

UNIVERSITY OF ESSEX
CODE OF PRACTICE RELATING TO THE STUDENTS' UNION

Aiming to be the world's most student centred organisation sometimes means sticking to the small print, in this instance that is the 1994 Education Act. The following Code of Practice highlights the Students Union's responsibilities in relation to this and how it informs the University it is upholding them.

Governing document

Requirement: The union shall have a written constitution.

Demonstrated by:

1. The Union Articles of Governance were approved by University Council on 17 February 2014.
2. The Articles of Governance are available to all members of the University on request from the Students' Union or University Governance Office, and are also available on the Students' Union website.

Requirement: The constitution will be approved by the University, at intervals of no more than five years.

Demonstrated by:

3. The Union is a registered charity and has Articles of Governance which are approved by the University and are reviewed at intervals not exceeding five years.

Membership

Requirement: A student has the right not to be a member of the Union, and the student(s) who exercise that right will not be unfairly disadvantaged, with regard to the provision of services or otherwise, by doing so.

Demonstrated by:

4. Students of the University will become members of the Union unless they exercise their right to opt out of such membership.
5. A student may exercise their right to opt out by completing an opt-out form (which is available on request at the offices of the Union) and delivering the same to the offices of the Union for the attention of the Chief Executive. The exercise of the opt-out right will remain valid for the remainder of the academic year. Any student who wishes to opt-out again in subsequent years is required to complete a new opt-out form at each of their subsequent enrolments. The Chief Executive of the Union will prepare an annual report for submission to the Registrar and Secretary on the numbers of the students who have opted out for the previous academic year.
6. Students who choose to opt out of membership of the Union may, subject to the production of their University Membership card, use the facilities and services of the Union listed below and will be liable to pay any membership subscription or supplementary charge in order to do so:
 - (i) access to the Union's bars, entertainments and catering facilities;
 - (ii) welfare services;
 - (iii) membership of Union Sports Clubs and societies and other clubs;
 - (iv) access to shops and other commercial services operating within the Union;
 - (v) Union publications available within the Union.

7. An opt out student (or any non-student member) will not be entitled to participate in the Union's democratic process and will not be able to vote in or be eligible to stand in Union elections, including those of any club or society or to speak in the Meetings of the Union without the permission of the meeting or stand for election as a delegate to NUS conferences.
8. The University has made no special arrangements for the provision of services specifically for opt out students as it is satisfied that the range of services provided by the University and the Union to opt out students are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of S.22 of the Education Act 1994.
9. Whilst the Student Union may, from time to time, extend a form of membership to non-students (eg honorary membership, associate membership or similar) such membership shall not normally be recognised by the University and will not confer upon those members the rights, privileges and access to university properties and facilities enjoyed by full members without express agreement which could subsequently be withdrawn at any time by the Registrar and Secretary.

Elections

Requirement: Appointment to major union offices must be by election in a secret ballot in which all members are entitled to vote.

Demonstrated by:

10. The Articles of Governance and Bye-laws of the Union provide that appointments to major Union offices are by election in a secret ballot in which all Members of the Union are entitled to vote.

Requirement: The University will satisfy themselves that the elections are fairly and properly conducted.

Demonstrated by:

11. An Independent Returning Officer appointed by the Students' Union shall prepare a report for the University for the first Council meeting that follows the elections each year and confirm in that report that the elections have been fairly and properly conducted.

Requirement: A person will not hold sabbatical union office, or paid elected union office, for more than two years in total at the University

Demonstrated by:

12. The Union's Articles of Governance provides that no person shall hold a Union sabbatical office, or paid elected Union office, for more than two years in total.

Financial Affairs

Requirement: The financial affairs of the union will be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the University.

Demonstrated by:

13. The Union shall have accounts audited by an independent firm of Chartered Accountants. The audited accounts of the Union shall be published annually and after publication will be presented to the Registrar and Secretary. Copies of the Union's audited accounts will be freely available to all students for inspection upon request at the offices of the Union. The audited accounts shall contain:

- (i) a list of the external organisations to which the Union has made donations in the period to which accounts relate;
- (ii) details and the financial value of those donations.

14. The Union shall:

- (i) keep accounts and accounting records in accordance with recognised accounting standards and procedures;
- (ii) maintain a sound system of internal financial management and control;
- (iii) plan and conduct its financial affairs so as to ensure that its total income is at least sufficient, taking one year with another, to meet its total expenditure and that its financial solvency is maintained;
- (iv) not give any guarantees or indemnities incurring contingent liabilities other than in the normal course of business; and
- (v) maintain adequate insurance cover for the Union's owned assets, sporting activities, public and employers' liabilities, all third party risks and any other appropriate risks.

Requirement: Financial reports of the union will be published annually or more frequently, and should be made available to the University and to all students, and each such report should contain, in particular—

- (i) *a list of the external organisations to which the union has made donations in the period to which the report relates, and*
- (ii) *details of those donations;*

Demonstrated by:

15. The Union is required to:

- (i) include, within its proposed budgets, a list of the external organisations to which it intends to make donations in the periods to which such budgets relate, and the financial value of such donations; and
- (ii) provide annual reports of income and expenditure against budget for consideration by the Board of Trustees and reports to the University upon its request;
- (iii) make available the books and accounting records of the Union to the University or its appropriate officers or agents for inspection on request.

Requirement: The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students

Demonstrated by:

16. Procedures for allocating resources to the Union's clubs and societies are set out in writing and a copy of these procedures is available at the offices of the Union. All such procedures are required to be fair and any changes should be notified to the Registrar and Secretary.

Affiliation

Requirement: If the union decides to affiliate to an external organisation, it should publish notice of its decision stating—

- (i) *the name of the organisation, and*
- (ii) *details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation*

Demonstrated by:

17. The Union's Articles of Governance provide that if it affiliates to an external organisation, it should publish notice of its decision stating:
- (i) the name of the organisation; and
 - (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made to the organisation and such notice will be made available to all students at the offices of the Union.

Requirement: Where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—

- (i) a list of the external organisations to which the union is currently affiliated, and*
- (ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report),*

and such reports should be made available to the University and to all students;

Demonstrated by:

18. The Union's Articles of Governance provide that where the Union is affiliated to any external organisation, a report shall be published annually or more frequently containing:
- (i) a list of the external organisations to which the Union is currently affiliated, and
 - (ii) details of subscriptions or similar payments, or donations made, to such organisations in the past year since the last report, and such reports shall be made available to all students at the offices of the Union.

Requirement: There should be procedures for the review of affiliations to external organisations under which—

- (i) the current list of affiliations is submitted for approval by members annually or more frequently, and*
- (ii) at such intervals of not more than a year as the University may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent.) as the University may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;*

Demonstrated by:

19. Procedures for the review of affiliations to external organisations are set out in writing and a copy of these procedures is available at the offices of the Union.
20. The University reserves the right not to recognise any body that the Union chooses to affiliate to and, where deemed necessary by the Registrar and Secretary, to deny access to the University or its facilities to that affiliated body or their representatives (including where those representatives are registered students but acting in total or in part on behalf of the body). Notwithstanding, where the University lodges formal objection to the Student Union Chief Executive then the Student Union shall have appropriate measures to ensure that such affiliation is representative of the views of the whole student population; this procedure shall be shared and agreed with the University.

Complaints

Requirement: There should be a complaints procedure available to all students or groups of students who—

- (i) are dissatisfied in their dealings with the union, or*
- (ii) claim to be unfairly disadvantaged by reason of their having exercised the right to opt out of Union membership,*

which should include provision for an independent person appointed by the University to investigate and report on complaints

Demonstrated by:

21. There is a complaints procedure available to all students who:
 - (i) are dissatisfied in their dealing with the Union, or
 - (ii) claim to be unfairly disadvantaged by reason of their having exercised the right to opt out of the membership of the Union.
22. The complaint mechanism required by the S.22 of the Education Act 1994 does not interfere with a licensee's obligations to the Licensing Authority concerning the lawful management of licensed premises. A licensee has the right to exclude persons from the licensed premises in appropriate circumstances.
23. Details of this complaints procedure is attached at Appendix 1 and is also available to all students at the offices of the Union.
24. The Chief Executive of the Union will prepare an annual report to the Registrar and Secretary each September on the operation of the complaints procedure and the number and type of complaints received in the previous academic year.

Requirement: Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

Demonstrated by:

25. All complaints received by the Students' Union, in the event that they are not resolved, are subject to review by the University and in that review the Students' Union shall supply all requested and required information to the University. The complainant may appeal the outcome to an independent person (typically the Pro Vice-Chancellor (Education), or Vice-Chancellor's nominee). The decisions of the appeals process are binding on all bodies.

Awareness of the Code of Practice

Requirement: The University shall make students aware of, at least once a year—

- (a) this code of practice*
- (b) any restrictions imposed on the activities of the union by the law relating to charities, and*
- (c) the provisions of section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), and of any code of practice issued under it, relevant to the activities or conduct of the union.*

Demonstrated by:

26. As part of the registration and reregistration process, students shall be made aware of their right to opt out of membership.
27. As a charity, the Union shall comply with the requirements of the Charities Act 1993 as amended by the Charities Act 2006
28. The Chief Executive of the Union will prepare a statement annually to declare compliance with all legislation relating to the functions of the Students' Union.

Requirement: The University will bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment—

- (a) information as to the right to opt out of Union membership, and*
- (b) details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.*

Demonstrated by:

29. As part of the registration and reregistration process, students shall be made aware of the existence of this code, and is made publicly available to prospective students on the University website.

Where there is uncertainty or doubt with regard to the meaning of any clause indicated in the Code of Practice, then the Registrar and Secretary shall interpret and confirm the meaning. Where there is a possible conflict of interest, the Chair of Council shall nominate three members of Council to review the situation and rule for an outcome.