

UNIVERSITY AND COLLEGE UNION

RULES FROM 1 JUNE 2007

1 Name

1.1 The name of the Union shall be the University and College Union.

2 Aims and Objects

2.1 To protect and promote the professional interests of members individually and collectively, to regulate the conditions of their employment and the relations between them and their employers, and to safeguard their interests;

2.2 To promote Adult, Further and Higher Education and research;

2.3 To provide and maintain such services to members as may be approved by National Congress or the National Executive Committee from time to time;

2.4 To promote equality for all including through:

- i. collective bargaining, publicity material and campaigning, representation, Union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities;
- ii. the Union's own employment practices;

2.5 To oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic;

2.6 To pursue political objects including those under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 as set out in these Rules;

2.7 To affiliate to the Trades Union Congress and to cooperate, where appropriate, with it or any of its affiliated unions;

2.8 Notwithstanding any other provision of these Rules no part of any fund of the Union, or of any local branch/local association, shall be used for, or with a view to, affiliation to any political party;

2.9 To do all such other things as may in the opinion of the National Executive Committee be incidental or conducive to the attainment of these objects.

3 Membership

Eligibility

3.1 The following are eligible for membership of the University and College Union:

3.1.1 Persons in full, part-time or self employment (in these Rules called "qualifying employment") whose work is concerned with the provision or professional support of education, training or research in the Further Education/Learning and Skills Sector or in Higher Education institutions based in England, Northern Ireland, Scotland and Wales;

3.1.2 Persons who have been (but are no longer eligible to remain) a member under Rule 3.1.1 and who become unemployed, or retire and no longer continue in qualifying employment, or have been (but are no longer eligible to remain) a student member provided they retain an active interest in Further Education/Learning and Skills Sector or in Higher Education, and shall include those persons who were immediately prior to the effective date of the amalgamation of AUT and NATFHE ("the effective date"), an attached or retired member of AUT or an associate member of NATFHE;

3.1.3 Persons elected to honorary membership or, by reason of being immediately prior to the effective date an honorary member of AUT or honorary associate member of NATFHE, becoming honorary members. Honorary membership may be conferred on any member who has rendered outstanding service to the University and College Union (and, if appropriate NATFHE or AUT) for 10 years or more at national or local level or to any person who has rendered outstanding service to Further

Education/Learning and Skills Sector or Higher Education. Election to honorary membership shall be agreed by National Congress on the recommendation of the National Executive Committee;

- 3.1.4 Such other persons as the National Executive Committee shall decide.
- 3.2 The following are eligible for student membership of the University and College Union:
 - 3.2.1 Students in training for qualifying employment but who are not currently eligible for membership;
 - 3.2.2 Postgraduate students who have declared their intention to pursue a career in qualifying employment, but who are not currently eligible for membership.
- 3.3 Throughout these Rules the term "Member" does not include a student member unless otherwise provided.
- 3.4 Any question relating to the eligibility of a person for membership shall be determined by the National Executive Committee.

4 Rights of Members

- 4.1 Members shall be entitled to attend and vote at meetings of their designated branch/local association or central group and stand for election to any office in the Union and vote in any election of the National Executive Committee as specified in the Rules.
- 4.2 Members shall be entitled to receive on request a copy of the Rules of the Union, and such other publications as determined by the National Executive Committee.
- 4.3 Members shall be provided with information and advice on educational and professional matters in accordance with procedures determined by the National Executive Committee.
- 4.4 Assistance on professional matters may be given in accordance with procedures determined by the National Executive Committee.
- 4.5 Members qualifying for membership under Rule 3.1 and paying a subscription to the University and College Union, and honorary members, shall be eligible to request legal advice and assistance in accordance with the Legal Advice and Assistance Scheme provided that the matter upon which assistance is sought arose whilst the member was in membership under Rule 3.1.1. The provision of such legal advice and assistance shall at all times be at the discretion of the National Executive Committee. Any advice or assistance granted, will be granted in accordance with the Legal Advice and Assistance Scheme, the regulations of which will be determined and issued by the National Executive Committee from time to time. The National Executive Committee shall have the power to delegate decisions on the granting of legal advice and assistance to appropriate bodies or individuals.
- 4.6 The Union shall not be bound to provide any assistance to any member who commits to a course of action without having obtained the Union's prior authority; and the Union shall not be bound to reimburse or indemnify any member in relation to any costs or expenses (including legal costs and expenses) incurred without the Union's prior authority.
- 4.7 For the avoidance of doubt such representation is subject to any general conditions agreed with the solicitors instructed (and specific additional conditions may be attached in individual cases) and is on the basis that the member is liable for legal costs (which also includes legal disbursements, the premium for any policy of legal expenses insurance and opponents' costs) but is protected against having to pay those costs by such means provided or approved by the General Secretary on behalf of the Union as he/she may determine: such means may be varied or amended by the General Secretary during the course of the case.

5 Student Members

- 5.1 At its discretion, the National Executive Committee may establish groups of student members (in these Rules called "student groups") in institutions where professional training for prospective academic staff is undertaken.

5.2 Student members may attend and speak at meetings of the branch/local association in their place of study and in their place of teaching practice, in a non-voting capacity.

5.3 Student members have the right to vote and stand for office only in student groups.

6 Obligations of Members

6.1 All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.

6.2 All members have an obligation to pay the correct subscription and to keep payments up to date. Failure to do so may result in suspension of member rights and benefits.

6.3 All members and student members agree that all personal data held by the Union in respect of the member (including the fact of membership) may be processed by the Union (or such other person as may be authorised to process the data on the Union's behalf) for the purposes of furthering any of its objectives in accordance with these Rules.

7 Subscriptions

7.1 The subscription year shall run from 1 September to 31 August.

7.2 The rates of national subscription due from members shall be determined by the National Executive Committee, subject to the endorsement of National Congress.

7.3 Branches/local associations may agree that members of the branch/local association shall pay a supplementary local subscription.

7.4 A person whose membership derives from the provisions of a joint membership or a reciprocal membership scheme shall pay subscriptions determined in accordance with agreements approved by the National Executive Committee.

7.5 No subscription shall be due from members who become unemployed and are seeking qualifying employment, for a period of up to one year from becoming unemployed.

7.6 The National Executive Committee may issue directions that, subject to such conditions as they may determine, no subscription shall be due from members when they are undertaking parental duties on unpaid leave or on unpaid professional study or are otherwise on unpaid leave.

7.7 No subscription shall be due from student members. A person who becomes a member, after having been a student member, will be entitled to an exemption from subscription on completion of training/study until they take up qualifying employment or the expiry of one year, whichever is the earlier, subject to further extensions at the discretion of the General Secretary.

7.8 A member in receipt of an occupational pension arising from qualifying employment shall pay a subscription, notwithstanding any other part of this Rule.

7.9 The National Executive Committee shall determine methods of paying subscriptions (including any supplementary local subscriptions).

8 Admission to Membership

8.1 Every applicant for membership shall complete an application form, which shall be submitted to the General Secretary with the first subscription due or commitment to pay subscription due, who shall determine whether the applicant shall be admitted into membership.

8.2 Membership shall be deemed to have begun for the purposes of member rights and obligations on registration by the General Secretary of the application form with payment of or commitment to pay the appropriate subscription.

- 8.3** An individual refused membership under Rule 8.1 has a right to appeal under procedures determined by the National Executive Committee.
- 8.4** The General Secretary shall provide regular reports of new members to branches who shall have the right to make representations under procedures determined by the National Executive Committee in respect of the acceptance into membership of individuals.
- 8.5** An individual may be refused membership on conduct grounds, including for the avoidance of doubt, any activity within a political party whose objects encourage, or are perceived to encourage, discrimination on grounds of race, ethnic or national origin or colour.

9 Lapsing of Membership

- 9.1** Where any subscription payment is not received from a member for five months after its due date, then membership shall cease on the expiry of one month from notice then being sent to the member of the Union's intention to cancel membership, unless there is settlement of all arrears prior to the expiry of such notice.

10 Resignations

- 10.1** Notice of intention to resign shall be submitted in writing to the General Secretary.
- 10.2** A notice of resignation shall take effect at the end of the period in respect of which any subscription payment was due or paid following receipt in writing by the General Secretary, or upon such later date specified in the notice by the member.

11 Levies

- 11.1** A levy, which shall be payable by members in addition to the subscription, may be authorised by resolution of the National Executive Committee.
- 11.2** Such resolution shall require the support, on the final vote only, of two thirds of the votes validly cast, an abstention not being regarded as a vote for this purpose.
- 11.3** The National Executive Committee shall determine methods of paying any levy.

12 Organisation of Members

- 12.1** Every member shall be assigned by the General Secretary to a branch/local association or, as appropriate, to a central group, where possible on the basis of principal current qualifying employment, but otherwise on the basis of Standing Orders or individual decisions of the National Executive Committee that take account of the Sector and location of the actual employment (if any) and/or past or prospective employment of the member in question.
- 12.2** Members working in more than one institution may belong to and attend meetings of more than one branch/local association and vote on matters concerned with their employment but shall be entitled to stand for office and vote in national elections only in their designated branch/local association/central group.
- 12.3** Members who have left qualifying employment before retirement and who remain in membership shall belong to a central group, unless the member chooses to belong to their former branch/local association instead.
- 12.4** Members who are retired shall belong to a central group, unless the member chooses to belong to their former branch/local association instead.
- 12.5** The National Executive Committee may establish a branch/local association at its own volition or in response to a written request to the General Secretary by not less than 20 members working for the same employer. Branches/local associations shall adopt their own Rules which shall be consistent with the Rules of the Union and with any guidance issued by the National Executive Committee.
- 12.6** National Congress shall, from time to time, by resolution, determine Sectors, which shall include Further Education and Higher Education Sectors. Each branch/local association (and thereby its

members) shall be assigned to one of the Sectors of the Association by the National Executive Committee according to criteria determined by National Congress.

12.7 In these Rules, the terms “branch” or “local association” carry equal weight and any branch or local association may opt to use the title of their choice on notification to the General Secretary in writing.

12.8 The National Executive Committee may make provision by Standing Order for liaison between branches/local associations in the same institution.

13. The Conduct of Members

13.1 The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified period not exceeding three years or suspend from membership for a period not exceeding 1 year or expel a member from membership if it finds their conduct to be in breach of the Rules or detrimental to the interests of the Union. The procedure, inter alia, shall include an appeals process.

14 Affiliation by Reciprocal or Joint Membership Schemes

14.1 The Union may enter into agreements with other organisations by entering into agreements with them for joint membership or reciprocal membership schemes. The grades of membership and rights of such members shall be determined in a written joint agreement which shall be subject to approval by resolution of National Congress and the appropriate governing body of the other party or parties. Such agreement shall include provision for its termination on the giving of appropriate notice by the Union.

15 Officers of the Union

15.1 The Officers of the Union shall be: Vice-President; President-elect; President; Immediate Past President; Honorary Treasurer.

15.2 Each year there shall be an election of a member to the office of Vice-President for one year from the end of National Congress, which member shall then become President-elect for the next year, the President for the next year and then Immediate Past President for the next following year.

15.3 The Vice-Presidency will alternate each year between a Further Education member and a Higher Education member, and only members of the appropriate Sector may be nominated for election each year.

15.4 The Honorary Treasurer will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.

15.5 All members are entitled to vote in the elections for Officers.

15.6 No-one who would, on taking office, have completed six or more continuous years' service as Honorary Treasurer is entitled to serve again in that office except after an interval of one year or more.

15.7 For the purpose of these Rules concerning the election of Officers, Trustees and ordinary members of the National Executive Committee, the time between the end of each annual meeting of National Congress and the end of the next annual meeting, will be regarded as one year.

16 National Congress and Sector Conferences

16.1 National Congress and Sector Conferences shall be the supreme policy making bodies of the Union for those areas defined in Rules 16.2 and 16.3 respectively.

16.2 National Congress shall decide policy on all matters that are not particular to any Sector.

16.3 Sector Conferences, subject only to any fundamental principles of policy appropriate to and established by National Congress, shall decide policy for all professional and employment matters which are particular to the Sector.

- 16.4** National Congress and Sector Conferences shall have annual meetings, which shall meet in the same time period, between 15 March and 15 June. Sector Conferences shall normally be allocated approximately half, and National Congress approximately half, of the time available.
- 16.5** By the same procedure as is required to alter Rules, the annual meeting of National Congress shall adopt (and may amend) Congress Standing Orders to regulate the transaction of the business of Congress and Sector Conferences and the operation of the Congress Business Committee. Sector Conferences may propose by resolution amendments to Congress Standing Orders to the next National Congress.
- 16.6.1** Motions for National Congress, and amendments thereto, may be proposed by the National Executive Committee, branches/local associations, specialist committees set up under Rule 24 and National Equality Standing Committees. Each branch/local association shall be entitled to submit one motion and one amendment to National Congress.
- 16.6.2** Motions and amendments thereto for the Sector Conferences, may be proposed by the National Executive Committee's Further Education and Higher Education Sector Committees for the appropriate Sector Conference, and by branches/local associations in that Sector. Each branch/local association shall be entitled to submit two motions and two amendments to the relevant Sector Conference.
- 16.6.3** These provisions do not apply to proposals for Rules changes, where no limit applies.
- 16.6.4** Specialist Committees and National Equality Standing Committees are each entitled to send one motion and one amendment to National Congress and one motion and one amendment to each Sector Conference.
- 16.6.5** Regions will be entitled to submit two motions to Congress, two motions to Further Education Sector and two motions to Higher Education Sector.
- 16.7** Motions for the annual meetings of National Congress and the Sector Conferences shall be submitted to the General Secretary at least eight, and amendments at least three, working weeks before the opening of the annual meetings. Motions that are urgent, and could not have been submitted in accordance with these requirements, may be accepted as business by Congress (or, as appropriate, the Sector Conference), by a two-thirds majority of those voting on a motion so to accept, an abstention not being regarded as a vote for this purpose.
- 16.8** Congress Standing Orders shall make provision for the handling of motions that are urgent; which arrangements shall be implemented by the Congress Business Committee.
- 16.9** The transaction of business of National Congress and the Sector Conferences shall be planned by a Congress Business Committee, whose composition and operation shall be defined in Congress Standing Orders.
- 16.10** Special meetings of National Congress or the Sector Conferences shall be convened, by giving at least three working weeks' notice, when it is so resolved by the National Executive Committee or in the case of the Sector Conferences, the relevant Sector Committee, or following receipt of a requisition from quorate general meetings in 20% of institutions across the Union, or for Sector Conferences, in the Sector, or bearing the identifiable signatures of not less than one tenth of the members of the Union. Such resolution or requisition shall specify the intended business, and only that business may be transacted at the special meeting.
- 16.11** Requisitioned special meetings shall take place within five working weeks of receipt of the requisition by the General Secretary.

17 Congress Membership

- 17.1** National Congress shall consist of the members of the National Executive Committee together with members elected by branches/local associations from institutions and central groups, or in the case of institutions/central groups with fewer than 100 members, by aggregations of branches/local associations/central groups, as specified by Congress Standing Orders. For the purpose of this Rule, the membership census date shall be 1 December in the year before the Congress.

- 17.2** The number of members from branches/local associations/central groups for meetings of National Congress and Sector Conferences shall be one for every 400 members (or part thereof) in an institution/central group, or in an aggregation of branches/local associations/central groups in accordance with Rule 17.1, up to a maximum of six members from, as appropriate, each institution/central group, or aggregation of branches/associations/central groups.
- 17.3** National Congress shall consist of all those identified in Rule 17.1. Sector Conferences shall consist of those identified in Rule 17.1 who are in that Sector and the Officers of the Union and the General Secretary.
- 18 National Executive Committee**
- 18.1** The National Executive Committee shall be the principal executive committee of the Union, and shall be responsible for the execution of policy and the conduct of the general business of the Union between meetings of National Congress, and shall abide by decisions passed at National Congress, subject to the Rules.
- 18.2** The National Executive Committee shall comprise the Officers of the Union, the General Secretary and the ordinary members of the Committee elected for constituencies defined in this Rule.
- 18.3** The National Executive Committee shall determine its own Standing Orders (“the NEC Standing Orders”) to determine how it is convened, how its meetings are conducted, and its powers to establish subordinate bodies, having particular regard to sectoral representation in the formation of such bodies. The adoption or amendment of NEC Standing Orders shall require at least six working weeks’ notice to the General Secretary (who shall promptly notify all National Executive Committee members) and the support, at the final stage of adoption, of two thirds of the members present and voting, an abstention not being regarded as a vote for this purpose.
- 18.4** The NEC Standing Orders shall provide for scheduled cycles of meetings (which culminate in National Executive Committee meetings) not less than three times a year, plus a meeting at Annual National Congress.
- 18.5 Quorum**
- 18.5** The quorum in all circumstances, for meetings of the National Executive Committee and any of its subsidiary bodies, shall be one-third of membership of that body.
- 18.6 Committees**
- 18.6** The National Executive Committee shall establish by NEC Standing Order, committees reflecting the sectoral structure of the Union, and may establish such other committees of National Executive Committee members, or advisory committees which may include non-National Executive Committee members, as it sees fit.
- 18.7 Election of the National Executive Committee**
- 18.7.1** All ordinary members of the National Executive Committee will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.
- 18.7.2** The object of Rules 18.7.1 and 19.1 to 19.7 is that, in every year, elections are held for approximately half of all seats on the National Executive Committee.
- 18.7.3** No-one who, on taking office, would have completed six or more continuous years’ service as an ordinary member of the National Executive Committee is eligible to serve again as an ordinary member except after an interval of one year or more.
- 18.7.4** The membership numbers used to determine the number of geographically-elected seats will be the number of members recorded by the General Secretary on the last day of the month prior to the notice calling for nominations being issued as described in Schedule A.
- 18.8 UK-Elected Members of the National Executive Committee**
- 18.8.1** There will be 14 UK-elected members of the National Executive Committee who are elected by and from members of the Higher Education Sector.

- 18.8.2** Of the UK-elected Higher Education members elected:
- i. at least four will be employed, or, if unemployed, have been most recently employed, in a pre-1992 institution;
 - ii. at least four will be employed, or, if unemployed, have been most recently employed, in a post-1992 institution;
 - iii. at least two will be employed, or, if unemployed, have been most recently employed, in an academic-related role;
 - iv. at least one will be employed, or, if unemployed, have been most recently employed, such that their main contract of employment was fixed-term and/or hourly-paid.
- For each year's election under Rule 19.1 the quota in each category will be reduced by the number of serving UK-elected members in that Sector who were elected to that category and whose term on the National Executive Committee continues beyond the end of the annual meeting of National Congress following the election.

18.8.3 A member will be counted as fulfilling as many of the criteria described in 18.8.2i - 18.8.2iv as are appropriate, except that any one member will not both fulfil 18.8.2i and 18.8.2ii.

18.8.4 Clauses 18.8.2i, 18.8.2ii and 18.8.2iii will apply only to the first four years in which these elections are held, after which those clauses and Rules 18.8.3 and 18.8.4 will be deleted from the Rules. Clause 18.8.2iv will remain and be re-ordered accordingly.

18.8.5 There will be 10 UK-elected members of the National Executive Committee elected by and from members of the Further Education Sector.

- 18.8.6** Of the UK-elected Further Education members elected:
- i. at least one will be employed, or, if unemployed, have been most recently employed, in land-based education;
 - ii. at least one will be employed, or, if unemployed, have been most recently employed, in adult continuing or community-based education;
 - iii. at least one will be employed, or, if unemployed, most recently employed in, prison education;
 - iv. at least one will be employed, or, if unemployed, have been most recently employed, such that their main contract of employment was fixed-term and/or hourly-paid.
- For each year's election under Rule 19.2 one or more of 18.8.6.i-iv will not apply if there is already a serving UK-elected member in that Sector who fulfils that category and whose term on the National Executive Committee continues beyond the end of the annual meeting of National Congress following the election.

18.9 Geographically-Elected Members of the National Executive Committee

18.9.1 The areas that will be regarded as geographical constituencies are: Scotland; Northern Ireland; Wales (as defined by national boundaries); and within England, the following combinations of Regional Development Agency Regions as at the date of the formation of the Union: the North West (North West RDA); the North East, (North East and Yorkshire and the Humber RDA); the Midlands (East Midlands and West Midlands RDAs); London and the East (London and Eastern RDAs); the South (South East and South West RDAs). The National Executive Committee shall determine the allocation to a geographical constituency, of members whose institutions cross these boundaries.

18.9.2 In each Sector, there will be one geographically-elected member of the National Executive Committee for every 5,000 members or part thereof in each geographical constituency, subject to a geographical constituency having at least 500 members. Geographically-elected members will be elected by and from members in the relevant Sector, whose institution is based in that geographical constituency.

18.10 National Executive Committee: Quota for Women

18.10.1 If a geographical constituency is entitled to four seats on the National Executive Committee, at least one will be filled by a woman; if entitled to five or six seats, at least two will be filled by women; if entitled to more than six but fewer than eleven seats, at least three will be filled by women; and if entitled to eleven or more seats, at least four will be filled by women.

18.10.2 Of the seven UK-elected Higher Education seats for which elections are held each year, the minimum number of seats that must be filled by women is four, minus the number of women serving in UK-elected Higher Education seats whose terms as ordinary members of the National Executive

Committee continue beyond the end of the annual meeting of National Congress following the election.

18.10.3 Of the five UK-elected Further Education seats for which elections are held each year, the minimum number of seats that must be filled by women is three, minus the number of women serving in UK-elected Further Education seats whose terms as ordinary members of the National Executive Committee continue beyond the end of the annual meeting of National Congress following the election.

18.10.4 Rules 18.10.1, 18.10.2 and 18.10.3 apply only insofar as there are sufficient women candidates.

18.10.5 If in any election it is not possible to fulfil both Rule 18.8.2 and Rule 18.10.2, priority shall be given to fulfilling Rule 18.8.2. If in any election it is not possible to fulfil both Rule 18.8.6 and Rule 18.10.3, priority shall be given to fulfilling Rule 18.8.6.

18.11 Equalities Seats

18.11.1 There will be one National Executive Committee seat for a representative of disabled members. Any candidate for election to this seat must state that they are a disabled member.

18.11.2 There will be one National Executive Committee seat for a representative of lesbian, gay, bisexual and transgender members. Any candidate for election to this seat must state that they are a lesbian, gay, bisexual or transgender member.

18.11.3 There will be two National Executive Committee seats for representatives of black members, at least one of whom shall be a woman. Candidates for election to these seats must state that they are a black member.

18.11.4 There will be three National Executive Committee seats for representatives of women members of the Higher Education Sector. Candidates for election to these seats must state that they are women in that Sector.

18.11.5 There will be two National Executive Committee seats for representatives of women members of the Further Education Sector. Candidates for election to these seats must state that they are women in that Sector.

18.11.6 All members are entitled to vote in elections to the equalities seats.

18.12 Change of Category During Term of Office

18.12.1 A UK-elected member of the National Executive Committee whose employment changes between Sector, or a geographically-elected member whose employment changes between Sector or between region, is entitled to continue to serve the term to which they were elected, unless they choose to resign.

18.12.2 A member of the National Executive Committee for whom a category under Rules 18.8.2 or 18.8.6 was taken into account at the time of their election, is entitled to serve the full term to which they were elected irrespective of any subsequent change in the status of the member which would result in a change of category for that member.

19 Scheduling of National Executive Committee and Trustee Elections

19.1 Seven UK-elected Higher Education members of the National Executive Committee will be elected each year to serve a term of two years beginning at the end of the annual meeting of National Congress following election.

19.2 Five UK-elected Further Education members of the National Executive Committee will be elected each year to serve a term of two years beginning at the end of the annual meeting of National Congress following election.

19.3 Biennial elections will be held for geographically-elected seats in North West; Midlands; South, in those years when elections in the regions listed in Rule 19.4 are not held. The geographically-elected seats for Scotland will be elected in accordance with Rule 34.1.

- 19.4** Biennial elections will be held for geographically-elected seats in Northern Ireland; Wales; North East, London and East, in those years when elections in the regions listed in Rule 19.3 are not held.
- 19.5** Biennial elections will be held for those seats described in Rules 18.11.1 to 18.11.3 for one representative of disabled members, one representative of lesbian, gay, bisexual and transgender members, and two representatives of black members, in those years when elections are not held for seats described in Rules 18.11.4 and 18.11.5 for women members.
- 19.6** Biennial elections will be held for those seats described in Rules 18.11.4 and 18.11.5 for women members, in those years when elections are not held for those seats described in Rules 18.11.1 to 18.11.3.
- 19.7** Trustees will be elected in whichever years are necessary in order to ensure that the vacancies created by Trustees whose terms expire at the end of the next annual meeting of National Congress are filled.

20 Officer, Trustee and National Executive Committee Nominations and Elections

- 20.1** The procedure for the nomination of candidates and conduct of elections is as set out in Schedule A to these Rules. Nominations may only be supported by members who are eligible to vote in the election in which the candidate wishes to stand.
- 20.2** Members may be concurrently nominated for more than one vacancy for ordinary members of the National Executive Committee, and for any Officer or Trustee vacancy. Nomination to each vacancy will require a separate nomination to be submitted in accordance with Schedule A.
- 20.3** Subject to Rule 20.5 and 22.1, if, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates does not exceed the number of vacancies the General Secretary will, within 14 days of the close of nominations, declare the eligible candidate or candidates elected.
- 20.4** If, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates exceeds the number of vacancies, a ballot will be held in accordance with Schedule A. All ballots will be concluded, so far as practicable, not less than 21 days before the next annual meeting of National Congress.
- 20.5** Ballots for election to offices that are to be taken up on the same date will be counted in the following order:
- i. Trustee;
 - ii. General Secretary;
 - iii. Vice-President;
 - iv. Honorary Treasurer;
 - v. Geographically-elected HE and FE members;
 - vi. UK-elected HE and FE members;
 - vii. Representative of disabled members;
 - viii. Representative of lesbian, gay, bisexual and transgender (LGBT) members;
 - ix. Representatives of black members;
 - x. Representatives of women members for HE and FE Sectors;
 - xi. Representative of fixed-term and hourly paid members in HE or FE Sector;
- and after a candidate is successfully elected, votes for that candidate will be disregarded in subsequent elections.

21 Officer, Trustee and National Executive Committee Casual Vacancies

- 21.1** A vacancy in the presidency will be filled by the President-elect and the Vice-President succeeding early. A vacancy in the President-elect will be filled by the Vice-President succeeding early. An Officer who succeeds early will continue to serve to the end of the term to which they were originally elected. A vacancy in the office of Vice-President shall be filled by election as provided for in NEC Standing Orders. A vacancy in the office of Immediate Past President will not be filled.
- 21.2** If a casual vacancy arises, or is due to arise, in the office of Honorary Treasurer, a by-election will be held. The term of office of a person elected to fill a casual vacancy in the office of Honorary Treasurer will begin as soon as possible after election, but not before the vacancy has arisen. It will

end at the end of the annual meeting of National Congress that is one year after the annual meeting of National Congress following election.

- 21.3** If a vacancy for an ordinary member of the National Executive Committee is the result of no nominations being received in accordance with the Rules, there is no casual vacancy and no by-election will be held.
- 21.4** If a casual vacancy arises, or is due to arise, during the first year of a two-year term as an ordinary member of the National Executive Committee, a by-election will be held. The term of office of a person elected to fill such a vacancy will begin as soon as possible after election, after the vacancy has arisen. It will run for the period that the person causing the vacancy was elected to serve.
- 21.5** If a casual vacancy arises during the second year of a two-year term of an ordinary member of the National Executive Committee, no by-election will be held.
- 21.6** If a casual vacancy arises in the position of Trustee, a vacancy for a new Trustee to be elected for a term of five years will be advertised in the notice issued under paragraph 3 of Schedule A. If there are no nominations to a Trustee vacancy, this vacancy will be re-opened the following year as a vacancy for a five-year term as Trustee.
- 21.7** The schedule for any by-election will be determined by the returning officer. Except in respect of any dates fixed by the calendar, by-elections will be conducted in accordance with Schedule A to these Rules.

22 Termination of Office

- 22.1** An Officer, Trustee or ordinary member of the National Executive Committee may resign by written notice to the General Secretary, and resignation will take effect from the date of receipt of that notice by the General Secretary, or on a later date if specified.
- 22.2** Any Officer, Trustee or ordinary member of the National Executive Committee will cease to hold that office if as an ordinary member they are elected to the office of an Officer under Rule 20 or if they cease to be a member of the Union.
- 22.3** No member may hold more than one of those offices listed in Rule 20.5.

23 Equality Structures

- 23.1** Under arrangements set out in Standing Orders, there shall be four National Standing Committees:
- i. Black Members' Standing Committee (BMC);
 - ii. Disabled Members' Standing Committee (DMC);
 - iii. LGBT Members' Standing Committee (LGBTMC);
 - iv. Women Members' Standing Committee (WMC).
- 23.2** Under arrangements set out in Standing Orders, there shall be four Annual Equality Conferences (one for each of the four Equality Groups), chaired by a National Executive Committee member and based on election of a maximum of one representative per branch/local association (subject to a mechanism for determining a maximum size) plus the appropriate National Executive Committee equality member(s), the General Secretary and Officers ex-officio. The National Equality Conferences are freestanding and will each elect representatives to their respective National Equality Standing Committees.

24 Special Employment Interests

- 24.1** The National Executive Committee shall adopt procedures to safeguard various employment interests and/or to ensure their specific professional interests are discussed and represented in national meetings and, where appropriate, in Specialist Committees.
- 24.2** The National Executive Committee shall keep under review the arrangements set out in this Rule in consultation with the relevant national meetings and Specialist Committees.

25 Trustees

25.1 All property and funds belonging to the Union, or to which the Union is entitled, shall be held by the Trustees who shall act in accordance with any lawful directions given to them by the National Executive Committee and shall invest the funds of the Union available for investment in accordance with such directions, but failing any such directions, such funds shall be invested by the Trustees in investments for the time being authorised by law for the investment of the trust fund.

25.2 All deeds, documents and title and securities relating to the real and leasehold property, stocks, shares and other investments of the Union shall be held by the Trustees who shall take such measures for the safe custody and preservation thereof at the expense of the Union as they shall think fit and who shall be responsible for the safe custody of all such deeds documents and securities and shall produce them for inspection required by the auditor by National Congress or by the National Executive Committee.

25.3 Four Trustees shall be elected by the membership of the Union for a five year term and are eligible for re-election for one further term of office of the Trustee to a maximum of ten years' continuous service. Following an interval of one year after the expiry of two consecutive five-year terms, a former Trustee is eligible to stand for election as a Trustee.

Trustees shall meet at least annually to consider reports considering the finances and property of the Union and under arrangements made by the General Secretary.

25.4 Trustees may attend meetings of the National Executive Committee, and any appropriate sub committees, and may speak but not vote on notified items of business concerning the finances or property of the Union.

25.5 No Trustee shall be a member of the National Executive Committee or hold any other office in the Union, nor may they be an employee of the Union.

25.6 Trustees may attend National Congress but may not vote nor, otherwise than if invited to do so by Congress, address Congress.

26 Trusteeship in Special Circumstances

26.1 This Rule applies only if the number of Trustees would otherwise fall to less than two. As many Trustees who would have otherwise retired will continue to serve as are required to maintain the number of Trustees at two. A Trustee continuing to serve under this Rule must be qualified to be nominated for election as a Trustee and, if more than one Trustee is available to continue to serve, the President will decide which Trustee retires.

26.2 In no circumstances will the number of Trustees remain below two and the President will be the person nominated for the purposes of the Trustee Act 1925 to appoint new Trustees.

26.3 If there are two or more Trustees serving under Rule 25.3, the President will immediately remove any Trustee in office only as a result of Rule 26.1 or 26.2.

26.4 If a Trustee continues in office under Rule 26.1, assumes office under Rule 26.2 or is removed from office under Rule 26.3, the President and General Secretary must publish a written declaration of that fact and the reasons for it.

27 General Secretary

27.1 The General Secretary shall be the chief executive of the Union, responsible for duties specified by the Rules and Standing Orders of the Union, and duties allocated by the National Executive Committee, and shall be elected for terms of five years by the membership of the Union, under procedures agreed by the National Executive Committee. In General Secretary elections, the National Executive Committee, at its discretion, shall be empowered to designate an official candidate, under procedures in Schedules B and C.

27.2 The General Secretary may delegate any power or duty of, or allocated to, the General Secretary under these Rules to another employee of the Union as the General Secretary shall determine.

28 Other Employees

- 28.1** Employees other than the General Secretary shall be engaged by the General Secretary under procedures agreed by the National Executive Committee.
- 28.2** Employees shall be engaged under conditions of employment agreed by the National Executive Committee.

29 Regional Committees

- 29.1** The National Executive Committee shall establish and financially support Regional Committees and the election of members thereto from branches and local associations under Standing Orders.

30 Finance and Expenditure

- 30.1** The funds of the Union shall be employed for any purpose which, in the opinion of National Congress or the National Executive Committee will further, or tend to further, the objects of the Union, and which is consistent with the Rules. The funds shall, subject to compliance with the Trade Union and Labour Relations (Consolidation) Act 1992, include a Political Fund.
- 30.2** The National Executive Committee will make an annual budget, which will be subject to the endorsement of National Congress. Exceptionally, a budget may be made for a longer period.
- 30.3** The National Executive Committee shall determine through financial Standing Orders, the Officers or officials who may act as signatories on the bank accounts in which the Union's funds are held.
- 30.4** All property, books and funds held by or for any branch, local association, any committee or any other body provided for under these Rules, is the property of the Union and shall be delivered or paid over to such person or body as the National Executive Committee directs (i) in the event of a dissolution or secession of any of the above bodies or (ii) on the written request of the National Executive Committee.

31 Audit

- 31.1** The accounts of the funds of the Union shall be audited each year by auditors appointed at National Congress. A statement of accounts shall be presented to the annual meeting of National Congress for approval.

32 Sanctions

- 32.1** The National Executive Committee has the power to authorise or endorse sanctions including industrial action, having regard to the decisions of the Sector Committees. No other body may do so unless that power has been explicitly delegated to it. Procedures to implement sanctions including the payment of sustentation, shall be made by the National Executive Committee and endorsed by National Congress.

33 Complaints

- 33.1** The National Executive Committee shall establish by the same process as its own Standing Orders, a procedure for the consideration of complaints by members relating to the services provided by the Union.

34 Organisation in Scotland, Wales and Northern Ireland

- 34.1** The Scottish branches/local associations will together form the University and College Union Scotland. It may make its own Rules, which shall be consistent with these Rules, and shall include provision for the election of an Honorary Secretary and President who shall be National Executive Committee members from Scotland.
- 34.2** The National Executive Committee shall make arrangements by Standing Orders, to provide for Councils within Wales and Northern Ireland. The Councils and/or their Sector Committees, as appropriate, shall decide within policy determined under Rule 16 on all matters particular to them. It shall be for the National Executive Committee to determine whether or not a matter is particular to Wales or Northern Ireland.

35 Alteration of Rules

- 35.1** Any part of these Rules or Schedules may be altered by a resolution passed by National Congress, provided that such resolution shall receive the support, at the final stage, of not less than two-thirds of the votes cast at that meeting, an abstention not being regarded as a vote for this purpose.
- 35.2** A resolution to alter these Rules or Schedules, or an amendment to such a resolution, may be proposed by any of the bodies defined in Rule 16.6 as capable of proposing motions to Congress.
- 35.3** Unless otherwise determined by National Congress, Rule changes agreed under Rule 35.1 shall come into effect immediately.

36 Political Fund

- 36.1** The objects of the Union include, in accordance with Rule 2.6, the furtherance of political objects to which Section 72 of the Trade Union and Labour Relations Act 1992 applies, that is:

36.1.1 The expenditure of money:

- 36.1.1.1** on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- 36.1.1.2** on the provision of any service or property for use by or on behalf of any political party;
- 36.1.1.3** in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office;
- 36.1.1.4** on the maintenance of any holder of a political office;
- 36.1.1.5** on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- 36.1.1.6** on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

- 36.1.2** Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his or her attendance as such shall, for the purposes of Rule 36.1.1.5, be taken to be expenditure incurred on the holding of the conference or meeting.

- 36.1.3** In determining, for the purposes of Rules 36.1.1.1 to 36.1.1.6, whether the Union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the Union.

36.1.4 In these objects:

- 36.1.4.1** "candidate" means a candidate for election to a political office and includes a prospective candidate;
- 36.1.4.2** "contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;
- 36.1.4.3** "electors" means electors at any election to a political office;
- 36.1.4.4** "film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;
- 36.1.4.5** "local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and
- 36.1.4.6** "political office" means the office of Member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

- 36.1.5** Any payments made in the furtherance of these political objects will be made out of a separate fund of the Union known as the political fund.

- 36.1.6** The Political Fund shall be constituted by the political contributions of members made under these Rules, by gifts to the Union earmarked by the giver for that fund or for political objects, and by any monies or other assets derived from the investment of such contributions and gifts. Liabilities properly attributable to the maintenance and management of a political fund shall be paid out of the political fund.

36.1.7 Rule 2.6 and this Rule 36 regarding the Political Fund will not have effect unless the objects referred to in Rules 2.6 and Rule 36.1 have been approved by the Union through a resolution for the time being in force passed on a ballot of the members of the Union, conducted in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 for that purpose, by a majority of members voting.

36.2 Notice of Political Fund Rules (Great Britain)

36.2.1 This Rule applies to all members of the Union except Northern Ireland members as described in Rule 36.3.

36.2.2 As soon as practicable after the political objects are approved in any ballot to which Rule 36.1.7 refers, the National Executive Committee shall publish, in such manner as notices are at that time usually given by the Union to its members, a notice as follows:

Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the Union has been adopted by a ballot under that Act.

Any payments in the furtherance of those objects will be made out of a separate fund of the Union, to be known as the political fund, but every member of the Union has a right to be exempt from contributing to that fund.

A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, any office of the Union or from the Certification Officer, Brandon House, 180 Borough High Street, London, SE1 1LW. Stocks will normally also be held by appropriate officers in all local associations in Great Britain.

Such a form, when completed by a member, or any written request for exemption in a form to the like effect should be sent to the honorary treasurer of the member's local association or branch, or to the honorary treasurer of the Union.

36.2.3 A copy of the notice referred to in Rule 36.2.2 shall be given to each member when that notice is published and to each person who subsequently becomes a member to whom this Rule applies as soon as practicable after he or she does so. Each member (or person becoming a member) shall be given at the same time a printed or copied extract from these Rules of the text of the Political Fund provisions as approved by the Certification Officer. Any member shall be given on request a copy of that notice and of that text. The secretary of each local association or branch in Great Britain shall secure that this section is complied with in relation to members of that local association or branch. The General Secretary shall secure that this section is complied with in relation to members who belong to the central groups and shall supply sufficient copies of the notice and text to secretaries of local associations and branches to enable them to fulfil their obligations under this section.

36.2.4 Contributions to Political Fund (Great Britain)

36.2.4.1 One per cent of each subscription payable by a member to the Union determined under Rule 7.2 for any period subsequent to the establishment of the Political Fund shall, subject to Rules 36.2.5.1 to 36.2.5.5 below, be a contribution to the Political Fund and shall be accounted for as such to the Union through the Honorary Treasurer. Where such a contribution to the Political Fund would not otherwise be a whole number of pence it shall be rounded to the next lower whole number of pence. The amount of each category of subscription which will by virtue of this section be a contribution to the Political Fund shall be notified to members before the Political Fund is established and after any subsequent decision of the Congress to amend subscription rates determined under Rule 7.2 but before that decision takes effect. No other levy shall be imposed on a member, whether periodically or otherwise, for the purpose of furthering any of the political objects set out in Rules 2.6 and 36.1.

36.2.5 Exemption from Contributions (Great Britain)

36.2.5.1 On giving notice of objection in accordance with Rule 36.2.5.2 below, a member shall be exempt, so long as that notice is not withdrawn, from contributing to the Political Fund, as from the beginning of the month after that in which the notice is given, or as from the date of that notice if it was given within one month following that member's first receipt, since becoming a member to whom this Rule applies, of the notice required to be given under Rule 36.2.2.

36.2.5.2 Any member may at any time, on the form of exemption set out in 36.2.5.3 below, or by a written request in a form to the like effect, give notice of objection to contributing to the Political Fund. A form of exemption notice may be obtained by or on behalf of a member at or by post from any office

of the Union or the office of the Certification Officer at Brandon House, 180 Borough High Street, London, SE1 1LW.

36.2.5.3 The form of such an exemption notice will be:

University and College Union

POLITICAL FUND EXEMPTION NOTICE

I hereby give notice that I object to contributing to the political fund of the University and College Union and am in consequence exempt, in manner provided by the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Signature

Name in block capitals

Local association

Address

Date

36.2.5.4 Any member of may obtain exemption by completing and sending such a notice to the Honorary Treasurer of the Union, or the honorary treasurer of that member's local association or branch. On receipt of any such notice the honorary treasurer of a local association or of the Union shall send an acknowledgement thereof to the member at the address on that notice and shall inform the General Secretary of that member's name and address.

36.2.5.5 Effect shall be given to the exemption of members to contribute to the Political Fund of the Union by relieving any member who is so exempt from the payment of that part of the subscription due from that member which is identified as a contribution to the Political Fund under Rule 36.2.4, so that such a member shall be obliged to pay only the remainder of that subscription. Such relief shall be given as far as possible to all members who are exempt on the occasion of the same subscription payment.

36.2.5.6 A member who is exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union nor placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except, to any extent prescribed by or in accordance with the Rules, in relation to the control or management of the Political Fund), by reason of being so exempt. Contribution to the Political Fund shall not be made a condition for admission to the Union.

36.2.5.7 A notice of exemption may be withdrawn by the member who gave it by notifying such withdrawal in writing to the honorary treasurer of the member's local association, or the Honorary Treasurer of the Union, who shall thereupon send that member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of the member who gave it.

36.2.6 Complaints about Political Fund (Great Britain)

36.2.6.1 Any member who alleges that he or she is aggrieved by a breach of any of these Rules for the Political Fund, being a Rule or Rules made pursuant to Section 84 of the Trade Union and Labour Relations (Consolidation) Act 1992 is entitled to complain to the Certification Officer. After making such enquiries as he sees fit and giving the complainant and a representative of the Union an opportunity of being heard, the Certification Officer may, if the Certification Officer considers that such a breach has been committed, make such order for remedying the breach as the Certification Officer thinks just under the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act mentioned above, be enforced in the manner provided for in section 82(4) of the Act.

36.3 Political Fund Rules (Northern Ireland)

36.3.1 This Rule applies to members whose principal place of employment qualifying them for membership is in Northern Ireland.

36.3.2 Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no Northern Ireland member of the Union shall be required to make any contribution to the Political Fund of the Union unless he or she has delivered, as provided in Rule 36.3.5, to the head office or some branch office of the Union, a notice in writing, in the form set out in Rule 36.3.3, of his or her willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in Rule 36.3.4. Every Northern Ireland member of the Union who has not delivered such a notice or who, having

delivered such a notice, has withdrawn it in the manner provided in Rule 36.3.4, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.

36.3.3 The form of notice of willingness to contribute to the Political Fund of the Union is as follows:

POLITICAL FUND CONTRIBUTION NOTICE - NORTHERN IRELAND

I hereby give notice that I am willing, and agree, to contribute to the political fund of University and College Union, and I understand that I shall in consequence, be liable to contribute to that fund and shall continue to be so liable, unless I deliver to the head office or some branch office of the Union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Name:

Address:

Membership Number:

Date:

36.3.4 If at any time a member of the Union, who has delivered such a notice as is provided for in Rules 36.3.2 and 36.3.3, gives notice of withdrawal thereof, delivered as provided in Rule 36.3.5, to the head office or at any local association or branch office of the Union, he or she shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

36.3.5 The notices referred to in Rules 36.3.2 and 36.3.3 may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the head or any local association or branch office of the Union if it has been sent by post properly addressed to that office.

36.3.6 Contributions to Political Fund (Northern Ireland)

36.3.6.1 The National Executive Committee shall give effect to the statutory exemption of Northern Ireland members to contribute to the Political Fund of the Union by making a separate levy of contributions to that Fund from those Northern Ireland members who have provided written consent of their willingness to contribute.

36.3.6.2 The subscription due from a Northern Ireland member determined under Rule 7.2 shall be 99% of the amount which would be payable apart from this Rule, but each Northern Ireland member who opts to contribute to the Political Fund shall pay a levy of one per cent of the amount which would, apart from this Rule, be payable by that member by way of subscription determined under Rule 7.2.

36.3.6.3 That levy shall be paid through the honorary treasurer of that member's local association or branch (or through the honorary treasurer in the case of members of the central groups) and separately from any subscription to the Union or any local association. Where the subscription due from a member would not otherwise be a whole number of pence it shall be rounded to the next higher whole number of pence and where the levy due from a member under this Rule would not otherwise be a whole number of pence it shall be rounded to the next lower whole number of pence. The amount of levy payable under this Rule by each category of member shall be notified to members before the Political Fund is established and after any subsequent decision of the National Executive Committee to amend subscription rates determined under Rule 7.2 but before that decision takes effect. No other levy shall be imposed on a member, whether periodically or not, for the purpose of furthering any of the political objects set out in Rule 36.1.

36.3.6.4 Northern Ireland members who are statutorily exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the political fund) by reason of their being exempt.

36.3.6.5 Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.

36.3.7 Complaints about Political Fund (Northern Ireland)

36.3.7.1 If any Northern Ireland member alleges that he or she is aggrieved by a breach of any of the Rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 he or she may complain to the Northern Ireland Certification Officer, 10–12 Gordon Street, Belfast BT1 2LG, under Article 57 (2) to (4) of that Order. If after giving the complainant and a representative of the Union an opportunity to be heard, the Certification Officer considers that a breach has been committed, the Certification Officer may make an order for remedying it as the Certification Officer thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.

36.3.7.2 Additionally, if any Northern Ireland member alleges that he or she is aggrieved by a breach of the political fund Rules made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he or she may complain to the Great Britain Certification Officer, Brandon House, 180 Borough High Street, London SE1 1LW. If, after giving the complainant and a representative of the Union an opportunity of being heard, the Great Britain Certification Officer considers that a breach has been committed, the Great Britain Certification Officer may make an order for remedying it as the Great Britain Certification Officer thinks just in the circumstances. Any such order of the Great Britain Certification Officer is subject to the right of appeal provided for by section 82 (4) of the 1992 Act.

37 Interpretation of Rules

37.1 If any question as to the meaning or intention of these Rules or any Schedule to these Rules or any Standing Order or direction made thereunder arises, that question shall be decided by the National Executive Committee.

38 Voting

38.1 No meeting and no vote, act or proceeding at any meeting of National Congress or in relation to a vote at any meeting of the National Executive Committee or any other body of the Union shall be rendered void or voidable by reason only that:

38.1.1 it was afterwards discovered that there was a defect in the appointment, election or nomination of any person attending such a meeting or so voting or by reason of the fact that any person had become disqualified from attending, or voting at the meeting; or

38.1.2 there was some accidental omission to give due notice to any person, or any person failed to receive such a notice; or

38.1.3 there was not issued to any person any voting paper which should have been issued, or any person failed to receive such a voting paper.

SCHEDULES TO THE RULES

SCHEDULE A: CONDUCT OF BALLOTS TO ELECT OFFICERS, TRUSTEES AND ORDINARY MEMBERS OF THE NATIONAL EXECUTIVE COMMITTEE

- 1 Every year, the National Executive Committee will appoint an independent scrutineer qualified to be appointed for the purposes of Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. The scrutineer will be responsible for supervising the secure conduct of all ballots to elect Officers, Trustees and ordinary members of the National Executive Committee.
- 2 The President will act as returning officer for the election of Officers, Trustees and ordinary members of the National Executive Committee, and will comply with reasonable directions of the independent scrutineer.
- 3 Between 1 September and 30 November annually, the returning officer will publish to all members a notice that states:
 - a. the vacancies that will exist for Officers, Trustees and ordinary members of the National Executive Committee at the end of the next annual meeting of National Congress;
 - b. the information that is required in order for a valid nomination to be made;
 - c. the last date for the receipt of nominations by the returning Officer, which must not be sooner than 28 days after the publication of the notice, and between 31 October and 31 January;
 - d. the date by which candidates must submit their election addresses, which will not be sooner than 14 days after the last date for the receipt of nominations.
 - e. the name and address of the independent scrutineer.
- 4 Every nomination to a vacancy for an ordinary member of the National Executive Committee must be supported by:
 - a. the signed consent of the candidate;
 - b. a statement confirming the position to which the candidate wishes to stand; their Sector; their gender; their region; any category described in paragraph 18.8.2i-18.8.2iv of the Rules that apply; and any statement as described in Rules 18.8.6i-18.8.6iv that applies;
 - c. either (i) the identifiable signatures of ten members of the Union who are entitled to vote in any ballot held to fill that position, not more than five of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a local association or branch that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
 - d. any further information reasonably requested by the returning officer in the notice published to members under paragraph 3 of this Schedule;all of which must be received by the returning officer not later than the deadline set under paragraph 3 of this Schedule.
- 5 Every nomination to a vacancy for an Officer or Trustee of the Union will require:
 - a. the signed consent of the candidate;
 - b. a statement confirming the office to which the candidate wishes to stand, and their Sector;
 - c. either (i) the identifiable signatures of twenty members of the association who are entitled to vote in any ballot held to fill that position, not more than ten of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a branch/local association that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
 - d. any further information reasonably requested by the returning officer in the notice published to members under paragraph 3 of this Schedule;all of which must be received by the returning officer not later than the deadline set under paragraph 3 of this Schedule.
- 6 Within 14 days of the closing date for nominations, the returning officer will provide branches/local associations with the following information:
 - a. the names of all nominations received for all vacancies publicised;
 - b. the way in which each nomination was supported;
 - c. in the case of any uncontested nominations, a declaration that those candidates are elected to take up office at the end of the next annual meeting of National Congress;

- d. if there are more eligible candidates than vacancies for any Office or any vacancy for ordinary members of the National Executive Committee, a schedule for elections to these vacancies, including the date on which it is expected that ballot papers will be sent to members, and the date by which ballot papers must be returned, which will not be sooner than 21 days after the papers are sent to members.
- 7** All candidates will have the opportunity to provide an election address. Election addresses will conform to any regulations governing election addresses that have been approved by the National Executive Committee and are currently in force.
- 8** All candidates who submit their completed nomination not less than ten working days before the closing date for nominations, shall be informed, not less than five working days before the closing date for nominations, whether there is any defect in their nomination, including any discrepancy in the membership standing of persons providing supporting signatures under paragraph 4c or 5c of this schedule.
- 9** All ballots will be counted by the Single Transferable Vote (STV) in accordance with the method determined by the independent scrutineer. The independent scrutineer will supervise the counting of ballots in the order set out in Rule 20.5, paying due regard to any quota or other requirement set out in the Rules of the Union.
- 10** In the event of any postal, administrative, or other doubt or difficulty, the returning officer will seek the advice of the independent scrutineer.
- 11** As soon as is practical after receipt of the independent scrutineer's report following the close of any ballot to elect Officers, Trustees, or ordinary members of the National Executive Committee, the returning officer will make available to members the results of those elections.
- 12** A copy of the scrutineer's report of any election will be provided to any member on written request to the General Secretary.

SCHEDULE B: GENERAL SECRETARY: APPLICATIONS FOR SELECTION AS OFFICIAL CANDIDATE AND NOMINATIONS OF CANDIDATES TO STAND FOR ELECTION

1 Notice to Members

- 1.1 In the 12 months before the term of office of the incumbent General Secretary is due to expire, the National Executive Committee will issue a notice to all members and employees calling for:
- a. nominations of members or employees of the association for election to the post of General Secretary;
 - b. if the National Executive Committee has decided to exercise its discretion under Rule 27.1, applications for the position of official candidate.

2 Receipt of Applications and Nominations

- 2.1 The National Executive Committee will determine a common date for receipt of nominations and applications arising out of paragraphs 1.1a and 1.1b of this schedule. That date will be stated in the notice to members and will be no less than 28 days after publication of the notice.
- 2.2 All nominations and applications will be addressed to the President and must be received at the Head Office of the Union no later than the date determined in paragraph 2.1 of this schedule.

3 Nominations

- 3.1 Nominations for election to the post of General Secretary arising out of paragraph 1.1a of this schedule must be supported by:
- a. the identifiable signatures of at least 50 members of the Union of whom not more than 25 may be members of the same branch/local association or of one of the central groups;
 - b. the written consent of the nominee to be a candidate;
 - c. written agreement to the terms and conditions as determined by the National Executive Committee to apply to the person elected General Secretary.
- 3.2 Support required for any nomination must be received by the President by the date for receipt of nominations.
- 3.3 A nomination may be withdrawn by a candidate at any time and will then become invalid.

4 Selection of Official Candidate

- 4.1 An official candidate for the post of General Secretary may be selected by the procedures stated in Schedule C from those who apply for this position. The name of any person selected must be published to all members as soon as practicable and the official candidate will be deemed to be a properly nominated candidate.

5 Notification to Other Candidates

- 5.1 Immediately following the appointment of an official candidate, the President must write to all other candidates properly nominated informing them of the identity of the official candidate and asking each to indicate within 14 days if they wish to withdraw their candidature.

6 Election Process

- 6.1 In the event that there is only one eligible candidate for the post of General Secretary, that candidate will be declared elected as soon as is practicable.
- 6.2 In the event that there is more than one eligible candidate for the post of General Secretary a ballot of the membership will be held.

SCHEDULE C: GENERAL SECRETARY: SELECTION OF AN OFFICIAL CANDIDATE

1 Official Candidate

1.1 The National Executive Committee will decide, not more than 12 and not less than 8 months before the term of a serving General Secretary is due to expire, whether to exercise its power, as set out in Rule 27.1, to select an official candidate to stand for election to the office of General Secretary.

1.2 On deciding that an official candidate will be sought, the National Executive Committee will also decide:

- a. whether to open nominations to candidates who are not members or employees of the Union;
- b. how to seek applicants for the position of official candidate;
- c. how to elect three of its members to the shortlisting panel, and how, if necessary, to replace any member so elected, in accordance with paragraph 2.5 of this schedule.

2 The Shortlisting Panel

2.1 A shortlisting panel will determine from those applications received a shortlist of candidates for the position of official candidate.

2.2 The panel will consist of the President, three members of the National Executive Committee elected by the National Executive Committee, and four members elected by National Congress who are not members of the National Executive Committee and who are, at the time of election, National Congress delegates.

2.3 No Trustee of the Union may be a member of the shortlisting panel.

2.4 National Congress-elected members of the panel will serve until the next election of a General Secretary has been concluded, unless a member submits a written resignation, becomes a member of the National Executive Committee or Trustee of the Union, ceases to be a member of the Union, or becomes an interested party as defined in paragraph 3 of this Schedule.

2.5 A National Executive Committee member of the shortlisting panel who resigns from the shortlisting panel, or ceases to be a member of the National Executive Committee or a member of the Union, or who becomes an interested party as defined in paragraph 3 of this Schedule, will cease to be a member of the shortlisting panel. National Executive Committee members of the shortlisting panel will be replaced in accordance with the process agreed under paragraph 1.2c of this Schedule only if this can be done in time for the replacement National Executive Committee member of the shortlisting panel to attend the first meeting of that shortlisting panel.

3 Interested Parties

3.1 A person who applies for selection as the official candidate or is nominated for election to the position of General Secretary is an interested party and may not remain a member of the shortlisting panel. Such a person will not attend any selection meeting of the National Executive Committee, other than in the capacity of an applicant, while remaining a candidate for the post of General Secretary.

3.2 If the President either applies to be the official candidate or agrees to be nominated for election, such application or nomination will not be valid unless the President has notified the National Executive Committee of his or her intention to be a candidate prior to the application or nomination being submitted. If the National Executive Committee receives such notification it must appoint another of its members to perform the functions of the President under this Schedule C, and Schedule B This applies equally to any person performing the functions of the President under Rule 21.1

4 Conduct of Shortlisting Panel

4.1 Meetings of the shortlisting panel will be conducted according to the following procedures:

- a. its quorum will be four members;
- b. it will be chaired by the President and in the President's absence, the panel will elect another of its members to chair the meeting;
- c. subject to the Rules, the shortlisting panel will decide any question by a simple majority of votes of members present. In the event of a tied vote the person in the chair will have a second, casting vote;

- d. National Congress-elected members of the shortlisting panel will elect from among themselves a member who will attend as an observer any interview held by the National Executive Committee under paragraph 7 of this Standing Order.
- 4.2** The President will convene a meeting of the shortlisting panel within 35 days of the date determined for receipt of applications and nominations for the post of General Secretary. At that meeting the panel will consider applications received in accordance with Schedule B for the position of official candidate for the post of General Secretary and will draw up a shortlist of names comprising a minimum of two applicants. The process for determining this shortlist will be that agreed by the shortlisting panel. The shortlist will not contain the name of any person who has not applied in writing to the President for selection. The shortlisting panel may decide that a meeting should be adjourned to enable interviews of candidates to take place or for other reasons, provided that its shortlist of applicants is finalised within 28 days of the first meeting of the panel.
- 5 The Shortlist**
- 5.1** The President will submit to the National Executive Committee the shortlist of applicants drawn up by the shortlisting panel. If the panel has determined that there are no suitable applicants, the President must communicate this to the National Executive Committee.
- 6 Selection of Official Candidate**
- 6.1** The National Executive Committee will be empowered to select an official candidate from the shortlist submitted under this Schedule, whether or not after interviewing candidates.
- 7 Failure to Agree Official Candidate**
- 7.1** If the National Executive Committee fails to agree an official candidate by a simple majority of those members present and voting it may decide to revise the timetable for election to the post of General Secretary. In that event the position of official candidate must be readvertised and the selection process started again. If the National Executive Committee fails to agree an official candidate under a timetable revised under this Rule, a ballot between properly nominated candidates will be held.
- 8 Withdrawal of Official Candidate**
- 8.1** If an official candidate withdraws from the election at any stage prior to the distribution of voting papers to members for a ballot in which they are a candidate, the National Executive Committee must decide that the processes governing the selection of an official candidate and election to the post of General Secretary are started again. In that event the National Executive Committee will determine an appropriate new timetable for election to the post of General Secretary as if a casual vacancy were due to arise.