

Background

In late 2017, the Students' Union committed to undertaking a review of our existing governance structures and procedures. As part of this process, a proposal was submitted to and subsequently approved by the Board of Trustees (April 16th 2018 meeting) to introduce a Student Council. In accordance with articles 31.2.1 and 33 of our constitution, it is proposed that Student Council will supplant Policy and Campaigns Committee as the union's student executive committee, reporting directly to the Board of Trustees. Below are the proposed terms of reference for the Student Council.

Student Council Terms of Reference

Constitutional Context

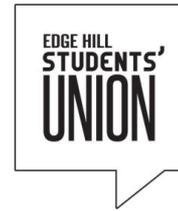
The Board of Trustees has established a committee known as Student Council in accordance with articles 30, 31, and 33 of our constitution. This document identifies the purpose of Student Council, with particular emphasis on its membership, scope of its authority and responsibilities.

This document should be read in conjunction with our constitution. In the event of any conflict, our Constitution shall be regarded as having overriding authority.

Purpose

The primary purpose of Student Council is to ensure that our policy and campaigning focus is representative of the views and interests of Edge Hill University students. To this end, its responsibilities as delegated by the Board of Trustees are as follows:

- To provide a platform for members to share their views on any issue that falls within our charitable objects as identified in article 4 of our constitution. For the avoidance of doubt, these objects are the advancement of the education of students at Edge Hill University for the public benefit by:
 - promoting the interests and welfare of students at Edge Hill University during their course of study and representing, supporting, and advising students;
 - being the recognised representative channel between students, Edge Hill University and any other external bodies; and
 - providing social, cultural, sport and recreational activities and forums for discussion and debate for the personal development of our members
- To create official policy and monitor its implementation
- To propose and monitor campaigning activity in accordance with our charitable objects
- To receive reports from and question Elected Officers for the purposes of accountability



- To mandate Elected Officers to lobby internal or external stakeholders within the provisions contained in the Education Act 1994 and EHSU's charitable objects
- To recommend revisions to EHSU's constitution
- Any other powers as identified and delegated by the Board of Trustees

Membership

Any member of the Students' Union may attend Student Council meetings, and propose policies to be voted on, as well as having the opportunity to ask questions and speak for or against any policies that are proposed.

The membership of Student Council shall consist of the following representatives who will – unless otherwise stated – be responsible for voting on any policies submitted:

- Student Council Chair, elected through a ballot of all eligible Students' Union members on an annual basis. The elected Chair must be registered as an Edge Hill University student for the duration of their time in post and cannot hold the role concurrently with that of a Sabbatical Officer or Part-Time Officer. The responsibilities of the Student Council Chair include, but are not limited to:
 - Ensuring that the business of Student Council is conducted fairly, transparently, and democratically;
 - Scrutinising any policy proposals submitted prior to meetings in accordance with the Education Act 1994 and our charitable objects and suggesting amendments as appropriate;
 - Keeping Student Council meetings in order, ensuring the discussion is relevant, and providing information that is pertinent to the business and procedure of the meeting
 - Providing the casting vote where the decision is tied. In all other circumstances, the Chair will not vote on any policies discussed.
- All elected Sabbatical Officers for the duration of their term in office
- All elected Part-Time Officers for the duration of their term in office. In the event of new Part-Time Officer positions being created, the person elected into the position will become a member of Student Council from the first meeting after their election.
- Representatives drawn from the plurality of stakeholders that constitute our membership. These will include Academic Representatives from each of Edge Hill University's three faculties, as well as representatives from student-led committees or forums overseen by the Students' Union. In the case of liberation and sections committees chaired by Part-Time Officers, the relevant Part-Time Officer will be that committee's designated representative on Student Council.
- A designated number of Open Representatives elected through a ballot of all eligible Students' Union members on an annual basis.
- A designated number of casual places open to any current Edge Hill University student wishing to attend Student Council with voting rights on a no commitment basis. Members will apply for a casual place in advance of the meeting. In the event of casual places being oversubscribed, places will be allocated via a lottery system.



Membership of Student Council shall be reviewed on an ongoing basis, with existing members having the power to recommend new positions. Any new positions will be subject to approval by the Board of Trustees.

Students' Union staff and trustees will be permitted to attend Student Council on a non-voting basis. At the Chair's discretion, however, they may be asked to speak on issues relating to the business and procedure of the meeting.

Policy-Making Powers

Legally, everything the Students' Union does must comply with the Education Act 1994, as well as current UK Charity and Company law. This means that there are limits on what the Students' Union can and cannot do.

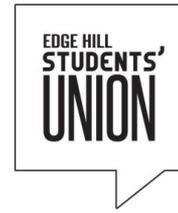
In accordance with the Education Act, as a Students' Union, we are required to promote the interests of students as students, operate in a fair and democratic manner, and manage resources fairly and appropriately. As a registered charity, all of our activity must fall within the organisation's charitable objects identified above. Accordingly, any policy submitted to Student Council should adhere to these objects. Failure to do so will result in proposals not being approved and ratified by the Board of Trustees on account of being *ultra vires* (i.e. "outside the powers" of the Students' Union).

In accordance with articles 29.1 and 29.2 of our constitution, the Board of Trustees is responsible for the management and administration of the Students' Union. To this end, the Trustees' powers include the governance, budget, and strategy of the organisation. Accordingly, any policy proposals relating to the following will be deemed beyond the authority of Student Council (this list is not exhaustive):

- The allocation and management of staff resources, including appointments or termination of employment
- Requests for funding. In accordance with article 31.1.4 of our constitution, Student Council will not be authorised to allocate financial resources or specify the level of cost to be incurred in relation to any proposed policy. A policy proposal may mandate an action from a named actor, such as an elected officer. Any expenditure that is subsequently incurred will be determined by the named actor to the extent of their delegated authority from the Board of Trustees and in line with the Students' Union's agreed annual budget.

Any current Edge Hill University student may submit a policy to Student Council, providing it meets the following criteria:

- It is submitted in written form by an agreed date in advance of the meeting.
- It adheres to the provisions contained within the Education Act 1994 and our charitable objects, as well as the terms of reference outlined in this document
- It is within the law.



Any policy passed by Student Council is subject to approval by the Board of Trustees. In accordance with article 29.3 of our constitution, the Board of Trustees may override any decision or policy made by student members if, at their absolute discretion, they consider it:

- Has or may have financial implications for the Students' Union
- Breaches our legal obligations, as identified above
- Not to be in the best interests of the Students' Union or our charitable objects.

Any policy approved by Student Council and subsequently ratified by the Board of Trustees will remain active for three years, at which time it will either lapse or be renewed through a vote of Student Council or any equivalent committee.

Policies mandating specific, time-bound actions will be deemed closed once the designated action has been completed.

Meeting Procedure and Protocol

At least three Student Council meetings shall be held each academic year. Additional meetings may be called by a request to the Chair from at least 10 EHSU Council members or by a resolution of the Board of Trustees.

Policy proposals will be invited from all Edge Hill University students, with the date by which proposals must be submitted agreed by the Chair and designated meeting secretary, before being advertised to members. Guidance for submitting policy proposals to Student Council will be made available on the Students' Union website.

As stated above, all policy proposals submitted will be scrutinised by the Chair prior to the meeting taking place to assess whether they fall within the scope of Student Council's powers as identified in this document. In the event that a policy does not meet these criteria, the proposer will have the opportunity to make amendments and resubmit their policy at a later date.

An agenda for each meeting and any relevant meeting papers will be provided to all Student Council members and published online for an agreed period in advance of the meeting.

In addition to policy motions submitted in advance of the meeting, each Student Council meeting shall contain the following standing items:

- Minutes of the previous meeting for approval
- Reports from Sabbatical Officers updating members on what they have been working on. This will be followed by an opportunity for any Edge Hill University student in attendance to ask Sabbatical Officers questions for the purposes of accountability. Questions may also be submitted in advance of meetings by any Edge Hill University student and read out by the Chair. In all cases, questions must relate to Sabbatical Officers' work, with authority for interpreting whether a question meets this criterion delegated to the Chair. Officer reports will be subject to approval from Student Council members. Officers will not be permitted to vote to approve their own report.



- Policy proposals submitted in writing by Edge Hill University Students or Sabbatical Officers for approval by Student Council
- Open discussion on a topic agreed in advance of the meeting. Any Edge Hill University student can submit a topic for discussion, as long as it adheres to the provisions of the Education Act 1994, our charitable objects identified above, and the terms of reference as laid out in this document.

In the case of policies submitted for approval by Student Council, the proposer or a nominated proxy will be expected to speak to their motion at the meeting for a period no longer than two minutes. Responsibility for ensuring speeches do not exceed this time limit will rest with the Chair.

In accordance with article 2 of our campaigning bye-law, any policy discussed at Student Council will be debated in a fair, non-discriminatory and impartial manner. To this end, a fair debating procedure will be adhered to. The Chair will request speeches of no longer than one minute both for and against a policy, with those in attendance also having the opportunity to pose questions to the person who has proposed the policy. Voting will only take place when the Chair is satisfied that adequate discussion has taken place.

Emergency policy motions may be considered for discussion and approval at the Chair's discretion, providing they meet the following criteria:

- They relate to issues that have occurred after the original policy submission deadline
- They relate to urgent business that cannot be deferred until the next scheduled meeting
- They are submitted at least three hours prior to the meeting beginning.

The proposer will have the option to request amendments to the policy they have submitted. Any amendment must not alter the overall character of the policy to a significant degree. It is at the discretion of the Chair to determine whether any amendments are permissible. In the event of an amendment being accepted, voting will proceed as it would for any other motion submitted.

Procedural motions may be submitted by any member at any point during a meeting, except when voting is taking place. Procedural motions should be submitted to the meeting secretary, who will be tasked with bringing it to the attention of the Chair. Procedural motions can be submitted for the following purposes:

- To challenge a ruling by or submit a vote of no confidence in the Chair. In each case, the Chair will step down temporarily, with the Secretary or another nominated Students' Union staff member taking the role of Acting Chair. The proposer and the Chair (or nominated proxies) will speak in turn, before a vote, requiring a simple majority to pass, is taken. Should a challenge to the Chair's ruling be upheld, the Chair's ruling will be overturned. If a vote of no confidence passes, the meeting shall proceed with the Acting Chair. Otherwise, the meeting will proceed as previously.
- To commend or censure an Elected Officer or Officers. Each party will have the opportunity to speak to the motion before a vote, requiring a simple majority to pass, is taken. In the event of such a motion passing, the matter will be referred to the



Board of Trustees after the meeting to determine what, if any, action should be taken. The remainder of the meeting will proceed as normal, with the Elected Officer or Officers retaining their membership and associated voting rights.

- To check whether a meeting is quorate.

Voting

No member of Student Council will be allowed to cast more than one vote. In the event that a member of Student Council qualifies for multiple *ex officio* positions, their vote will be reallocated to someone else.

With the exception of Sabbatical Officers, any member of Student Council may nominate a proxy to vote on their behalf. In all cases, the proxy should belong to the specific constituency of students the absent Student Council member has been elected to represent. The Chair must be notified in advance of the meeting if a member intends to nominate a proxy.

In the event that they are unable to attend a meeting, all members, with the exception of casual places, may vote on any item on the agenda *in absentia*. Votes submitted *in absentia* must be sent to the meeting secretary at least three hours before the meeting begins.

With the exception of recommendations to amend the Students' Union constitution, which will require a supermajority of 67%, all policy proposals will require a simple majority for approval. In the event of a tie, the Chair will cast the deciding vote.

Quorum for all meetings shall be 33% plus one of elected Student Council members.

Reporting

The secretary for Student Council will be a designated member of Students' Union staff.

As stipulated above, minutes of all Student Council meetings will be subject to approval by elected members at the next meeting, before being posted on the Students' Union website.

Review

These terms of reference will be reviewed by the Board of Trustees on an annual basis.

Approved: October 2018
Next Review: August 2019