



Falmouth & Exeter
Students' Union



MEMORANDUM OF UNDERSTANDING

Purpose

The purpose of this Memorandum of Understanding is to provide clear operational guidelines for **FXU – Falmouth & Exeter Students' Union** - which serves **University College Falmouth** (incorporating Dartington College of Arts) (UCF) and **University of Exeter, Cornwall Campus** (UECC) students.

Aim

The aim of FXU is to provide representation and services for all students of University College Falmouth and University of Exeter, Cornwall Campus, in order to enhance their well-being and general student experience through social, cultural, political, sporting, welfare, educational and other opportunities.

FXU is a democratic body and will endeavour to undertake all its' activities in an open and transparent manner in order to best serve the interests of all students.

Content

The Memorandum of Understanding will cover the following aspects:

1. Membership
2. Governance & Structure
3. Meetings
4. Elections
5. Finances
6. Activities
7. Officers and Staff
8. Complaints and Grievances
9. Amendment & Interpretation
10. Ratification

1. Membership

- 1.1 All registered full, part-time and post-graduate students of University College Falmouth (incorporating Dartington College of Arts) and University of Exeter, Cornwall Campus, will be deemed members of FXU as detailed below, unless they choose to exercise their right to opt-out of the Union Structure (see 1.5 below).
- 1.2 Full membership - applicable to all students registered on a full-time course of study with either institution. Rights and privileges of full members are as follows:
1. To have full use of all facilities obtained by FXU, subject to the general rules of use of such facilities.
 2. To have full access to all constituent clubs, societies and activities of FXU, subject to availability (if dependent on numbers), and conformity to the general rules and guidelines of individual clubs and societies.
 3. The right to vote in FXU referenda.
 4. The right to attend and speak at general meetings of FXU.
 5. The right to stand and vote for FXU Sabbatical and Executive positions*.

* Due to the nature of their representative functions, the Sabbatical positions of FXU President UCF and FXU President UECC relate specifically to individual institutions and can therefore only be stood for by students of the corresponding institution.

- 1.3 Part-time membership – applicable to all students registered on part-time and post-graduate courses of study with either institution. Rights and privileges of part-time members are as 1 – 4 (inclusive) of section 1.2 above.
- 1.4 Associate membership – applicable to persons as nominated and recommended to the student body at general meetings. Rights and privileges of associate members are as 1 – 2 (inclusive) of section 1.2 above.
- 1.5 Opting-Out. Students have the right to opt out of membership of FXU. In order to opt out they should indicate as such, in writing, to their respective President, within six weeks of the start of term. The period of opt out will be assumed to be one academic year, unless otherwise stated. Students who have opted out will not be entitled to any of the rights and privileges as detailed in 1.2, but will still be able to access welfare support in the form of the FXU Student Advice service and representation from Sabbatical and Executive officers.

2. Governance & Structure

- 2.1 The ultimate decision-making body of FXU shall be the combined student body. A referendum called and voted on by a meeting of members will determine final authority on FXU matters. For purposes of referendum, a meeting will be quorate with 75 full members. For motions / decisions affecting future structure and policy / procedure of FXU, a two-thirds majority vote will be required. A simple majority will be required for all other votes.
- 2.2 Referenda can be called in the following ways:

- i) a two-thirds majority of the Student Council
- ii) a simple majority of a quorate general meeting (a general meeting will be quorate with 75 full members)
- iii) a petition signed by (at least) 100 full members

- 2.3 The FXU Student Council will hold responsibility for political policy and decision-making. In the event that a General Meeting of students is not quorate, the Student Council will be authorised to ratify and make decisions as required. The Council will also be the accountable body for Sabbatical and Executive Officers. Full terms of reference and membership are attached as Appendix A.
- 2.4 The general governing body of FXU shall be the FXU Board. The FXU Board will include the Executive officers (x8) and Sabbatical officers (x3), and will have responsibility for ensuring that operational policy and procedural guidelines are adhered to at all times. The FXU Board will serve as the Board of Trustees. Full terms of reference are attached as appendix B.
- 2.5 Day-to-day management of FXU will be the responsibility of the FXU Management Team (FXUMT) which comprises the Sabbatical Officers (x3) and the FXU General Manager. Full terms of reference are attached as appendix C.
- 2.6 The FXU Executive will be involved with the general execution and operation of FXU's activities, relating specifically to individual posts held by Executive Officers, and, in terms of policy & decision-making, as members of the Student Council. Full terms of reference and membership are attached as appendix D.

3. Meetings

- 3.1 A general meeting of members will be held once a year. The Annual General Meeting will be quorate with 75 full members and serve the following purposes:
- i) to raise issues of concern and/or interest to students, and discuss / agree course(s) of action in order to address / respond to these
 - ii) to inform members of forthcoming FXU events and activities
 - iii) to receive feedback and comment on proposals and reports
 - iv) to hold referenda (if the motion to call such a referenda has been undertaken as set out in 2.2 above)
 - v) to consider and consult on FXU policy
 - vi) to present the annual budget
- 3.2 The Annual General Meeting will be advertised via notice boards, email and other media, if appropriate, at least 10 working days prior to a meeting. An agenda will be available at least 4 working days in advance of a meeting, and minutes will be available from the FXU offices.
- 3.3 Extraordinary meetings can be called to deal with individual matters of particular seriousness and urgency. An extraordinary meeting should be called as a referendum as outlined in 2.2 above.

4. Elections

- 4.1 Elections for Sabbatical and Executive officers shall take place during the Spring term each year.
- 4.2 Nominations for the FXU President Welfare and all Executive positions will be sought from the combined student body across Tremough and Woodlane campuses.
- 4.3 Nominations for the positions of FXU President, UECC and FXU President, UCF will be sought from students of University of Exeter Cornwall Campus and University College Falmouth respectively.
- 4.4 A list of candidates running for all positions will be posted on FXU notice boards and emailed to students within 48 hours of close of nominations.
- 4.5 Voting shall be by secret ballot.
- 4.6 Students will need to produce a valid current student card to prove their eligibility to vote (in the case of paper-based voting), or will be required to log on to a secure area (in the case of E-voting).
- 4.7 Student ID numbers will be logged in order to ensure that duplicate votes are not made.
- 4.8 A Returning Officer (RO) will be appointed each year, by the FXU Board to oversee the election process. This may be a representative of NUS, a member of Institutional staff, or the FXU General Manager.
- 4.9 Votes will be counted and verified by the Returning Officer, who should then announce the election results within 48 hours of close of voting.

5. Finances

- 5.1 FXU will receive a block grant from University College Falmouth to cover general running and activity costs. A further grant to cover the cost of Sabbaticals' annual bursaries will be forwarded to FXU who will operate a PAYE payroll for the Sabbaticals. [Salary amounts for staff will be deducted at source by the institution as the employing agent.] The grants are provided by UCF on behalf of both institutions UCF pay the grant on behalf of the Combined Services and UoE are invoiced by UCF (Combined Services) for the UoE share based on student numbers.
- 5.2 The financial year will run 1st August to 31st July.
- 5.3 Annual budgets will be set by outgoing officers to be handed over to incoming Sabbaticals and Executive, and will be presented to students at the annual general meeting.
- 5.4 Decisions relating to expenditure will be the responsibility of the FXU Management Team (day-to-day general operational expenses) and FXU Board

(significant expenditure eg for larger, developmental purchases, and as a guideline, payments over £5,000).

- 5.5 All incoming and outgoing financial transactions will be recorded and kept up-to-date, in line with accepted accountancy practice, by FXU staff, and overseen by the FXU General Manager.
- 5.6 Summary budget reports will be prepared for each meeting of the FXU Board, to provide details of budget allowance, income & expenditure to date and anticipated commitments for each area / department. These reports will also be made available to members of the Exec and Student Council on request.
- 5.7 All financial records will be made available for inspection, on request by members, and appropriate representatives of each institution.
- 5.8 Annual accounts will be prepared, in accordance with legal and other requirements, and submitted for audit on an annual basis, no later than twelve weeks after the end of the financial year.
- 5.9 FXU will operate bank accounts as are deemed appropriate in order to manage its day-to-day finances. Accounts to be opened will be agreed by the FXU Board who will also authorise appropriate signatories to each account.

6. Activities

- 6.1 Key FXU activities will be as follows:
 - i) Student Representation
 - ii) Co-ordination of sports and recreational activities
 - iii) Independent advice and guidance (to include financial, legal advice)
 - iv) Promotion and co-ordination of voluntary / community work & opportunities for students (dependent on funding)
 - v) Co-ordination of freshers' activities and other student events during the year
- 6.2 The aim of all FXU activities is to support students' well-being & welfare; enhance the students' experience; increase opportunities for personal development for students and to ensure issues relating to these and all aspects of students' lives are raised and considered in appropriate arenas.
- 6.3 All activities undertaken by FXU will be done so in an open and transparent manner, with consultation and consideration of students' views and interests being paramount and presented by their duly elected Sabbatical and Executive officers, and Student Council Reps. All FXU activities will be open to scrutiny by members and appropriate officials of the individual institutions.
- 6.4 All officers working for, or representing FXU, in any arena or capacity, will be duly mandated to do so either by means of their job description or specifically appointed task, as agreed by the relevant body (ie the Student Council, FXU Board or Management Team).

7. Officers and Staff

- 7.1 FXU will be serviced by staff who will be employed by University College Falmouth on behalf of the combined Institutions' services. All staff will work to job descriptions and terms & conditions as laid out by the institution(s), and will be line managed by the FXU General Manager.
- 7.2 FXU will further be serviced by the following duly elected Sabbatical officers:
- FXU President, UECC
 - FXU President, UCF
 - FXU President Welfare
- 7.3 Elected Executive Officers and nominated student representatives will also serve as members of the FXU Student Council, in accordance with the terms of reference as shown in Appendix A.
- 7.4 All staff and officers of FXU will conduct themselves at all times in accordance with their job description; terms & conditions of employment (staff), or Terms of Office agreement (Sabbatical & other Officers).
- 7.5 All staff and officers of FXU will conduct themselves at all times with due respect and consideration of fellow colleagues and students, and with regard to all policies and codes of conduct as relate to their position.

8. Complaints and Grievances

- 8.1 Complaints and grievances made to FXU will be dealt with promptly, with respect and confidentiality for all parties involved, and with the aim of reaching a mutually satisfactory solution, wherever possible.
- 8.2 Wherever possible, complaints and grievances will be dealt with informally, although an anonymous log of complaints received will be kept for monitoring purposes.
- 8.3 Anyone wishing to lodge a complaint or grievance with FXU should do so with a member of the Management Team or Executive Committee. Where the complaint is made to a member of the Executive, they will be expected to bring this to the FXU Management Team's attention for consideration and / or logging, as appropriate.
- 8.4 Informal complaints and grievances will usually be dealt with by the FXU Management Team and the matter dealt with as quickly as possible, but no longer than 10 working days, after receipt of the complaint.
- 8.5 If the complainant is not satisfied with the result of the informal procedure or considers the matter to be serious enough to go straight to formal proceedings, then the complaint should be put in writing to (any member of) the FXU Management Team.

- 8.6 Where the complaint involves one or more members of the FXU Management Team, the complaint can be specifically addressed to another member of the Management Team or, if more appropriate, to a member of the FXU Board.
- 8.7 The formal complaint / grievance procedure is as follows:
- i) formal complaint received in writing & acknowledged within 5 working days
 - ii) the complaint to be investigated by a nominated officer. A nominated officer will usually be a Sabbatical or Executive Officer (in the case of general complaints), or a member of the Student Council (in the case of complaint against a President or Executive officer).
 - iii) the investigation should collate all pertinent information from relevant parties involved in and/or witness to the complaint.
 - iv) findings of the investigation and recommendations for action to be taken, should be reported to, discussed by, agreed and authorised by the FXU Board, within 3 working weeks of receipt of the complaint
 - v) the complainant to be notified of the outcome of the investigation and subsequent action to be taken, within 4 working weeks of receipt of the complaint.
 - vi) If the complainant is unsatisfied with the outcome of the investigation and subsequent action proposed, an appeal can be lodged, direct to the FXU Board for re-consideration.
 - vii) In the case of a complaint about the FXU Board, the Student Council would form a specifically tasked Sub-Committee to deal with the matter and elect a member as Chair of the Sub-Committee, for purposes of facilitation.
- 8.8 In the case of a complaint against a member of FXU staff, this will be dealt with in the first instance by the individual's Line Manager, and subsequently, as necessary, through the complaint / grievance and disciplinary procedures of the employing institution.
- 8.9 In the case of a complaint against a Sabbatical Officer, this will be dealt with in the first instance by the other members of the FXU Board (with advice and guidance from the FXU General Manager & attending Institutional representatives), and brought to the attention of the Student Council, as appropriate. This should generally follow the procedure as set out in 8.3 – 8.7 above.
- 8.10 In the case of a complaint against a member of the Executive Committee, this will be dealt with by the FXU Board (with advice and guidance from the FXU General Manager & attending Institutional representatives). This should generally follow the procedure as set out in 8.3 – 8.7 above.

* Where disciplinary measures need to be utilised, these shall be as stated in the contract of employment (staff), or agreement of terms and conditions (Sabbs) relating to the individual in question.

9. Amendment & Interpretation

- 9.1 Amendment(s) to the Memorandum of Understanding must give due consideration to and reflect the operational needs of FXU. As a measure of good practice, consultation with staff, students and relevant colleagues should take place, as appropriate, before suggested amendments are put forward to the FXU Board.
- 9.2 Amendment(s) will be considered and decided upon by the FXU Board with a simple majority vote.
- 9.3 All proposed amendment(s) will be forwarded to the TCS (Tremough Campus Services) Executive for response and comment. UECC and UCF to be informed of amendments, as appropriate, by the TCS Executive.
- 9.4 Interpretation of any wording, appendices, policies or subsequent amendments or annexes will be decided upon by the FXU Board. Institutional advice and guidance on such matters will be provided via the attendance of the Registrars (or their nominees) and the Campus Services Director, at FXU Board meetings.

10. Ratification & Review

- 10.1 This Memorandum of Understanding and its' Appendices will be agreed and authorised by the FXU Board and adopted at a general meeting of students. In the event that a general meeting is not quorate, the FXU Student Council will have authority to ratify the documents and/or amendments.
- 10.2 Institutional ratification will be received via the TCS Executive. Should the TCS Executive feel that any clause, appendix or amendment is un-democratic; or conflicts with either Institution or the constitution of the University of Exeter Guild of Students, it will make recommendations for further amendments to be adopted by the FXU Board.
- 10.3 The Memorandum of Understanding, its Appendices and amendments, should be reviewed at least every 5 years.

List of Appendices:

- Appendix A FXU Student Council Terms of Reference
- Appendix B FXU Board Terms of Reference
- Appendix C FXU Management Team (FXUMT) Terms of Reference
- Appendix D FXU Executive Officers Terms of Reference
- Appendix E FXU structure diagram (*not yet included*)

This MoU took effect from 1 August 2010 as approved by the FXU Board of Trustees and parent institutions on 28 May 2010.



FXU Student Council Terms of Reference

Purpose

The purpose of the FXU Student Council is to provide a body for broad student representation to ensure that FXU remains responsive, responsible and accountable to its students.

The FXU Student Council will have the following main functional roles:

1. To discuss and agree political policy
2. To discuss and agree action to be taken by FXU in order to address specific issues
3. To mandate Sabbatical and Executive Officers to undertake tasks to fulfil agreed action
4. To communicate and raise issues of interest or concern to students
5. To report and feedback about FXU progress and developments to members' individual areas
6. To deal with any disputes, complaints or grievances concerning Sabbatical or Executive Officers
7. To agree and ratify the adoption of, or changes to, governing documents and accounts, in the event that a General Meeting is not quorate

Membership

The FXU Student Council will comprise the following members:

- 2 x Art Course Reps
- 2 x Design Course Reps
- 2 x Media Course Reps
- 2 x Performance Course Reps
- 2 x Art Foundation Course Reps
- 2 x English & History Course Reps
- 2 x CSM Course Reps
- 2 x Law & Politics Course Reps
- 2 x Biosciences & Geography Course Reps
- 2 x Postgraduate Course Reps UCF
- 2 x Postgraduate Course Reps UECC
- 3 x Glasney Village Reps (A-J; K-O; View)
- 2 x Tuke House Reps
- 2 x International Student Reps
- 2 x Open positions
- 8 x Executive Officers
- 3 x Sabbatical Officers

All course, halls and international student reps to be appointed to the Council from within each separate group. Open positions will be appointed from across the student body. Executive and Sabbatical Officers to be Council members by virtue of their elected positions.

Chair

A Council Chair should be elected by the membership at the first meeting of the year. Sabbatical and Executive Officers are not eligible to be Chair of the Student Council. In the event that no-one is willing to put them selves forward for the position of Chair, a rep name to be selected at random ('from the hat'), to facilitate that meeting. The Chairship will then revolve (using the same selection method) so that no one person must Chair for more than one meeting.

Meetings

The FXU Student Council will meet twice each term with all dates being set at the beginning of the year.

Meetings will be attended by a member of the FXU staff team to act as Minutes Secretary, and to provide administrative support to the Council. The Minutes secretary will be responsible for booking the meeting venue and circulating agendas and minutes. Agenda items should be forwarded to the Minutes Secretary at least eight days before the meeting date. An agenda should then be circulated at least 5 days in advance of meetings. Minutes should be circulated within 10 days of the meeting.

Minutes will include a summary of discussions, and action points agreed. Minutes will be made available on request (to the Minutes Secretary) to any member of FXU or appropriate colleagues within our related Institutions.

Quorum

A meeting will be quorate with attendance of 50% + 1 of the membership.

Voting & Decision-making

Each member will have one vote, and decisions will be determined by simple majority vote. In the event of a hung vote, when not all members are present, the vote to be carried forward to the next meeting.

Attendance and Conduct

Members will be expected to attend meetings. Where this is not possible, apologies should be made via the Chair or Minutes Secretary. Absence from three consecutive meetings will result in loss of membership of the Council.

All members will be expected at all times to conduct themselves with appropriate professionalism and respect for others.

Reporting

The Council shall receive reports from Sabbatical and Executive Officers, and other members, as required, and agreed by Council.



FXU Board Terms of Reference

Purpose

The purpose of the FXU Board is to provide a body to oversee the strategic work and developments of FXU, and ensure that FXU operates in compliance with legal, constitutional and best practice guidelines.

The FXU Board will have the following main functional roles:

1. To agree operational policy
2. Approve annual plans and budgets
3. Ensure day-to-day operations are effective and in line with legal, constitutional and other relevant guidelines
4. To serve as a Board of Trustees

Membership

Membership of the FXU Board will be by virtue of elected position held. Membership will comprise the three FXU Sabbatical Officers and eight non-Sabbatical Executive Officers. Elections for these positions will be in accordance with Section 4 of the Memorandum of Understanding, and annually published election guidelines.

Attendees

The FXU Board will invite the Registrar & Secretary from each Institution and the Tremough Campus Services Director (or their nominated representatives) to attend meetings, in order to provide comment and guidance on issues discussed and serve as reporting conduits to / from the Institutions and Combined Services Board.

The FXU General Manager and FXU Administrator (acting as minutes secretary) will attend meetings.

The FXU Board may invite other individuals to offer specialist advice and expertise as required.

Chair

The Board will operate on a 'revolving Chair' basis for the purposes of facilitation. The Chair for each meeting will be decided at the end of the previous meeting.

Attendance and Conduct

Members will be expected to attend all meetings. Where this is not possible, apologies should be made via the Minutes Secretary (FXU Administrator). Absence from three consecutive meetings will result in loss of membership of the committee.

All members and attendees will be expected at all times to conduct themselves with appropriate professionalism and respect for others.

Meetings

Meetings will be held not less than four times per year. An agenda for meetings will be circulated seven days in advance, and minutes to include recommendations and decisions made, will be circulated and made available within 10 working days following the meeting.

Dates for meetings will be set at the beginning of the academic year.

Extraordinary meetings may be called to deal with specific issues and matters of urgency, if this can not wait until the next scheduled meeting.

An extraordinary meeting can be called by any member of the FXU Board, by giving a minimum of three working days notice of such a meeting to all other members.

Quorum

The quorum for meetings will be 6 members.

Voting and Decision-making

All decisions taken will be decided by a simple majority vote.

Reporting

The FXU Board will receive reports (and proposals) from the FXU General Manager. Other officers and Executives may provide reports on request and within reasonable time constraints.

The FXU Board will be responsible for ensuring that all required reports including end of year accounts are prepared and communicated to UCF and UECC, as necessary.

FXU Management Team Terms of Reference

Purpose

The purpose of the FXU MT is to oversee the day-to-day operation and activities of FXU, in accordance with the Memorandum of Understanding and policies and plans as agreed by the FXU Board.

The FXU MT has a shared responsibility for the management of FXU, within the remit of individual roles as outlined below.

The FXU MT will have the following main functional roles:

1. To discuss and prioritise activities to be undertaken by FXU
2. To agree operational methods and implementation of activities
3. To discuss and agree expenditure relating to activities

Membership

The FXU MT will comprise the three Sabbatical officers – FXU President UECC; FXU President UCF; FXU President Welfare; and the FXU General Manager.

Roles

Sabbatical Presidents' key role is to represent the interests of their respective students, and ensure that the activities undertaken by FXU fully reflect the issues, concerns and priorities of their electorate. Main areas of responsibility therefore include communicating with students through various channels and liaising with elected Executive officers.

The General Manager's key role is to ensure that an effective and efficient operational structure and systems are in place, to support these activities. Main areas of responsibility therefore include managing staff and permanent or on-going resources.

Meetings

The FXU MT will meet on a weekly basis.

A summary of items discussed and action points agreed at each meeting will be kept as a record for reference.

Reporting

The FXU MT will report individually (in written and/or oral format) to the FXU Board at each meeting, and to Executives and Institutional colleagues as appropriate.

FXU Executive Officers Terms of Reference

Purpose

FXU will have 8 elected (non-Sabbatical) Executive Officers who will have specific roles relating to various areas of FXU activity.

Executive Offices in 2010 – 2011, will be:

Community Action Officer	(Key liaison with:.....) (Presidents and Community Action Co-ordinator)
Sports & Societies Officer	(Presidents and Sports & Recreation Co-ordinator)
Ents Officer	(Presidents and Finance & Admin Co-ordinator)
Promotions Officer	(Presidents and Administrator - Woodlane)
RAG Officer	(Presidents and Community Action Co-ordinator)
Campaigns Officer	(Presidents and Research & Rep Co-ordinator)
Environment & Ethics Officer	(Presidents and Community Action Co-ordinator)
Equal Opportunities Officer	(Presidents and Research & Rep Co-ordinator)

Executive Officers will liaise primarily with the relevant, member(s) of the FXU staff / Sabbatical team, and agree key tasks and responsibilities to be undertaken with them.

Executive Officers will also have the following general roles:

1. To support FXU activities (e.g. during freshers' fortnight)
2. To share information and discuss both past and future activities – their successes and shortfalls – in order to improve and develop future activities
3. To ensure that FXU activities are reflecting the relevant concerns, interests and priorities of the student body

Executive Officers will also have the following specific responsibilities:

1. To be a member of the FXU Board and serve as a trustee
2. To be a member of the FXU Student Council

It will be expected that Executive Officers will attend Board and Council meetings as detailed in the relevant terms of reference.

Reporting

Individual Executive Officers will report on their activities and any issues they wish to raise at the FXU Student Council meetings.