

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
 - 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 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, operations committees, and elected officials
 - iii. consider submitted motions, proposals, and interpellations under this Constitution
 - iv. revise the decision-making, delegation and work plans and other policy documents, particularly the instructions to the Nomination Committee and Election Committee
 - v. review the annual report for the preceding operational year
 - vi. review the income statement and balance sheet for the preceding operational year
 - vii. examine the question of liability for last year’s Union Board at the operational year’s first regular Council meeting
 - viii. establish a local student council on proposal from the Union Board, a member of the Union, or a Council member;

- ix. revise the rules of procedure relating to the Council and the Union Board;
- x. determine dates for coming 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 members of the Union, 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 herself/himself or an entity the person has been a part of.

§13. The Council is in quorum when at least fifteen (15) of the elected members with voting rights or their alternates 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 eight (8) 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 Council meeting, the Council can vote only on points included in the agenda.

§18. By-election to the Council.

Should a position as member of the Council become vacant and if this position cannot be a substituted with an alternate, the Council shall declare a by-election for that position. The by-election will be handled by the Election Committee if a general 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 a possible alternate position, 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 he/she 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

§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.
- i. All registered students at a faculty at Malmö University represented by the Union have the right to vote.
 - ii. 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.
 - iii. 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:
- i. appoint and instruct election officials among members of the Union that not candidate in the election
 - ii. announce the times, dates, and places for the election at least eighteen (18) days prior to the first day of the election
 - iii. distribute the instructions for voting procedures, and the list of registered candidates at polling stations
 - iv. make the election results public no later than five (5) days after the end of the election
 - v. submit protocol containing the election results to the Student Union
 - vi. 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. Registration consists of a written statement in which the candidate declares her/his 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.
- i. The election at a polling station shall be overseen by two election officials, who shall maintain order in the polling station. Election propaganda is not permitted in polling stations during the election.
 - ii. A ballot defined by the Election Committee shall be used. Ballots and a list of registered candidates shall be provided in polling stations.
 - iii. Voting takes place according to the Election Committee's set guidelines.
 - iv. Those entitled to vote may vote for up to five (5) candidates for election to the Council; each candidate will receive one (1) vote.
 - v. After polling has been either interrupted or has closed, the ballot box shall be sealed

§5. Vote counting is open to any member of the Union and should be undertaken at the Union's office under the control of at least three (3) persons, who the Election Committee designates and who themselves are not candidates in the election. The counting of votes shall be completed within twenty-four (24) hours after the election.

An invalid ballot is a ballot:

- i. which does not comply with the Electoral Board's approved ballot
- 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 ballot is for a non-eligible person or an unregistered candidate, the name and vote should be considered non-existent.

A ballot 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 is tied, the mandate goes first to the least-represented sex; then, it is settled by a lottery. If a mandate cannot be filled, it shall be vacant until the next election. 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 her/his place.

§6. Complaints over events in connection with the election shall be handled by an Appeals Committee consisting of one (1) member of the Union Board, one (1) member of the Council, and one (1) external member, elected by the Council. 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 ballots no later than seven (7) days after the Election Committee announces the ballot;
- 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 shall, ten (10) 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 student representation in the university and faculty boards and bodies in 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 student representative for the Forum's faculty 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
- 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, 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) to three (3) full-time members of the Presidium (who govern the work of the Board), four (4) to five (5) full-time student ombudspersons, and three (3) to four (4) voluntary members. 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. The Board shall:
- i. be responsible for that the Council's meetings are duly called
 - ii. implement the decisions of the Council
 - iii. be responsible to the Council for the Union's finances and administration
 - iv. prepare the revision of the decision order, the order of delegation, the order of procedures, and other policy documents for decision in the Council
 - v. 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 area-specific student influence with large reach and good quality is maintained
- ix. give practical form to the operational plan and budget.

§8. 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.

§9. 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.
- §2. It is the responsibility of the Council to establish local student councils. The student representative are responsible for the operations and finances of the local student councils.
- §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. Members of the local student council are:
- i. student representative responsible for the faculty or the relevant educations
 - ii. interested student representatives at the faculty or the relevant educations
 - iii. interested students at the faculty or the relevant educations
- §7. Local student councils shall within their respective areas:
- i. gather and coordinate the student influence locally
 - ii. be the voice of the students
 - iii. function as a forum for dialogue and discussion between interested and active students

8. STUDENT REPRESENTATIVE (Studentombud)

This chapter of the Constitution defines what a student ombudsperson is and what tasks the ombudsperson performs.

- §1. The student representative represent the students. They run individual and general student errand within their faculty and are responsible for the local student councils. The Board determines both the division of labor between the student representative and any liability for representation by faculty in accordance with the contract with Malmö University and the Union's procedures.
- §2. For each faculty, there is to be a full-time student representative with the primary responsibility for the faculty's students. Further, the student representative represents the students within the faculty.
- §3. A faculty's student representative represents the students on the Faculty Board, on the operational management team, and at the principal body responsible for questions concerning education within the faculty.

A student representative in charge of a faculty shall:

- i. be responsible for and convene a faculty forum in accordance with Chapter 5 § 3 and § 4
 - ii. be responsible for the local student council in accordance with Chapter 7, and act as the link between the local student council and the Student Union Board as well as the faculty leadership.
- §4. Student representativ shall work to provide a good understanding of the Union's opinions within the student body and to actively gather the students' experiences and needs.

9. UNION ASSOCIATIONS

This chapter of the Constitution defines what a union association is 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 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, 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 9 § 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.

10. 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 posted on the website 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 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 and/or a student representative 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.

11. 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. Stocks shall be used so as not to risk the Union's 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.

12. 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 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.

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. When the Union works with sensitive cases, the operational auditors can provide a supplemental oral report to the Board.

13. 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 its next meeting and then the Council will make a new decision. 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.