

The Student Union Malmö's constitution

(This is a translated version only, in case of any misses in the translation the Swedish version is the ratified version and should always be the one to follow)

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1. COMPOSITION AND PURPOSE

This chapter of the Student Union's Constitution defines what the Student Union Malmö is, what parts it comprises, and what documents govern its operations.

§1. The Student Union Malmö (hereafter, “the Union”) is an association of students at Malmö University. The organization is politically and religiously independent and is democratic in its structure. The Student Union has its registered office in Malmö.

§2. The purpose of the Union is to support the students, who study at the faculties which the Union represents, in their studies and study-related issues.

§3. The Union's bodies are:

- i. The Student Union Council
- ii. The Union Board
- iii. The Presidium
- iv. Local student councils
- v. Union associations and other groupings
- vi. Members

§4. The Union's activities are regulated, in descending order, by:

- i. SFS 2009:769 (Student Union Regulation)
- ii. 1993:100 (Higher Education Act)
- iii. this Constitution
- iv. directives from the Union Council.

2. MEMBERSHIP

This chapter of the Constitution defines who may become a member of the Union, how the membership fee is determined, the rights of Union members, and how expulsions from and reinstatements to the Union are conducted.

§1. Membership in the Union can be requested by and granted to students studying at the faculties the Union represents.

§2. The membership fee and the membership period are set by the Student Union Council.

§3. A Union member has the right to:

- i. participate in the Student Union Malmö's elections
- ii. hold elected office for the Student Union Malmö
- iii. put a motion or an interpellation to the Student Union Council and have such considered
- iv. have full access to the Union's documents.

§4. A Union member have the right to terminate their membership early by requesting it from the Union. Paid membership fees are not refundable.

§5. A Union member may be expelled from the Union if said member does not follow this Constitution or the Code of Ethics adopted by the Union Council, or if said member commits illegal activities affecting the Union. A decision of expulsion is taken solely by the Union Council after the member has been served and the member has had both the right to attend and speak at the Student Union Council meeting in which the expulsion is decided upon. Possible reinstatement of membership after expulsion will be tried by the Student Union Council on written request. Cases of expulsion and reinstatement should be prepared by the Union Board.

3. THE STUDENT UNION COUNCIL

This chapter of the Constitution defines what the Student Union Council shall do during its operational year.

- §1. The Student Union Council (hereafter, “the Council”) is the Union’s highest governing body. Matters of principle are determined by the Council.
- §2. The Council consists of twenty-nine (29) ordinary members and up to twenty-nine (29) alternates elected in accordance with this Constitution.
It is obligated for the members and alternate members of the Council to inform if they are unable to attend Council meetings. If members or alternate members do not participate in the Council’s work, the Council may remove the member or alternate member in accordance with the rules of procedure for the Council.
- §3. The Council’s mandate (operational year) runs from 1 July to 30 June.
- §4. The Council should have at least six (6) meetings during its operational year, by summons from the Union Board. The Council should not have meetings from 15 June to 15 August.
- §5. A Statutory Student Union Council meeting must be held within six (6) weeks after the annual Council elections. The Statutory Student Union Council meeting shall be chaired by the current Union Board president until a chairperson has been elected for the meeting.
- §6. The following have the right to request an additional Council meeting:
- i. the operational auditor or the financial accountant
 - ii. one third of the Council members
 - iii. thirty members of the Union
 - iv. the Union Board
- §7. The Council shall:
- i. issue instructions to the Union Board
 - ii. promote and review the work of the Union Board, local student councils, and elected officials
 - iii. consider submitted motions, proposals, and interpellations according to this Constitution
 - iv. follow the rules of procedure for Student Union Malmö’s council
 - v. revise the decision-making, delegation and work plans and other policy documents, particularly the instructions to the Nomination Committee and Election Committee
 - vi. review the operational report for the previous operational year
 - vii. review the income statement and balance sheet for the previous operational year
 - viii. examine the question of liability for last year’s Union Board at the operational year’s first regular Council meeting
 - ix. revise the rules of procedure relating to the Council and the Union Board
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- x. determine dates for the upcoming elections
- xi. appoint a Nomination Committee consisting of one (1) rapporteur and four (4) members, who cannot candidate in the next election or in Forum. The Nominating Committee should consist of a representative from each of the following: the Student Union office, the Council, the Student Union associations, as well as a former full-time Board member and a person not previously involved with the Student Union.

§8. The Statutory Student Union Council meeting shall:

- i. elect a meeting Presidium who are not members of the Council
- ii. elect a Student Union Board from ordinary Council members in accordance with Chapter 6 § 2;
- iii. appoint two (2) operational auditors and a financial accountant
- iv. determine the membership fee and the membership period
- v. determine the operational plan for the coming operational year
- vi. determine the budget for the coming operational year
- vii. appoint an Election Committee consisting of three (3) members, who must not candidate in the next election. The composition of this Committee is up to the Council
- viii. determine the number of Council members to be elected from faculty elections (Forum) or delegate this to the Union Board.

§9. Council meetings are open to all students, who thus have the right to attend. The Council may choose to co-opt specific persons relating to certain issues with any or all of the following rights: Attendance, speaking, and proposing motions.

§10. Members of the Council, operational auditors, and the financial accountant have the rights of speech and motion at all Council meetings.

§11. Voting rights at Council meetings are held by members of the Council after a correct voting list has been tabled.

§12. A member of the Council may not participate in decisions of liability concerning themselves or an entity the person has been a part of during the period covered by the decision.

§13. The Council is in quorum when at least half plus one of the elected members with voting rights or their suppliants are present.

§14. A Union member has the right to submit motions to the Council. The motion has to be sent to the Union Board no later than fourteen (14) days prior to the Council meeting. The Union Board shall express an opinion over the motion. At the submission of a motion to the Council, Union membership shall be confirmed.

§15. A member of the Union has the right to submit an interpellation to the Council. The interpellation shall be submitted to the Union Board no later than fourteen (14) days prior to the Council meeting. The Union Board shall answer interpellations in writing. Debate on an interpellation shall be allowed. The interpellant shall have the first opportunity to express their views on the Union Board's reply.

§16. The ordinary Council meeting may only deal with issues reported in the agenda. A question raised at the meeting can be put on the agenda as a discussion point if a simple majority of the members present agrees. To have a point raised during the meeting treated as a decision point requires an absolute majority.

§17. At an extra union council meeting, decisions may only be taken on the matter that prompted the meeting.

§18. By-election to the Council.

Should one or more positions as member of the Council become vacant and those positions cannot be substituted with an suppliant, the Council shall declare a by-election for those positions. The by-election will be handled by the Election Committee if a ordinary election is not planned to be held within three (3) months.

- i. The Election Committee announces a by-election to the position of Council member, with times and locations for candidacy, and with what documentation candidates have to share with the Election Committee
- ii. A member is eligible for the by-election to the Union if they can prove Union membership to the Election Committee before the candidacy period expires.
- iii. All registered candidates shall be given equal support
- iv. The Election Committee shall present all registered candidates and administer the election procedure at the next Council meeting
- v. Council members have the right to vote at the Council meeting in accordance with Chapter 3 §11

§19. Vote of no confidence

Five (5) ordinary Council members have the right to together submit a motion of no confidence against any person holding a position elected by the Council. A vote of no confidence requires a qualified majority to pass. A motion of no confidence doesn't require a written explanation. Normal procedures for handling motions apply according to §14. Vote of no confidence is further regulated in the Union code of conduct and consequence system.

§20. The Council may decide to dissolve itself with a three-quarters majority. New elections will then be held for the remainder of the operational year if the time until a general election is more than three (3) months away. If the general election is less than three (3) months away, the general election is advanced. The election process shall be initiated within two (2) weeks

after the disbandment. The Union Board will work as an interim board until a new Council is elected.

4. ELECTIONS

This chapter of the Constitution defines how elections within the Union are held.

- §1. The Council is elected annually in free, secret ballot, direct elections. Elections for faculty positions to the Council are done at faculty-based Forum elections.
- All registered students at a faculty at Malmö University represented by the Union have the right to vote.
 - Any member of the Union who can prove an active membership to the Election Committee before the end of the candidacy period is eligible in an election.
 - All registered candidates shall be given equal support.
- §2. The Election Committee shall organize and conduct elections. It is the responsibility of the Election Committee to do the following:
- appoint and instruct election officials among members of the Union that not candidate in the election
 - announce the times, dates, and places for the election at least eighteen (18) days prior to the first day of the election
 - distribute the instructions for voting procedures, and the list of registered candidates at polling stations
 - make the election results public no later than five (5) days after the end of the election
 - submit protocol containing the election results to the Student Union
 - satisfactorily store the ballots cast at least one (1) year after the election.
- §3. A member of the Union wishing to candidate for the Council shall register with the Election Committee no earlier than fifty (50) days and no later than twenty-one (21) days prior to the first day of election. The candidacy is for one election only. By registration the candidate declares their willingness to assume the office of Council member.
- §4. The election begins no earlier than 1 March and ends no later than 1 May. Elections are held through voting at a polling station on the day or days decided by the Council and/or through comparable methods.
- The election at a polling station shall be overseen by two election officials, who shall maintain order in the polling station. Election propaganda may not occur in the vicinity of the polling station where the students vote and the candidates may under no circumstances help the students to vote.
 - A voting system defined by the board shall be used. The voting system and a list of registered candidates shall be provided in polling stations.
 - Voting takes place according to the Election Committee's set guidelines.
 - Those entitled to vote may vote for up to five (5) candidates for election to the Council; each candidate will receive one (1) vote.
 - After polling has been either interrupted or has closed, the voting system shall be closed

§5. Vote counting is open to any member of the Union and should be undertaken by the election committee. The counting of votes shall be completed within twenty-four (24) hours after the election.

An invalid vote is a vote:

- i. which does not comply with the Electoral Board's approved vote
- ii. which did not come to the Election Committee before the closing of the election
- iii. on which more candidates are voted upon than is permitted.

If the name on a vote is for a non-eligible person or an unregistered candidate, the name and vote should be considered non-existent.

A vote without an included name shall be counted as a blank vote, which shall be reported in the same way as other valid ballots cast.

Mandates are distributed according to the individual candidate's votes.

If the voting results in a tie, the mandate goes first to the least-represented faculty, secondly to the least represented gender and thirdly is settled by a lottery. If a mandate cannot be filled, it shall be vacant until the next Forum in accordance with chapter 3 §5. After nineteen (19) mandates have been allocated, a list of alternates for replacing vacant mandates shall be established. The list shall be in order of the number of votes in the election. A vacant mandate shall be offered to the first alternate in the list, who can accept or decline. The list represents alternates with the right to, in the order of the list, temporarily replace a member of the Council with voting rights in their place.

§6. Complaints over events in connection with the election shall be handled by an Appeals Committee consisting of three (3) people of which at least one (1) is an operational auditor and at least one (1) is a Union council member. None of the members of the Appeals Committee may themselves have candidate in or have had an active part in the election.

A member of the Union who believes the election order has not been followed may appeal:

- i. concerning registration of candidates or the determination of the voting system no later than seven (7) days after the Election Committee announces the voting system
- ii. concerning the electoral process, vote counting, the distribution of mandates, or alternates for replacing vacant seats no later than seven (7) days after the election results are announced; or
- iii. if the Appeals Committee, after being notified of complaints, find that errors have occurred that can affect or may have affected the election's outcome, the Appeals Committee shall compel the Election Committee to redo those parts of the election the error has affected.

§7. The Nomination Committee is elected in accordance with chapter 3 §7. The Nomination Committee has a decision power if at least three (3) members are present and are involved in the decision. The Nomination Committee makes decisions by simple majority, with at least half of the votes. The Nomination committee's work and assignments are further regulated in the Nomination Committee's rules of procedure. The Nomination Committee shall, fourteen (14) days prior to the Statutory Student Union Council meeting, make known to the newly elected Council its proposal for a new Union Board in accordance with Chapter 6 §2 and present the proposal at the meeting.

5. REPRESENTATION

This chapter of the Constitution defines how the Union is represented both in Malmö University's boards and bodies and in national and external organizations.

§1. The Union Board is responsible for appoint student representatives in the university common and faculty boards and bodies at the faculties the Union represents.

Student representatives are appointed on each faculty's Forum and the Central Forum in accordance with Chapter 5 §3.

§2. The Council appoints representatives to national bodies. This may be delegated to the Union Board.

§3. Each faculty has a Forum consisting of all students at that faculty. A Forum has meetings on at least one (1) occasion per operational year and is quorate with the number of students attending. The Union board calls to meeting for Forum no later than three (3) weeks prior to the meeting. Notice of this meeting shall be advertised digitally and physically in environments where students gather.

A Forum shall also convene if at least ten (10) students from a specific faculty request it.

Furthermore, the Union Board shall call and convene a Central Forum at least one (1) time per operational year, and the Central Forum is quorate with the number of students attending. The Union Board calls to meeting for Central Forum no later than three (3) weeks prior to the meeting. Notice of this meeting shall be advertised digitally and physically in environments where students gather.

The Central Forum shall also convene if at least ten (10) students from Malmö University request it.

§4. A Forum shall:

- i. appoint members to the Council who will represent that Forum's faculty. The number of members appointed at each Forum is decided at the Statutory Student Council meeting in accordance with Chapter 3 §8. Suppliant who are elected in the Union election, regulated in Chapter 4, cannot be elected to the council under Forum.
- ii. appoint student representatives to all committees and boards on that Forum's faculty.

6. THE UNION BOARD

This chapter of the Constitution defines how the Union Board (hereafter, “the Board”) shall be composed and what work it shall do. There are also instructions both on how by-elections to and vacancies of the Board shall be handled and on the documents and decisions that govern the Board’s work.

- §1. The Board is the Union’s executive body. The Board leads the Union's activities in accordance with the Student Union Act (SFS 2009:769), the Higher Education Act (SFS 1993:100), this Constitution, the Union board's rules of procedure and decisions and instructions from the Council. In matters of urgency, the Board can exercise the power of the Council. Such decisions shall be submitted to the Council at its next regular meeting.
- §2. The Board consists of two (2) full-time members of the Presidium (who govern the work of the Board), and seven (7) members of which four (4) with faculty responsibility (one for every faculty the Student Union represents). The number of Board members must not be an even number.
- §3. The Board may co-opt others with any or all of the following rights: The right of presence, of expression, and of motion. Co-opted members may not have voting rights.
- §4. The Board holds meetings at the call of the Presidium. A member of the Board may request a Board meeting if the Presidium does not call a meeting within a reasonable time from requested date.
- §5. If an elected Board member resigns from his/her position, the Council shall, no later than the next regular meeting of the Council, conduct a by-election. The board shall propose which positions the Council shall elect.
- §6. Should a member of the Presidium resign, the other member takes his/her place. If the whole of the Presidium resigns, the Board shall appoint one of its members to exercise the power of the Presidium.
- §7. A board member can sit for a maximum of four (4) uninterrupted terms of office
- §8. The Board shall:
- be responsible for that the Council’s meetings are duly called
 - implement the decisions of the Council
 - be responsible to the Council for the Union’s finances and administration
 - prepare the revision of the decision order, the order of delegation, the order of procedures, and other policy documents for decision in the Council
 - be the employer for the Union’s employees

- vi. after its term of office and in accordance with this Constitution, deliver the annual report, income statement, and balance sheet to the Council and request an opinion from the auditors
- vii. handle the questions and matters in the Union that no other bodies are responsible for
- viii. ensure that faculty-specific student influence with large reach and good quality is maintained
- ix. give practical form to the operational plan and budget.

§9. The Board is competent to act when at least half of its members are present. In the case of a tie after a repeated vote, and the matter cannot be postponed, the president shall cast the deciding vote.

§10. The Presidium has the right to, with consensus, act as the Board should the decision be time sensitive. These decisions shall as soon as possible be put forth to the Board for approval.

7. LOCAL STUDENT COUNCILS

This chapter of the Constitution defines the Union's local student councils. It provides details on the tasks of the local student councils and on how these tasks should be carried out.

- §1. For each faculty the Union represents, there shall exist at least one local student council. Each local student council shall have at least two (2) meetings per semester.
- §2. It is the responsibility of the Union board to establish extra local student councils if demanded by students. The Union board is responsible for the operations and finances of the local student councils. This can be delegated in accordance with the Union board's rules of procedure.
- §3. The local student council is responsible for preparing politics and planning activities within its area.
- §4. The local student councils must ensure their activities are conducted close to students.
- §5. The Council and the Board shall provide reasonable assistance, keeping in mind available resources, to these local student councils in order to support their activities.
- §6. Participants of the local student council are:
- the by the Union board's appointed Union representative
 - interested student representatives at the faculty or the relevant educations
 - interested students at the faculty or the relevant educations
- §7. Local student councils shall within their respective areas:
- gather and coordinate the student influence locally
 - be the voice of the students
 - function as a forum for dialogue and discussion between interested and active students
 - appoint student representatives to the faculty's bodies after the implementation of Forum in accordance with chapter 5 §3

8. UNION ASSOCIATIONS AND OTHER GROUPINGS

This chapter of the Constitution defines what a union association and other grouping are and what its assignments are.

§1. Students who wish to do so should be able to operate an association within the Union. The activity should be relevant and open to students at Malmö University, have Union members as a primary focus, and be run by members of the Union.

The business of the Union's associations and other groupings, in accordance with the above paragraph, must be consistent with the Union's core values and this Constitution.

§2. The Council establishes associations as part of the Union.

The Board shall practically and in formal terms be instrumental in the formation of the association; it shall also act as the preparatory body for the approval by the Council.

§3. The Council proposes the establishment of a student association after checking the following basic requirements:

- i. the association has an approved constitution
- ii. the association has an appointed board
- iii. the association has approved intended operations and financing in line with the Union's other activities and interests.

The basic requirements shall be regulated in the Union's Association Policy.

§4. The associations shall at all times have, and at the request of the Council and Board produce, documents proving that the association has the following:

- i. a full board where all the members are members of the Union
- ii. an activity in accordance with Chapter 8 §1
- iii. an approved constitution, operational plan, and budget.

The associations that cannot provide the documents listed above may be denied their status as a Union association or be classified as dormant by the statutory Council meeting.

§5. Student associations shall, if requested, receive help and support from the Council and the Board with their respective activities. How this help and support is to be constituted shall be governed by procedural rules for student associations.

§6. Union associations should make their constitutions publicly available, with the help of the Student Union. When an association revises its constitution, it is obliged to send the updated version to the Student Union.

§7. Expulsion of a Union association.

A Union association that has opposed the Union's values or has otherwise risked or damaged the Union can be expelled by the Council.

In emergencies, the Board can freeze an association's status as a Union association; this decision must be approved by the Council at its next meeting.

The expulsion of Union associations should be prepared by the Board.

§8. Student groups

A student group is a group started by students where they get the chance to strengthen their commitment in a more formal way than in an association. Student groups are further regulated in the Student Union Malmö's steering document for student groups.

§9. Sections

A section shall work to monitor and participate in the development of education as well as arrange study social activities and activities that promote students' studies and career opportunities. Section are further regulated in the Student Union Malmö's steering document for sections.

9. FORMALITIES

This chapter of the Constitution defines the basic formalities that determine how the Union should convene meetings, what documents should be included, and how protocol should be written and archived.

- §1. Call for a Council meeting shall be sent to members fourteen (14) days prior to the meeting. Meeting documents shall be distributed seven (7) days prior to the meeting.
- §2. Meeting dates for the Student Union Council shall be made available to all members prior to the beginning of each semester, with changes published digitally in advance.
- §3. Proposed constitutional amendments must be distributed with the call of the meeting.
- §4. Call of a board meeting and its agenda shall be distributed to Board members no later than seven (7) days prior to the meeting. Other documents shall be sent no later than three (3) working days prior to the meeting.
- §5. At meetings of the Council, the Board and Forum there shall be protocols, which shall be filed by the Union.
- §6. The Council's protocols shall be verified by the meeting Presidium and two (2) attesters.
- §7. The Board's protocols shall be verified by the chairperson, meeting secretary and an attester.
- §8. The protocols from the Council, the Board and Forums, shall be made publicly available.
- §9. To the extent possible, all documents the Union holds shall be made available to all Union members and to the public.
Since not all members can be assumed to speak Swedish, all documents shall be translated into English upon request in a timely manner. Documents likely to be of interest to all Union members shall be translated into English without need for any request.
- Some documents may be of a sensitive nature, such as working materials from the University or student errands, and the Union can deny access to these documents given that the Board provide explanation.
- §10. Union decisions remain in force until overturned. Appeals of a Union decision shall be submitted in writing and in accordance with the following:
- i. Decisions made by the Presidium should be appealed to the Board.
 - ii. Decisions made by the Board can be appealed to the Council.
 - iii. Decisions made by the Council can be appealed to the next statutory Council.

10. FINANCES

This chapter of the Constitution defines how the Union's finances shall be managed.

- §1. The Union's operational year and fiscal year runs from 1/7 - 30/6.
- §2. The Union finances its activities through membership fees, subsidies, funding, grants, and external revenue.
- §3. Fees are paid in the manner and at the time the Union decides in accordance with practice.
- §4. Excess liquidity may not be invested in risky assets.
- §5. The Board appoints at least two persons from the Board to be the authorized signatories for the Union. The authorized signatories sign for the Union separately.

11. AUDIT

This chapter of the Constitution defines how the Union shall be audited. The Union has two kinds of auditors: An auditor who looks at the Union's finances and formalities and operational auditors who look at how well the Council and Board has done their respective jobs in terms of the Constitution, the operational plan, and other documents that govern the Union's operations.

- §1. The auditor is to audit the Union's activities and finances in accordance with generally accepted auditing standards.
- §2. The auditor may not have or have had any other positions of trust within the Student Union, during the current or previous operational year.
- §3. The operational auditors shall submit written reports of the Union's operations to the Council at the operational year's first Council meeting during the Freedom from responsibility point.
The auditor's report shall include an opinion on the issue of freedom of responsibility for the Student Union Malmö's board.
Operational auditors always have present and speaking rights at Council meetings and Board meetings, and may call meetings of both the Council and the Board.
It is also the operational auditors' task to present an interim report to the Board and Council at the mid-term period of the operational year. This interim report shall be in writing. Since the Union works with sensitive cases, the operational auditors can complement the written report with a supplemental oral report to the Council.
- §4. The auditor's work and assignment are further regulated in the auditor's rules of procedure.

12. INTERPRETATION, AMENDING, AND DISSOLUTION

This chapter of the Constitution defines how interpretations of the Constitution should be conducted, how the Union can change the Constitution, and how an eventual dissolution of the Union is to be conducted.

- §1. In matters relating to the interpretation of this Constitution, the Presidium has, in the event of a tie, the right to call the operational auditors. The operational auditors' interpretation shall be submitted to the Council at the on-going meeting or next meeting and then precede new decision in the question. Interpretations of the Constitution determined in this manner shall be included in this Constitution as attachments.
- §2. Motions concerning the Constitution shall be received by the Board no later than three (3) weeks prior to the Council meeting.
- §3. In order for a dissolution decision to be in effect, two identical decisions at two Council meetings with intermediate elections is needed. On each occasion, two thirds of the members present shall have approved the proposal.
- §4. In order for a change of the Constitution to be in effect, either two identical decisions at two Council meetings with two-thirds majority at intermediate Council meetings or consensus decisions at two consecutive Council meetings is needed.
- §5. When deciding on changes to the Constitution, the Council shall decide on a date for the change to take effect.
- §6. Upon the dissolution of the Union for reasons other than changes in SFS 2009:769 (Student Union Regulation), the Union's funds shall be managed by the University Board until a new Union is established.

