

Durham UCU Local Rules (last amended March 2009)

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1 Name

The name of the Local Association (LA) is 'The University and College Union at Durham Local Association' (DUCU), subsequently referred to as the Local Association.

2 Constitution

The Local Association is constituted in accordance with the current rules of the University and College Union (UCU).

3 Aims and objects

The objects of the Local Association shall be the advancement of University Education and Research, the regulation of relations between academic and academic-related staff in universities and analogous institutions and their employers, the promotion of common action by these staffs and the safeguarding of the interests of the members: that is to say, the same objects as those of the University and College Union, excluding the political objects thereof. The Local Association may also discuss the furtherance by the University and College Union of those political objects and may act in furtherance thereof provided that no funds of the Local Association are expended for these political purposes.

4 Membership

4.1 Qualifications for Membership

Membership of the Local Association is open to Full, Retired and Attached Members of the University and College Union whose eligibility for membership derives from their association with Durham University. The Local Association may also admit to membership at its own discretion members of the University and College Union who work in institutions which do not have their own local association or branch of University and College Union.

4.2 Honorary Membership

The Annual General Meeting may elect to Honorary Membership of the Local Association anyone who is a Retired Member of the University and College Union. Honorary Members are entitled to belong to the Local Association without paying any local subscription.

5 Subscriptions

5.1 Each member of the Local Association will pay, in accordance with procedures determined by the NEC, a subscription to the funds of UCU consisting of the current national subscription as determined by the NEC, and any current local subscription agreed by the Local Association.

5.2 The local subscription will be approved by a decision of the Annual General Meeting and published to all members.

6 Use of Funds

6.1 All expenditure by the Local Association must further the objects of the Local Association. The finances of the Local Association shall be conducted in accordance with arrangements determined by the National Executive Committee which shall include an audit and report prepared in accordance with instructions issued by the Honorary Treasurer.

6.2 No funds of the Local Association will be used for affiliation to a political party, or for the furtherance of the union's political objects.

6.3 The funds of the Local Association will be used for:

6.3.1 Costs incurred in the proper conduct of the business of the Local Association, as agreed by the committee.

6.3.2 Payment of the expenses of any members duly appointed by the Local Association to represent it, such payments requiring prior approval from the Hon. Treasurer, who will refer the matter to the other Officers if he or she deems it necessary. The Treasurer's personal expenses must be approved by another Officer.

6.3.3 Payment of other such expenses as will from time to time be determined by a majority of members present and voting at a quorate general meeting of the Local Association, subject to 6.1 and 6.2 above.

7 Committee

7.1 There will be a committee responsible for conducting the day-to-day business of the Local Association. The committee will meet not less than once every four months. At all Committee meetings the quorum shall be five.

7.2 If presented with a written request signed by half of the members of the committee, the President must call a meeting of the committee to take place not later than fourteen working days following the day on which that written request is received.

7.3 The committee will consist of:

7.3.1 the officers as specified below

7.3.2 the immediate Past President

7.3.3 up to ten ordinary members elected annually from members of the Local Association.

7.3.4 up to two members co-opted by the Annual General Meeting or by the committee who will serve to the end of the term of office of other committee members

7.3.5 any member of the Local Association who is a member of the National Executive Committee of UCU.

7.4 The committee shall have a Negotiating Committee to conduct negotiations. Membership of the Negotiating Committee shall consist of the President, the Hon. Secretary, the Personal-Cases Co-ordinator, and any other committee members whose expertise the President regards as being relevant.

7.5 The Negotiating Committee is the only body empowered to conduct negotiations with the institution. The negotiators may include the regional official, under circumstances determined by the General Secretary.

8 Officers of the Local Association

8.1 Members will be elected to the following officer roles within the Local Association:

The President

The Vice-President

The Hon. Treasurer

The Hon. Secretary

The Membership Secretary

The Equality Officer

8.2 The President

The President will chair all general meetings and all committee meetings of the Local Association and perform such other duties as are laid upon the President by any rule or are decided by the committee. In the absence of the President these duties will be performed by the Vice-President, failing which another officer as the committee decides. In accordance with normal practice, the President may, between meetings of the committee, take any action on behalf of the Committee which is both urgent and necessary. Such action must be reported for approval to the next committee meeting.

8.3 The Honorary Secretary

The duties of the Hon. Secretary are to call general and committee meetings of the Local Association; to ensure that minutes of those meetings are kept; to organise membership circulations as the Committee deems necessary; to arrange notification of local election and ballot results to all members; and to perform such other duties as are laid on the Secretary by any rule or are decided by the Committee. In the absence of the Secretary, the Secretary's duties will be performed by another officer as the Committee decides.

8.4 The Honorary Treasurer

The Hon. Treasurer will have custody of the funds of the Local Association and authority to make payments from them in accordance with the rules as the need arises. The Treasurer's duties will be to keep the books of the Local Association; to present the accounts of the Local Association for auditing as necessary; to present these audited accounts to a general meeting of the Local Association, to publish them to all members of the Local Association, and to submit a copy forthwith to the Honorary Treasurer of UCU. In the absence of the Treasurer, the Treasurer's duties will be performed by another officer as the Committee decides.

8.5 The Membership/Recruitment Secretary

The Membership/Recruitment Secretary will be responsible for recruitment and for keeping any membership records that are necessary at local level. The Membership Secretary will provide membership information promptly to UCU in accordance with instructions from UCU Head Office or Regional Office to enable statutory and rule requirements of membership records to be met. In the absence of the Membership Secretary, these duties will be performed by another officer as the Committee decides. The Committee may resolve before forming the Agenda for the Annual General Meeting to unite the office of Membership Secretary with that of Hon. Secretary or that of Hon. Treasurer; if it so resolves, one person shall be elected to fill both offices.

8.6 The Equality Officer

The Equality Officer will:

- 8.6.1 have knowledge of and commitment to relevant issues, and be willing to undertake training according to the needs of UCU, monitor the implementation of equality policies within the institution, and, where appropriate, encourage and support local negotiations on equality matters
- 8.6.2 monitor the volume and nature of personal casework which involves equality issues to ensure that the Local Association has appropriate mechanisms in place for handling such cases
- 8.6.3 where appropriate, provide information, encouragement and support to members about equality issues
- 8.6.4 ensure that UCU's national annual meetings, and any other relevant events and opportunities for women, black members, lesbian, gay, bisexual and transgender members and disabled members are publicised locally, that members from all groups are encouraged to participate, and that the Local Association maximises the opportunities for recruitment and organisation amongst all groups

- 8.6.5 where appropriate, provide liaison between the Local Association and UCU's equality structures
- 8.6.6 In the absence of the Equality Officer, these duties will be performed by another officer or officers as the committee decides.
- 8.6.7 The Committee may resolve before forming the Agenda for the Annual General Meeting to unite the office of Equality Officer with that of another Officer; if it so resolves, one person shall be elected to fill both offices.

8.7 *Casual Vacancies*

If an office is vacant and no ballot is being held for that office, the committee is empowered to fill the vacancy, either from members of the committee itself or from the general membership of the Local Association. Officers so appointed will retire at the same time as if they had been duly declared elected at the last Annual General Meeting.

9 Elections of Ordinary Members of the Committee and Officers

9.1 *Scrutineer*

The Committee will appoint a Scrutineer for elections who is neither a candidate for any office in the Local Association nor a member of the Committee.

9.2 *Nominations*

All nominations will be received in writing by the Hon. Secretary no later than the day that is 7 days before the day of the Annual General Meeting. Nominations must be accompanied by the written consent of the nominee and supported by the identifiable signatures of two members of the Local Association.

9.3 *Eligibility to stand for election*

Retiring officers will be eligible for re-election, except that the President and Vice-President may normally hold office for not more than five successive years in any one capacity.

A member may not normally be declared elected to more than one officer or ordinary position of committee membership except as in 8.5 above.

9.4 *Elections*

Subject to rule 10.4, if there is only one eligible candidate for any officer vacancy that candidate will be declared elected.

If the number of candidates to be ordinary members of the committee does not exceed the number of vacancies those candidates will be declared elected.

If there is either more than one eligible candidate for any officer vacancy or more candidates than there are vacancies of ordinary members of the committee a ballot of the members of the Local Association will be conducted in accordance with rule 10.

9.5 *Term of Office*

The term of office of an officer or ordinary member of the committee elected under this Rule shall commence on the first day of September following the Annual General Meeting at which the election took place; and shall end on the last day of the August during the year when that person's term of office or committee membership finishes. The officers shall be elected for two years; committee members for one year. Anyone appointed to fill a vacancy in office under Rule 8.7 shall leave that office when (s)he would have done so had (s)he been elected to that office at the due time and the vacancy had never occurred.

10 Conduct of Ballots

10.1 *Ordinary Ballots and Ballots concerning industrial action.*

All ballots will be conducted in accordance with this Rule, other than industrial action ballots which will be conducted in accordance with the rules of the University and College Union. All ballots under this Rule shall be postal except for those held at the AGM under Rule 9.4.

10.2 *Conduct of Postal Ballots.*

When a postal ballot is to be held, the ballot forms shall be sent, not less than fourteen days before the date fixed for counting the ballot, to each member of the Local Association. The scrutineer shall supervise the distribution of ballot forms and the whole conduct of the ballot and shall in particular fix the date and time for starting the count of the ballot. The completed forms received by the scrutineer before the start of the count shall be opened in the presence of the scrutineer and at least one Officer of the Local Association. All members shall be informed of the time of the start of the count when the ballot forms are distributed. The ballot shall be secret. When the Scrutineer has determined the results (s)he shall notify them forthwith to the Honorary Secretary in writing.

10.3 *Elections by ballot at AGM.*

When a ballot is called under Rule 9.4 the Scrutineer shall supervise the proceedings. All (and only) those members who are present at the meeting shall be entitled to vote and the ballot forms shall be collected by the scrutineer before the end of the Meeting, so that they can (if this is practicable) be counted immediately. The ballot shall be secret and the forms shall be counted by the scrutineer assisted by an officer of the Local Association. When the Scrutineer has determined the results (s)he shall notify them forthwith to the Honorary Secretary in writing. The AGM may adjourn and reconvene for the purpose of hearing the results.

10.4 *Elections*

If more than one candidate is nominated to serve for any office then a ballot shall be held. If more than ten candidates are nominated and ready to serve as Ordinary Members of the

Committee, the Annual General Meeting shall hold a ballot unless it decides to declare all those nominated and ready to serve as ordinary members of the Committee duly elected. Ballots under this rule shall be held in accordance with the procedures of Rule 10.3.

10.5 Use of Single Transferable Vote where appropriate.

If the ballot - postal or at the AGM - invites voters to choose between two options the voters shall be asked to mark their preference with a cross. If there are, in a postal or in an AGM ballot, more than two options the result of the ballot shall be determined by the single transferable vote system.

10.5 Publication of results.

The Honorary Secretary shall inform all members of the Local Association of all ballot results as soon as may be practicable.

11 Election of Congress Representatives

Congress representatives will be elected annually from members of the Local Association. The representatives to the Congress shall normally include both the President and the Honorary Secretary. Any ballot that is necessary will be conducted in accordance with Rule 10. Where an elected representative is unable to attend a particular Congress, a substitute may be elected by the committee. Names of the representatives will be notified to the General Secretary in accordance with published procedures.

12 Removal from Office

Any member of the committee (including the officers and other persons elected to represent the Local Association) may be removed from office by resolution at a general meeting (including an extraordinary general meeting) of the Local Association provided that (a) the terms of any such proposed resolution are received by the Secretary not later than the day that is fourteen days before the day of the general meeting and (b) the proposal for such a resolution is supported in writing by not less than twenty-five members or 25% of the membership, whichever is less. Upon receipt of such a proposal the Secretary will take all reasonable steps to ensure that that proposal is received by each member of the Local Association not later than the day that is seven days before the General Meeting at which it is to be considered. Any General Meeting which will have removed a member or members of the committee in accordance with the above will have power to replace any such member or members until such time as normal election of officers and other members of the committee next occurs.

13 Meetings of the Local Association

There may be at least three general meetings of the Local Association each year, of which one will be designated as the Annual General Meeting. The Regional Official shall receive

notice and minutes of all Local Association meetings. The General Secretary or nominee may attend all Local Association meetings.

13.1 Annual General Meeting

The Annual General Meeting will be held before the end of the Easter Term each year. The Secretary will take all reasonable steps to ensure that notice of the Annual General Meeting is received by members not later than the day that is 21 days before the day on which the meeting is to be held. The Secretary will take all reasonable steps to ensure that the agenda for the meeting is received by members not later than the day that is 7 days before the day on which the meeting is to be held.

The Annual General Meeting will normally receive the results of elections of the officers and committee members. It will appoint an auditor or auditors.

13.2 Other General Meetings

The Secretary will take all reasonable steps to ensure that notice of other general meetings is received by members not later than the day that is 14 days before the day on which the meeting is to be held.

14 Extraordinary General Meeting

An Extraordinary General Meeting of the Local Association will be held either at the request of the Committee, or following receipt by the Secretary of a requisition signed by at least the number of members equivalent to a quorum. Such a requisition will specify the topic or topics to be discussed. Requisitioned meetings will be arranged to take place not later than 14 working days after the day on which that requisition was received. The Secretary will take all reasonable steps to ensure that notice of the Extraordinary General Meeting is received by members not later than the day that is 5 working days before the day on which the meeting is to be held.

15 Quorum

At all general meetings, including extraordinary general meetings, of the Local Association a quorum will be 20 members or one twentieth of the membership, whichever is the greater, but subject to a maximum of 50 members. In any case, the quorum must be greater than the total size of the committee.

16 Quorum Arrangements for Formal Business

16.1 Occasions on which the Quorum Arrangements for Formal Business apply.

Where an Annual General Meeting, Extraordinary General Meeting or General Meeting is unable to complete items of formal business required by National or Local Rules, or resulting from trade union legislation, or from membership of the TUC, or in relation to the

local finances of the Local Association, because the meeting was not quorate, notice of a further meeting will be circulated to members to take place no later than 14 days after the date of the inquorate meeting. The agenda of the further meeting will be restricted to this incomplete, formal business. It will be quorate if three members are in attendance, except that in respect of the local finances of the Local Association, these three will not for purposes of the quorum include the Local Association Treasurer or its local auditors.

16.2 Definition of Formal Business.

Formal business is (a) the adoption of audited Local Association accounts; (b) determination of the Local Association budget including the setting of the local subscription; (c) confirmation of any financial or membership data required by the Association in order to comply with its Rules, or to make returns to the Certification Officer or any other body designated by legislation, or to the Trades Union Congress; (d) determination in local rules of the manner in which the Local Association's funds will be held; (e) the appointment of Local Association officers and auditors; and (f) any matter which the General Secretary notified the Local Association was required by legislation.

17 Motions

A resolution of a General Meeting is a motion that has been approved while that meeting was quorate by a simple majority of members present and voting except as provided elsewhere in these rules.

Any motion (other than an emergency motion) submitted by the Local Association to the Congress of the UCU will be circulated to all members of the Local Association and approved by a quorate General Meeting of the Local Association. Amendments, which may not introduce new subject matters to motions, may be taken at the discretion of the chair, and must voted on before the substantive motion is put to the vote.

Where a General Meeting is called, and part of the business of this meeting is to approve motions for submission to the Congress of the UCU, and this meeting is inquorate, motions for submission to Congress may be subsequently approved in a manner determined by the committee and consistent with the standing orders of Congress.

Emergency motions to Congress must be submitted in accordance with the standing orders of Congress.

18 Motions to National Meetings and Committees

All motions to national equality bodies, and national meetings and specialist committees of the special employment interest groups shall be submitted in accordance with national rules and standing orders and should be approved by a properly convened meeting of members of the relevant special interest group, for which the quorum will be 15, or by a quorate General Meeting, or by the Committee.

19 Ratification of Agreements

Any draft agreements must be ratified in accordance with regional or national ratification procedures where these exist.

20 Validation

No act done in good faith under these rules by the Committee, an officer or any other person or body will be invalidated only by reason of the subsequent discovery of a defect in, or the expiry of, their appointment.

21 Rules

No Rule or Rules of the Local Association will at any time be in conflict with a Rule or Rules of the UCU currently in force. Changes in the Rules of the UCU will, where applicable, automatically constitute changes in these Rules of the Local Association.

22 Amendment of Rules

These Rules of the Local Association may be amended by resolution of any quorate General Meeting of the Local Association. Proposed amendments to these Rules must be handed in writing to the Secretary by the end of the day that is twenty eight days before the day of the General Meeting at which they are to be considered. The Secretary will take all reasonable steps to ensure that these proposed amendments are received by members not later than the day that is 10 days before the day on which the meeting is to be held at which they are to be considered. Amendments to these rules require the support of at least two-thirds of the members present and voting at the General Meeting at which they are considered, an abstention not being regarded as a vote for this purpose. Alternatively these Rules of the Local Association may be amended by membership ballot and, in that case, the support of at least two-thirds of those members casting a valid vote in that ballot would be required. Either the Committee or a quorate General Meeting may decide to hold such a membership ballot.

All rules of the Local Association and amendments to these rules will be subject to approval by the national executive committee of the UCU.

23 Site Organisation

Where members of a Local Association are employed on more than one site, the Local Association may, for the purposes of enhancing local organisation, make arrangements for the members on any site to elect appropriate site officers to perform functions agreed by resolution of the Local Association. Any such arrangements and functions must be consistent with the overriding responsibilities of the Local Association and its officers as set out in these rules.

24 Representation of Members

24.1 A Personal Cases Co-ordinator shall be appointed by the Committee from within its membership at the first meeting after each Annual General Meeting or as required. Members of a panel of those dealing with personal cases shall be nominated by the Personal Cases Co-ordinator and approved by the President (or another Officer in the President's absence). Only members of the panel may represent members on behalf of DUCU.

24.2 Strict confidentiality shall be observed at all times: the names of those involved and the nature of the case must not be revealed to anyone not on the panel, and the breaching of such confidences will bar the panel member from present and any future membership of the panel absolutely.

24.3 Non-members of UCU in dispute with the university may not be represented by the Local Association or by individual members of the Committee. Members may be so represented, but only if the matters in dispute arose at least 90 days after joining UCU, or at the discretion of the Personal Cases Co-ordinator.

25 Communications

Ballots conducted under rule 10 are conducted by postal ballot and this process will not be conducted by email. Unless specifically determined by the Local Association, all other communications may be by email, and the definition of "in writing" in the above rules shall include communications by email.

Appendix : Standing Orders for the Conduct of Business at Local General Meetings

The arrangements for the quorum, calling of meetings and circulation of motions to meetings are as given in the rules of the Local Association.

1 Business of the meeting

In advance of the General Meeting, the committee will determine the agenda and prepare recommendations as to the order in which the business is to be conducted. The Committee will also decide on the duration of the meeting. The competent business of the General Meeting will be the matters stated in the agenda circulated to members in accordance with the local rules.

2 Chairing

The President will chair the meeting. In the absence of the President, the Vice-President will chair the meeting, and in the absence of the Vice-President, another officer of the Local Association. If there are no officers present, the meeting will elect a chair.

3 Conduct of meetings

The conduct of meetings will be the responsibility of the chair. The chair will have power to lay down time limits for the discussion of items on the agenda. The chair will rule on any question under the standing orders, or on points of order or information. A challenge to a ruling by the chair must be moved, formally seconded, there should be one speech in favour of the ruling, and then the challenge should be put to the vote without further debate. In a vote, such a challenge will require the support of two-thirds of the members present and voting at the meeting, an abstention not being regarded as a vote for this purpose.

4 Minutes

Minutes will be kept of all general meetings. The minutes of the previous meeting having already been circulated, the chair will call for any questions regarding their accuracy. When there are no further questions the chair will declare them (as amended, if necessary) confirmed. Members will then be at liberty to raise points arising out of the minutes, except on matters appearing elsewhere on the agenda.

5 Voting

Voting will be by show of hands, unless the chair directs otherwise. Tellers will be appointed at the beginning of the meeting. Decisions will be taken by a simple majority of those present and voting, unless otherwise directed by these standing orders or the rules of the Local Association.

6 Motions

All motions must be moved and seconded. Movers of motions may speak for five minutes. All other speakers may speak for a maximum of three minutes. Except at the discretion of the chair, no member will speak more than once on any motion, except that the mover of the motion will have a right to reply. Any member may formally second any proposition and reserve his or her speech until a later period in the debate.

Amendments from the floor of the meeting will be taken at the chair's discretion. All amendments must be moved and seconded.

7 Motions to close debate

Any member of the meeting may seek to end the debate on a motion or amendment by moving 'that the meeting proceed to next business' or 'that the question be now put', provided that there has been at least one speech each for and against the motion or amendment under discussion.

Such motions must be seconded and no speeches will be allowed on them but the vote on them must be taken straightaway. If either motion be lost, the same motion will not be moved until at least ten minutes have elapsed.

8 Effect of motions to close debate

If the motion 'to proceed to next business' is carried, the debate will cease and no vote may be taken on the main question nor on any amendment; if it is lost, the debate will continue as if 'next business' had not been moved.

If the motion 'that the question be now put' is carried, the meeting will vote immediately on the proposition before it.

9 Points of order

Any member may, at any time, raise a point of order.

10 Points of information

Any member may, with the leave of the chair, raise a point of information.

11 Withdrawal of propositions

Permission to withdraw any proposition that is before the meeting may be granted by a simple majority of those present and voting at the meeting, an abstention not being regarded as a vote for this purpose.

12 Reference of motions

Any motion to refer a motion to the committee either for examination or for re-drafting will, if seconded, rank as an amendment with precedence over any other amendment.

Any motion which is left on the agenda at the end of a meeting will be considered by the committee at their next meeting.

13 Suspension of standing orders

Any of the above standing orders will be suspended by the meeting for a specified purpose if a motion to that effect is moved, seconded and supported by two-thirds of those present and voting, an abstention not being regarded as a vote for this purpose. Standing orders will again apply as soon as the specified issue has been concluded.

14 Alteration of standing orders

These standing orders may be altered by a resolution of a general meeting of the Local Association, provided that notice of any proposed amendment is received by members not later than the day that is 14 days before the day on which that general meeting takes place.

Such a resolution requires the support of two thirds of the members present and voting, an abstention not being regarded as a vote for this purpose.