

## **UNIVERSITY AND COLLEGE UNION**

### **RULES from 29 May 2017, with the addition of rules for the conduct of a political fund ballot (Schedule D, approved December 2017)**

#### **1 Name**

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

#### **2 Aims and objects**

- 2.1** To protect and promote the professional interests of members individually and collectively, to regulate the conditions of their employment and the relations between them and their employers, and to safeguard their interests;
- 2.2** To promote Adult, Further and Higher Education and research;
- 2.3** To provide and maintain such services to members as may be approved by National Congress or the National Executive Committee from time to time;
- 2.4** To promote equality for all including through:
- i. collective bargaining, publicity material and campaigning, representation, Union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities;
  - ii. the Union's own employment practices;
- 2.5** To oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic;
- 2.6** To pursue political objects in accordance with the relevant legislation as set out in Schedule C to 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** To affiliate to, cooperate with, make donations to or otherwise expend money on or in support of such other trade union or labour organisations, organisations for the advancement of education or other organisations in the UK or abroad which in the opinion of the National Executive Committee or Congress have the same or similar aims, objects or policies as the union.
- 2.9** To pursue by appropriate means approved by the National Executive Committee or Congress lawful acts of solidarity with other trade union or labour organisations, organisations for the advancement of education or other organisations in the UK or abroad which in the opinion of the National Executive Committee or Congress have the same or similar aims, objects or policies as the union.

- 2.10** Notwithstanding any other provision of these Rules no part of any fund of the union, or of any branch/local association, shall be used for, or with a view to, affiliation to any political party.
- 2.11** To do all such other things as may in the opinion of the National Executive Committee or Congress be incidental or conducive to the attainment of these objects.

### **3 Membership**

#### Eligibility

- 3.1** The following are eligible for membership of the University and College Union:
- 3.1.1** Persons in full, part-time or self employment (in these Rules called "qualifying employment") whose work is concerned with the provision or professional support of education, training or research in the Further Education/ Learning and Skills Sector or in Higher Education institutions based in England, Northern Ireland, Scotland, Wales, the Channel Islands and the Isle of Man;
- 3.1.2** Persons who have been (but are no longer eligible to remain) a member under Rule 3.1.1 and who become unemployed, or retire and no longer continue in qualifying employment, or have been (but are no longer eligible to remain) a student member provided they retain an active interest in Further Education/ Learning and Skills Sector or in Higher Education, and shall include those persons who were immediately prior to the effective date of the amalgamation of AUT and NATFHE ('the effective date'), an attached or retired member of AUT or an associate member of NATFHE.
- 3.1.3** Persons elected to honorary membership prior to 1 June 2010 or, by reason of being immediately prior to the effective date an honorary member of AUT or honorary associate member of NATFHE, becoming honorary members.
- 3.1.4** Such other persons as the National Executive Committee shall decide.
- 3.2** The following are eligible for student membership of the University and College Union:
- 3.2.1** Students in training for qualifying employment but who are not currently eligible for membership;
- 3.2.2** Postgraduate students who have declared their intention to pursue a career in qualifying employment, but who are not currently eligible for membership.
- 3.3** Throughout these Rules the term "Member" does not include a student member unless otherwise provided.
- 3.4** Any question relating to the eligibility of a person for membership shall be determined by the National Executive Committee.
- 3.5** Members' distinguished service to the union may be recognised by awards made in accordance with procedures agreed by the NEC.

### **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, except in the case of NEC and National Negotiator positions, where the candidate at the time of submission of nomination must be in qualifying employment under rule 3.1.1 or have been in qualifying employment within the preceding 6

months, unless a pattern of casualised work in the post-16 education sector can be proven within the preceding 24 months, and vote in any election of the National Executive Committee as specified in the Rules. In this context employment shall be understood to mean working in post-school education rather than holding a contract that gives employee status.

- 4.2** Members shall be entitled to receive on request a copy of the Rules of the Union, and such other publications as determined by the National Executive Committee.
- 4.3** Members shall be provided with information and advice on educational and professional matters in accordance with procedures determined by the National Executive Committee.
- 4.4** Assistance on professional matters may be given in accordance with procedures determined by the National Executive Committee.
- 4.5** Members qualifying for membership under rule 3.1 and paying the relevant subscription (if any is due) under rule 7 to the University and College Union, shall be eligible to request legal advice and assistance in accordance with the Legal Advice and Assistance Scheme. The provision of such legal advice and assistance shall at all times be at the discretion of the National Executive Committee. Any advice or assistance granted, will be granted in accordance with the Legal Advice and Assistance Scheme, the regulations of which will be determined and issued by the National Executive Committee from time to time. The National Executive Committee shall have the power to delegate decisions on the granting of legal advice and assistance to appropriate bodies or individuals.
- 4.6** The Union shall not be bound to provide any assistance to any member who commits to a course of action without having obtained the Union's prior authority; and the Union shall not be bound to reimburse or indemnify any member in relation to any costs or expenses (including legal costs and expenses) incurred without the Union's prior authority.

## **5 Student members**

- 5.1** At its discretion, the National Executive Committee may establish groups of student members (in these Rules called "student groups") in institutions where professional training for prospective academic staff is undertaken.
- 5.2** Student members may attend and speak at meetings of the branch/local association in their place of study and in their place of teaching practice, in a non-voting capacity.
- 5.3** Student members have the right to vote and stand for office only in student groups.

## **6 Obligations of members**

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

- 6.1.1** UCU will refuse membership to, or expel from existing membership, any person who is a known member or activist of any extreme right wing political organisation, including the BNP and National Front, where the organisation's aims, objectives and principles are contrary to those of UCU as outlined in 6.1 above.
- 6.2** All members have an obligation to pay the correct subscription and to keep payments up to date. Failure to do so may result in suspension of member rights and benefits.
- 6.3** All members and student members agree that all personal data held by the Union in respect of the member (including the fact of membership) may be processed by the Union (or such other person as may be authorised to process the data on the Union's behalf) for the purposes of furthering any of its objectives in accordance with these Rules.

## **7 Subscriptions**

- 7.1** The subscription year shall run from 1 September to 31 August.
- 7.2** The rates of national subscription due from members shall be determined by the National Executive Committee, subject to the endorsement of National Congress.
- 7.3** Branches/local associations may agree that members of the branch/local association shall pay a supplementary local subscription.
- 7.4** A person whose membership derives from the provisions of a joint membership or a reciprocal membership scheme shall pay subscriptions determined in accordance with agreements approved by the National Executive Committee.
- 7.5** No subscription shall be due from members who become unemployed and are seeking qualifying employment, for a period of up to one year from becoming unemployed.
- 7.6** The National Executive Committee may issue directions that, subject to such conditions as they may determine, no subscription shall be due from members when they are undertaking parental duties on unpaid leave or on unpaid professional study or are otherwise on unpaid leave.
- 7.7** No subscription shall be due from student members. A person who becomes a member, after having been a student member, will be entitled to an exemption from subscription on completion of training/study until they take up qualifying employment or the expiry of one year, whichever is the earlier, subject to further extensions at the discretion of the General Secretary.
- 7.8** A member in receipt of an occupational pension arising from qualifying employment shall pay a subscription, notwithstanding any other part of this Rule.
- 7.9** The National Executive Committee shall determine methods of paying subscriptions (including any supplementary local subscriptions).
- 7.10** In exceptional circumstances, the union may refund or partially refund a member's subscriptions. The National Executive Committee shall determine the circumstances under which any such refunds shall be made.

## **8 Admission to membership**

- 8.1** Every applicant for membership shall apply in the form prescribed from time to time by the union, and must commit to pay any subscriptions that are properly payable in accordance with rule 7.

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

## **9 Lapsing of membership**

- 9.1** Where the correct subscription payments are not received from a member for five consecutive calendar months, the Union may notify the member by letter, sent to the address notified by the member to the union as their preferred mailing address, that membership shall cease on the expiry of 28 days from the date of the letter, unless there is settlement of all arrears prior to the expiry of the 28 day period.
- 9.2** Where, in the judgement of the General Secretary, a member no longer meets the criteria for membership set out in Rule 3, the union may notify the member by letter, sent to the address notified by the member to the union as their preferred mailing address, of its intention to terminate membership on the expiry of 28 days from the date of the letter. A member who objects to their membership being terminated has a right of appeal in accordance with the procedures referred to in Rule 8.3.
- 9.3** The termination of membership by the Union in accordance with rules 9.1 and 9.2 is without prejudice to the right of the union to recover any payment of arrears of subscriptions, or, in a case in which legal assistance has been provided to the member in the period when subscriptions were not properly paid, to recover as a debt the cost of the provision of such legal services in the said period.
- 9.4** Nothing in this rule prevent the Union from expelling a member in accordance with rule 13.

## **10 Resignations**

- 10.1** A member may resign membership of the union by submitting notice of intention to resign to the union's Head Office. The resignation shall take effect at the end of the calendar month after the month in which the notice was received by the union.

## **11 Levies**

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

## **12 Organisation of members**

- 12.1** Every member shall be assigned by the General Secretary to a branch/local association or, as appropriate, to a central group, where possible on the basis of principal current qualifying employment, but otherwise on the basis of Standing Orders or individual decisions of the National Executive Committee that take account of the Sector and location of the actual employment (if any) and/or past or prospective employment of the member in question.
- 12.2** Members working in more than one institution may belong to and attend meetings of more than one branch/local association and vote on matters concerned with their employment but shall be entitled to stand for office and vote in national elections only in their designated branch/local association/central group.
- 12.2.1** Members belonging to an agency workers branch set up under rule 12.6.1 may belong to and attend meetings of more than one branch/local association and vote on matters concerned with their employment but shall be entitled to stand for office and vote in national elections only in their designated branch/local association/central group.
- 12.3** Members who have left qualifying employment before retirement and who remain in membership shall belong to a central group, unless the member chooses to belong to their former branch/local association instead.
- 12.4** Members who are retired shall belong to a regional retired members' branch or to a Branch/Local Association local to them, unless the member chooses to belong to their former branch/local association instead. On retirement all members will be contacted by HQ to ascertain their chosen Branch/Local Association.
- 12.5** Retired members assigned to a retired members' branch may attend meetings of their former local association/branch, and retired members assigned to a workplace local association/branch may attend meetings of a regional retired members' branch, but in either case they may hold office and vote in national elections only in their assigned branch/local association.
- 12.6** The National Executive Committee may establish a branch/local association at its own volition or in response to a written request to the General Secretary by not less than 20 members working for the same employer. Retired members' branches shall be established to reflect the regional committee structure, and organisation in Scotland, Wales and Northern Ireland, that is current within the union. Branches/local associations shall by 1 December 2017 adopt their own rules which shall be consistent with the Model Local Rules agreed by Congress 2016 or varied by rules motions to subsequent Congresses. Thereafter these Model Local Rules will be deemed to have been adopted by all remaining branches/local associations as their local rules.
- 12.6.1** The National Executive Committee may establish a branch/local association at its own volition or in response to a written request to the General Secretary by not less than 20 members working through an agency contract. Members in such a branch may designate the agency workers branch as their designated branch or may choose a branch of one of the institutions in which they work as their designated branch.
- 12.6.2** Branches and local associations shall have the right and responsibility:

- i. to submit motions and amendments to Annual Congress and the appropriate Sector Conference, in line with rules 16.7.1-16.7.3;
- ii. to elect delegates to Annual Congress and the appropriate Sector Conference, in line with Rule 17.2;
- iii. to make representation on any matter of UCU business to the NEC or the appropriate Sector Committee and to receive a timely reply;
- iv. to elect representatives, and submit motions, to the UCU Regional Committee, to UCU Scotland or to the Wales or Northern Ireland Councils of UCU, as appropriate;
- v. to affiliate to local trade union councils within the area where the members of the branch/local association live or work.

**12.7** National Congress shall, from time to time, by resolution, determine Sectors, which shall include Further Education and Higher Education Sectors. Each branch/local association (and thereby its members) shall be assigned to one of the Sectors of the Union by the National Executive Committee according to criteria determined by National Congress, except for retired members' branches, which are not sectoral.

**12.8** 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.

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

### **13 The conduct of members**

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

### **14 Affiliation by reciprocal or joint membership schemes**

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

### **15 Officers of the union**

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

**15.2** Each year there shall be an election of a member to the office of Vice-President for one year from the end of National Congress, which member shall then become

President-elect for the next year, the President for the next year and then Immediate Past President for the next following year.

- 15.3** The Vice-Presidency will alternate each year between a Further Education member and a Higher Education member, and only members of the appropriate Sector may be nominated for election each year.
- 15.4** The Honorary Treasurer will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.
- 15.5** All members are entitled to vote in the elections for Officers.
- 15.6** No-one who would, on taking office, have completed six or more continuous years' service as Honorary Treasurer is entitled to serve again in that office except after an interval of one year or more.
- 15.7** For the purpose of these Rules concerning the election of Officers, Trustees and ordinary members of the National Executive Committee, the time between the end of each annual meeting of National Congress and the end of the next annual meeting, will be regarded as one year.
- 15.8** Candidates for Officers of the Union must at the time of submission of nomination be in qualifying employment under rule 3.1.1, or have been in qualifying employment within the preceding 12 months.

## **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 16.4 respectively.
- 16.2** National Congress shall decide policy on all matters that are not particular to any Sector.
- 16.3** National Executive Committee shall be accountable for enacting policy as decided by national congress and sector conferences. National Executive Committee will prepare an annual report for National Congress and Sector Conferences that will include details of the disposition of all resolutions passed and motions referred by the previous national congress and sector Conferences, as well as details of the disposition of all such resolutions and motions passed by any special Sector Conferences that have taken place since the last National Congress and Sector Conferences.
- 16.4** 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 and shall elect national negotiators for the sector according to a formula approved by the sector conference.
- 16.5** National Congress and Sector Conferences shall have annual meetings, which shall meet in the same time period, between 15 March and 15 June. Sector Conferences shall normally be allocated approximately half, and National Congress approximately half, of the time available.
- 16.6** By the same procedure as is required to alter Rules, the annual meeting of National Congress shall adopt (and may amend) Congress Standing Orders to regulate the transaction of the business of Congress and Sector Conferences and the operation of the Congress Business Committee. Sector Conferences may propose by resolution amendments to Congress Standing Orders to the next National Congress.



- 16.7.1** Motions for National Congress, and amendments thereto, may be proposed by the National Executive Committee, branches/local associations, specialist committees set up under Rule 25 and National Equality Standing Committees. Each branch/local association shall be entitled to submit one motion and one amendment to National Congress.
- 16.7.2** Motions and amendments thereto for the Sector Conferences, may be proposed by the National Executive Committee's Further Education and Higher Education Sector Committees for the appropriate Sector Conference, and by branches/local associations in that Sector. Each branch/local association shall be entitled to submit two motions and two amendments to the relevant Sector Conference.
- 16.7.3** These provisions do not apply to proposals for Rules changes, where no limit applies.
- 16.7.4** Specialist Committees and National Equality Standing Committees are each entitled to send two motions and two amendments to National Congress and two motions and two amendments to each Sector Conference.
- 16.7.5** Regional Committees, the Wales and Northern Ireland Councils and the Scottish Executive Committee will each be entitled to submit two motions and two amendments to Congress. The Sector Committees of those bodies will each be entitled to submit two motions and two amendments to the relevant Sector Conference.
- 16.8** Motions for the annual meetings of National Congress and the Sector Conferences shall be submitted to the General Secretary at least eight, and amendments at least three, working weeks before the opening of the annual meetings. Motions that are urgent, and could not have been submitted in accordance with these requirements, may be accepted as business by Congress (or, as appropriate, the Sector Conference), by a two-thirds majority of those voting on a motion so to accept, an abstention not being regarded as a vote for this purpose.
- 16.9** Congress Standing Orders shall make provision for the handling of motions that are urgent; which arrangements shall be implemented by the Congress Business Committee.
- 16.10** The transaction of business of National Congress and the Sector Conferences shall be planned by a Congress Business Committee, whose composition and operation shall be defined in Congress Standing Orders.
- 16.11** Special meetings of National Congress or the Sector Conferences shall be convened, by giving at least three working weeks' notice, when it is so resolved by the National Executive Committee or in the case of the Sector Conferences, the relevant Sector Committee, or following receipt of a requisition from quorate general meetings in 20 branches/Local Associations from separate 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.
- 16.12** Requisitioned special meetings shall take place within five working weeks of receipt of the requisition by the General Secretary. Where branches/local associations have passed motions requisitioning a meeting, but the total is not yet deemed sufficient to trigger the requisition, up-to-date information regarding progress of the requisition, including the particulars of its business and the number and names of branches/Local

Associations deemed to have passed the appropriate requisition motion, will be available to all members on request.

## **17 Congress membership**

**17.1** National Congress shall consist of the members of the National Executive Committee and two members of each of the specialist committees set up under rule 25 together with members elected from sector committees in English regions, Scotland, Wales and Northern Ireland, institutions and central groups and regional retired members' branches, or in the case of institutions/central groups/regional retired members' branches with fewer than 100 members, by aggregations of members in institutions/central groups/regional retired members' branches, 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 institutions/central groups/regional retired members' branches for meetings of National Congress shall be one for every 400 members (or part thereof) in an institution/central group/regional retired members' branch, or in an aggregation of members in institutions/central groups/regional retired members' branches in accordance with Rule 17.1, up to a maximum of six members from, as appropriate, each institution/central group/regional retired members' branch, or aggregation of members in institutions/central groups/regional retired members' branches. The number of members from branches/local associations/central groups for meetings of Sector Conferences shall be one for every 400 members (or part thereof) up to a maximum of six members from, as appropriate, each institution/central group.

**17.2.1** Sector committees in English regions, Scotland, Wales and Northern Ireland shall each be entitled to one delegate to National Congress. Where there is both an FE and an HE Sector Committee, the two delegates from the geographical area should reflect, wherever possible, a gender balance.

**17.3** National Congress shall consist of all those identified in Rule 17.1. Sector Conferences shall consist of those identified in Rule 17.1 who are in that Sector and members elected by branches/local associations/central groups with fewer than 100 members in accordance with 17.2, and the Officers of the Union and the General Secretary.

**17.4** Additionally, each of the English regions, Scotland, Wales and Northern Ireland shall be able to send up to four observers to National Congress - two from FE and two from HE; these observers will be able to attend all events at Congress and relevant Sector Conferences, but will not be eligible to propose or speak to resolutions.

## **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. The HEC and FEC shall abide by and implement the decisions passed by their respective Sector Conferences.

**18.2** The National Executive Committee shall comprise the Officers of the Union, the General Secretary and the ordinary members of the Committee elected for constituencies defined in this Rule.

**18.3** The National Executive Committee shall determine its own Standing Orders (“the NEC Standing Orders”) to determine how it is convened, how its meetings are conducted, and its powers to establish subordinate bodies, having particular regard to sectoral representation in the formation of such bodies. The adoption or amendment of NEC Standing Orders shall require at least six working weeks’ notice to the General Secretary (who shall promptly notify all National Executive Committee members) and the support, at the final stage of adoption, of two-thirds of the members present and voting, an abstention not being regarded as a vote for this purpose. NEC Standing Orders will require that in the event of a vote being taken and an equal number of votes recorded, the status quo ante will prevail.

**18.4** The NEC Standing Orders shall provide for scheduled cycles of meetings (which culminate in National Executive Committee meetings) not less than three times a year, plus a meeting at Annual National Congress.

### **18.5 Quorum**

**18.5** The quorum in all circumstances, for meetings of the National Executive Committee and any of its subsidiary bodies, shall be one-third of membership of that body.

### **18.6 Committees**

**18.6** The National Executive Committee shall establish by NEC Standing Order, committees reflecting the sectoral structure of the Union, and may establish such other committees of National Executive Committee members, or advisory committees which may include non-National Executive Committee members, as it sees fit.

### **18.7 Election of the National Executive Committee**

**18.7.1** All ordinary members of the National Executive Committee will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.

**18.7.2** The object of Rules 18.7.1 and 19.1 to 19.8 is that, in every year, elections are held for approximately half of all seats on the National Executive Committee.

**18.7.3** No-one who, on taking office, would have completed six or more continuous years’ service as an ordinary member of the National Executive Committee is eligible to serve again as an ordinary member except after an interval of one year or more.

**18.7.4** Candidates for the National Executive Committee must at the time of submission of nomination be in qualifying employment under rule 3.1.1, or have been in qualifying employment within the preceding 12 months and shall provide proof of such qualifying employment in the form determined by the returning officer.

**18.7.5** The membership numbers used to determine the number of geographically-elected seats will be the number of members recorded by the General Secretary on the first 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 nine UK-elected members of the National Executive Committee who are elected by and from members of the Higher Education Sector.

**18.8.2** Of the UK-elected Higher Education members elected:

- i. at least two will be employed, or, if unemployed, have been most recently employed, in a pre-1992 institution;
- ii. at least two will be employed, or, if unemployed, have been most recently employed, in a post-1992 institution;
- iii. at least two will be employed, or, if unemployed, have been most recently employed, in an academic-related role.

For each year's election under Rule 19.1 the quota in each category will be reduced by the number of serving UK-elected members in that Sector who were elected to that category and whose term on the National Executive Committee continues beyond the end of the annual meeting of National Congress following the election.

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

**18.8.4** There will be five UK-elected members of the National Executive Committee elected by and from members of the Further Education Sector.

**18.8.5** Of the UK-elected Further Education members elected:

- i. at least one will be employed, or, if unemployed, have been most recently employed, in adult continuing or community-based education;

For each year's election under Rule 19.2 18.8.5.i will not apply if there is already a serving UK-elected member in that Sector who was 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.

## **18.9 Geographically-elected members of the National Executive Committee**

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

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

**18.9.3** Where vacancies and/or casual vacancies result in there being no geographically-elected member of the National Executive Committee for a particular Sector within a particular geographical constituency, the National Executive Committee shall invite the regional committee(s) within the relevant geographical constituency to send an observer with speaking rights from the relevant sector to any meetings of a national sector committee.

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

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

**18.10.5** If in any election it is not possible to fulfil both Rule 18.8.2 and Rule 18.10.2, priority shall be given to fulfilling Rule 18.8.2. If in any election it is not possible to fulfil both Rule 18.8.5 and Rule 18.10.3, priority shall be given to fulfilling Rule 18.8.5.

## **18.11 Equality seats**

**18.11.1** There will be two national executive committee seats for representatives of disabled members, at least one of whom shall be a woman. One seat will be reserved for a representative from the HE sector and one seat will be reserved for a representative from the FE sector. Candidates for election to these seats must state that they are a disabled member.

**18.11.2** There will be two national executive committee seats for representatives of lesbian, gay, bisexual and transgender members. One seat will be reserved for a representative from the HE sector and one seat will be reserved for a representative from the FE sector. Candidates for election to these seats must state that they are a lesbian, gay, bisexual or transgender member.

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

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

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

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

## **18.12 Seats for casually employed members**

**18.12.1** There will be two national executive committee seats for representatives of casually employed members, one from FE and one from HE. To be eligible for election to one of these seats a member must be employed on a casual contract in their main employment, or, if not employed at the time of nomination, have been most recently employed on a casual contract in their main employment.

## **18.13 Seats for members in land-based education**

**18.13.1** There will be one national executive committee seat for a representative of members in land-based education, to be filled by a member of either sector. To be eligible for election to this seat a member must be employed in land-based education in their main employment, or, if not employed at the time of nomination, have been most recently employed in land-based education in their main employment.

## **18.14 Seats for members in prison education**

**18.14.1** There will be one national executive committee seat for a representative of members in prison education, to be filled by a member of the FE sector. To be eligible for election to this seat a member must be employed in prison education in their main employment, or, if not employed at the time of nomination, have been most recently employed in prison education in their main employment.

## **18.15 Change of category during term of office**

**18.15.1** 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.

**18.15.2** A member of the National Executive Committee for whom a category under Rules 18.8.2, 18.8.5, 18.12.1 or 18.13.1 was taken into account at the time of their election, is entitled to serve the full term to which they were elected irrespective of any subsequent change in the status of the member which would result in a change of category for that member.

## **19 Scheduling of National Executive Committee and Trustee elections**

**19.1** Four or five 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** Two or three UK-elected Further Education members of the National Executive Committee will be elected each year to serve a term of two years beginning at the end of the annual meeting of National Congress following election.

**19.3** Biennial elections will be held for geographically-elected seats in North West; Midlands; South, in those years when elections in the regions listed in Rule 19.4 are not held. The geographically-elected seats for Scotland will be elected in accordance with Rule 36.1.

**19.4** Biennial elections will be held for geographically-elected seats in Northern Ireland; North East, London and East, in those years when elections in the regions listed in Rule 19.3 are not held.

**19.5** The regionally-elected seats for Wales will be elected in accordance with Rule 36.3.

- 19.6** Biennial elections will be held for those seats described in Rules 18.11.1 to 18.11.3 for two representatives of disabled members, two representatives of lesbian, gay, bisexual and transgender members, and two representatives of black members, for the seat described in rule 18.13.1 for a representative of members in land-based education, and for the seat described in 18.14.1 for a representative of members in prison education, in those years when elections are not held for seats described in Rules 18.11.4 and 18.11.5 for women members.
- 19.7** 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.
- 19.8** Biennial elections will be held for those seats described in Rule 18.12.1 in those years when elections are not held for those seats described in Rules 18.11.4 and 18.11.5.
- 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 and conduct of elections is as set out in Schedule A to these Rules. Nominations may only be supported by members who are eligible to vote in the election in which the candidate wishes to stand.
- 20.2** Members may be concurrently nominated for more than one vacancy for ordinary members of the National Executive Committee, and for any Officer or Trustee vacancy. Nomination to each vacancy will require a separate nomination to be submitted in accordance with Schedule A.
- 20.3** If, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates does not exceed the number of vacancies the General Secretary will, within 14 days of the close of nominations, declare the eligible candidate or candidates elected.
- 20.4** If, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates exceeds the number of vacancies, a ballot will be held in accordance with Schedule A. All ballots will be concluded, so far as practicable, not less than 21 days before the next annual meeting of National Congress.
- 20.5** Ballots for election to offices that are to be taken up on the same date will be counted in the following order:
- i. Trustee;
  - ii. General Secretary;
  - iii. Vice-President;
  - iv. Honorary Treasurer;
  - v. Geographically-elected HE and FE members;
  - vi. UK-elected HE and FE members;
  - vii. Representatives of disabled members;
  - viii. Representatives of lesbian, gay, bisexual and transgender (LGBT) members;
  - ix. Representatives of black members;

- x. Representatives of women members for HE and FE Sectors;
- xi. Representatives of casually employed members;
- xii. Representative of members in land-based education;
- xiii. Representative of members in prison education.

and after a candidate is successfully elected, votes for that candidate will be disregarded in subsequent elections.

**20.6** When a casual vacancy ballot is being conducted in the same ballot period as ordinary full term vacancies, ballots to elect members to full term vacancies will be counted first, in the order determined by rule 20.5. When more than one casual vacancy is being conducted in the same ballot period, casual vacancies will be counted in the order set out in rule 20.5. After a candidate is successfully elected to any vacancy, votes for that candidate will be disregarded in subsequent ballot counts.

## **21 Officer, Trustee and National Executive Committee vacancies and casual vacancies**

**21.1** A vacancy in the presidency will be filled by the President-elect and the Vice-President succeeding early. A vacancy in the President-elect will be filled by the Vice-President succeeding early. An Officer who succeeds early will continue to serve to the end of the term to which they were originally elected. A vacancy in the office of Immediate Past President will not be filled.

**21.2** If a vacancy or casual vacancy arises, or is due to arise, in the office of Vice President, a by-election will be held. The term of office of a person elected to fill a vacancy in the position of Vice President will begin as soon as possible after election, but not before the vacancy has arisen. The person elected to that office will succeed to the office of President Elect, and then to the office of President, and then to the office of Immediate Past President, in accordance with the succession applicable to the original vacancy, subject to the provisions of rule 21.1.

**21.3** If a 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 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.

**21.4** 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, in the case of a two-year post, a by-election will be held during the normal election period one year after the original election. The term of office will be from the declaration of the ballot result until the expiration of the original term of office.

**21.5** If a casual vacancy arises, or is due to arise, for a period of one year or more, for 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.

**21.6** If a casual vacancy arises for a period of less than one year for an ordinary member of the National Executive Committee, no by-election will be held.



- 21.7** 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.
- 21.8** 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. Normally, nominations to a casual vacancy will be called for after the close of the Congress meeting at the end of the election year in which the vacancy arises.

## **22 Termination of office**

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

## **23 Equality structures**

- 23.1** Under arrangements set out in Standing Orders, there shall be four National Standing Committees:
- i. Black Members' Standing Committee (BMC);
  - ii. Disabled Members' Standing Committee (DMC);
  - iii. LGBT Members' Standing Committee (LGBTMC);
  - iv. Women Members' Standing Committee (WMC).
- 23.2** Under arrangements set out in Standing Orders, there shall be four Annual Equality Conferences (one for each of the four Equality Groups), chaired by a National Executive Committee member and 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 National Meetings of Retired Members**

- 24.1** There will be a formally scheduled meeting of all retired member branch delegates to Congress which will be held at a time when Sector Conferences are in session. The meeting shall elect a chair from amongst those attending. Any resolutions agreed by the meeting may be forwarded to the NEC if so decided.
- 24.2** A formally scheduled meeting of representatives from Retired Members Branches shall be held annually in the autumn term, which will have the right to forward resolutions to the NEC. The meeting will elect a chair from amongst those attending. Representation shall be on the basis of two members per retired members' branch.

**24.3** The meeting shall elect UCU's representatives on the Executive and National Council of the National Pensioners' Convention, representative(s) on the Public Service Pensioners Council and the UCU representative on the TUC Pensioners Committee.

## **25 Special employment interests**

**25.1** 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.

**25.2** 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.

## **26 Trustees**

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

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

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

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

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

**26.4.1** In this Rule 'meeting' means any occasion during which the Trustees simultaneously participate in order to exercise their duties, powers and authorities, whether the Trustees are physically present together, participating in a video or telephone call or otherwise. Reference to a person being present or attending a meeting is construed accordingly.

**26.4.2** The Trustees' duties, powers and authorities are exercisable at meetings to be held as often as may be appropriate. Alternatively, decisions may be reached by circular resolution (which may consist of more than one document) signed by all of the Trustees without the need for a meeting.

- 26.4.3** At their first meeting after Congress the Trustees shall elect a Chair of Trustees who will hold the position of Chair for one year. In the event that the Trustees are unable to elect a Chair the President will decide who will be the Chair.
- 26.4.4** A meeting of the Trustees must be called if requested by the Chair or by any other two of the Trustees.
- 26.4.5** Any of the duties, powers and authorities given to or vested in the Trustees (whether in these Rules or by Statute) may at any time be exercised by a majority of the Trustees. All acts and proceedings of the majority of the Trustees shall, in such circumstances, be as valid and effectual as if all the Trustees had concurred.
- 26.4.6** Any Trustee who dissents from any decision of the majority shall nevertheless concur in executing or signing any documents or doing any act necessary for giving effect to any such decision by the majority of the Trustees without being responsible for loss or for any breach of duty towards any beneficiary.
- 26.4.7** Any Trustee who, by reasons of illness, infirmity or temporary absence abroad, may be unable, or unable without substantial inconvenience, to participate in a meeting of the Trustees may, in order to facilitate business, by power of attorney or otherwise in writing appoint another Trustee as his/her proxy to participate and vote on his/her behalf and to use his or her name for execution or signature of documents.
- 26.4.8** Any consent, authority or decision of the Trustees may be evidenced in writing, signed by the Chair of the Trustees for the time being or by any two of the Trustees.
- 26.4.9** Each Trustee for whom it is reasonably practicable must be given notice of any meeting when a decision will be taken no later than seven working days before that meeting. The requirement to give this notice does not apply if:
1. A meeting is necessary as a matter of urgency to make a decision or
  2. All the Trustees have agreed (at a meeting or by circular resolution in accordance with the sub-rule above) that notice is not required to hold the meeting in question or
  3. All the Trustees attend the meeting in question and agree at that meeting that notice is not required to hold the meeting.
- Any notice must state the date, time and place of the meeting and must be sent to each Trustee's last known address.
- 26.4.10** The Trustees must keep records of their meetings in writing and those records must include the following information:
1. The date, time and place of meeting.
  2. The names of the Trustees invited to the meeting.
  3. The names of the Trustees who attended the meeting and those who did not attend.
  4. The names of any professional advisors or other attendees of the meeting.
  5. Any decisions made at the meeting.
  6. Details of any decisions made by the Trustees since the last meeting.
- 26.5** No trustee shall be a member of the National Executive Committee, or hold any other elected or appointed or co-opted position within the Union's national decision-making structures. No trustee shall be a member of Congress or the Congress Business

Committee, nor shall they be an employee of the union. Trustees may hold elected offices and committee membership at the level of their region, and their branch or local association, except that they shall not hold the position of treasurer.

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

## **27 Trusteeship in special circumstances**

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

**27.2** 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.

**27.3** If there are two or more Trustees serving under Rule 26.3, the President will immediately remove any Trustee in office only as a result of Rule 27.1 or 27.2.

**27.4** If a Trustee continues in office under Rule 27.1, assumes office under Rule 27.2 or is removed from office under Rule 27.3, the President and General Secretary must publish a written declaration of that fact and the reasons for it.

## **28 General Secretary**

**28.1** The General Secretary shall be the chief executive of the Union, responsible for duties specified by the Rules and Standing Orders of the Union, and duties allocated by the National Executive Committee, and shall be elected for terms of five years by the membership of the Union, under procedures agreed by the National Executive Committee.

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

## **29 Other employees**

**29.1** Employees other than the General Secretary shall be engaged by the General Secretary under procedures agreed by the National Executive Committee.

**29.2** Employees shall be engaged under conditions of employment agreed by the National Executive Committee.

## **30 Regional Committees**

**30.1** The National Executive Committee shall establish and financially support Regional Committees and the election of members thereto from branches and local associations under model Standing Orders agreed by National Congress. Any local variations may be agreed by the National Executive Committee.

**30.2** Regional committees shall have the right and responsibility:

- i. to submit motions and amendments to Annual Congress and Sector Conferences, in line with rules 16.7.5 and 16.7.3;

- ii. to elect delegates to Annual Congress and Sector Conferences, in line with Rule 17.2.1;
- iii. to make representation on any matter of UCU business to the NEC or its Sector Committees, as appropriate, and to receive a timely reply;
- iv. to participate in the structures of the appropriate Regional TUC.

### **31 Finance and expenditure**

- 31.1** The funds of the Union shall be employed for any purpose which, in the opinion of National Congress or the National Executive Committee will further, or tend to further, the objects of the Union, and which is consistent with the Rules. The funds shall, subject to compliance with the Trade Union and Labour Relations (Consolidation) Act 1992, include a Political Fund.
- 31.2** The National Executive Committee will make an annual budget, which will be subject to the endorsement of National Congress. Exceptionally, a budget may be made for a longer period.
- 31.3** 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.
- 31.4** On behalf of the Union the National Executive Committee may borrow money, whether or not secured by way of mortgage or other method of secured lending, against any of the property of the Union (whether real or personal), and, if required to do so by the National Executive Committee, the Trustees shall execute all deeds and documents for the purpose of giving effect to the decision of the National Executive Committee.
- 31.5** There shall be a permanent fighting fund established into which shall be paid at least 1% of each subscription received in each year from members together with monies paid by voluntary donation to the union to finance any strike, lock-out or any other industrial dispute. This fund shall not be used for any other purpose except by i) decision of National Congress; or ii) an affirmative vote of two-thirds of the members of the National Executive Committee. The National Executive Committee will determine the process by which payments from this fund are made to members, and will report each year to Congress on expenditure from the fund.

### **32 Audit**

- 32.1** 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.

### **33 Assurer**

In accordance with the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) the General Secretary shall appoint an assurer to carry out the function of the preparation and submission to the Certification Officer of the union's annual member audit certificate (MAC). The contract under which the assurer shall be appointed shall incorporate the rights afforded to the assurer under the Act, and also make provision for the assurer's removal in accordance with the legislation.

## **34 Sanctions**

- 34.1** 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.

## **35 Complaints**

- 35.1** 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.

## **36 Organisation in Scotland, Wales and Northern Ireland**

- 36.1** The Scottish branches/local associations will together form the University and College Union Scotland. It may make its own Rules, which shall be consistent with these Rules, and shall include provision for the election of an Honorary Secretary and President who shall be National Executive Committee members from Scotland.

- 36.2** The National Executive Committee shall make arrangements by Standing Orders, to provide for a Council within Northern Ireland. The Council and/or its 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 Northern Ireland.

- 36.3** The Welsh branches/local associations will together form the University and College Union Wales (UCU Cymru). It may make its own Rules, which shall be consistent with these Rules, and shall include provision for the election of a President and Vice President who shall be National Executive Committee members from Wales.

- 36.3.1** One of the President and Vice President will be elected from HE and the other from FE, with the Vice President succeeding the President.

## **37 Alteration of rules**

- 37.1** Any part of these Rules or Schedules may be altered by a resolution passed by National Congress, provided that such resolution shall receive the support, at the final stage, of not less than two-thirds of the votes cast at that meeting, an abstention not being regarded as a vote for this purpose.
- 37.2** A resolution to alter these Rules or Schedules, or an amendment to such a resolution, may be proposed by any of the bodies defined in Rule 16.7 as capable of proposing motions to Congress.
- 37.3** Unless otherwise determined by National Congress, Rule changes agreed under Rule 37.1 shall come into effect immediately.

## **38 Interpretation of rules**

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

## **39 Voting**

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

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

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

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

## **SCHEDULES TO THE RULES**

### **SCHEDULE A**

#### **Conduct of ballots to elect Officers, Trustees and Ordinary Members of the National Executive Committee**

- 1** Every year, the National Executive Committee will appoint an independent scrutineer qualified to be appointed for the purposes of Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. The scrutineer will be responsible for supervising the secure conduct of all ballots to elect Officers, Trustees and ordinary members of the National Executive Committee.
- 2** The President will act as returning officer for the election of Officers, Trustees and ordinary members of the National Executive Committee, and will comply with reasonable directions of the independent scrutineer.
- 3** Between 1 September and 30 November annually, the returning officer will publish to all members a notice that states:
  - a. the vacancies that will exist for Officers, Trustees and ordinary members of the National Executive Committee at the end of the next annual meeting of National Congress;
  - b. the information that is required in order for a valid nomination to be made;
  - c. the last date for the receipt of nominations by the returning Officer, which must not be  
sooner than 28 days after the publication of the notice, and between 31 October and 31 January;
  - d. the date by which candidates must submit their election addresses, which will not  
be  
sooner than 14 days after the last date for the receipt of nominations;
  - e. the name and address of the independent scrutineer.
- 4** In the event of a casual vacancy arising, the returning officer will publish a notice that states:
  - a. the casual vacancy or vacancies that exist, and the term of office of the vacancy or vacancies
  - 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 21 days after the date on which the notice is published to members
  - d. the date by which candidates must submit their election addresses, which may be the same as the last date for the receipt of nominations
  - e. the name and address of the independent scrutineer.
- 5** Every nomination to a vacancy for an ordinary member of the National Executive Committee must be supported by:
  - a. the signed consent of the candidate;



- b. a statement confirming the position to which the candidate wishes to stand; their Sector; their gender; their region; any category described in paragraph 18.8.2i-18.8.2iii of the Rules that apply; and the category as described in Rule 18.8.5i if it applies;
- c. either (i) the identifiable signatures of ten members of the Union who are entitled to vote in any ballot held to fill that position, not more than five of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a local association or branch that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
- d. a statement confirming that, at the time of nomination, the candidate is in qualifying employment under rule 3.1.1, or has been in qualifying employment within the preceding 6 months, unless a pattern of casualised work in the post-16 education sector can be proven within the preceding 24 months, and shall provide proof of such qualifying employment, normally in the form of a payslip dated within the preceding 6 months, or as otherwise determined by the returning officer. If geographical and/or sectoral criteria apply, these should be reflected in the proof of qualifying employment;
- e. 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** Every nomination to a vacancy for an Officer or Trustee of the Union will require:

- a. the signed consent of the candidate;
- b. a statement confirming the office to which the candidate wishes to stand, and their Sector;
- c. either (i) the identifiable signatures of twenty members of the union who are entitled to vote in any ballot held to fill that position, not more than ten of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a branch/local association that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
- d. for officer nominations, a statement confirming that, at the time of nomination, the candidate is in qualifying employment under rule 3.1.1, or has been in qualifying employment within the preceding 6 months, unless a pattern of casualised work in the post-16 education sector can be proven within the preceding 24 months, and shall provide proof of such qualifying employment, normally in the form of a payslip dated within the preceding 6 months, or as otherwise determined by the returning officer. If sectoral criteria apply, this should be reflected in the proof of qualifying employment;
- e. 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.

- 7** 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.
- 8** 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.
- 9** All candidates who submit their completed nomination not less than ten working days before the closing date for nominations, shall be informed, not less than five working days before the closing date for nominations, whether there is any defect in their nomination, including any discrepancy in the membership standing of persons providing supporting signatures under paragraph 5c or 6c of this schedule.
- 10** All ballots will be counted by the Single Transferable Vote (STV) in accordance with the method determined by the independent scrutineer. The independent scrutineer will supervise the counting of ballots in the order set out in Rule 20.5, paying due regard to any quota or other requirement set out in the Rules of the Union.
- 11** In the event of any postal, administrative, or other doubt or difficulty, the returning officer will seek the advice of the independent scrutineer.
- 12** As soon as is practical after receipt of the independent scrutineer's report following the close of any ballot to elect Officers, Trustees, or ordinary members of the National Executive Committee, the returning officer will make available to members the results of those elections.
- 13** 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: 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 nominations of members or employees of the union for election to the post of General Secretary.

#### **2 Receipt of applications and nominations**

- 2.1** The National Executive Committee will determine a common date for receipt of nominations arising out of paragraph 1 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 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 of this schedule must be supported by:
- a. the identifiable signatures of at least 50 members of the Union of whom not more than 25 may be members of the same branch/local association or of one of the central groups;
  - b. the written consent of the nominee to be a candidate;
  - c. written agreement to the terms and conditions as determined by the National Executive Committee to apply to the person elected General Secretary.
- 3.2** Support required for any nomination must be received by the President by the date for receipt of nominations.
- 3.3** A nomination may be withdrawn by a candidate at any time and will then become invalid.

#### **4 Election process**

- 4.1** 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.
- 4.2** 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**

### **Political Fund Rules**

1. The objects of the University and College Union ('the union') shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations Consolidation) Act 1992 (the Act) applies. These objects are:
  - 1.1. The expenditure of money –
    - (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
    - (b) on the provision of any service or property for use by or on behalf of any political party;
    - (c) 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;
    - (d) on the maintenance of any holder of a political office;
    - (e) 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;
    - (f) 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.
  - 1.2. Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his or her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.
  - 1.3. In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.
  - 1.4. In these objects:

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"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;

"electors" means electors at any election to a political office;

"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;

"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

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.
2. Any payments in the furtherance of such political objects shall be made out of a

separate fund of the union (hereinafter called 'the political fund').

3. The particular rules which apply to those people that joined the Union before **1 March 2018** are set out in Annex 1 to these rules.
4. The particular rules which apply to those people that joined the union after **1 March 2018** are set out in Annex 2 to these rules.
5. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him or her is a contribution to the political fund of the union, it is hereby provided that one per cent of each subscription payable by a member under rule 7.2 is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the contribution, and shall pay the remainder of such subscription only. Where 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.
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, 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 being so exempt.
7. If any member alleges that he or she is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, he or she may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he or she thinks fit and after giving the complainant and the union an opportunity of being heard, may, if he or she considers that such a breach has been committed, make such order for remedying the breach as he or she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.
8. Contribution to the political fund of the union shall not be made a condition for admission to the union.
9. The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.
10. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

#### **Annex 1**

Rules that apply to members that joined the union before **1 March 2018**.

##### **Notice to members**

1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, it shall ensure that a notice in the following form is given to all members of the union.

**Notice to Members**

**Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)**

**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 the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.**

**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, the head office or any regional office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or the National Head of Resources.**

- 2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union’s current practice to publish such notices by email to members and publication on its website.

**Request for exemption**

- 3. Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 5, or b) written request in a form to the like effect, that he or she objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any regional office of the union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.
- 4. The form of an exemption notice shall be as follows:

**UNIVERSITY AND COLLEGE UNION**

**POLITICAL FUND EXEMPTION NOTICE**

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

**Print Name: .....Signature: .....**

**Address: ..... Date: .....**

- 5. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in rule 1. On receiving the Notice of Exemption the union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

**Manner of giving effect to exemption**

- 6. On giving an exemption notice, a member shall become exempt from contributing to the union’s political fund, where the notice is given:

- (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or
  - (b) In any other case, as from 1<sup>st</sup> January next after the exemption notice is given.
7. The union shall give effect to the exemption of members from contributing to the political fund of the union by a separate levy of contributions to that fund from the members who are not exempt.

## **Annex 2**

Rules that apply to people that joined the union after **1 March 2018**.

### **Opting in by union members to contribute to political funds**

1. A member cannot be required to make a contribution to the political fund of the union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").
2. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").
3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
4. A member of a trade union may give an opt-in notice or a withdrawal notice:
  - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a regional office of the union;
  - (b) by sending it by e-mail to the following email address:membership@ucu.org.uk;
  - (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union;
  - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act).

### **Information to members about opting in to the political fund**

5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.
6. Such notification may be given:
  - (a) by sending individual copies of it to members; or
  - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.
8. A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.

9. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.
10. If any member alleges that he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, he or she may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as he or she thinks just under the circumstances. Before deciding the matter the Certification Officer:
  - (a) may make such enquiries as the Officer thinks fit;
  - (b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
  - (c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

**Manner of giving effect to decision not to contribute to political fund**

11. The union shall give effect to the member's decision not to contribute to the political fund of the union by a separate levy of contributions to that fund from the members who are contributors.
12. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include:
  - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
  - (b) a statement to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

**Annex 3**

**Political Fund Rules: Northern Ireland Members**

1. The objects of the University and College Union shall include the furtherance of the political objects to which Article 46 of the Trade Union and Labour Relations (NI) Order 1995 (the 1995 Order) applies, that is to say the expenditure of money –
  - (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
  - (b) on the provision of any service or property for use by or on behalf of any political party;
  - (c) 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;
  - (d) on the maintenance of any holder of a political office;
  - (e) 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;

- (f) 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.

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 (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

In these objects –

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"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;

"electors" means electors at an election to a political office;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is known "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;

"political office" means the office of member of the Assembly, member of Parliament, member of the European Parliament or member of a district council or any position within a political party.

2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called 'the political fund').
3. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, the executive shall ensure that a notice in the following form is given to all members of the union in accordance with this rule:

### **Trade Union and Labour Relations (NI) Order 1995**

**A resolution approving the furtherance of political objects within the meaning of the above Order as an object of the union has been adopted by a ballot under the Order. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.**

**A member who is willing to contribute to that fund must give the union notice in writing to that effect. No member is required to contribute to the fund unless he/she has given the union such notice.**

**A member who, having sent a notice that he/she wishes to contribute to the political fund, subsequently decides to cease contributing must send the**

**union a written notice of withdrawal. A notice of withdrawal will take effect from the next 1 January after it is given.**

**Both a notice and a notice of withdrawal may be given by being delivered at the head office or a regional office of the union personally or by an authorised agent or by post.**

This notice shall be published to members by such methods as are customarily used by the union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published to members by email and published on the union's website. The Secretary of each branch shall also take steps to secure that every member of the branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request. The executive shall provide the Secretary of each branch with a number of copies of the notice sufficient for these purposes.

4. Any member of the union may at any time give the union written notice of his/her willingness to contribute to the political fund.
5. Any member of the union who has given notice of willingness to contribute to the political fund may at any time withdraw that notice by giving the union written notice of withdrawal.
6. A notice of willingness to contribute to the political fund or a notice of withdrawal may be given by being delivered at the head office or a regional office of the union personally or by an authorised agent or by post. If a member gives notice at his branch, the Secretary of the branch shall on receiving it send the member an acknowledgement of receipt of the notice and inform the General Secretary of the name and address of the member.
7. A member who gives a notice of withdrawal shall cease to contribute to the political fund of the union as from the first day of January next after he or she gives that notice.
8. The executive shall ensure that contributions to the political fund from members are levied and made separately from contributions to any other fund of the union.
9. A member who is not a contributor 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 not being a contributor.
10. Contribution to the political fund of the union shall not be made a condition for admission to the union.
11. If any member alleges that he or she is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to Article 57 of the 1995 Order, he or she may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he or she thinks fit and after giving the complainant and a representative of the union an opportunity of being heard, may, if he or she considers that such a breach has been committed, make such order for remedying the breach as he or she thinks just under the circumstances. Any such order of the Certification Officer may be enforced in the manner provided for in Article 57

(4B) of the Order.

12. The executive shall ensure that a copy of these rules is available, free of charge, to any member of the union who request a copy.
13. The executive shall also send to the Secretary of each branch sufficient copies of these rules for distribution to each member.
14. The Secretary of each branch shall, so far as possible secure that each member of that branch receives a copy of the rules.
15. The Secretary of each branch shall supply a copy of these rules free of charge to each member who requests a copy.
16. A copy of the rules shall also be supplied by the Secretary of each branch to every new member on his or her admission to the union.

## **SCHEDULE D**

### **Political fund ballot rules**

#### **General**

1. The union shall be responsible for securing that the ballot which is held to establish a political fund is conducted in accordance with these rules, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union.

#### **Interpretation**

2. In these ballot rules, unless the context otherwise requires:

"the Act" means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under section 24(5) of the Act;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under section 75 of the Act and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the day of the announcement by the union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;

"voting paper" or "ballot paper" means a voting paper in the form required by these rules.

### **Purpose of these rules**

3. These rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

### **Copies of these rules to be available to members**

4. The union shall ensure that a copy of these rules is supplied either free of charge or on payment of a reasonable charge to any member of the union who requests a copy.

### **Appointment of a scrutineer where the scrutineer acts as the independent person**

5. Before the ballot is held, a qualified independent person ("the scrutineer") shall be appointed to carry out the functions of both the scrutineer and the independent person in relation to the ballot as are required under the Act and any such additional functions as are specified in the appointment.
6. A person is eligible for appointment as scrutineer if:
  - a. the person satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2010 (SI 2010/436) – available at [www.legislation.gov.uk](http://www.legislation.gov.uk)); and
  - b. there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

### **Terms of the appointment**

7. The terms of the appointment shall require the scrutineer:
  - a. to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
  - b. to be the person to whom the voting papers are returned by those voting;
  - c. to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section 75(5A)(a) of the Act whenever it appears to him/her appropriate to do so and in particular where the conditions

- specified in section 75(3A) of the Act are satisfied;
- d. take such steps as appear to be appropriate to the scrutineer for the purpose of enabling him/her to make a report as specified in section 78 of the Act;
  - e. to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;
  - f. to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot together with the relevant copy of the register of names and addresses of members entitled to vote and supplied to him/her by the union for the period specified before disposal, as defined in rule 2;
  - g. to carry out such other functions in relation to the ballot as are required of him/her under these rules or otherwise, as the union considers appropriate;
  - h. to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal; and
  - i. to respect the duty of confidentiality in respect of the register.

### **Notice of appointment**

8. Before the scrutineer begins to carry out any of these functions either:
  - a. a notice stating the name of the scrutineer shall be sent by the union to every member of the union to whom it is reasonably practicable to send such a notice; or
  - b. all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

### **Union's duty towards the scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
11. All reasonable requests made to the union by the scrutineer for the purpose of, or in connection with, the carrying out of the functions of the scrutineer shall be complied with.

### **Dispatch envelopes**

12. The dispatch envelope:
  - a. shall be addressed to the member entitled to vote;

- b. shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
- c. shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
- d. in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words "ballot paper" or "voting paper".

### **Voting papers**

- 13. Every voting paper shall be in or substantially in accordance with the form set out in Appendix 1 to the political fund ballot rules and:
  - a. shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
  - b. shall be marked with one of a series of consecutive whole numbers, everyone of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
  - c. may have printed on it the logo or emblem of the union;
  - d. may have printed on it, or attached to it, or enclosed with it, an explanatory statement.

### **Return envelopes**

- 14. Every return envelope:
  - a. shall be capable of being sealed;
  - b. shall be addressed to the scrutineer;
  - c. shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
  - d. may have printed on it:
    - i. the name of the union;
    - ii. the logo or emblem of the union; and
    - iii. the words "voting paper" or "ballot paper".

### **Date of ballot**

- 15. The union shall determine the date:
  - a. by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;
  - b. of the last date for receipt of completed voting papers by the scrutineer; and
  - c. on which the counting of votes is to commence.

### **Conduct of the ballot**

- 16. Entitlement to vote in the ballot shall be accorded equally to all members, subject to the rules of the union.

17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
18. So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with these rules:
  - a. be sent a voting paper by post to his/her home address or another address that the member has requested that the union treat as his or her postal address in such time as to be received on or before the opening day of the ballot; and
  - b. be given a convenient opportunity to vote by post.
19. Every member who is entitled to vote in the ballot shall:
  - a. be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and
  - b. so far as is reasonably practicable be able to do so without incurring any direct cost to the member.
20. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post:
  - a. a voting paper; and
  - b. a return envelope addressed to the scrutineer.
21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.
22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

### **Manner of voting**

23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.
24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.
25. The scrutineer shall be responsible for opening the envelopes containing voting papers that are returned to the scrutineer's address, for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure their safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

## **Counting of the ballot**

26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.
27. The scrutineer shall before counting begins:
  - a. place the unused voting papers in a secure place; and
  - b. keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.
28. No person may be present at the count other than:
  - a. the scrutineer;
  - b. those acting under the supervision of the scrutineer; and
  - c. those present with the consent of the scrutineer.
29. At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake the counting of votes received.
30. The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".
31. Those voting papers which are not rejected shall be counted.
32. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

## **Scrutineer's report**

33. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the union in accordance with these rules. The scrutineer's report shall state:
  - a. the number of voting papers distributed for the purposes of the ballot;
  - b. the number of voting papers returned to the scrutineer by the members;
  - c. the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
  - d. the number of spoiled or otherwise invalid voting papers returned;
  - e. the fact that the scrutineer was appointed as the independent person or persons;
  - f. whether the scrutineer:
    - i. is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
    - ii. is satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution,



return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any unfairness or malpractice might occur;

- iii. is satisfied that he/she has been able to carry out his/her functions without any interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and
  - iv. has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.
34. If he/she is not satisfied as to any of the matters set out in rule 33(f), the report shall give particulars of his/her reasons for not being satisfied as to that matter.
35. If the scrutineer has inspected the register in accordance with these rules or has been requested to do so by a member, the report shall state:
- a. whether the register has been inspected; in the case of each inspection whether it was at the request of a member of the union or at his/her own instance, and say, if appropriate, whether he/she declined to act on such a request; and
  - b. whether any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

#### **Copy of the scrutineer's report to be sent to the Certification Officer**

36. A copy of the scrutineer's report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

#### **Publicising the result of the ballot**

37. The result of the ballot shall not be published until the union has received the scrutineer's report.
38. Within three months from the date on which the union receives the scrutineer's report the union shall:
- a. send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
  - b. take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.
39. The union shall ensure that any notification given under rule 38(b) is accompanied by a statement that the union will on request supply the member with a copy of the report either:
- a. free of charge; or
  - b. on payment of such reasonable fee as may be specified in the notification,

and ensure that a member who makes such a request to the union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.

**Appendix 1 to Schedule D, Political fund ballot rules**

[Ballot paper security number]

BALLOT PAPER

UNIVERSITY AND COLLEGE UNION

RETENTION OF A POLITICAL FUND

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union.

Do you vote in favour of the Resolution?

YES

NO

You must place a cross on one, and only one, of the boxes provided.

**VOTING CLOSES 17:00 on [DATE].**

Your completed ballot paper should be returned in the pre-paid envelope provided and should be returned to reach the Scrutineer before 17:00 on [date]. A voting paper received after this date will not be counted.

Please do not sign or make any other mark on the paper.

The Scrutineer for this election is Electoral Reform Services, The Election Centre, 33 Clarendon Road, London N8 0NW.

Your pre-paid envelope is addressed to reach the Scrutineer via an alternative postcode: Electoral Reform Services, London N81 1ER.

[Reverse of ballot paper]

## **Political Objects**

Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992.

This section applies to the following political objects:

1. The expenditure of money -
  - a. on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
  - b. on the provision of any service or property for use by or on behalf of any political party;
  - c. 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;
  - d. on the maintenance of any holder of a political office;
  - e. 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;
  - f. 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.
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 attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.
3. In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.
4. In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"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;

"electors" means electors at any election to a political office;

"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;

"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

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

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