



The **Constitution** of the
North East Scotland College
Students' Association

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This Constitution shall take effect from December 2020 and invalidates all former Constitutions of this Association. This Constitution shall be subject to review by the Students' Association & the Regional Board of Management of North East Scotland College at least every five years, in accordance with the Education Act 1994.

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STUDENT INTRODUCTION

We, as a Students' Association, need to have a Constitution. This is a legal document that sets out:

- What the Students' Association can or cannot do
- How it should operate
- How Members can raise their concerns or issues

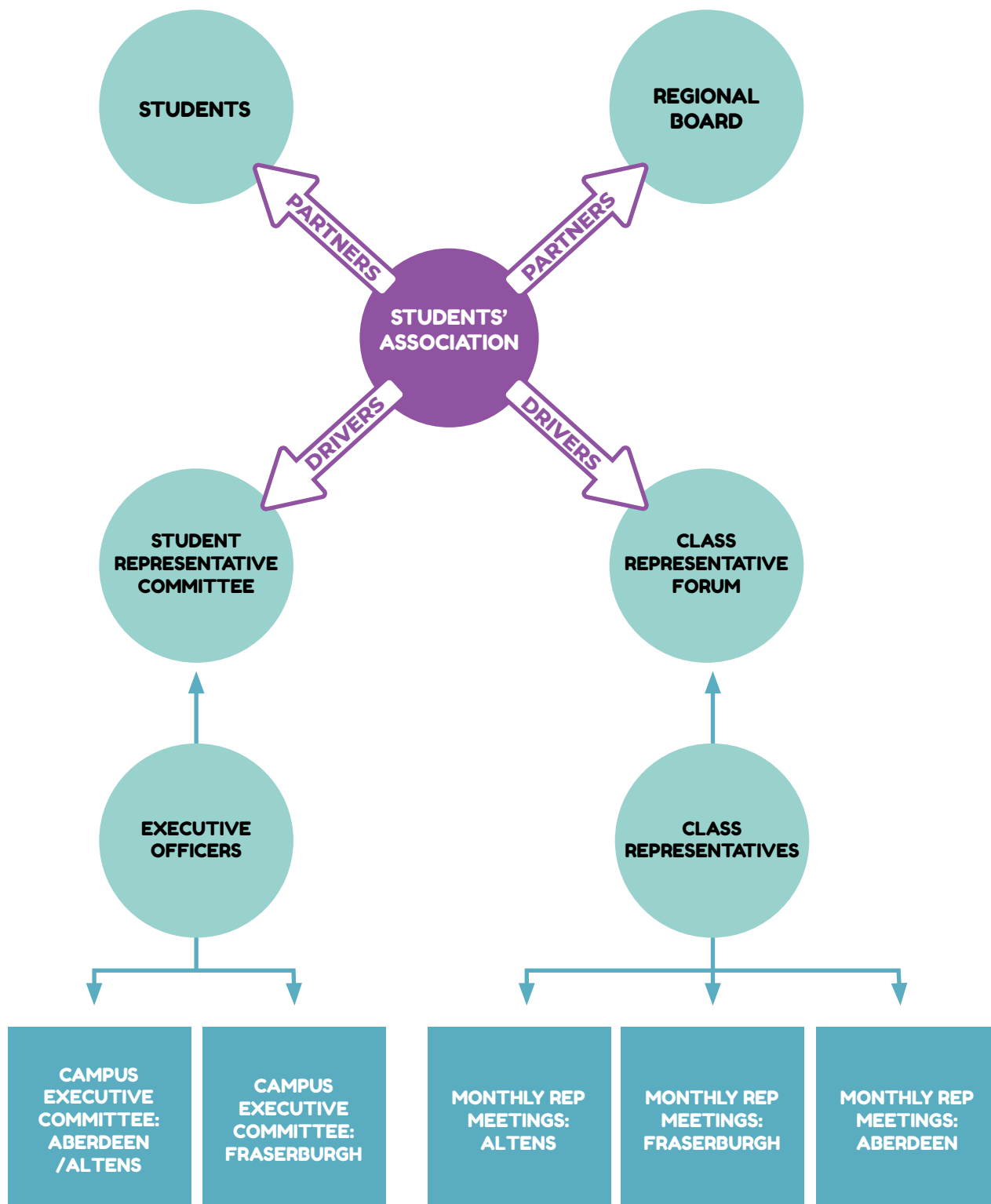
We work to represent all Members. If you are enrolled as a student at North East Scotland College, and are over the age of 16, then you are automatically a Member. Read more about this in section 1.5 on page 7.

You can also read about the President and Depute President Posts. These post holders are called Sabbatical Officers. They are supported by Elected Officers (the Executive), and are part of the Student Representative Committee (SRC), see Article 3, section 3.1. on page 11.

On starting College you can choose to stand as a Class Representative (class rep). We support the Class Representative system by holding monthly meetings. The class reps attend these monthly meetings and they also make up the Class Representative Forum (CRF). See section 3.2. on page 11 for more information.

We hope that your experience at College is as good as it can be so, we help support Clubs and Societies on Campus. You can read more about this in Schedule 5 on page 27.





Who We are and What We Do

The North East Scotland College Students' Association ("NESCol SA") is a Students' Association of the North East Scotland College (hereafter referred to as "the College"), within the meaning of the Education Act 1994. NESCol SA acts as a voice for its Members and supports their educational interests and welfare.

The Education Act (1994) requires the College's governing body (referred to in this Constitution as the Regional Board) to ensure that NESCol SA operates in a fair & democratic manner & is accountable for its finances. The Constitution is an important document which explains how we will achieve this.

The Regional Board recognises NESCol SA as a democratically run organisation committed to serving & representing the students of North East Scotland College.

Funding received from the College helps NESCol SA meet its aims & supports its structure. The current structure of NESCol SA is:

- a Regional President (1FTE) &
- a Depute or Deputies (1FTE role or two 0.5 FTE roles).

They are supported by an Executive Committee of volunteers on each campus (Campus Executive Committee) & they come together to form the Student Representative Committee (SRC).

This Constitution is made up of three parts:

- **The Articles.** This outlines the aims & objectives of the Students' Association along with what can or cannot be done.
- **The Schedules.** This provides operational details in relation to how things are done.
- **The Appendices.** This contains supplementary information & other regulations that the Students' Association has to follow.

PART 1: THE ARTICLES

Article 1

The Students' Association

1.1 The Name and Status

NESCol SA is a Students' Association within the meaning of the Education Act 1994. We act as a voice for our Members and we are devoted to supporting their educational interests and well-being. The College provides NESCol SA with the funds to help meet our aims and objectives.

1.2 Aims and Objectives of NESCol SA:

1.2.1

- (a) To promote the interests and welfare of Members at local and national level and represent, support and advise Members;
- (b) To work with Members and in partnership with the College, to ensure that every student has the best possible educational and wider student experience;
- (c) To provide and promote participation in social, cultural, sporting and recreational activities, including clubs, societies and forums, for the personal development of Members;
- (d) To represent the views of Members to the College, its Committees and contribute to relevant College quality processes;
- (e) To undertake its responsibilities as outlined in the Post 16 Education (Scotland) Act 2013.

1.2.2

NESCol SA will operate independently of any political party or religious organisation and without discrimination on the grounds of age, disability, race, gender reassignment, religion or belief, sex or sexual orientation and any other discriminatory form as deemed by the Equality Act 2010 or subsequent statutory provisions. We may take action to promote equality of opportunity.

1.2.3

A Member who, in the reasonable opinion of NESCol SA, does not support the aims and objectives, may be dealt with under the Student Code of Conduct.

1.3 Powers

1.3.1

NESCol SA has the power to:

- (a) appoint and replace Officers according to the Constitution, in line with the attached schedules
- (b) appoint Officers to sit on relevant College Committees and Action Teams
- (c) provide and promote activities, services and facilities to Members
- (d) raise funds and receive grants and donations
- (e) do anything which is lawful to achieve the objectives of NESCol SA
- (f) trade whilst carrying out any other objectives and carry on any other trade which is not expected to lead to taxable profits

These powers will be limited by the budget allocation determined by the Regional Board.

1.4 Money and Property

1.4.1

Money and property must only be used to carry out the aims of NESCol SA.

1.4.2

Executive Officers cannot receive any money or property from NESCol SA other than:

(a) Reasonable expenses subject to approval of the Student Engagement Coordinator

(a) Salary payments and expenses paid to elected officers

1.4.3

The Student Engagement Co-ordinator will supervise all NESCol SA finances and ensure that the annual budget, amendments to the budget, and all other short term financial reports are discussed and approved by the Sabbatical Officers.

1.4.4

The Student Engagement Co-ordinator and Sabbatical Officers will prepare budget papers for the Regional Board's Curriculum and Quality Committee meeting in February of each year.

1.4.5

The financial activity of NESCol SA must follow the College's procurement and financial procedures.

1.5 Membership of NESCol SA

1.5.1

All students aged 16 and over who are enrolled at NESCol automatically become Members of NESCol SA, unless they choose to opt out.

1.5.2

The Regional and Depute President(s) are elected and paid representatives. They are also full Members of NESCol SA. They are known as Sabbatical Officers.

1.5.3

A student can option out of the NESCol SA membership by contacting the Sabbatical Officers.

1.5.4

A student who opts out of the NESCol SA will not be able to participate in decision making operations. For example, they will not be able to stand for a representative position, including club and society committee positions.

1.5.5

A student who has opted out can re-apply to become a Member of NESCol SA by contacting one of the Sabbatical Officers.

1.5.6

NESCol SA Members can:

- attend, vote and speak at NESCol SA meetings
- vote in NESCol SA elections
- hold voluntary posts within NESCol SA
- use NESCol SA's facilities (except in circumstances where there is a potential to breach data protection law, including GDPR regulations)
- take part in NESCol SA activities and events
- hold office in clubs and societies

1.5.7

Enrolled students of NESCol under the age of 16, although not Members and will not have an NUS Scotland card, can take part in certain activities and events as determined by NESCol SA. Enrolled students of NESCol under the age of 16 can apply to the NESCol SA for Associate Membership. Due to employment law, Members must be at least 16 years old to hold a Sabbatical Officer position.

1.5.8

An Associate Membership can be applied for by any registered student of NESCol under the age of 16. This form of Membership, shall convert to full SA Member upon the student attaining the age of 16, unless the student advises they do not wish to be a Member.

Acceptance of Associate Membership application is subject to the normal rules of NESCol SA.

1.5.9

Association Members cannot transfer their Membership to anyone else. Membership will automatically end when:

- a) the Member ceases to be a registered student, or
- b) the Member provides written notice to NESCol SA that they do not wish to be a Member of NESCol SA, or
- c) In the case of Members who are not elected Student Officers, a decision is made at an Student Representative Committee meeting where two thirds of those present decide that the student should be expelled, as continuation as a Member could be harmful or prejudicial (or likely to be harmful or prejudicial) to NESCol SA.

Regarding (c), NESCol SA will provide the student with at least 14 days written notice before this decision. The notice will explain the grounds on which the intended expulsion is being sought. The student will be provided with instructions on how to appeal any such pending decision, or any decision made following the Student Representative Committee meeting.

1.5.10

NESCol SA welcomes contributions from all Members. Students may contact any of the elected officers if there is an issue they wish to raise.

Article 2

The Running of the Students' Association

2.1 Elections and Referendums

2.1.1

In line with the Education Act 1994, all office holders will be elected by a secret ballot of NESCol SA Members. The way in which elections will be run is outlined in Schedule One of this Constitution.

2.1.2

The Sabbatical Officers will be elected between the months of March and May during each calendar year in accordance with Schedule One.

2.1.3

In line with Education Act 1994, no Member will hold a Sabbatical Officer post for more than two years.

2.1.4

Referendums can be held once in any year on a single topic and requests submitted to the Student Representative Committee with 200 verified Member signatures. Details are in Schedule One.

2.2 Office Holders

2.2.1

NESCol SA has 2FTE office holders. These roles are Sabbatical Officer roles and will be salaried. The current roles are:

- (a) **Regional President 1FTE**
- (b) **Depute President(s), 1 FTE or 2 x 0.5**

2.2.2

The Sabbatical Officers will be elected Members.

2.2.3

The number, structure and main responsibilities of the Sabbatical Officers will be agreed by the student body or its representatives and in keeping with NESCol SA's budget.

2.2.4

The Sabbatical Officers will represent the interests of all students but will have primary responsibility for students on the campuses to which they are elected.

2.2.5

The Sabbatical Officers will have a job description and Statement of Main Particulars issued by the College as their employer. These will be agreed by the NESCol SA and its Executive.

2.2.6

Executive Officers and Campus Executives are groups of students appointed to represent the interests of students at Aberdeen, Altens, as one campus, and Fraserburgh and satellites as the other.

2.2.7

All Members can join the NESCol SA Campus Executives Team. The Campus Executives are made up of a team of voluntary, unpaid, part time Executive Officers. Roles and remits are subject to change as dictated by the student body, but may include:

- (a) Health and Wellbeing Officer(s)
- (b) Events and Activities Officer(s)
- (c) Communications Officer(s)
- (d) Environmental Officer(s)
- (e) Equality and Diversity Officer(s)

2.2.8

A role can be held by more than one Member. However, a volunteer can only hold one role at a time.

2.2.9

Representatives of NESCol SA must make all reasonable efforts to ascertain representative views and concerns of students across the College and ensure those views are made known to NESCol SA and staff of the College.

2.2.10

Executive Officer roles will be offered to students in October of each year by the Student Engagement Co-ordinator. Students will submit written Expressions of Interest following attendance at a compulsory briefing session. The Sabbatical Officers will take part in this selection process. Appointments will be limited to 3 students per role, per campus. If expressions of interest exceed the number of roles available, the roles may be shared amongst a group of students to work collaboratively subject to NESCol SA capacity.

2.2.11

Additional Roles: NESCol SA will establish a number of dedicated volunteers who will assist the Sabbatical Officers in the discharge of their duties, as and when required. These volunteers will be issued with a Volunteering Agreement and Volunteering Handbook.

2.3 Conduct

2.3.1

Members of NESCol SA, as students, will continue to be accountable to the College's Student Code of Conduct. The Student Code of Conduct and The Student Disciplinary Policy and Procedure sets out consequences for a breach of the Code of Conduct. Any breaches could include suspending or removing any or all rights and privileges of Membership of NESCol SA (including ability to hold office).

2.3.2

Sabbatical Officers and Executive Officers will no longer be Officers if:

- a) they resign by giving notice to the Committee they sit on;
- b) they fail to go to two Committee meetings in a row without sending apologies
- c) a motion of no confidence in the campus Sabbatical Officer is passed by a 66% majority vote at their SRC;
- d) in the case of someone in a sabbatical post, if a motion of no confidence is passed by a 66% majority of a general meeting;
- e) employment ceases for whatever reason.

Article 3

Committees and Meetings

3.1 The Student Representative Committee (SRC)

3.1.1

Members of the Student Representative Committee (SRC) will consist of the Sabbatical Officers and the Members of Campus Executives.

3.1.2

The SRC will be chaired by a Sabbatical Officer to be determined by the SRC, but this position would usually fall to the Regional President.

3.1.3

The strategic direction of NESCol SA is set by the students as a Membership body. Students will be engaged with this process through the SRC.

3.2

The Class Representative Forum (CRF)

3.2.1

There will be a Class Representative Forum (CRF) for each main campus of the College.

3.2.2

The CRF will meet once per academic block and will be additional to the Class Rep monthly meetings

3.2.3

Every class or tutor group will be entitled to send two elected representatives to CRF meetings. The class reps are responsible for:

- a) helping the SRC carry out its work and holding them accountable,
- b) helping to set the NESCol SA's policy,
- c) acting as a consultation forum for raising matters with the College and by raising issues that are of concern to students with their Sabbatical Officers.

3.2.4

The Membership and procedures of the CRF will be set out in the schedules.

3.3 Meetings

Annual Review Meeting and Extraordinary General Meetings (EGMs)

3.3.1

NESCol SA will hold an annual event, in each academic year. Members will review activities, aims and objectives and budget spend. It may not be branded as an Annual Review Meeting or Annual General Meeting but the purpose will remain the same. For the purpose of this Constitution, references to 'general meeting' will include Annual Review Meetings and Extraordinary General Meetings (EGMs).

3.3.2

NESCol SA, via the Student Representative Committee, will give Members at least 14 calendar days' notice of the place, day and time of any general meeting and details of the agenda.

3.3.3

There must be at least 15 Members present at a general meeting.

3.3.4

The Chairperson of these meetings will be the Regional President.

3.3.5

Every Member will have one vote and decisions will be made on a simple majority, which is 50% +1 vote, unless the Constitution says otherwise. The Chair will have the casting vote.

3.3.6

EGMs will be called when an urgent matter needs to be discussed or resolved and a minimum of 48 hours given.

3.3.7

EGMs will be convened by the President at the written request of the following:

- (a) by the SRC at any time
- (b) the SRC receiving a requisition to hold an EGM, signed by at least 100 Members who have the right to attend and vote at general meetings.

Article 4

Governance & Administration

4.1 Governance

4.1.1

The College's Regional Board's responsibility includes:

- (a) ensuring NESCol SA operates in a fair and democratic manner. This includes ensuring elections are democratic and that the Constitution enables NESCol SA to carry out its aims and objectives.
- (b) NESCol SA is accountable for its finances. The Regional Board's Curriculum and Quality Committee will approve NESCol SA's budget annually.

4.2 Affiliations

4.2.1

Any proposal to affiliate to another organisation must be approved by the Members at a general meeting.

4.2.2

NESCol SA will inform our Members and the College about all new links to other organisations, including the name of the organisation and the fee to be paid (subject to NESCol SA's budget).

4.2.3

NESCol SA will include details of all links to other organisations, including the names of the organisations and each fee paid, in the Annual Report (to be prepared by the Student Representative Committee). The Annual Report is available to all Members and to the College.

4.2.4

If Members want to object to a current link to any particular organisation, they must present a petition, signed by at least 100 Members, to a Sabbatical Officer.

4.2.5

A general meeting will be called to review the issue in line with the Schedules. NESCol SA will not hold more than one general meeting about the same matter in the same Academic Year.

4.3 Amendments

Section 22(2)(a) of the 1994 Act states that a constitution shall be subject to review by the governing body at intervals of not more than five years. Sabbatical Officers will ensure amendments are submitted to the Regional Board of Management for approval.

4.4 Interpretations

4.4.1

If anyone challenges any part of this Constitution, this is to be raised with NESCol SA's Regional President. They will then hold discussions regarding the challenge with the other Sabbatical Officer(s) and the Student Engagement Co-Ordinator.

4.4.2

If a Member of NESCol SA is not satisfied with any decision, or the SRC does not agree, they may appeal to the Regional Board, whose decision will be final. To avoid a conflict of interest the Sabbatical Officers will not be present.



PART 2: THE SCHEDULES

Schedule 1

5.1 Election Rules

5.1.1

It is important that elections are run fairly and democratically. This Schedule outlines the process for all elections. It also outlines the procedure to follow if a vacancy arises in any position. The vacancies would be for Sabbatical Officers who are paid, that is the President and Deputy President(s), and for Officers who would be voluntary and part time.

5.1.2

The elections of the Sabbatical Officers and any other Elected Officers of the SA would be carried out in accordance with these regulations.

5.1.3

The Student Engagement Co-ordinator will administer the election process, and current elected Officers will not be involved in the management or administration of the election, except in its promotion.

5.1.4

Elections will be by secret ballot of all Members of NESCol SA.

5.1.5

The voting system used will be Single Transferable Voting, with all candidates ranked in order of preference.

5.1.6

In addition to the regulations, NESCol SA must comply with:

1. the College rules, regulations and policies (including but not limited to IT, Health and Safety, bullying and harassment etc.).
2. NESCol SA rules, regulations and policies; and
3. all Scottish legislation, collectively referred to as “the rules”.

5.1.7

Elections for the Sabbatical Officers will be held between March and May of each year and elections or appointment of other Officers will be held between August and October of each year.

5.2 The Returning Officer

5.2.1

The National Union of Students (NUS) will appoint a Returning Officer upon the NESCol SA representative registering for the Election Service.

5.2.2

The Returning Officer may appoint nominees from within the College to act on their behalf in the day-to-day supervision of the elections.

5.2.3

The Student Engagement Co-coordinator, as Depute Returning Officer, will carry out the following, on behalf of the Returning Officer:

- oversee the procedure for the acceptance of nominations and publication of valid nominations.
- fix the date of the elections which will be then ratified by the Student Representative Committee.
- publicise notices giving information about the date of the elections, and the arrangements for the elections.
- supervise and conduct the count.
- oversee the announcement of the result.

5.3 Eligibility for Office - Sabbaticals

5.3.1

The Presidents or Sabbatical Officers will be paid elected Members who have just completed their studies at North East Scotland College, or are taking a year out from their studies or, in the case of part time posts, are currently a student of North East Scotland College

5.3.2

Candidates will need to provide their full name and student number. NESCol SA will confirm that candidates are enrolled and over 16 years of age. Where there is doubt NESCol SA may seek:

- 1) a letter from an institution confirming student status
- 2) a scan of a valid student card

5.3.3

The Election Pack contains information on what the role involves and what is expected if elected. In the event of a successful outcome, an employment agreement with North East Scotland College needs to be signed and adherence to North East Scotland College policies and procedures is expected. An application for a PVG through Disclosure Scotland is also required

5.4 Nominations

5.4.1

Eligibility for the elections will be as follows:

- a) any ordinary Member will be eligible to stand as a candidate for the position of Sabbatical Officer and Executive Officer.
- b) any ordinary Member registered at one of the Altens or Aberdeen City Centre campuses will be eligible to stand for Sabbatical Officer in respect of that area, or as a Member of the Local Campus Executive Group for that area.
- c) any ordinary Member registered at Fraserburgh Campus and satellite centres will be eligible to stand for Sabbatical Officer in respect of that area, or as a Member of the Local Campus Executive Group for that area.
- d) a candidate may only stand for election for one officer post within any NESCol SA election.

5.4.2

The Student Engagement Co-ordinator will post a notice on NESCol SA's Blackboard site or other current student portal, at least eight College term-time days before the date on which nominations open. The following information will be provided:

- a) the period for accepting nominations;
- b) the posts for which nominations can be made;
- c) places from which nomination forms can be obtained, and
- d) places to which completed nomination forms must be returned.

5.4.3

Candidates must submit a manifesto or similar, referring to guidance available in election packs. All manifestos received will be collated and published by NESCol SA.

5.4.4

After the closing date, the Depute Returning Officer will inspect all nominations and manifestos. They will verify that they comply with the Rules and Regulations. Any points of conflict or ambiguity will be clarified with the Returning Officer.

5.4.5

The Depute Returning Officer will draw up a list of Candidates after the close of the nominations and will post a notice on NESCol SA Notice Boards, Blackboard or relevant student VLE, Social Networking sites, via All Student Email and by any other appropriate means as soon as is reasonably practicable, stating the date of the election and the arrangements for voting.

5.4.6

The Depute Returning Officer may allow electronic voting to take place in tandem with or instead of manual voting procedures. Electronic voting will be the preferred process.

5.4.7

The Returning Officer or the Depute Returning Officer will, as soon as possible, following the close of nominations and confirmation of Candidates, arrange a briefing meeting with the Candidates. The election process and procedures will be explained. All Candidates will be afforded an opportunity to ask questions relating to the election at the end of the briefing.

5.4.8

If a Candidate is unable to attend the briefing session for reasons acceptable to the Returning Officer/Depute returning officer, the Depute Returning Officer will take all practicable steps to give them the opportunity to access the same materials.

5.4.9

All Candidates are expected to attend the briefing session. If a Candidate fails to attend without sending apologies, they may be subject to sanctions at the discretion of the Returning Officer.

5.5 Campaigning

5.5.1

As soon as is reasonably practicable following the close of the nominations, a list of valid nominations and manifestos will be published by NESCol SA on the relevant mediums, which may include the NESCol SA Notice Boards, BlackBoard and via All Student Email.

5.5.2

The campaigning period will commence at the end of the candidates' briefing at a time announced by the Depute Returning Officer. Campaigning will end at the close of voting.

5.5.3

Any coverage of the elections by NESCol SA via whatever means or media will be fair and balanced, providing equal exposure to all Candidates, as far as reasonably practicable.

5.5.4

Each Candidate will be awarded a small budget from NESCol SA (where budget allows) for canvassing materials. Finances will be confirmed at the Candidates' briefing. Any Candidate exceeding the allocated budget will not be reimbursed for overspend.

5.5.5

Campaign materials promotes a Candidate and their manifesto or discourages others from voting for opponents. These materials include, but are not limited to: flyers, posters, banners, T-shirts and bags. It also includes costs involved in online activity such as paid for social media campaigning. Candidates may be asked to produce receipts of their expenditure and may be asked to ensure that any goods/services received are available to all candidates and not only a result of special relationships with suppliers.

5.5.6

No offensive or derogatory election materials will be produced during the campaign by any candidate.

5.5.7

The Depute Returning Officer and Depute Returning Officer reserve the right to remove any election material which, in their reasonable opinion, is inappropriate.

5.5.8

"Candidate's Question Time" will be held at a designated time following the Candidates' briefing and will be chaired by the Depute Returning Officer.

5.5.9

Each Candidate is encouraged to attend "Candidates Question Time".

5.5.10

Candidates' travel to and from the "Candidates Question Time" locations will be paid for from NESCol SA election budget in order to ensure all Candidates have the opportunity to take part in "Candidates Question Time".

5.5.11

NESCol SA resources must not be used to promote a particular Candidate's campaign.

5.5.12

Candidates are expected to seek clarification from the Depute Returning Officer if unclear on campaigning rules.

5.5.13

College and NESCol SA staff must not show preference or support for a particular Candidate.

5.6 Elections**5.6.1**

The elections in respect of the Sabbatical Officers will be held no later than the final Friday in May of each Academic Year.

5.6.2

Any other election(s) must take place by the third Thursday in October of the relevant year. The SRC procedure for nominations and campaigning (above) will apply.

5.6.3

If any sabbatical positions are still vacant, an emergency by-election will be held in accordance with the Election Regulations until these roles are filled.

5.6.4

If the position that is required to be filled is that of a Sabbatical Officer position then the unanimous vote would be required from the Student Representative Committee.

5.6.5

In any case the ordinary Member, Officer or Executive Officer would be required to complete the relevant Nomination Form and submit a manifesto for the relevant Executive Committee (Campus or Regional) to review.

5.7 Voting**5.7.1**

The responsibility for ensuring that voting is conducted in accordance with the provisions of this Schedule rests with the Depute Returning Officer, in the first instance.

5.7.2

Voting will take place at the appropriate voting stations and/or electronically at times to be determined by the Depute Returning Officer.

5.7.3

The location and arrangements of voting stations and the list of candidates will be publicised by NESCol SA, as soon as is reasonably practicable.

5.7.4

All Members (excluding Associate Members) registered at a campus may vote for the post of Sabbatical Officer in respect of their campus, Depute and all other Officer roles that are available at that time.

5.7.5

Votes will be cast by secure electronic means.

5.7.6

Ballot papers will bear the name of each Candidate, the position being contested and a suitable space for indicating the voting preference of the voter.

5.7.7

Voting will be carried out by one of two means:

- a) placing all, or some, of the Candidates in the voter's numerical preference, with '1' being first preference.
- b) where a number of vacancies exist on one ballot paper, each voter may only vote for the number of vacancies which exist. Ballot papers will bear a brief description of the voting procedure.

5.7.8

There will be an option on the ballot paper entitled "Re-Open Nominations" ("RON").

5.7.9

RON, for the purposes of the count, will be treated as a Candidate, though will not be allowed a publicity budget as allowed to the other Candidates in the election.

5.7.10

If RON wins the election, then the election will be re-run at a date to be determined by the Depute Returning Officer.

5.7.11

In the event of a re-run of the election, RON will again appear as an option on the ballot paper.

5.7.12

In all non-electronic elections, adjustments will be made to ensure no voter will be at a disadvantage.

5.7.13

Candidates and their supporters should not be in the immediate vicinity of a voter when they are in the act of casting their vote.

5.8 Administration**5.8.1**

The Depute Returning Officer will administer the count with the option of inviting the Returning Officer to oversee events. Alternatively, the Returning Officer should be notified of the result and/or invited to the announcement.

5.8.2

A quota will be calculated as follows:

- 1) the quota will be determined by dividing the total number of valid votes, by the number of positions available (plus one).
- 2) in the event the quota contains a decimal it may be rounded up or down as the Depute Returning Officer sees appropriate.

5.8.3

If the Candidate reaches the quota on the first count then they will be deemed to be elected to that post.

5.8.4

If no Candidate has reached the quota, the votes will be redistributed in accordance with Electoral Reform Society Scotland's and NUS Scotland's guidance.

5.8.5

In the event that the paper ballot count results there are fewer than five votes of a difference, there will be an automatic recount of any paper ballots.

5.8.6

In the event of a tie at the exhaustion of all transferable votes the Candidate with the highest number of first preferences will be deemed the winner. If these are tied a coin toss will decide the election outcome.

5.8.7

The Depute Returning Officer will be responsible for announcing and publicising the results of the election by any reasonable means or medium they will deem appropriate.

5.8.8

The results will become official 48 hours after they have been posted provided that no complaint has been lodged with the Depute Returning Officer. In the event of a complaint being received by the Returning Officer, the results will be suspended until the complaint has been resolved.

5.9 Candidates

5.9.1

Candidates already in office will be given the same privileges and restrictions as any other candidates in the election.

5.9.2

Candidates may only benefit from what is openly available to all Candidates.

5.10 Tenure of Office

5.10.1

The tenure of office for Sabbatical Officers will be a 12-month consecutive period. This period should commence on 1st July in the same year as the election from which they were elected to that post. For other elected officers the term of office will be from the date on which the individual was elected until the end of the academic session in which the election took place.

5.10.2

Incoming Sabbatical Officers not already in office will have a handover and training period in the month prior to start of tenure. This should be an optimum of 10 hours and should not exceed 15 hours.

5.10.3

Depending on their original College status and the Education Act 1994, Section 22, the Sabbatical Officers may stand for re-election at the close of their first tenure of office.

5.10.4

The maximum period of office of Sabbatical Officers which may be held by an individual Candidate is two tenures in a single position.

5.10.5

There will be no restriction on the number of times that other Officers of NESCol SA may stand for re-election.

5.11 Referendums

5.11.1

The SRC will have the final say on whether or not a referendum will proceed.

5.11.2

The language of a referendum must be worded neutrally and can be answered by a simple "Yes" or "No".

5.11.3

The referendum will be held in accordance with Schedule One.

5.11.4

Referendum results can be considered advisory or binding for the NESCol SA when:

- a) binding referendum requires the NESCol SA to write a position paper that outlines the stance of the student body to the College in support of the referendum.
- b) referendum results are considered binding if the vote receives 66% or more students voted "yes" from the total amount of students that voted.
- c) if a referendum is not binding, it is considered advisory and the NESCol SA can choose under its own volition whether it supports the resolution. In either case, the results of the referendum vote will be released to the College and student body.

5.12 Complaints and Appeals

5.12.1

The procedure for the consideration of complaints relating to elections will be as follows:

- a) no one involved in a Candidate's campaign will be involved in the appeals procedure;
- b) formal complaints must be submitted in writing with any supporting evidence to the Returning Officer.
- c) the Returning Officer reserves the right to investigate any unsound activity and make any rulings which are fair and reasonable in all the circumstances.
- d) the Returning Officer will investigate any formal complaint within the terms of the Regulations and decide what action will be taken, including but not limited to the disqualification of any candidate concerned, or the annulment of the relevant election.

5.12.2

Any complaint against the conduct or administration of the election should be received by the Depute Returning officer for onward referral to the Returning Officer before the start of the count.

5.12.3

A challenge or complaint during or following the count, must only relate to the conduct of the count, and be lodged with the Depute Returning Officer. They will refer the matter to the Returning Officer to resolve within 48 hours of the challenge or complaint being lodged.

5.12.4

The ruling of the Returning Officer on any complaint will be final.

5.12.5

The role of the College's Regional Board is one of oversight, to ensure that democratic processes have been followed.

Schedule 2

Financial Reporting: Budgets & Financial Statements

6.1 Budgets and Financial Statements**6.1.1**

Staffing and operational budgets will be made available to NESCol SA upon submission of a budget statement annually to the Regional Board's Curriculum and Quality Committee.

6.1.2

The budget will be subject to College procedures and administered by the College's Finance Department.

6.1.3

Regular meetings will take place between the Student Engagement Co-ordinator and College's Finance Department to review budget.

6.1.4

The NESCol SA remains accountable to the College, the Regional Board and Members for their finances.

6.1.5

Budgets will be drawn up for all areas of proposed expenditure in February for consideration by the Board's Curriculum and Quality Committee. These budgets will be established by the Executive and supported by the Student Engagement Co-ordinator.

6.1.6

The Sabbatical Officers, with support from the Student Engagement Co-ordinator, will provide North East Scotland College with a financial statement at least once a year, and more frequently if required, as a condition of grant, or as requested.

6.1.7

No Member of NESCol SA or the SRC, under the age of 18, will sign any contract or financial agreement, authorise any expenditure, take responsibility for any budget, sign cheques or make any financial decisions.

6.2 Contracts**6.2.1**

Any contract or ongoing financial commitment must be made in keeping with any relevant College financial procedures and or tendering legislation.

6.2.2

No financial agreement (e.g. a leasing contract) may be entered into which involves a financial commitment beyond the term of office of the SRC.

6.2.3

All contracts will have two signatories and will be signed by:

- a) the Sabbatical Officer; and
- b) the Student Engagement Co-ordinator

6.3 Loan Arrangements

No loan arrangements will be entered into by NESCol SA.

6.4 Security and Insurance

6.4.1

NESCol SA will be responsible for maintaining proper security at all times for all stock, stores, furniture, equipment, cash etc., under its control.

6.4.2

The College will inform NESCol SA in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

6.4.3

The College will be responsible for ensuring that proper insurance cover is undertaken, including fire risks, theft, damage and loss etc. of property and employers' liability.

6.4.4

NESCol SA will comply with all College Health, Safety and Security policies, procedures, advice, guidance and legislation.

6.5 Events

6.5.1

All events undertaken or provided by NESCol SA must be costed and budgets prepared.

6.5.2

Annually, NESCol SA will, draw up a proposed programme of events/entertainments. This will form the basis of all events/entertainment's expenditure.

6.5.3

Records of all expenditure are kept within College system. The Student Engagement Co-ordinator will share, on an ongoing basis, the budget statements provided by the College's Finance Department. The SRC is responsible, under the direction of the Student Engagement Co-ordinator, for ensuring that agreed budgets are not exceeded, unless the necessary approval has been given before the proposed expenditure.

6.6 Expenses to Association Members

6.6.1

Any Member of NESCol SA may receive expenses for certain costs incurred whilst on NESCol SA business. This needs to be approved in advance by the Student Engagement Co-ordinator.

6.6.2

Expense claims must be authorised and approved by the Student Engagement Co-ordinator

6.6.3

Expenditure relating to expenses will be reported to the SRC as part of the financial report.

6.7 Donations

6.7.1

The NESCol SA will not make donations or affiliations to any organisation outside the aims and objectives of NESCol SA. NESCol SA may allow for its facilities to be used for special events which raise money for a specific charity or cause. Only the net profit from such events may be passed to the charity.

6.7.2

The NESCol SA may provide a donation to a Member or group of Members, if the budget permits. Such funds will be limited to support clubs or societies or in relation to academic events or activities.

Schedule 3

7.1 Committees

7.1.1

The Student Representative Committee (SRC) as required by the NESCol SA Constitution, will be established in accordance with this schedule.

7.1.2

The SRC will have a Membership made up of the elected officers from all campuses and the Sabbatical Officers.

7.1.3

The SRC will be chaired by one of the Sabbatical Officers. It will be a rolling chair. It will be decided at the first meeting who will chair. In the absence of the Chairperson, one of the other Sabbatical Officers will take the Chair.

7.1.4

The Chairperson will not get a vote unless the vote is split. In the circumstance of a split vote, the Chairperson will then be allowed to cast the final deciding vote.

7.1.5

A meeting of the SRC will be held at least once every three months, but it can be held more often if required.

7.1.6

The quorum for the SRC will be 50 % +1 vote.

7.1.6

The SRC will run the NESCol SA on a day-to-day basis in line with the Constitution and its Schedules. The following will also be taken into consideration:

- relevant legislation;
- any decisions the Members make at any general meetings;
- any direction from the College's Regional Board and
- a condition of grant.

7.1.7

The SRC's responsibilities will include but will not be limited to:

- (a) agreeing NESCol SA Policy;
- (b) maintaining a relationship with the College and outside bodies;
- (c) NESCol SA campaigning and events;
- (d) organising short-term working groups to support local events;
- (e) supervising and coordinating the work of each Campus;
- (f) preparing an annual budget;
- (g) the day to day supervision of the work of the Sabbatical Officers;
- (h) contributing to and renewing the NESCol SA Strategic Plan;
- (i) reviewing the yearly Plan of Work;
- (j) preparing reports on regional activity for consideration by the class reps.
- (k) preparing an Annual Report in the final term of the Academic Year detailing the activities of NESCol SA for presentation to the Regional Board;
- (l) agreeing and managing regional level activities, services, and campaigns;
- (m) being responsible for communication between the Members and College's Regional Board and/or Senior Management.

7.2 The Campus Executive Committee (CEC)

7.2.1

There will be informal Campus Executive Committee meetings (CEC) at Aberdeen, Altens and Fraserburgh. These meetings will take place monthly and any issues will be taken forward to the SRC. Each CEC will be made up of the campus Sabbatical Officer(s) and the Executive Officers appointed for that campus.

7.2.2

Each CEC will be chaired by their respective campus Sabbatical Officer with a rotating chair between the Regional President and Depute at Aberdeen and Altens.

7.2.3

The CEC will run the local activities, services, and representative structures of the NESCol SA on a day-to-day basis. Operations will be in line with the Constitution and its Schedules, any relevant legislation and any decisions the Members make at a general meeting, decisions made by the Class Representative Forum (CRF) or regional strategy agreed by the SRC.

7.2.4

The responsibilities of each CEC will include, but not be limited to:

- (a) co-producing a local yearly plan of work
- (b) preparing reports for the local Class Representative Forum (CRF)
- (c) agreeing and managing local level activities, services, campaigns and priorities;
- (d) being responsible for communication between Members and the College's Regional Board and/or Senior Managers
- (e) keeping the Student Board Members and Committee Members informed of local issues

7.3 The Class Representative Forum (CRF)

7.3.1

The Class Representative Forum (CRF) is the collective name used within the Constitution for formal meetings of Class Representatives (class reps). This Forum exists in addition to the monthly Class Representative Meetings held to discuss learning and teaching and wider student issues.

7.3.2

All class reps will be eligible to attend their CRF at their campus. Every class rep who attends a meeting will have a vote and can speak at that meeting.

7.3.3

Sabbatical Officers and Campus Executive Committee Members will be eligible to sit on their local CRF.

7.3.4

The quorum for a meeting will be twenty (20) persons.

7.3.5

The CRF Chair and Depute Chair elected will be expected to attend all meetings at their campus. If they fail to attend three consecutive meetings without giving apologies, and do not provide satisfactory reasons, they will be considered to have resigned and a new Chair or Depute elected.

7.3.6

Any full Member of NESCol SA may attend CRF and speak with the permission of the meeting.

7.3.7

Members of one Campus CRF may attend and speak, but not vote, at the other CRF.

7.3.8

Only Members of the CRF who are present at the meeting, may vote.

Schedule 4

7.4 Complaints

7.1.1

All complaints should be handled sensitively, telling only those who need to know. NESCol SA will adhere to any relevant Data Protection legislation.

7.1.2

Any complaints about an individual officer or Member of the NESCol SA can be made informally through the Student Engagement Co-ordinator or formally through the NESCol complaints procedures. Copies of relevant forms will be made available.

Schedule 5

8.1 Clubs & Societies

8.1.1

The NESCol SA encourages student participation in sports and activities and will support groups of students to set up clubs and societies to provide these activities. These will include educational, religious, sporting or social pursuits.

8.1.2

The NESCol SA will approve the setting up of clubs and societies subject to the Clubs and Societies Policies and Procedures (See Appendix 3). If, in their opinion, there is a sufficient number of students wishing to participate in a particular activity and it is properly organised approval will be granted. Approval will entitle the groups to use College facilities for meetings and activities and they may apply for funding to the Executive.

8.2 Setting Up A Club Or Society

8.2.1

No club or society may receive funds from the NESCol SA or use its facilities without recognition in each Academic Year.

8.2.2

To be considered for approval, the club or society will complete an application form and submit a Group Agreement along with a list of prospective Members as outlined in the Clubs and Societies Procedures.

8.2.3

No club or society will be recognised if its aims conflict with those of NESCol SA. However, this restriction will not be interpreted to prevent the establishment of political, religious or ethnically based clubs and societies.

8.2.4

Any club or society that wishes to be recognised by the NESCol SA will present in the documents outlined in the Policies and Procedures:

- a) the name of the Club/Society;
- b) the aims and aims of the Club/Society (which will not be contrary to those of NESCol SA);
- c) names of the elected Chair and Vice Chair of the Club/Society;
- d) the responsibilities of the Committee;
- e) where relevant, provision for an annual review meeting at which an income and expenditure account will be presented and approved.

8.3 Money for Clubs and Societies

8.3.1

NESCol SA will earmark a sum in the NESCol SA budget, which will be for grant aid of recognised clubs and societies.

8.3.2

To receive funding an eligible club/society will submit a Funding Application Form

8.3.3

NESCol SA will meet and approve the funds in line with the NESCol SA budget. Allocations will be made based on the level of activity in the club/society; the number of Members it has and special equipment and travel considerations.

8.3.4

Funding requests will be overseen by the NESCol SA and the Student Engagement Co-ordinator.

8.4 Meetings of Clubs and Societies

8.4.1

Each club or society should have a minimum of one General Meeting per year where all Committee Members of the respective club/society should attend, unless reasonable apologies are submitted.

8.4.2

The Chair and/or Co Chair are responsible for arranging the dates of meetings and must inform the Members at least five college days in advance. Agendas should be available two days in advance of the meeting.

8.5 Responsibilities of Clubs and Societies

8.5.1

No-one from a club or society may commit either the club or society or the NESCol SA to any expenditure without prior authorisation from NESCol SA.

8.5.2

The club or society will be responsible for promoting itself during induction week to encourage new membership.

8.5.3

The club or society will not hold its own bank account. All its finance will be administered through the NESCol SA.

8.5.4

The club or society will hold no funds whatsoever outside the NESCol SA accounts.

8.5.5

The Chair and Co-Chair of the club/society will be responsible for the smooth running of any social events and activities and will be responsible for convening of general meetings.

8.5.6

The Chair and Co-Chair will be responsible for publicising general meetings, providing agendas and taking minutes of the meetings.

8.5.7

The club or society will be responsible for ensuring that all expenditure is legitimate and that it does not exceed the club or society allocation for that year. It will also ensure that an accurate list of all equipment purchased is kept and all equipment is returned to NESCol SA at the end of the Academic Year.

8.5.8

The Treasurer will ensure that all income received by the club or society is paid directly into the NESCol SA accounts and that no funds received by the club/society are withheld.

8.5.9

Where appropriate, the club/society will ensure that an income and expenditure account for the previous Academic Year is presented to the Annual Review meeting of the club or society, and copies are sent to NESCol SA.

8.5.10

Failure to abide by these this Schedule, the NESCol SA Constitution and Clubs and Societies Policies and Procedures, may result in suspension of the club or society.

Review deadline: December 2025

PART 3: APPENDICES

This section includes other regulations that NESCol SA must follow:

1. Legislation Supplement
2. Student Code of Conduct
3. Clubs and Societies
4. Definitions and Interpretations



PART 3: THE APPENDIXES

Appendix 1

LEGISLATION SUPPLEMENT: REFERENCES TO STUDENTS' ASSOCIATIONS IN LEGISLATION

This Supplement summaries key pieces of legislation relevant to students' associations.

Requirement to have a Students' Association

- Colleges must seek to ensure the interests of their students are represented by a students' association

The effect of section 7(2)(fa) of the Further and Higher Education (Scotland) Act 2005 (the 2005 Act) is to require colleges to have suitable arrangements for the purpose of seeking to ensure that the interests of their students are represented by a students' association. The provision is framed this way because it is not solely a matter for colleges that there is a functioning students' association.

Failure to have suitable arrangements of the type described in section 7(2) of the 2005 Act could mean, where relevant, (a) a college is removed from the list of bodies the Scottish Funding Council (SFC) can generally fund for education purposes; (b) board Members are removed from an incorporated college board or (c) a non-incorporated college is unassigned from its regional strategic body.

Duties on incorporated college boards to ensure their students' association is democratic and accountable.

- The Education Act 1994 (the 1994 Act) does not require colleges to have a students' association. Where there is an association, 1994 Act places duties on the board of management of an incorporated college to ensure the association is democratic and accountable.

Section 22 of the 1994 Act places duties on the board of management of every incorporated college to take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances. A students' association covered by this Framework is a type of students' union for the purposes of Part 2 of the 1994 Act. The Appendix to this Annex reproduces section 22 of the 1994 Act, as amended (as at March 2015).



Incorporated college boards

- There must be two Members of an incorporated college board

	Paragraph in Schedule 2 to 1992 Act
Specific to regional college boards	
Two persons are to be appointed by being nominated by the students' association from among the students of the college	3(2)(e)
Specific to assigned incorporated college boards	
Two persons are to be appointed by being nominated by the students' association from among the students of the college	3A(2)
Common to all incorporated college boards	
Members hold office until 31 August following their appointment	5(2)(b)
Members must vacate office if they cease to be a student of the college	5(2G)

Regional Boards

- There must be two Members of a Regional Board

	Paragraph in schedule 2B to 2005 Act
Two Members are to be appointed to the board in accordance with paragraph 4 of that schedule [nomination by students' association of an assigned college and in some circumstances following election]	3(2)(e)
Members hold office until 31 August following their appointment	7(2)(d)
A student Member must vacate office if they cease to be a student of one of the board's colleges	7(7)

Duties to collaborate with students' associations

- Regional colleges and regional strategic bodies must seek to secure the collaboration of students' associations

Regional colleges	Must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration of its students' association	Section 23B(5)(b) of the 2005 Act
Regional strategic bodies	Must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration of any or all of the students' associations of the colleges assigned to it	Section 23M(3)(c) of the 2005 Act

Duties to consult students' associations

- Regional colleges, regional strategic bodies, Scottish Ministers and the SFC have duties to consult students' associations

Regional colleges	Must consult must, where it considers it appropriate to do so in the exercise of its functions , consult its students' association	Section 23B(3)(b) of 2005 Act
Regional strategic bodies	Must, where it considers it appropriate to do so in the exercise of its functions , consult any of the students' associations of the colleges assigned to it	Section 23M(1)(c) of 2005 Act
	Before giving directions , must consult the students' association of every college to which the direction relates	Section 23N(4)(c) of 2005 Act
	Before making a transfer requirement must consult the students' association of every college to which the requirement relates	Section 23O(3)(c) of 2005 Act
Scottish Ministers	Before making regulations (in relation to incorporated colleges, must consult the students' association of each college to which the regulations relate	Section 3(7)(c) of 1992 Act
	Before making an order to close or merge a college or designate it as a higher education institution , must consult the students' association of each such college	Section 5(1A)(b)(iv) of 1992 Act
	Before issuing appointments guidance to a regional college or a regional strategic body (in relation to appointments to an assigned incorporated college), must consult the relevant students' associations	Paragraph 3C(2)(d) of Schedule 2 to the 1992 Act
	Before making an order to designate a regional college , must consult the college's student's association	Section 7A(2)(c) of 2005 Act
	Before making an order to assign a college to a regional strategic body , must consult the students' associations of the colleges to which the order relates	Section 7C(6)(d) of 2005 Act
	Before making an order to modify some circumstances where college consent must be obtained before a regional strategic body can require a transfer , must consult the students' association of each college assigned to a regional strategic body to which the order relates	Section 23O(13)(d) of 2005 Act
SFC	When conducting a review of further and higher education , the SFC must consult the students' association of any post-16 education body to which the review relates	Section 14A(4)(d) of 2005 Act

INFORMAL CONSOLIDATION OF SECTION 22 OF EDUCATION ACT 1994, AS AMENDED (AS AT MARCH 2015)

Requirements to be observed in relation to students' unions

- (1) The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that a students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.
- (2) The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment:
 - (a) the union should have a written constitution;
 - (b) the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;
 - (c) a student should have the right:
 - (i) not to be a Member of the union, or
 - (ii) in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so;
 - (d) appointment to major union offices should be by election in a secret ballot in which all Members are entitled to vote;
 - (e) the governing body should satisfy themselves that the elections are fairly and properly conducted;
 - (f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;
 - (g) the financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body;
 - (h) financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular—
 - (i) a list of the external organisations to which the union has made donations in the period to which the report relates, and
 - (ii) details of those donations.
 - (i) the procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students;
 - (j) if the union decides to affiliate to an external organisation, it should publish notice of its decision stating:
 - (i) the name of the organisation, and
 - (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students;

- (k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—
 - (i) a list of the external organisations to which the union is currently affiliated, and
 - (ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students;
 - (l) there should be procedures for the review of affiliations to external organisations under which—
 - (i) the current list of affiliations is submitted for approval by Members annually or more frequently, and
 - (ii) at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of Members (not exceeding 5 per cent.) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all Members are entitled to vote.
 - (m) there should be a complaints procedure available to all students or groups of students who:
 - (i) are dissatisfied in their dealings with the union, or
 - (ii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints;
 - (n) complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.
- (3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.
- (4) The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year:
- (a) the code of practice currently in force under subsection (3),
 - (b) any restrictions imposed on the activities of the union by the law relating to charities, and
 - (c) where the establishment is one to which section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union. [Note: does not apply in Scotland].
- (5) The governing body of every establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment:
- (a) information as to the right referred to in subsection (2)(c)(i) and (ii), and
 - (b) details of any arrangements it has made for services of a kind which a students union at the establishment provides for its Members to be provided for students who are not Members of the union.

- (6) In subsections (2), (4) and (5) the expression “all students” shall be construed as follows:
 - (a) in relation to an association or body which is a students' union by virtue of section 20(1), the reference is to all students at the establishment;
 - (b) in relation to an association or body which is a students' union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;
 - (c) in relation to an association or body which is students' union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent of affiliated associations or bodies.
- (7) In this section the expression “Members” in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).
- (8) In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students' union for students at an establishment, include any form of Membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.
- (9) Subsection (2)(d) and (1)(ii) (elections and affiliations requirements to hold secret ballot of all Members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.



Appendix 2

STUDENT CODE OF CONDUCT

Students attending North East Scotland have a right to study and socialise in a safe, nonthreatening environment. This Code of Conduct forms part of your learning agreement with the College and sets out the standards of behaviour expected.

It is supported by our values which apply to everyone who comes to the College to learn or work.

Our Values include:

Commitment and Excellence

- Understanding and responding to the needs of our students

Empowerment and Engagement

- Creating an environment where innovation and creativity are encouraged and can flourish
- Giving recognition and praise

Respect and Diversity

- Valuing the experience and talent of all.
- Treating others with dignity and respect
- Creating an accessible, inclusive learning and working environment
- Being fair, open and transparent to ensure a culture of mutual trust and integrity.

The Principal has final responsibility for the maintenance of good conduct by students. However, it is the responsibility of all staff to take positive steps to help students abide by this Code of Conduct and its meaning will be explained to all students at induction or their first session. The Code of Conduct equally applies to any residential, study visits or work placements.

Failure to maintain the standards and behaviour set out in this code may lead to action under the Student Disciplinary Policy.

Expectations of Students

While attending College, it is expected that you will:

- Treat others with dignity and respect
- Report inappropriate and unsafe behaviour
- Behave in a respectful, professional and mature manner
- Take pride in the College – keep all areas clean, tidy and free from litter
- Attend all classes
- Be punctual for all classes and bring essential equipment
- Ensure that you meet agreed deadlines and submit work on time
- Participate in all learning activities
- Seek help when you need it and take up the support offered
- Pay fees promptly.

Definitions of Unacceptable Behaviour and Gross Misconduct

In general terms, any failure to meet the requirements of this Code of Conduct is unacceptable. The following are examples of what the College considers to be unacceptable behaviours and/or gross misconduct which may result in disciplinary action.

It is not intended that this is an exhaustive list of such behaviours.

Unacceptable Behaviour

- Instances of poor behaviours in class or in College
- Failure to follow reasonable instructions of staff
- Unacceptable language
- Deliberate and repeated failure to complete and submit work to deadline on a regular basis
- Poor timekeeping with no reasonable or appropriate explanation
- Breach of attendance guidelines
- Inappropriate use of computers or any other technological device
- Smoking, including e-cigarettes, anywhere other than in the designated area.

Gross Misconduct

This is behaviour so serious that it could result in exclusion from College (this list is not exhaustive)

- Bringing the College into disrepute
- Any form of bullying or discrimination
- Any form of physical, emotional or verbal threat
- Abusive, offensive, aggressive language or behaviour
- Any illegal/criminal activity whether carried out on College premises or not
- Participating in any way in actions which could reasonably be expected to be subject to provisions of counter-terrorism legislation
- Carrying of offensive weapons
- Actions that breach the College's Health and Safety Policy including wilful damage to property
- Drug, solvent or alcohol possession at College
- Deliberate acts of plagiarism or cheating
- Inappropriate use of IT including social media
- Use of mobile devices to record images/voice of anyone without their knowledge or permission

In certain circumstances, a student may be sent home at the discretion of the Faculty Manager. This is not a formal suspension but a short term step to allow consideration of whether further action is appropriate or not.

Where the unacceptable behaviour is of a more serious nature (eg gross misconduct) the Faculty Manager may issue a precautionary suspension as part of the formal disciplinary process.

Working Remotely

In addition to the examples provided, the following list provides examples of conduct the College considers to be unacceptable whilst working remotely. (not an exhaustive list):

- Deliberate and repeated failure to engage with online learning activities
- without reasons,
- Uploading & sharing inappropriate and offensive materials,
- Deliberately and repeatedly issuing inappropriate, offensive and/or illegal e-messages and materials,
- Deliberately trying to use another person's identity to relay messages,
- Attempting to hack into other accounts,
- Deliberately engaging in online activities that lead to the spread of computer viruses,
- Downloading original work of other students without consent,
- Deliberately breaking software licensing agreements,
- Wilful damage to College owned devices on loan to students,
- Sharing online details of other students without consent,
- Appearing online dressed inappropriately,
- Smoking (including e-cigarettes), drinking alcohol or taking drugs whilst online,
- Deliberately engaging in activity that is regarded to be cyberterrorism, cyberstalking or cyberbullying

Please refer to the Student Code of Conduct publication on MYNESCol for further details.

Support

If a student has any concerns, s/he should discuss them with their Guidance Tutor or subject lecturer in the first instance.

Further Information

Through Course Blackboards and Student Net, each student will have access to the following College policies:

- Acceptable Use Policy – Students
- Assessment & Verification Policy
- Bullying Policy
- Complaints Policy
- Student Code of Conduct
- Student Disciplinary Policy and Procedure
- Copyright for Students
- Data Protection for Students
- Environmental Policy Statement
- Environmental & Sustainability Policy
- Equality & Diversity Policy Staff and Students
- Information, Advice, Guidance & Support
- Social Media Guidelines
- Student Alcohol & Substance Misuse Policy
- Position statement on Extremism & Radicalisation.

APPENDIX 3

CLUBS AND SOCIETIES

General Aims

Clubs and Societies are in place so that you can get the most out of your time at College and to bring students from across the College together outside of classes to share and develop common interests. Being part of a club or society should be a positive experience for everyone involved and this policy and procedures document will provide guidelines to achieve this.

This Policy and Procedures covers information on how to set up a club or society and advice and rules about how they should operate. If at any stage you need further help or advice with this, you should contact your Students' Association Officers or the Student Engagement Coordinator.

Set up and Support

NESCol SA will offer support and direction to any students wishing to set up a club or society. NESCol SA staff will not be involved directly in the running or operation of a club or society.

A club or society will need to elect a Chair and Co-Chair to oversee responsibility of the club or society activities and Membership and this should be done at the first meeting of the group.

Membership

Any Members of a club or society must be an enrolled North East Scotland College student.

A club or society must operate fairly, Membership should be open to all students aged 16 years and over while keeping to stated maximum Membership.

Where a club or society supports or is involved in activities that are not in line with the values of NESCol SA and College's Visions and Values, in term of equality and diversity their application will not be supported by the College or NESCol SA.

Responsibilities

Due care should be given to College premises and property when being used by a club or society and both should be used only for the stated club or society purpose.

The Student Code Of Conduct will supply to all club and society Members. The Chair and Co-Chair of a club or society should ensure that Members behave appropriately. Any concerns about behaviours should be made known to NESCol SA staff.

The same behaviours should be expected where the group use external premises but meet as a College club or group.

Any breach of the Student Code of Conduct will be dealt with according to the College Disciplinary Procedures and may result in club or society Members being removed from the group.

Where it comes to the attention of NESCol SA staff that a club or society is not running according to its stated aims and objectives or is operating unfairly then the club would be temporarily suspended or disbanded. The decision for temporary suspension being at the discretion of NESCol SA, the decision to disband would be the decision made jointly by the College and NESCol SA.

Either Chair or/and Co-Chair need to be present at all meetings of the club or society.

Fees

NESCol SA should hold Membership fees securely, preferably with the Students' Association. Fees raised must be used for stated purpose only and agreed by Membership.

Initial Set-Up and Application

Interest in setting up a club or society should be expressed using the Clubs and Societies Application Form (CS1) and supported by five signatures of interest including the lead signature. This is to be returned to the NESCol SA Regional or Depute President.

NESCol SA will agree a club or society in principle, subject to the completion of a Group Agreement (CS3) and aims and objectives being shared.

A club or society must establish a group agreement from the beginning and should be clear about the purpose, aims and objectives. NESCol SA, on the campus at which the group is meeting, will hold a copy of this.

Structure and Tasks

For a club or society to run effectively, a Chair and Co-Chair, must lead it. The Chair or Co-Chair would be required to send the NESCol SA Regional or Depute President a brief update on group activities during each College block. They can get in touch with NESCol SA at any time if there are issues, concerns or need for guidance advice.

Accurate Membership lists must be kept and shared with NESCol SA when updated. Groups will be required to establish minimum and maximum group numbers. The minimum should not fall below 5. Should numbers fall below minimum, the Chair should contact NESCol SA. If numbers reach the stated maximum it is recommended that a waiting list be put in place. An attendance sheet should be kept at each meeting. All documentation relating to clubs can be held in Association Office but the preferred aim would be that a Microsoft Team space be created on Office 365 with SA staff access.

Meeting Spaces and Times

A club and society must meet during the College working day, which is between 8.30am and 6pm Monday to Thursday and 8.30am and 4pm on Friday. They will not run beyond their stated meeting times.

The groups will operate in term-time only and will not have access to spaces on Training Days/ In-service or any other College closure days.

Club and society users will only access the allocated rooms during established times and should approach NESCol SA when any access is needed out with these times.

NESCol SA staff will work with the lead on identifying a suitable group meeting space and will contact Central Timetabling to book a suitable space.

The Chair or Co-Chair should notify NESCol SA when a booked room is not to be used. NESCol SA will then contact Timetabling so that others can access it.

Finances and Fees

A club or society may wish to charge a joining fee (records should be kept and money can be kept securely in the NESCol SA office). You will need to be clear what this have to be used for. A club or society will not charge Members for tuition or anything similar as these are interest groups and not classes.

Where a club or society requires equipment or needs to spend for initial set-up, application for financial support can be made to NESCol SA on the Club And Society Funding Application Form (CS2). Decisions on the allocation of funds will be at the discretion of the Students' Association and will depend on the budget available.

It is strongly advised that no financial commitments are made beyond the budgets held by any group. NESCol SA will not meet any financial liability.

Winding Down

A club or society should notify NESCol SA if there is an intention to discontinue the club or society.

Any remaining monies would be used to pay outstanding debts and then be re-distributed among Members.

NB. (at present, in NESCol, sports clubs are the remit of the Sport and Leisure sector and they should be approached for expression of interest in sport groups).

All forms referred to can be downloaded from or available from and should be returned to the NESCol SA Regional or Depute President, or the Student Engagement Co-Ordinator by email nescolsa@nescol.ac.uk

APPENDIX 4

DEFINITIONS AND INTERPRETATIONS

Affiliation - working closely with another organisation sometimes it may mean paying a fee to belong to another organisation. NESCol SA is affiliated to the National Union of Students (NUS)

Board or Regional Board - this is the College Board made up of College staff and advisers from outside of the College who oversee the direction and good practice of the College.

Executive – these are the Officers who are elected or appointed in October, volunteering in unpaid roles with NESCol SA. The Executive also includes the Presidents.

Governance – this is offering an organisation direction and advice

Quorum - the minimum number of people who have to be present at a meeting before the meeting can go ahead and decisions made can be carried forward or be valid.

Returning Officer – this is a nominated person often from the National Union of Students who makes sure that our Elections are run fairly and correctly. The Deputy Returning Officer will be a Member of the College staff often the Student Engagement Co-ordinator.

Sabbatical Officer - Sabbatical means taking a year out to do something. In this case your Sabbatical officers are spending a paid year representing you in the NESCol SA. They are your Presidents.

Simple Majority – is calculated at 50 % + 1

Student Code of Conduct – the set of behaviours and standards that College expects from all students so that all students can have the best learning and wider student experience. NESCol SA expects that all Members respect the Student Code of Conduct.

