members of EC Students' Association's Board of Trustees:

- A Full Time Officer
- A Student Trustee
- An External Trustee (Chair)

4.5. The Appeals Panel may decide to:

- a) dismiss the appeal and the original outcome stands
- b) uphold the appeal and adjust the outcome
- c) uphold the appeal and restart Stage 2 with a different Investigating Officer, this would only happen in exceptional circumstances, and may only happen once
- d) make recommendations to amend the policy, procedure, training etc. to improve the way complaints are handled in future

4.6. Decisions of the Appeals Panel shall normally be issued in writing within five working days of their decision.

5. Unacceptable actions by a complainant

EC Students' Association does not consider actions that result in unreasonable demands or unreasonable behaviour towards staff to be acceptable, such as the following:

- a) Aggressive or abusive behaviour
- b) Unreasonable demands
- c) Unreasonable levels of contact
- d) Unreasonable refusal to co-operate
- e) Unreasonable use of the complaints process

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Schedule 5

Clubs and Societies

This outlines how EC Students' Association sets up and maintains its Clubs and Societies. This includes but is not limited to: the process of setting up a new club or society and the process to maintain existing clubs and societies.

1. While clubs and societies are student-led initiatives, EC Students' Association may assist in the establishment and support of clubs, societies or organisations, in order to help foster a sense of community across Edinburgh College's campuses and online platforms.
2. Maintaining existing clubs and societies
 - a) EC Students' Association may make funding available to clubs or societies, providing such funding allocation is conducted with fairness and openness, and within agreed budgets.
 - b) EC Students' Association staff and Full Time Officers may provide support to clubs and societies through training, booking of space and facilities, booking of travel, and general guidance and advice.
 - c) EC Students' Association will promote clubs and societies to its membership via official channels such as the website and the mailing list.
3. Setting up new clubs and societies

In order to set up new clubs and societies, members of EC Students' Association must ensure that:

 - a) They are open and inclusive to all students. There should be no prerequisites for membership (i.e. the Computing Society is not just for Computing students). Those setting up clubs or societies must ensure activities are accessible for all abilities.
 - b) For a group to be considered a club or society, it must have at least three student members.
 - c) New clubs and societies shall be subject to a joining process which is only accessible to current Edinburgh College students e.g. through a webform or through our Discord Server
 - d) Each club or society should give their members the opportunity to nominate a leader or executive group who will be the point of contact for EC Students' Association
4. We expect clubs and societies and their members to abide by the College's Student Code of Conduct and any applicable laws.
5. EC Students' Association works with Edinburgh College to ensure activities of clubs and societies, including those participating in competitive sport, and covered by the appropriate insurance policies.

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Schedule 6

EC Students' Association Board of Trustees

This outlines how the EC Students' Association Board of Trustees functions, including their duties, such as setting out the EC Students' Association Code of Conduct. As detailed in the Constitution, the EC Students' Association's Board of Trustees is responsible for all of EC Students' Association's activities, our governance, management, budget and strategy.

1. EC Students' Association Board of Trustees Structure
 - 1.1. The Board of Trustees shall have 8 members.
 - 1.2. The following roles will make up the Board Membership
 - a) Three Full Time Officers (ex-officio)
 - b) Three External Trustees (appointed)
 - c) Two Student Trustees (appointed)
 - 1.3. By virtue of office, the President is the Chair of the EC Students' Association Board of Trustees.
 - 1.4. A Vice Chair will be appointed from among the External Trustees and agreed by the membership of the Board of Trustees.
 - 1.5. The EC Students' Association Board of Trustees will meet on a quarterly basis, with additional meetings scheduled at the Board's request.
 - 1.6. At EC Students' Association Board Meetings, along with the aforementioned Board Members, the following may also be in attendance:
 - a) Association Director
 - b) Others as may be invited to present information at the request of the EC Students' Association Board of Trustees
 - c) Clerk to the Board appointed by the Association Director

2. Recruitment and appointment of EC Students' Association Board Members
 - 2.1. EC Students' Association Board Members will be appointed by a panel made up of Board Members and chaired by one of the Full Time Officers.
 - 2.2. Decisions made by the Appointment Panel must be ratified by a simple majority of the full EC Students' Association Board of Trustees, before new members are formally invited to begin their term of office.
 - 2.3. Each appointed Board Member will be appointed for a period of three years and may be reappointed for one further three-year period.

3. EC Students' Association Board of Trustees duties are as follows:
 - a) Ensure that EC Students' Association acts in a manner which is consistent with its purposes
 - b) Oversee the strategic direction of EC Students' Association
 - c) Ensure the proper and prudent administration of EC Students' Association, both legally and financially
 - d) Ensure EC Students' Association's financial viability and sustainability, to enable it to meet its aims and objectives
 - e) Ensure EC Students' Association complies with its governing documents, charity law and all other relevant legislation or regulations
 - f) Protect and manage any of EC Students' Association's property and ensure the proper investment of EC Students' Association's funds

- g) Receive and consider EC Students' Association's management accounts
- h) Receive and approve EC Students' Association's Budget
- i) Receive a report from the Executive Committee and a report from the Association Director on EC Students' Association's activities
- j) Appoint the Association Director, ensure that proper employment legislation is applied in their dealings with the Association Director, and to monitor their performance
- k) Act as an Appeals Panel in any disciplinary or complaints matter as may be required
- l) Review and approve the EC Students' Association Code of Conduct (see Schedule 6.6) on an annual basis

4. Delegation of Powers

The EC Students' Association Board of Trustees may delegate any and all of their powers or functions to any committee or body, or the implementation of their resolutions and the operational management of EC Students' Association to any person or committee. Delegation will give freedom to act, but must be reported back to the EC Students' Association Board of Trustees, which holds ultimate responsibility. This includes but is not limited to:

- a) governance and democracy
- b) human resource management
- c) financial management
- d) strategic management
- e) risk management
- f) health and safety management

5. The EC Students' Association Board of Trustees can override any decision or policy made by members at a referendum, or by the Executive Committee which:

- a) Has or may have serious financial impact on EC Students' Association
- b) Is or may be against the law or contravenes the Constitution
- c) Is in the opinion of the Trustees seriously damaging to EC Students' Association or its members

6. EC Students' Association Code of Conduct

Our Code of Conduct sets out our expectations of all who participate within EC Students' Association. It is reviewed and approved by the EC Students' Association Board of Trustees. It is expected that all representatives of EC Students' Association, including but not limited to: student participants; volunteers; Trustees; Full Time Officers; student and non-student staff members, adhere to the Code of Conduct, both online and offline, to ensure mutual respect and safety at all times whilst acting under the auspices of EC Students' Association or attending EC Students' Association events, activities, or premises. We also expect all of our representatives to be familiar with and adhere to the [Seven Principles of Public Life \(also known as the Nolan Principles\)](#) as well as aligning with Edinburgh College's values: student centred, trustworthy, responsible, respectful and working together.

Representatives shall:

- a) Be aware of, abide by and champion EC Students' Association [Equal Opportunities Statement](#)
- b) Be an ambassador for EC Students' Association when acting in an official capacity (i.e. whilst carrying out duties in their role as an employee, elected Full Time Officer or volunteer, or Trustee) and always portray a positive image of the services and activities on offer when acting in that role
- c) Be mindful of how their words and actions may reflect on EC Students' Association at all times, be it in person, via social media, phone, or any other online platform
- d) Have respect for others' privacy, space, and possessions
- e) Assist in creating an environment which encourages individuals to participate if they choose to do so
- f) Create and maintain an environment free of fear and harassment, be it in person, via social media, phone, or any other online platform. This includes any type of abuse, whether it be emotional, physical, sexual, neglect, or bullying
- g) Have a personal responsibility to be fair, honest, considerate to others, and to treat each other with courtesy and respect
- h) Ensure personal or professional differences are dealt with in an appropriate manner that takes into account the impact of others in the area
- i) Be mindful of language and noise levels to avoid disruption or offence to others
- j) Ensure status or position is not used to attain benefits or preferential treatments
- k) Maintain a professional outlook when carrying out duties on behalf of EC Students' Association and accept responsibility for those actions

6.1. Alleged breaches of conduct by an employee of EC Students' Association (student and non-student staff) or Trustee.

Should an issue regarding a breach of the Code of Conduct by a member of staff need to be raised, the matter should, in the first instance, be raised with the Association Director. Should the complaint be against the Association Director, the matter should be raised with the President.

6.2. Alleged breaches of conduct by an elected member (including Full Time Officers).

Should a complaint of breach of the Code of Conduct by a volunteer and/or elected member need to be made, the matter should, in the first instance, be raised with the Association Director.

6.3. Handling of alleged breaches of conduct

Alleged breaches of the Code of Conduct will be handled through referral to EC Students' Association's Complaints Procedure (Schedule 4). All EC Students' Association representatives are encouraged to raise any concerns about the conduct of others, or the way in which EC Students' Association business is run, to ensure it is operating in a legal and responsible manner. All reports will be kept in the strictest confidence.

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