



NFTS Student Union

Bye-laws

Also incorporating the Code of Practice

Approved by Student Council on 18 May 2020

Version 1.0



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number **12408261**

The Registrar of Companies for England and Wales, hereby certifies that

**THE NATIONAL FILM AND TELEVISION SCHOOL STUDENT
UNION**

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by guarantee, and the situation of its registered office is in England and Wales.

Given at Companies House, Cardiff, on **16th January 2020**.

The above information was communicated by electronic means and authenticated by the Registrar of Companies under section 1115 of the Companies Act 2006



**THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES**

Introduction

The Bye-laws are the 'instruction manual' for how the Student Union should work, and they are the rules that govern how the Union does business. They are designed to make sure that things are done fairly.

The Bye-laws are made under Article 19 of the Union's Articles of Association. They have been approved by the Directors of the Student Union who are the Student Union President and the Student Reps, and by the Student Council.

The Articles of Association are the core constitution of the Student Union, and can only be changed by a general meeting of the company and with the consent of the National Film and Television School (NFTS) Board of Governors.

Article 19 states:

'The Board [of the Students' Union] may from time to time make (and alter, make additions to and repeal from time to time) such rules or Bye-laws as they deem necessary or expedient or convenient for the proper conduct and management of the Union provided that no such rule or Bye-law shall be inconsistent with or shall affect or repeal anything contained in these Articles.'

Words and phrases used in these Bye-laws have the same meaning as given to them in the Articles of Association, unless the context otherwise requires.

The Articles of Association shall take precedence over these Bye-laws and these Bye-laws shall not be interpreted or applied in any way which is inconsistent with the Articles of Association.

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1. AFFILIATIONS

Affiliations

1. The Union may affiliate to external organisations, and pay any required fee, except that:
 - a. the Union will not affiliate to any political party;
 - b. the Union will not affiliate to any religion or religious grouping.
2. Affiliations to external organisations must be approved by the Directors on the Board of the NFTS Student Union Limited and the Students' Union Council.

Creation and ending of affiliations

3. Any proposal to create an affiliation must include the cost of the proposed affiliation within the proposal.
4. A proposal to terminate an affiliation may be made by the Directors, the Students' Union Council or Referenda.

Review of affiliations

5. Affiliations shall be reviewed on an annual basis. A list of current affiliations including their fee shall be presented annually to the Students' Union Council for approval. If approved, these affiliations and their costs shall be attached to this Bye-law as a schedule.
6. If an affiliation is not approved by such annual meeting of the Students' Union Council for a further year, this shall end the affiliation in question.

2. STUDENTS' UNION COUNCIL

COMPOSITION AND PROCEEDINGS OF THE STUDENTS' UNION COUNCIL

Authority

- 1.1** Pursuant to Article 8 the Students' Union Council ("Student Council") shall have the authority to:
- 1.1.1 Represent the voice of the students at the NFTS;
 - 1.1.2 Set the Policy of the Union in accordance with these Bye-laws;
 - 1.1.3 Make, repeal and amend the Bye-laws jointly with the Directors;
 - 1.1.4 Receive a quarterly report from the Directors;
 - 1.1.5 Monitor the budgets and approve expenditure for the budgets that fall within their jurisdiction.
 - 1.1.6 Submit questions to the Directors; and
 - 1.1.7 Appoint associate and honorary members (if any) in accordance with the Bye-laws.

Membership

- 2.1** No member may hold more than one seat on the Student Council at any one time.
- 2.2** The composition of the Student Council shall comprise the following:
- (i) One Executive Officer (the Student Union President) who shall be the Chair
 - (ii) Three School Representatives
 - (iii) One Black, Asian, Minority Ethnic (BAME) Representative
 - (iv) One Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQQ) Representative
 - (v) One Sports Representative.

The Student Council reserve the right to review and propose amendments to its membership and duties therewith annually.

- 2.3** A Vice-Chair of the Student Council shall be elected from amongst the members of the Student Council at the first quorate meeting of the Academic Year.
- 2.4** Student Council members shall serve a 12 month term of office from July until the next June.
- 2.5** If a Student Council position is not filled at any election, then it shall be considered vacant until a future election as agreed by the Board of Directors.

Proceedings of the Student Council

- 2.6** Meetings shall take place a minimum of once a term.

- 2.7** The agenda for each meeting shall be made available at least three days before the meeting is due to be held.
- 2.8** The quorum for Student Council Meetings shall be the majority of those members entitled to attend.
- 2.9** Extraordinary Meetings of the Student Council shall take place within three working days of being convened by:
- (i) a Secure petition signed by at least 20 students of the NFTS
 - (ii) a vote in favour by the Student Council.
- 2.10** The motion or business for which the meeting is being called must be clearly specified and the agenda shall be limited to that motion or business.
- 2.11** The agenda for extraordinary meetings shall be made available at least two working days before the meeting takes place.
- 2.12** The quorum for Extraordinary Student Council Meetings shall be the same as Ordinary Student Council Meetings.

Duties of all Student Council Members

- 2.13** To adhere to the Articles of Association and Byelaws and to be bound by the mandates of the Board of Directors, General Meetings, and the Student Council.
- 2.14** To attend all meetings of the Student Council for the duration of the meeting and represent their constituency.
- 2.15** Student Council Members shall be subject to the Member Disciplinary Policy, Bye-law 8, in the case where they transgress within its confines.

Voting Procedures

- 2.16** Voting during Student Council meetings shall be by a show of hands or secret ballot, and upon completion of debating procedures as directed by the Chair.
- 2.17** In the event of a tied vote the Chair shall have the casting vote but not vote until that situation arises.
- 2.18** In the case that the Chair surrenders their casting vote based on a conflict of interest, the conflict must be registered as described Bye-law 7.
- 2.19** In the case where a meeting cannot, for whatever reason, take place, a decision can be taken in accordance where members of the Student Council indicate to each other by any means (including without limitation by electronic means, such as by email or by telephone) that they share a common view on a matter.
- 2.20** Such a decision may, but need not, take the form of a resolution in writing, copies of which have been signed by each member of the Student Council or to which each member has otherwise indicated agreement in writing.
- 2.21** A unanimous decision which is made in accordance with this Bye-law shall be as valid and effectual as if it had been passed at a meeting duly convened and held, provided the following conditions are complied with:

- (i) approval from each member must be received by one person being either such person as all the members have nominated in advance for that purpose or such other person as volunteers if necessary (“the Recipient”), which person may, for the avoidance of doubt, be one of the members of the Student Council;
- (ii) following receipt of responses from all members, the Recipient shall communicate to all the members of the Student Council (by any means) whether the resolution has been formally approved by the Chair, who will verify that all members have participated;
- (iii) Participation in such correspondence relating the effectual change does not constitute attendance to a Student Council Meeting.

Attendance at Student Council Meetings

- 2.22** Meetings of the Student Council shall be open to all registered students of the NFTS to attend as observers.
- 2.23** Observers shall not disturb the business of the meeting, shall have no voting rights and must request from the Chair to have speaking rights.
- 2.24** The Chair shall have the power to eject any person from the room on the basis of member misconduct as outlined in Bye-law 8.

General Standing Orders for Student Council

- 2.25** All decisions of the Student Council shall be carried by a simple majority of those present at the meetings.
- 2.27** Members wishing to speak must address the Chair.
- 2.28** The Chair will decide right of priority in speaking and length of discussion to allow all items of business on the agenda to be considered.
- 2.29** A member may speak at any time on a point of order.
- 2.30** Points of information may be made at the discretion of the member speaking.
- 2.31** Procedural motions may be moved at any time and shall be voted on immediately, however each procedural motion may only be proposed once during the same item of business at the discretion of the Chair.
- 2.32** If any of the following points of order are moved, only the proposer shall speak for the order. The speech against is property of the Chair, but may be waived at their discretion. The meeting shall then move directly to a vote on that point of order:
 - (i) a challenge to the Chair’s ruling;
 - (ii) no confidence in the Chair;
 - (iii) a suspension of standing orders.
- 2.33** The proposer of a suspension of standing orders shall state the standing orders to be suspended and the duration of the suspension.

Procedural Motions in order of precedence

- 2.34** A motion that a vote be taken.
- 2.35** A motion that discussion of the current item of business should cease and a vote not be taken.
- 2.36** A motion that the matter be deferred for further discussion at the next meeting.
- 2.37** A motion for a temporary adjournment.

Standing Orders for the Student Council

- 2.38** The following shall be the order of business at meetings of the Student Council:
- (i) Apologies for absence
 - (ii) Minutes of the previous Student Council meeting for ratification as a true and accurate record of that meeting
 - (iii) Matters and actions arising out of these minutes
 - (iv) Conflicts of Interest
 - (v) Executive Officer Reports and Question Time
 - (vi) Motions
 - (vii) Any other reports to be received by the Student Council
 - (viii) Any other business.

Standing Orders for Extraordinary Student Council Meetings

- 2.39** The business for an Extraordinary Student Council meeting shall be restricted to the motion or business for which the meeting was called.

Principal Duties of Members of Student Council

- 2.40** Members of the Student Council are duty-bound to carry out the duties described in the Bye-laws upon election.

Setting Policy

Creation

- 2.41** Any member of the Students' Union is able to submit a policy proposal to the Student Council.
- 2.42** An idea can be submitted no more than once per academic term.

Policy in place

- 2.43** Any policy proposal approved by the Student Council or by Referendum shall become Union policy. Policy shall be collated into a policy book, divided into appropriate sections or categories.
- 2.44** If a policy requires only specific practical actions it shall remain policy until the soonest of:
- a. all of the actions are completed;

- b. the policy is specifically revoked by another decision of the Student Council or Referendum, except that a policy passed by a Referendum cannot be revoked by the Student Council.

2.45 If a policy commits to a viewpoint or principle it shall remain in place until the policy is specifically revoked by another decision of the Student Council or a Referendum, except that a policy passed by Referendum cannot be revoked by the Student Council.

3. REFERENDA

Returning Officer

1. For all referendums, there will be a Returning Officer who will supervise their conduct and ensure that they are run in accordance with this Bye-law and in a free and fair manner.
2. There may be a Deputy Returning Officer who may assist the Returning Officer in carrying out their role.
3. The Returning Officer and any Deputy Returning Officer for all referendums will be the persons appointed to those positions for the purposes of elections under the Bye-law on Elections, Bye-law 4.
4. The Returning Officer may issue guidelines to all Students' Union staff members involved in the administration of a referendum, which will govern their conduct.
5. The Returning Officer may appoint other members of the Students' Union staff to be Assistant Returning Officers for the purposes of a referendum, and may delegate any of their roles to these persons.
6. Any question on the interpretation of this Bye-law or guidelines issued in accordance with its provisions will be resolved by the Returning Officer.
7. The Returning Officer will have power to:
 - a. give directions to students during the course of a referendum period (which will last from the notice of the referendum to the announcement of the result);
 - b. order any recount;
 - c. annul a referendum and order a new one in its place;
 - d. refer any matter to the disciplinary procedures contained in the Bye-law on Discipline, Bye-law 8;
 - e. direct that any other action be taken to ensure fairness or maintain the integrity of a referendum.

Initiation of referendum

8. A referendum on any matter may be called by the Board of Directors, the Student Union Council or a petition of 20 students.
9. A referendum of no confidence will be called in the position of any Director or Union Representative (if a petition is received under Article 23.3 calling for such a referendum).
10. No proposal put to a referendum will be in order if it proposes to allocate funding to any organisation or group of students, or if it proposes any course of legal action.
11. Any petition concerning the initiation of a referendum will be subject to the following rules:
 - a. any petition must be freely available for all students to sign on a public website or fixed geographical location;

- b. petitions must be delivered to the Deputy Returning Officer or their nominee;
- c. no signature will be considered valid unless it is accompanied by both the name and student number of that person, and that student number has been verified.

Timing and notice

- 12. The time and date of all referendums shall be at the discretion of the Returning Officer, and the Returning Officer may extend or postpone the voting period of any referendum at their discretion.
- 13. At least seven days' notice must be given of all referendums. If a referendum is postponed, at least seven days' notice must be given of the new date of the referendum.

Voting

- 14. In a referendum, the votes shall normally be cast and counted using the 'First Past the Post' method and the options on the ballot paper shall be 'Yes' and 'No'. However, if explicitly specified in a proposal to call a referendum, different options of any number may be voted upon, and these shall be cast and counted in accordance with the Alternative Vote method.
- 15. The option to abstain will be offered on all ballots. This shall not affect the result of any vote and shall only serve an indicative purpose.
- 16. Voting in all referendums must be open for one day, and will only take place during term-time as defined by the NFTS calendar.
- 17. A result of a referendum as a vote of no confidence will only be considered valid if at least 5% of the total members of the Students' Union vote in that referendum.
- 18. The counting of votes will be counted by the Returning Officer. Results will only be considered valid once the Returning Officer has certified that the referendum has been conducted freely and fairly.
- 19. Votes will not be counted while there any outstanding complaints awaiting the decision of the Returning Officer, or any appeals awaiting an outcome.
- 20. All results will be communicated by the Returning Officer (or their nominee) at the soonest opportunity after the conclusion of the count.
- 21. A referendum will be invalid for lack of a quorum unless either:
 - a. at least 50 votes (inclusive of abstentions) are cast in the referendum, or
 - b. the most preferred outcome receives at least 75% of the votes cast and at least 50 votes (inclusive of abstentions) are cast in the referendum.
- 22. Any matter put to a referendum that is invalid for lack of a quorum shall not be reconsidered in the same academic year.

Conduct, expenditure and complaints

- 22.** The Returning Officer will issue guidelines setting out regulations for the conduct and behaviour of all individual campaigners during a referendum. All persons involved in a referendum must comply with these guidelines, and any breach of these regulations may be considered by the Returning Officer as a disciplinary matter within the meaning of the Bye-law on Membership, Bye-law 5.
- 23.** Complaints may be made against campaigners during the course of a referendum. These shall be made in writing according to a design specified by the Returning Officer.
- 24.** The Returning Officer shall rule on all complaints submitted and take action as they see fit.

Appeals

- 25.** An appeal against a decision of the Returning Officer to take action may be made by any person directly affected by the Returning Officer's decision.
- 26.** Appeals may be made on the following grounds:
 - a. The interpretation of this Bye-law or any of the issued guidelines used during the election is unreasonable;
 - b. The correct procedure set out in this Bye-law or issued guidelines has not been followed;
 - c. The Returning Officer has been prejudiced or biased;
 - d. The Returning Officer has failed to fully take into account the available evidence.
- 27.** Appeals must be submitted no later than 12 noon on the day after the decision of the Returning Officer was communicated.
- 28.** Appeals will be heard by a panel of three independent people, who would each be eligible to be appointed as the Returning Officer in accordance with the Bye-law on Elections, Bye-law 4. The members of the panel will be appointed by the Board of Directors.
- 29.** The procedure of the Appeals Panel will be governed by terms of reference set and revised from time to time by the Board of Directors.
- 30.** The decision of the Appeals Panel will be final.

4. ELECTIONS

Returning Officer

1. There will be a Returning Officer who will supervise the conduct of all elections to which this Bye-law applies.
2. The Returning Officer will be appointed on an annual basis by the Board of Directors.
3. The Returning Officer may not be any of the following:
 - a. a student of the NFTS,
 - b. a director of the Students' Union, or
 - c. an employee of the Students' Union.
4. The Returning Officer may appoint a person to be the Deputy Returning Officer.
5. The Returning Officer or the Deputy Returning Officer, subject to the approval of the Returning Officer, will issue Operational Guidelines to all Students' Union persons involved in the administration of an election, which will govern their conduct.
6. Any question on the interpretation of this Bye-law or issued guidelines will be resolved by the Returning Officer.
7. The Returning Officer will have power to:
 - a. disqualify or penalise candidates;
 - b. give directions to candidates during an election;
 - c. order recounts;
 - d. annul an election and order a new one in its place.

Election details and timings

8. The Returning Officer will publish all elections details for the forthcoming year by the commencement of the first week of the new academic year. These details will include:
 - a. the dates and times of the opening and closing of nominations;
 - b. the dates and times of the opening and closing of the voting period;
 - c. the positions that are to be contested in the election;
 - d. how candidates may submit their nominations.
9. The Returning Officer may alter any of the election details already published, provided that the revised details are published at least 1 week in advance of the opening of nominations.
10. Voting will only take place during term-time as defined by the NFTS calendar.
11. Nominations shall be open for at least one week, and voting will be open for at least one day.

Voting

12. All elections will be conducted by secret ballot, where each voter has only one vote. All Students shall be entitled to vote in all elections unless otherwise specified in a Bye-law.
13. For all positions, the Single Transferable Vote system will be used, following the methodology set out by the Electoral Reform Society of Great Britain and Ireland in 1997.
14. The option to Re-Open Nominations (RON) will be offered on all ballots, which will be treated as if it were a candidate for the purposes of counting.
15. If Re-Open Nominations is elected, the position will be declared vacant and a new election will be held at a time and date specified by the Deputy Returning Officer.
16. The counting of votes will be conducted by the Returning Officer or their nominee. Results will only be considered valid once the Returning Officer has certified that the election has been conducted freely and fairly.
17. Votes will not be counted while there are outstanding complaints awaiting the decision of the Returning Officer.

Nominations

18. Nominations will be submitted in accordance with guidelines issued by the Returning Officer.
19. All submitted nominations must include the full name and student number of the candidate.
20. The Returning Officer will ensure a receipt for each submitted nomination is provided to the candidate.
21. In the event that no nominations are received for a position, the Returning Officer will have discretion to either:
 - a. extend the deadline for nominations, or
 - b. treat the election as if Re-Open Nominations had been elected, and hold a new election at a later date and time.

Communication

22. The Returning Officer shall organise opportunities for students to ask questions of candidates.
23. The results of all Students' Union elections shall be certified and communicated by the Returning Officer at the soonest opportunity after the conclusion of the count.
24. The Returning Officer shall report to the Board on at least an annual basis the outcome of elections.

Conduct in Elections

25. The Returning Officer will provide to candidates guidelines on acceptable conduct during elections. Candidates must act in accordance with these guidelines.

26. The Returning Officer will provide training sessions in the rules of this Bye Law and any issued guidelines to all candidates.
27. Throughout an election, all candidates must adhere to the following principles of acceptable conduct:
 - a. do only what other candidates have an equal opportunity to do;
 - b. treat all students, candidates and staff members with respect.
28. Unacceptable conduct during elections includes but is not limited to any of the following practices (including attempts):
 - a. the use of NFTS or Students' Union resources to further the election of a candidate (except where explicitly permitted by the Returning Officer);
 - b. the defacement of or interference with a candidate's publicity;
 - c. bribery of voters or election officials;
 - d. threatening behaviour or harassment of voters or election officials;
 - e. producing offensive or defamatory publicity;
 - f. preventing the free and confidential exercise of a vote by voters, including the improper use of mobile devices;
 - g. compromising or interfering with the integrity of the election.
29. The Returning Officer may issue penalties to candidates, including disqualification from the election, for breach of the conduct guidelines.
30. Candidates may make use of campaigners who assist them during the election. However, the candidate will remain responsible for the conduct of these campaigners and candidates must take all practicable steps to ensure campaigners are in compliance with this Bye-law and issued guidelines.
31. Breaches of this Bye-law and issued guidelines that are committed by campaigners will be treated as if the candidate themselves breached this Bye-law and issued guidelines.
32. For the purposes of an election, a campaigner is defined as someone who would be reasonably thought to be acting on behalf of a candidate to further the election of that candidate.

Complaints

33. Complaints that a candidate or a member of their campaign team has acted in contravention of this Bye-law or issued guidelines will be accepted up until one hour after the close of voting.
34. Complaints must be submitted in writing in a format decided upon by the Returning Officer.
35. If necessary, the Returning Officer will investigate the complaint to obtain further evidence.
36. The Returning Officer will rule upon the complaint and if necessary issue penalties at their discretion.

Appeals

- 37.** An appeal against a decision of the Returning Officer may be made on the following grounds:
 - a. the interpretation of this Bye-law or any of the issued guidelines used during the election is unreasonable;
 - b. the correct procedure set out in this Bye-law or issued guidelines has not been followed;
 - c. the Returning Officer has been prejudiced or biased;
 - d. the Returning Officer has failed to fully take into account the available evidence.
- 38.** Appeals must be made no later than 12 noon on the day after the decision of the Returning Officer is communicated to that candidate.
- 39.** If an appeal is made by a candidate, an appeals panel will be convened by the Board of persons who have not been involved in the administration of that election.
- 40.** The appeals panel will consist of three independent people who would be eligible to be appointed as the Returning Officer.
- 41.** The appeals panel will appoint a chair from within its number.
- 42.** The appeals panel will hear the evidence from the Returning Officer and any representations made by the appealing candidate.
- 43.** The appeals panel's decisions are final and cannot be appealed further.
- 44.** The Board will approve and revise from time to time terms of reference to govern the procedure of appeals panels.

5. MEMBERSHIP

Members

1. In accordance with Article 29, the members of the Students' Union are the directors on the Board of the NFTS Student Union Limited from time to time.
2. In accordance with the NFTS Code of Practice on the Students' Union, a student may opt-out of their membership of the Union by notifying the Company Secretary of the Union within the first 10 days of their registration that they wish to opt-out from their membership.
3. Once a student has opted-out, they shall cease to be a director of the Students' Union.
4. If there is any uncertainty as to whether or not a person qualifies as a member of the Students' Union, this matter shall be resolved exclusively by the NFTS.

Student benefits

5. Students shall be exclusively entitled to:
 - a. stand for election to any elected position within the Students' Union;
 - b. hold any representative post in the NFTS that is filled by the Students' Union;
 - c. vote in any election or referendum;
 - d. hold any elected position within a society or other affiliated student group.but NOT attend, speak and vote at any company law Meeting or exercise any other powers conferred to members under the Companies Acts.

Associate and Honorary Members

6. The Students' Union Council may confer honorary or associate membership of the Students' Union upon any person, and the Board may prescribe measures to define honorary or associate membership further.
7. Associate and honorary members shall not be entitled to any of the benefits reserved to members of the Union or Students under this Bye-law.

Conduct

8. A person may have their honorary or associate membership or any of the privileges of being a Student in respect of the Union removed or suspended for misconduct or breach of discipline by the Students' Union Council or Board.
9. The definition of misconduct or breach of discipline and the procedures for investigating and implementing sanctions shall be set out in a code specified by the Board from time to time.

Attendance at Meetings

Board and Student Union Council meetings

10. Only with the consent of a majority vote of the Board or the Students' Union Council will any person be entitled to attend such a meeting.
11. Such persons shall not disturb the business of the meeting, but, through the Chair's invitation, may speak but shall no voting rights.
12. The Chair shall have the power to eject any person from the room, with majority agreement from all voting members attending the relevant body.

General meetings of the members of the Union

13. All students will be entitled to attend general meetings of the members of the Union.
14. Such persons shall not disturb the business of the meeting, but, through the Chair's invitation, may speak but shall no voting rights.
15. The Chair shall have the power to eject any person from the room, with majority agreement from all voting members attending the relevant body.

6. PUBLICATION

Publication of documents

1. Agendas of meetings (and accompanying papers) of the Board and the Students' Union Council will not be published or sent to any person other than members of the Board/Students' Union Council (as the case may be).
2. Agendas of meetings of the members of the Union will be published on the website of the Union and sent to all members.
3. Minutes of meetings (or extracts of them) may with a majority vote of the members of the Board and the Students' Union Council be published on the Union website.
4. Minutes of meetings of the members of the Union will be published on the Union's website.

7. CONFLICT OF INTEREST

- 1.1** All directors and members of the Students' Union Council will endeavour to avoid any conflict of interest between the interests of the Students' Union on the one hand, and personal, political, professional, and business interests on the other. This included but not exhaustively limited to avoiding actual conflicts of interest as well as the perception of conflicts of interest.
- 1.2** Officer members will act at all times in the Students' Union's best interests and to exercise rational judgment that is not interrupted by personal interests or divided loyalty.
- 1.3** All directors and members of the Students' Union Council have a duty to make a declaration of interests in accord with this policy in respect of the students' union constitution.
- 1.4** Conflicts of interest arise when the interests of directors and/or members of the Students' Union Council are incompatible or in competition with the interests of the Union. Such situations present a risk that persons will make decisions based on these external influences, rather than the best interests of the Union. The most common types of conflict include:
- (i) Direct financial interest - when a trustee obtains a direct financial benefit via:
 - a. the award of a contract to a company with which a director or and member of the Students' Union Council trustee is involved
 - b. indirect financial interest - this arises when a close relative of a director or member of the Students' Union Council from the Union
 - (ii) Non-financial conflicts of interest - where directors and members of the Students' Union Council receive no financial benefit but are influenced by external factors:
 - a. influencing board decisions on service provision to their own advantage
 - b. to gain some other intangible benefit or credit
 - c. awarding contracts to friends
 - (iii) Conflicts of loyalties - directors and members of the Students' Union Council may have competing loyalties between the Union to which they owe a primary duty and some other person or entity.
- 1.5** To identify a conflict of interest directors and members of the Students' Union Council are obliged to declare any such conflict of interest that is either; direct, indirect or perceptual.
- 1.6** Declarations of any such conflict of interests are to be described in nature and extent to the Chair of the Board and in the event a declaration is made by the Chair of the Board then to the Secretary of the NFTS.
- 1.7** Declarations of a conflict of interest can be received via:
- (i) a meeting of the Board or Students' Union Council
 - (ii) a meeting of any Board or Students' Union Council subcommittee
 - (iii) during any official Students' Union business
 - (iv) in writing addressed in accordance with 1.6

- (v) By general Students' Union notice to members, once formal declaration has been made in accordance with 1.6.

- 1.8** Upon a declaration of a conflict of interest being registered, the individual concerned will remove themselves from union business related to the nature and extent of the conflict of interest that has been declared.

- 1.9** Upon declaration of a conflict of interest being registered a record of the declaration will be kept by the Students' Union:
 - (i) via minutes of the meeting where the conflict of interest was declared
 - (ii) via a central register of interests kept by the Secretary of the Union.

- 1.10** In the event of directors and members of the Students' Union Council failing to declare a direct, indirect or perceptual conflict of interest, the Students' Union reserves the right to subject the member to the Member Disciplinary Policy.

8. DISCIPLINARY POLICY

1. This Bye-law sets out the procedures to be followed in the case of disciplinary action against a member of the Students' Union ('the student').
2. Disciplinary action may be taken in respect of any breach of discipline alleged to have occurred whilst the student is representing the NFTS Students' Union at any event of whatever kind or wherever held.
3. In this procedure, a breach of discipline means but is not limited to:
 - (i) Threatening or harassing any other person, whether physical, verbally or online;
 - (ii) Assaulting any other person;
 - (iii) Damaging property whether deliberately or negligently;
 - (iv) Acting in contravention of the NFTS Equality, Diversity and Inclusion Policy;
 - (v) Acting without due regard for the safety of others;
 - (vi) Acting with dishonesty or with intent to defraud;
 - (vii) Failing to declare an interest in accordance with Bye-law 7 above;
 - (viii) Behaving in any manner likely to bring the NFTS Students' Union or the NFTS into disrepute, or;
 - (ix) Acting in breach of the law.
4. Should the matter be deemed to be in breach of the NFTS policies or regulations, the matter will be referred to the NFTS Registrar and will be dealt with by the School in the first instance. Once this investigation is complete, the matter will then progress via this procedure.

Disciplinary Investigation

5. A student alleged to have committed a breach of discipline shall, as soon as possible after the event in question (or its discovery, as the case may be), be given a written notice by the Students' Union President (either by email or letter) setting out the particulars of the alleged breach.
6. Should the student not respond to communications or refuse to engage with the process, they will be deemed to have nothing to add. Should an investigation stage occur, this is to establish the facts and where appropriate obtain statements from any available witnesses.
7. The investigation will be undertaken by either by a member of NFTS staff not involved in the case nominated by the Students' Union President. The investigation will be undertaken in a timely manner taking into consideration the complexity of the case, availability of witnesses and timing in the academic year. Having carried out an investigation, they will then decide whether the matter should progress to a disciplinary hearing.

Disciplinary Hearing

8. The student will be notified of a Disciplinary Hearing in advance and will be provided with any written evidence to be used. Disciplinary Hearings will be arranged as far as possible at a mutually convenient time and place.
9. At the Disciplinary Hearing, the student will have an opportunity to state their case and answer the allegations that have been made. They may be accompanied by a fellow student and, whether or not they attend, may submit representations and provide information to the Committee.
10. The Disciplinary Committee shall make a decision as to whether the student did commit the alleged breach, and, if so, what sanction is imposed. The decision shall be notified to the student in writing (either by email or letter) within five days of the meeting.
11. Within one week of notification of the decision, by writing to the Chair of the Appeals Committee (the Students' Union President), the student may appeal against:
 - the severity / appropriateness of sanction imposed;
 - a procedural irregularity in the disciplinary process.

Or alternatively the student may appeal if they are able to provide new evidence that was previously unavailable.

12. The Disciplinary Committee shall consist of three persons nominated by the Students' Union President. None of the selected committee members should have been previously involved in the incident, issue or with the individuals in question.
13. The Appeals Committee shall consist of three persons nominated by the Students' Union President. None of the selected committee members should have been previously involved in the incident, issue or with the individuals in question.
14. No-one who serves on the Disciplinary Committee shall subsequently serve on the Appeals Committee.
15. Should the Disciplinary Committee find that the student has committed a breach of discipline the following sanctions are available to the Committee:
 - No further action;
 - Formal warning for a specific timeframe;
 - A fine of up to £500 to cover damages;
 - Expulsion from the Students' Union
 - Removal from position of responsibility, whether elected or appointed;

Appeals Procedure

16. Within 14 days of receipt of an appeal, the Chair of the Appeals Committee shall call a Committee meeting.
17. The Appeals Committee shall review the information about the case, including the notes from the Disciplinary Hearing and letter of appeal in advance of the meeting.
18. The student may attend and may be accompanied by a fellow NFTS student (not being a member of the Disciplinary Committee or the Appeals Committee) and,

whether or not they attend, may submit representations and provide information to the Committee.

- 19.** The Appeals Committee shall decide:
- (a) where the appeal is against a finding that the student has committed a breach of discipline, whether to uphold or to dismiss the appeal;
 - (b) where the appeal is against a sanction imposed, whether the sanction should stand or be removed, altered or varied and detail what the new sanction is;
 - (c) where the appeal is against the process, whether this would have had an impact on the sanction imposed.
- 20.** The decision of the Appeals Committee is final and the student will have no further right of appeal.

Confidentiality

- 21.** All material relating to disciplinary and appeals proceedings, including the names and addresses of those involved, shall be recorded and kept securely. Access to such material will be allowed on a "need to know" basis only. These records are to be kept confidential and retained in line with the above disciplinary procedure and the Data Protection Act 2018. Copies of any meeting records will normally be given to the individual concerned (in certain circumstances information shall be withheld for example to protect a witness).

9. COMPLAINTS PROCEDURE

1. If a member has a complaint which they feel they can take up informally with a view to its being resolved quickly they are encouraged to do so.
2. If, for any reason, a member feels unable to resolve their complaint informally as referred to above, they may make a formal complaint using this procedure.
3. This procedure does not apply to complaints about the School, its services or School staff. If a member has such a complaint relating to the School, please refer to the School's Student Complaints Procedure.
4. This procedure does not cover complaints about the conduct of elections. If a member has a complaint about elections, it should be made in accordance with the Byelaw 4.
5. If a complaint relates to alleged misconduct of a Union Member, this will normally be considered under the Disciplinary Policy in Bye-law 8. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Students' Union President.
6. If a members wishes to raise a formal complaint they should do so by emailing the Students' Union President, or, if the complaint relates to or concerns the President, by emailing the Vice-Chair of the Student Council.
7. The e-mail should set out:-
 - (i) the nature of the complaint;
 - (ii) details of the circumstances in which it has arisen;
 - (iii) details of any steps taken so far to have the complaint dealt with; and
 - (iv) details of the steps the member considers should be taken to deal with the complaint.

Dealing with a formal complaint

8. On receipt of a complaint, the President will respond to the Member within 10 working days setting out how complaint will be considered.
9. The President will consider requests for confidentiality in dealing with a complaint but an anonymous complaint or anonymous contributions cannot be considered.
10. The President may deal with the complaint as they consider appropriate in all the circumstances. In particular:
 - (i) the President may investigate the complaint themselves; or
 - (ii) may refer the complaint for investigation to another individual or body and for report back; or
 - (iii) may refer the matter to be dealt with under other Union procedures as referred to above.
11. In the course of any investigation of the complaint the President may, but need not, invite the member to a meeting with him/her and/or other specified individuals to discuss the member's complaint.

The Complaint Decision

- 12.** If the matter has not been referred to be dealt with under any other Union procedure as referred to above, the President will take a decision in relation to the complaint and notify the member by email of such decision by no later than 20 working days of the complaint being received, or by such later reasonable time notified to the member.
- 13.** If the member is dissatisfied with the President's decision in relation to their complaint, they may apply for a review of the decision in accordance with the procedure set out below.
- 14.** If the matter has been referred to be dealt with under any other Union procedure as referred to above, the member will be notified of the final decision under that procedure, which will be treated as the outcome in relation to the member's complaint, and the member will not be entitled to any review in relation to it.

Application for Review of a Complaint Decision

- 15.** If a member is dissatisfied with the decision relating to their complaint, they may apply within 10 working days for a review of that decision to the NFTS Registrar. An independent person appointed by the NFTS Board of Governors may be appointed to investigate and report on the complaint.
- 16.** Members are reminded that if they are dissatisfied with their dealings with the Union, or if they claim to be unfairly disadvantaged by reason of having exercised their right not to be a Member, they may be entitled to apply to the School as provided for in the Education Act 1994. Before making such an application, Members will normally be required by the School to have completed the procedures provided for under this Complaints Procedure

STUDENT UNION CODE OF PRACTICE

(IMPLEMENTING SECTION 22 OF THE EDUCATION ACT 1994
IN RELATION TO STUDENTS' UNIONS)

Section 22(3) of The Education Act 1994 ("Act") requires universities to issue a Code of Practice setting out the manner in which the requirements of sections 22(1) & (2) of the Act, relating to the organisation and activities of the Students' Union, are put into effect. This document constitutes the Code of Practice ("Code").

The Board of Governors of The National Film and Television School ("NFTS") is the ultimate governing body of NFTS and is responsible for implementing and monitoring adherence to this Code. This Code applies to staff and students of NFTS and to the NFTS Students' Union and its officers (the students' union has no staff).

The NFTS Students' Union is constituted as a company limited by guarantee established under the Act under the name The National Film and Television School Student Union (company number [12408261]). It does not have charitable status. Its Board of Directors (who are also its sole members) is responsible for operating the students' union in accordance with its Articles of Association ("constitution") and all applicable law.

Requirements of Section 22		Compliance Measures
(1)	The governing body of every establishment to which the part of the Act applies shall 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 responsible for its finances.	(i) The NFTS Board of Governors ("Board") is the governing body of NFTS and approves the Student Union's constitution and issues this Code of Practice. (ii) The NFTS oversees the finances of the Student Union.
(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.	(i) The Students' Union makes an Annual Report on its activities to the Board. (ii) See additional responses below.
(2)(a)	The union should have a written constitution.	(i) The Memorandum and Articles of Association ("Articles") of the NFTS Students' Union were approved by the Board on 19 November 2019. This represents the Union's written constitution. (ii) The Articles sets out the key constitutional provisions and more detailed procedures of a constitutional nature are set out in the Students' Union Bye-laws.

(2)(b)	<p>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.</p>	<p>(i) The NFTS is required to review the provisions of the Student's Union's ("Union") Articles at intervals of not more than five years.</p> <p>(ii) The NFTS Board approved the Articles in November 2019 and will review them during the 2024/25 academic year.</p> <p>(iii) Article 55 requires the approval of the NFTS for any amendments to the Union's Articles.</p>
(2)(c)	<p>A student should have the right:</p> <p>(i) not to be a member of the union, or</p> <p>(ii) in the case of a representative body which is not an association, to signify that he (<i>sic</i>) does not wish to be represented by it,</p> <p>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.</p>	<p>(i) The students are not Companies Act members of the Union; the sole members are the elected representatives from students at the NFTS, all of whom have volunteered.</p> <p>(ii) All students at the NFTS have the right to the benefits provided by the Union as provided in the Bye-laws.</p> <p>(iii) The Bye-laws will contain the opt out requirements.</p>
(2)(d)	<p>Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.</p>	<p>(i) There are no "major union offices" (as defined in the Act) in the NFTS Union.</p> <p>(ii) All elections to the board of the Union are by secret ballot as prescribed in the Bye-laws.</p>
(2)(e)	<p>The governing body should satisfy themselves that the elections are fairly and properly conducted.</p>	<p>(i) The Bye-laws set out the process for elections to be fair and properly conducted, which includes:</p> <ul style="list-style-type: none"> • the appointment of a returning officer by the Union Board and • this appointment is ratified by the Students Union Council and the member of the NFTS's Senior Management Team responsible for liaising with the Union • after the elections a formal report is submitted to the Clerk to the NFTS Board • the report details that the election process was conducted in accordance with the regulations and state the results of the elections process. <p>(ii) The NFTS Board receives confirmation of Union election procedures and results.</p>

(2)(f)	A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.	The Union has a sabbatical President who is elected for a term of one year and can be re-elected for a maximum one further term. The Union does not have a paid elected union office. Any paid office would require the approval of NFTS under the Articles.
(2)(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.	<p>(i) The financial affairs of the Union are properly conducted in accordance with the Articles which require conformity with the requirements of companies law.</p> <p>(ii) The budget of the Union is around £5,000 per annum and thus no dedicated finance oversight is needed. Instead the budget of the Union is subject to approval by the NFTS's Finance & General Purposes Committee and quarterly reports from the President of the Union to the NFTS Director of Finance on income and expenditure in the previous quarter is required.</p> <p>(iii) Annual accounts are drawn up and will be audited externally if legally required.</p>
(2)(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, a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations.	<p>(i) The annual financial statements of the Union are received by the NFTS Finance & General Purposes Committee.</p> <p>(ii) Such accounts are available on request.</p> <p>(iii) Details of any donations are contained in the financial statements.</p>
(2)(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.	<p>(i) Specific resources are made available in the annual Union Budget for groups, clubs and societies.</p> <p>(ii) Individual groups, clubs and societies submit budgets/requests to the Union. The Board of the Union then reviews submissions and will allocate funding considering the necessary expenses of the groups, clubs and societies, and their membership levels and activities.</p>
(2)(j)	If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be	This information is published to the NFTS and to students through Workplace. The Management team of the NFTS will make this information available to the NFTS Board.

	made, to the organisation, and any such notice should be made available to the governing body and to all students.	
(2)(k)	Where the union is affiliated to any external organisations, a report should be published annually or more frequently, containing a list of the external organisations to which the union is currently affiliated, and 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.	<p>(i) An annual report is made to NFTS Board, normally in the Autumn term in conjunction with the financial statements of the Union, containing a list of the external organisations (if any) to which the Union is currently affiliated, and details of subscriptions or similar fees paid, or donations made, to such organisations since the last report.</p> <p>(ii) The contents of the report will be made available to all students by the Union.</p>
(2)(l)	<p>There should be procedures for the review of affiliations to external organisations under which —</p> <p>(i) the current list of affiliations is submitted for approval by members annually or more frequently, and</p> <p>(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.</p>	<p>(i) A review of any affiliations is carried out on an annual basis by the Students' Union Council, as outlined in Bye-law 1.</p> <p>(ii) This is covered by Bye-law 3 on Referenda. The Board of Directors, Students' Union Council or a petition of 20 students have the right to call a referendum on any matter. The Students' Union Council may wish to hold such a referendum following the annual review of affiliations where there is call for one.</p>
(2)(m)	There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.	A complaints procedure is outlined in Bye-law 9. Initially the complaint will go to the President of the Union or if it involves them, then to the Vice-Chair of the Student Council. If the complainant is not happy with the response, the complaint will be considered by the NFTS Registrar and, ultimately by an independent person appointed by the NFTS governing body.
(2)(n)	Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.	The complaint timelines and remedies are outlined in Bye-law 9.
(3)	The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when	(i) The Code of Practice was approved by the NFTS Board on 19 November 2019 and by the Union Board in 2020.

	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.	(ii) The approved Code of Practice is published on both the Quality Assurance and Union Workplace pages.
(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); and (b) any restrictions imposed on the activities of the union by the law relating to charities	(i) At the start of each academic year the NFTS Board liaises with the Union to distribute an announcement on Workplace to all students to introduce them to the NFTS Students' Union. (ii) This announcement contains a summary of the Union, a link to its Workplace page, a link to the Code of Practice and provides an opportunity for them to subscribe to the Union Workplace page.
(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.	The introductory announcement also contains a link to outline the procedures to opt out of any involvement with the Union as well as containing information on other support services provided through the NFTS, e.g. Student Support and Wellbeing.

Approved by NFTS Board: 19 November 2019

Approved by NFTS Students' Union Council: [XX][Month] 2020