

NEW UNION CONSTITUTION AND RULES

1 Name

1.1 The name of the Union shall be *[INSERT NAME]*.

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 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 *[INSERT NAME]*:

3.1.1 Persons in full, part-time or self 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 become unemployed, or cease eligible employment, or retire and no longer fulfil Rule 3.1.1 above, provided they retain an active interest in Further Education/Learning and Skills Sector or in Higher Education;
- 3.1.3 Persons elected to honorary membership. Honorary membership may be conferred on any member who has rendered outstanding service to *[INSERT NAME]* 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 *[INSERT NAME]*:
 - 3.2.1 Students in training for employment that would qualify them for membership under Rule 3.1.1 but who are not currently eligible for membership;
 - 3.2.2 Postgraduate students who have declared their intention to pursue a career in employment that would qualify them for membership under Rule 3.1.1, but who are not currently eligible for membership.
- 3.3 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 All 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 entitled to receive 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 *[INSERT NAME]*, and honorary members shall be entitled to seek legal advice and assistance on matters connected with the employment that has qualified them for membership.
- 4.6 Members shall be entitled to request legal advice and assistance from the Union, based on the principle that the provision of legal advice and assistance shall at all times be at the discretion of the National Executive Committee. All applications for such advice or assistance must be made 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.

- 4.7 The Union shall not be bound to provide assistance to any members who commit themselves 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 before such authority is given.

5 Student Members

- 5.1 At its discretion, the National Executive Committee may establish student groups in institutions where professional training for prospective academic staff is undertaken, and members of such groups shall be enrolled as student members.
- 5.2 Student members may attend 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 have an obligation to abide by the Rules of *[INSERT NAME]*, and shall refrain from conduct detrimental to the interests of the Union and in particular from any breach of these Rules or directions properly made in accordance with these Rules, or behaviour of a discriminating nature on the grounds of colour, ethnic origin, gender, disability, age, sexual orientation, religion or belief.
- 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 shall agree to the processing of data as to whether or not they are a member of the Union for the purposes of furthering 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 or a Transfer of Engagements to the *[INSERT NAME]* 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 relevant work, for a period of up to one year.

- 7.6 No subscription shall be due from members when they are not working and undertaking parenthood or professional study or are on unpaid leave.
- 7.7 No subscription shall be due from student members. Such members will be entitled automatically to one further year of exemption from subscription on completion of training/study should they not immediately take up employment, with further extensions at the discretion of the General Secretary.
- 7.8 Subscription exemptions do not apply to members in receipt of an occupational pension.
- 7.9 The National Executive Committee shall determine methods of paying 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.
- 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 has a right to appeal to the National Executive Committee.
- 8.4 The General Secretary shall provide regular reports of new members to branches who shall have the right of appeal to the National Executive Committee in respect of the acceptance into membership of individuals.

9 Lapsing and Resignations

- 9.1 Membership shall be deemed to have ceased if subscription payment is not received for six consecutive months after the due date and in the absence of full settlement of arrears.
- 9.2 Members shall be advised in timely fashion that their payment has lapsed and shall be given at least a month's notice of the Union's intention to cancel membership.
- 9.3 Notice of intention to resign shall be submitted in writing to the General Secretary.
- 9.4 A resignation shall take effect at the end of the subscription period upon receipt in writing by the General Secretary, or upon a date after the end of the said period specified in writing by the member.

10 Levies

- 10.1 A levy on members, additional to the subscription, may be authorised by Resolution of the National Executive Committee.

10.2 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 Admission and Duties of Members

11.1 Members are required to agree to abide by the Rules currently in place or as amended, and to uphold the Union's opposition to behaviour of a discriminatory nature in respect of colour, ethnic origin, gender, disability, age, sexual orientation, religion or belief.

12 Organisation of Members

12.1 Every member shall be assigned exclusively to a designated branch/local association or a central group, where possible on the basis of principal current 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.

12.3 Members who have left eligible employment before retirement and who remain in membership shall belong to a central group or their former branch/local association.

12.4 Members who are retired shall belong to a central group or their former branch/local association

12.5 The National Executive Committee may establish a branch/local association 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 in conformity 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, define 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 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 affiliate 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 The Vice-President will be elected to that office for one year from the end of the annual meeting of National Congress following election, and will then become President-elect for the next year, and then President for the following year. After the Presidential year, the President will become Immediate Past President for one year. The provisions of this Rule are subject to the Officers remaining members of the Union.

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 of the Union.

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 each annual meeting of National Congress 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.

16.2 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.

16.3 National Congress shall decide policy on all matters that are not particular to the Sectors.

- 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 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) 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 Standing Orders to the next National Congress.
- 16.6** 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 to National Congress. 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 to the relevant Sector Conference. Entitlements to submit Amendments are the same as for Motions. These provisions do not apply to proposals for Rules changes, where no limit applies. 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.
- 16.7** 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, 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; putting these arrangements into effect shall be the responsibility of 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 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 Sector Committees, 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 additional members elected by branches/local associations, or by aggregations of branches/local associations in institutions with fewer than 100 members, 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 for the annual meetings of National Congress and Sector Conferences shall be one for every 400 members (or part thereof) in an institution, or in an aggregation of institutions as defined in the arrangements referred to above.
- 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.

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.
- 18.3 The National Executive Committee shall determine its own 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 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 Inter alia, the Standing Orders of the National Executive Committee 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

- 18.5.1 A quorum in all circumstances shall be one-third of nominal membership for the Committee and its subsidiary bodies.

18.6 Committees

- 18.6.1 The National Executive Committee shall establish by 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 19.6 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 would on taking office 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 Head Office 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 each year:
- 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-92 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;
- except that 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** Rule 18.8.2 will apply only to the first four years in which these elections are held, after which Rules 18.8.2, 18.8.3 and 18.8.4 will be deleted from the Rules.
- 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 each year:
- 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;
- except that 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: 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).

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. 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 insofar as there are sufficient women candidates.

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 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 described in 18.11.1 - 18.11.5.

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 changes in that category.

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 Scotland; North West; Midlands; South, in those years when elections in the regions listed in Rule 19.4 are not held:

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 and minority ethnic 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.

19.9 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 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** 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 not less than 21 days before the next annual meeting of National Congress.
- 20.5** Ballots for election to offices which are to be taken up on the same date will be counted in the following order:
- i. Trustees;
 - 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 members;
 - ix. Representatives of black and minority ethnic members;
 - x. Representatives of women members for HE and FE sectors.
- 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 elected. A vacancy in the office of Vice President shall be filled by election. 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. Any Officer, Trustee or ordinary member of the National Executive Committee will cease to hold that office if they are elected to an alternative office within the Union or if they cease to be a member of the Union.

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 maximum 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** The Union's Trustees shall exercise Trusteeship according to prevailing legal requirements over the Union's property and finances.
- 25.2** Four Trustees shall be elected from and by the membership of the Union for a five-year term, and are eligible for re-election for one further term of service as a Trustee, to a maximum of ten years' continuous service. Following an interval of one year after serving two full five-year terms, former Trustees are eligible to stand for election as Trustees.
- 25.3** Trustees shall meet at least annually to consider reports concerning the finances and property of the Union, under arrangements made by the General Secretary.
- 25.4** Trustees may attend meetings of the National Executive Committee, and any appropriate sub-committees, and speak but not vote, on notified items of business concerning the finances or property of the Union.
- 25.5** The position of Trustee of the Union may not be held concurrently with membership of the National Executive Committee, or any other elected post, nor may they be employees of the Union.

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 may 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 25.2, the President will immediately remove any other Trustee.
- 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 by the authority of 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.

28 Other Employees

- 28.1** Employees other than the General Secretary shall be appointed 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 Meetings

- 29.1** The National Executive Committee, following consultation with branches/local associations, shall establish meetings of members on a regional basis under Standing Orders determined by the National Executive Committee.

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 include a Political Fund.
- 30.2** The Union will make an annual budget, which will be presented to the National Executive Committee subject to the endorsement of National Congress. Exceptionally, a budget may be authorised 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.

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 *[INSERT NAME]* Scotland. It may make its own Rules, subject to their compatibility with these Rules, and will elect 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 Proposals to alter or delete or amend the Rules or Schedules of the Union may be made by resolution of an annual meeting of the National Congress, provided that such Resolution shall receive the support 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 Unless 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 pursuing of political objects to which section 72 of the Trade Union and Labour Relations Act 1992 applies, that is:

The expenditure of money:

36.1.1 on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;

36.1.2 on the provision of any service or property for use by or on behalf of any political party;

36.1.3 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;

36.1.4 on the maintenance of any holder of a political office;

36.1.5 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;

36.1.6 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.

36.2 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 paragraph 36.1.5, be taken to be expenditure incurred on the holding of the conference or meeting.

36.3 In determining, for the purposes of paragraphs 36.1.1 to 36.1.6, 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.

- 36.4** In these objects:
- 36.4.1** 'candidate' means a candidate for election to a political office and includes a prospective candidate;
- 36.4.2** '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;
- 36.4.3** 'electors' means electors at any election to a political office;
- 36.4.4** '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;
- 36.4.5** '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
- 36.4.6** 'political office' means the office of member of parliament, member of the assembly of the European Communities or member of a local authority or any position within a political party.
- 36.5** All 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.
- 36.6** 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.
- 36.7** Rule 2.6 and these rules 36-37 regarding the political fund will not have effect unless the objects referred to in rules 2.6 and 36 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.
- 36.8** **Notice of political fund rules (Great Britain)**
- 36.8.1** This rule applies to all members of the union except Northern Ireland members as described in rule 37.
- 36.8.2** As soon as practicable after the political objects are approved in any ballot to which Rule 36.7 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.

- 36.8.3** A copy of the notice referred to in Rule 36.8.2 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.

36.9 Contributions to political fund (Great Britain)

- 36.9.1** One per cent of each subscription payable by a member to the union under Rule 7.2 for any period subsequent to the establishment of the political fund shall, subject to Rules 36.10.1 to 36.10.3 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 the subscriptions referred to in 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.

36.10 Exemption from contributions (Great Britain)

- 36.10.1** On giving notice of objection in accordance with Rule 36.10.2 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 36.8.2.
- 36.10.2** Any member may at any time, on the form of exemption set out in 36.10.3 below, or by a written request in a form to the like effect, give notice of objection to contribute 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.

36.10.3 The form of such an exemption notice will be:

[name of union]

POLITICAL FUND EXEMPTION NOTICE

I hereby give notice that I object to contributing to the political fund of the [name of 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

36.10.4 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.

36.10.5 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 36.9.1, 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.

36.10.6 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.

36.10.7 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.

36.11 Complaints about political fund (Great Britain)

36.11.1 Any member who alleges that he or she is aggrieved by the breach of any of the political fund provisions made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 is entitled to complain to the certification officer. After 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.

37 Political fund rules (Northern Ireland)

37.1 This rule applies to members whose principle place of employment qualifying them for membership is in Northern Ireland.

37.2 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 37.3, to the head office or some branch office of the union, a notice in writing, in the form set out in rule 37.3, of his or her willingness to contribute to that fund, and has not withdrawn the notice in the manner provided in rule 37.4. 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 37.4, 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.

37.3 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 [name of 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:

37.4 If at any time a member of the union, who has delivered such a notice as is provided for in rules 37.2 and 37.3, gives notice of withdrawal thereof, delivered as provided in rule 37.5, 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.

37.5 The notices referred to in rules 37.2 and 37.3 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.

37.6 Contributions to political fund (Northern Ireland)

37.6.1 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.

37.6.2 The subscription due from a Northern Ireland member 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 under rule 7.2.

37.6.3 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 council to amend the subscription rates referred to in 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 36.1-36.4.

37.6.4 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.

37.6.5 Contribution to the political fund of the union shall not be made a condition for admission to the union.

37.7 Complaints about political fund (Northern Ireland)

37.7.1 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, 2-8 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.

37.7.2 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 GB certification officer is subject to the right of appeal provided for by section 82 (4) of the 1992 Act.

38 Rule for inclusion at the end of the main section of the new Rulebook:

38.1 The Transitional Rules in Appendix Z will come into effect on the *[INSERT VESTING DATE]* or from the date of registration of the Instrument of

Amalgamation made between AUT and NATFHE, whichever is the later. They will remain in effect, superseding the relevant parts of the Union's Rules, until the close of the inaugural meeting of the National Congress of the new Union.

- 38.2** At the close of the inaugural meeting of the National Congress of the new Union, Appendix Z and this Rule will lapse and the remaining Rules will be re-numbered accordingly.

APPENDIX Z

TRANSITIONAL RULES

1. Transitional Period

- 1.1 These Transitional Rules will have effect from the *[INSERT VESTING DATE]* or from the date of registration of the Instrument of Amalgamation made between AUT and NATFHE, whichever is the later ('the effective date'). They will remain in effect until the close of the inaugural meeting of the National Congress of the new Union in May 2007. The period from the effective date to the close of National Congress is referred to below as 'the transitional period'.

2. Membership

- 2.1 On the effective date, full membership will be conferred on all those who, on the day before the effective date, were:
- i. full members of AUT;
 - ii. members of NATFHE.
- 2.2 Associate membership will be conferred on all those who, on the day before the effective date, were associate members of NATFHE.
- 2.3 Attached membership will be conferred on all those who, on the day before the effective date, were attached members of the AUT.
- 2.4 Honorary associate membership will be conferred on all those who, on the day before the effective date, were honorary associate members of NATFHE.
- 2.5 Honorary membership will be conferred on all those who, on the day before the effective date, were honorary members of the AUT.
- 2.6 Student membership will be conferred on all those who, on the day before the effective date, were student members of NATFHE.
- 2.7 Retired membership will be conferred on all those who, on the day before the effective date, were retired members of the AUT.

3. Membership rights and obligations

- 3.1 During the transitional period the rights and obligations of members covered by Section 2 above will remain as they were prior to the effective date, with the exception of rights to vote in elections which will be as set out in the Rules of the new Union.

4. Subscriptions

- 4.1 During the transitional period, membership subscription rates will change in accordance with the provisions of Appendix Y to the Instrument of Amalgamation.

5. Organisation of members

- 5.1 Members will continue in the AUT local associations and NATFHE branches of which they were members prior to the effective date, except that members in an

institution in which only one of the Unions has a branch/local association will become members of that branch/local association.

- 5.2 Before the end of the transitional period, existing NATFHE and AUT branches/local associations in the same institutions will merge in accordance with instructions to be issued by the Transitional Arrangements Committee (see 6.2 below).

6. National Executive Committee

- 6.1 The members of the Executive Committee of AUT and of the National Executive Council of NATFHE in office on the effective date will form the Transitional National Executive Committee for the duration of the transitional period. The Transitional National Executive Committee will meet at least twice during the transitional period in order to receive reports from the Transitional Arrangements Committee (see 6.2 below) and the joint General Secretaries (see 8.1 below).
- 6.2 The Transitional National Executive Committee will delegate its responsibility for the application of these Transitional Rules to a Transitional Arrangements Committee composed of members of AUT's Strategic Planning Committee and NATFHE's Finance, Membership and Organisation Committee. The membership of the Transitional Arrangements Committee will be composed equally of AUT and NATFHE members with a maximum of 11 from each union.
- 6.3 The Transitional Arrangements Committee shall make arrangements, drawing as appropriate on the memberships of the NATFHE National Executive Council and the AUT Executive Committee, to carry on the Sector and other business of the Union.
- 6.4 The Transitional Arrangements Committee shall also prepare the Standing Orders referred to in Paragraphs A, B, C of the Rules for submission to the National Executive Committee of the new Union at its first meeting following the inaugural National Congress in May 2007.
- 6.5 The election of the National Executive Committee according to the Rules of the new Union will take place in time to enable the members of the National Executive Committee to take up office on the day following the end of the transitional period.

7. Officers

- 7.1 The Officers of the amalgamating Unions in office on the effective date will serve as joint Presidents, joint Vice-Presidents, joint Immediate Past Presidents and joint Honorary Treasurers for the duration of the transitional period.
- 7.2 The election of the Officers, under arrangements made by the Transitional Arrangements Committee, according to the Rules of the new Union, shall take place in time to enable them to take up office on the day following the end of the transitional period.

8. General Secretaries

- 8.1 The General Secretaries of the amalgamating unions in office on the effective date will hold office as joint General Secretaries for the duration of the transitional period.

- 8.2** The joint General Secretaries will have duties, rights, powers and responsibilities commensurate with their posts, as set out in Appendix One to these Transitional Rules.
- 8.3** The joint General Secretaries will prepare a detailed implementation plan covering the management and administration of the Union during the transitional period for submission to the first meeting of the Transitional Arrangements Committee. The joint General Secretaries will ensure that timely, full and proper consultation on the plan takes place with the Union's staff and their representatives.
- 8.4** The election of the General Secretary of the new Union will take place in time to enable the General Secretary to take up office on the day following the end of the transitional period. The election of the first General Secretary of the new Union will take place in accordance with procedures approved by the Transitional Arrangements Committee and will be for a period of office of five years.

9. Trustees

- 9.1** The Trustees of the amalgamating unions in office on the effective date will hold office as Trustees for the duration of the transitional period and will have the rights, and will carry out the duties and responsibilities, set out in the Rules of the new Union.
- 9.2** The election of the Trustees according to the Rules of the new Union will take place in time to enable them to take up office on the day following the end of the transitional period.

10. National Congress

- 10.1** No Annual, Special or Emergency Congresses will be held during the transitional period, except that the Transitional Arrangements Committee may at its discretion and on a basis to be determined by it arrange Sector Conferences to consider the submission of annual salary claims.
- 10.2** The inaugural National Congress of the new Union will be held in May 2007 and will be organised by the Transitional Arrangements Committee according to the Rules of the new Union.
- 10.3** Arrangements for the conduct of the business of the first National Congress and the associated Sector Conferences, shall be the responsibility of a Provisional Congress Business Committee comprising four members elected by NATFHE's final Annual National Congress and four members elected by AUT's final Council.

11. TUC Delegations

- 11.1** So far as practicable, members elected or appointed by the amalgamating unions before the effective date as delegates to TUC conferences taking place during the transitional period will serve on those delegations. Otherwise, delegations will be composed according to the procedures set out in the Standing Orders of the National Executive Committee of the new Union.

12. Regions

- 12.1** In order to give effect to Rule 29, all branches/local associations shall be asked their preferences with regard to the catchment areas and roles of regional committees of branches/local associations, to identify regional groupings having regard to the expressed preferences of branches/local associations and geographical coherence.
- 12.2** The first regional committee meetings shall take place within four months of vesting day, and in addition to any other business, shall adopt these Standing Orders and elect regional committee members and office holders.

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.
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 18.8.2 or 18.8.6 of the Rules that apply; and any statement as described in Rules 18.11.1 - 18.11.5 that applies;
 - c. 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 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. 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 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 will have the opportunity to have the membership status of their supporters checked in good time prior to the submission of their nomination.
9. All ballots will be counted by Single Transferable Vote (STV). 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 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 full, retired, attached or honorary 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.
- 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 whether they wish their nomination to continue or whether 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 2.6 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 National Congress-elected members of the shortlisting panel will be elected in accordance with standing orders agreed by the National Executive Committee.
- 2.6 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 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 8 of this Schedule.
- 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 or 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.

6. The Shortlist

- 6.1** 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.

7. Selection of Official Candidate

- 7.1** 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.

8. Failure to Agree Official Candidate

- 9.1 If the National Executive Committee fails to agree an official candidate 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.

10. Withdrawal of Official Candidate

- 10.1 If an official candidate withdraws from the election at any stage prior to the distribution of voting papers to members for a ballot to elect a general secretary, 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 in the post of General Secretary were due to arise.

ELEMENTS OF STANDING ORDERS

A. NATIONAL CONGRESS STANDING ORDERS

1. Branches may submit Motions under Rule, but it will be out of order if the branch or the aggregation of which it is a part, is not represented at National Congress/Sector Conference.
2. The quorum shall be one-third of the members of National Congress and the Sector Conferences at all times

B. STANDING ORDERS FOR REGIONAL COMMITTEES

1. The name of the committee is the *[INSERT NAME OF REGION]* Committee of the *[INSERT NAME]*. It shall meet in full committee and as Further Education and Higher Education Sector committees, as appropriate.
2. The terms of reference of the Committee are:
 - i. to foster closer contact between members of the *[INSERT NAME]* in Further Education and Higher Education institutions in the region;
 - ii. to coordinate discussion and activity between branches/local associations, in particular on industrial relations matters;
 - iii. to assist branches/local associations where assistance is invited and appropriate; including the co-ordination of campaigning, organising and recruitment work, and the promotion of the Union's policies on equalities;
 - iv. to circulate information dealing with matters of common interest to institutions in the region;
 - v. to send delegates and motions to Regional TUCs and other appropriate regional bodies;
 - vi. to draw to the attention of and place in front of as appropriate, the General Secretary and the National Executive Committee matters relevant to the work of the Committee;
 - vii. to spend monies on the above activities under procedures determined by the National Executive Committee;
3. The responsibilities of the Committee will in no way supplant those of branches/local associations, the National Executive Committee and its sub-committees regarding consultation and negotiation with individual institutions. The Committee shall be supported as appropriate by full time officials.
4. The Committee shall comprise at least one and no more than three representatives from each institution within the Committee's remit, with agreement of precise numbers to be subject to ratification by an Annual General Meeting. In addition, members of the National Executive Committee who are also members in institutions allocated by the National Executive Committee to the Sector within the Committee's remit may attend Committee meetings. Members of the National Executive Committee may not hold office or vote on any issue within the Committee's remit, unless they have been nominated as a representative to the Committee by their branch/local association.
5. A minimum of three meetings will take place annually. One Ordinary Meeting of the Committee will take place within the months of September to December and one within the months of January to March of each year. One Annual General Meeting will be held within the months of April to July of each year. Not less than fourteen days' notice will be given of each meeting.

6. The Officers of the Committee will be the Chair, the Vice Chair, the Secretary and such other Officers as may be deemed necessary. These posts shall be elected by an Annual General Meeting each year for a period of one year. Officers shall be eligible for re-election. In the event of an office becoming vacant between Annual General Meetings, Officers may be elected at Ordinary Meetings.
7. Nominations for Chair, Vice Chair and Secretary shall be forwarded in writing to the Secretary at least seven days before the Annual General Meeting. Nominations must be proposed and seconded by members of the Committee (separate letters or e-mails from the proposer and seconder will be accepted). If no nominations for a post are received within this timescale, then nominations shall be invited at the Annual General Meeting. Such nominations must be proposed and seconded by members of the Committee present at the meeting.
8. Regions shall be funded under procedures determined by the National Executive Committee.
9. The Committee will adopt these Standing Orders, and may amend them subject to approval by the National Executive Committee.

C. NOTICES AND CALENDAR

- 9.1 Notices shall be deemed delivered if sent to the postal address last given by the member to the General Secretary.
- 9.2 In these Rules, for the purpose of calculating 'working weeks', two weeks at each of Easter and Christmas and six weeks ending with that containing the Late Summer Bank Holiday shall be disregarded.
- 9.3 The President shall determine the Union Calendar for the next academic year after consultation with the General Secretary, who shall then publish it no later than six working weeks after the end of the annual meeting of National Congress.

D. THE NATIONAL EQUALITY STANDING COMMITTEES

1. Each of the four National Equality Standing Committees will:
 - a. meet at least three times a year;
 - b. advise the National Executive Committee on equality issues;
 - c. have the facility to submit motions to Annual Congress and Sector Conferences;
 - d. comprise the Chair (a relevant National Executive Committee member), eight representatives elected by the appropriate Equality conference, the appropriate National Executive Committee equality seat holders, General Secretary and Officers ex-officio.
 - e. select delegations to TUC Equality conferences;
 - f. ratify candidates for TUC committees;
 - g. encourage self-organised networking.

E. SPECIAL EMPLOYMENT INTEREST GROUPS (TO BE ELABORATED IN NATIONAL EXECUTIVE COMMITTEE STANDING ORDERS)

1. Noting that the National Executive Committee shall, under Rule 24, establish national meetings and specialist committees:
 - a. The National Executive Committee Standing Orders shall establish:
 - i. national meetings for staff in the following special employment interests:
 - A. Academic-Related;
 - B. Medical Research Council;
 - C. Fixed-term and Hourly-paid;
 - D. Adult Education;
 - E. Land-based Education;
 - F. Prison Education;
 - G. Post-1992 institutions;
 - ii. specialist committees for staff in the following specialist employment interests:
 - A. Academic-Related;
 - B. Medical Research Council;
 - C. Fixed-term and Hourly-paid;
 - iii. national meetings and/or specialist committees as the National Executive Committee may determine for other Special Employment Interests, for example, health educators, teacher educators, management staff and trade union educators.

These arrangements will be kept under review by the National Executive Committee in consultation with the relevant national meetings and specialist committees.

- b. The National Executive Committee will also make provision to ensure that:
 - i. there shall be guaranteed proportional representation in the negotiating teams for post-1992 Higher Education members;
 - ii. the negotiators consult directly with a representative group of post-1992 Higher Education members at appropriate points in the negotiating cycle in order to ensure that the specific employment interests of such members are properly protected.

These arrangements will be kept under review by the National Executive Committee.

F. ELEMENT FOR ELABORATION IN NATIONAL EXECUTIVE COMMITTEE STANDING ORDERS

Inter alia, under Rule 18.3, the Standing Orders of the National Executive Committee shall make provision for the following committees:

- i. Higher Education Committee (HEC)
- ii. Further Education Committee (FEC)
- iii. Education Committee (EdC)
- iv. Strategy and Finance Committee (SFC)
- v. Equality Committee (EqC)
- vi. Recruiting, Organising and Campaigning Committee (ROCC)