

Edge Hill University

STUDENTS' UNION CODE OF PRACTICE

2018-19

Edge Hill
University

Students' Union Code of Practice

Valid 2018/19

**CODE OF PRACTICE RELATING TO THE OPERATION OF EDGE HILL
UNIVERSITY STUDENTS' UNION AS REQUIRED BY SECTION 22(3)
EDUCATION ACT 1994.**

1 Introduction

- 1.1 This Code of Practice is issued by the Board of Governors of Edge Hill University (the Board) in accordance with the requirements the Education Act 1994: Part II, Sections 20-22 (the Act).
- 1.2 The Act places a requirement on the Board to take such steps as are reasonably practicable to ensure that the Students' Union (the Union) operates in a fair and democratic manner and is accountable for its finances.
- 1.3 In pursuance of 1.2 above, the detailed provisions of the Act place a duty on the Board to satisfy itself that specific requirements in relation to the operation and governance of the Union as a democratic member led organisation are being observed. These requirements variously cover the Union Constitution; membership; elections; sabbatical officers; financial matters; affiliations; complaints procedure; and reporting requirements.
- 1.4 This Code of Practice outlines the procedures that have been agreed by the Board and the Union to comply with the requirements of the Act.

2 Status of the Students' Union

- 2.1 The Union is recognised by the Board as an association of the generality of students of the University as defined in the Edge Hill University's (the University) *Articles of Government* (Article 9.1).
- 2.2 The Union is a registered charity and a company limited by guarantee, and is, as such, a body independent of the University.

3 Students' Union Constitution

- 3.1 The Union conducts and manages its affairs and funds under a written Constitution that has been democratically agreed through the membership and approved by the Board in accordance with Article 9.1 of the University's *Articles of Government*.

- 3.2 The Constitution is subject to review by the Board every five years. Interim amendments are subject to approval by the Board before any such amendments can take legal effect.
- 3.3 It shall be the responsibility of the Union to ensure that the Constitution is made available to any student of the University on request and free of charge.

4 Membership

- 4.1 Membership of the Union is automatic. The University encourages membership of the Union and all students of the University are deemed to be members of the Union unless they exercise their right to 'opt-out' of membership.
- 4.2 Students who wish to opt-out of membership of the Union should write to the President of the Students' Union informing them of their decision to opt-out of membership. The President will ensure this is transmitted to the Academic Registrar so that the student record can be appropriately amended. The University will advise students of their right to opt out via the enrolment process and the Students' Union will ensure publication of opt out details on their website.
- 4.3 Students who exercise their right to opt-out of membership shall not be unfairly disadvantaged, with regard to the provision of services offered by the Union.
- 4.4 The sole consequences for students who opt-out of membership of the Union are that they shall not be permitted to:
- i. Vote in Union elections, ballots or referenda;
 - ii. Stand for office in any Union elections, ballots or referenda;
 - iii. Attend or speak at any Union meetings;
 - iv. Hold office in any Union club or society

In all other respects, students who opt out of membership of the Union have the same rights to avail themselves of the facilities and services of the Union.

- 4.5 Students wishing to reinstate their membership of the Union may do so by notification in writing to the President of the Students' Union who will inform the Academic Registrar accordingly. If the notification falls within twenty (20) academic days of nominations opening for a Union election, the student will not be eligible to take up full privileges of membership until

the election is concluded and cannot therefore participate in the election process.

- 4.6 Subject to prevailing Data Protection laws, and in order to assist the Union in managing its membership, the University will transfer specified profile data and contact details of students registered at the University. This process is subject to a Data Sharing agreement. The Union will manage such information in accordance with processes and procedures laid down by the University in relation to data protection and information security and in compliance with the General Data Protection Regulation (GDPR) requirements.

5 Elections

- 5.1 All Union elections will be conducted by secret ballot with every Union member having an equal voting entitlement.
- 5.2 The Union will appoint an independent Returning Officer, reported to the Clerk, to oversee all Union elections. The independent Returning Officer will submit a report to the Board, through the Clerk, detailing the conduct of the elections and confirming that they were conducted in accordance with the regulations set out in the Union's Constitution.
- 5.3 No person shall hold sabbatical, or paid elected office, for more than two years in total.

6 Democratic Student Representation

- 6.1 The University recognises the Union as the official representative body of the generality of registered students of the University.
- 6.2 Student representation on the Board of Governors, Academic Board and their sub committees shall be nominated by the Union from elected members or, in specified instances, by successful election as prescribed by the Union Constitution.
- 6.3 The Board supports student representation on the Board and in accordance with the University's *Instrument of Government* (4.2(b)), up to two students of the University, as determined by the Board, may be members of the Board. Current arrangements approved by the Board make provision for two student members, one of whom shall be the Students' Union President. Student Governors are elected by students through the Union election processes.

7 Finance

- 7.1 Subject to the continued compliance with this Code of Practice, the Union will receive a Block Grant of funding each year from the University in order to pursue the charitable aims and objectives of the Union.
- 7.2 The Union, through its Board of Trustees, is responsible for the proper conduct of its financial affairs, and for ensuring that the funds provided to it by the University are used in accordance with the aims and objectives of its Constitution, and in accordance with the Act, this Code of Practice and any other statutory requirements as prescribed by Charity Law.
- 7.3 In pursuance of 7.2 above, the Union is required to:
- i. maintain accounts and accounting records, and prepare accounting information, in accordance with normal professional accounting principles;
 - 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. maintain adequate insurance cover for Union assets, activities and public/employer liabilities;
 - v. provide regular financial reports to the University in order that the Board can be satisfied that proper financial procedures and controls are in place;

8 Budgets

- 8.1 The Union is required to:
- i. prepare budgets, in advance of submission to the University, for the approval of the Union Board of Trustees.
 - ii. submit detailed plans of all income and expenditure for the following year to the June meeting of the University's Resources Committee based on the Block Grant from the University and any other anticipated income.
- 8.2 The level of the Block Grant¹ will be noted at the summer term meeting of the Board of Governors via the Resources Committee.

¹ The Block Grant from the University to the Students' Union is by formula based on a percentage of University income agreed by Resources Committee.

9 Monitoring of Expenditure

9.1 The Union is required to:

- i. provide externally and professionally audited annual accounts, prepared in accordance with generally accepted accounting principles, for submission to the Board, via the Resources Committee in the autumn term;
- ii. make the audited annual accounts available to all students, on request and free of charge.
- iii. provide periodic reports of income and expenditure against budget for consideration by all members of the Union and to the University for information;
- iv. include, within its annual accounts and financial reports, a list of the external organisations to which it has made donations in the periods to which such accounts or reports relate, and details of such donations; and
- v. make available the books and accounting records of the Union to the University for inspection upon request.

10 Allocation of Resources to Clubs and Societies

10.1 The procedure for the allocation of funding and resources to Union Clubs and Societies shall be fair, set out in writing, and available on request to all students.

10.2 The Union funding committees will oversee the fair allocation of funding and resources to the Union's Clubs and Societies.

11 Affiliation to External Organisations

11.1 All proposals to affiliate to external organisations shall be approved by the Union Board of Trustees and reported to the Board, and shall be reviewed annually by the Annual General Meeting.

11.2 A register of all current affiliations, containing details of subscriptions, fees paid, or donations made will be maintained by the Union, and available for inspection by all students, University Officers and the Board.

11.3 Procedures for reviewing affiliations to external organisations are set out in the Union Constitution and are available upon request.

11.4 The Union will include a list of all affiliations in its annual report.

12 Complaints

- 12.1 Complaints by any member of the Union in relation to their dealings with the Union, or in relation to a claim of unfair disadvantage when a student has exercised their right to opt-out of membership, will be dealt with as follows:
- i. by the internal complaints procedure set out by the Union. Details of the complaints procedure are available to all students online or at the offices of the Union;
 - ii. if the complainant is not satisfied with the outcome of the Union's internal procedure the matter may be referred to the University Secretary who will seek resolution through discussion with relevant parties;
 - iii. if the complainant is still not satisfied, the matter may be referred to an independent and external person nominated and appointed by the Board.
- 12.2 Complaints will be dealt with promptly and fairly and when a complaint is upheld there will be an effective remedy.

13 Freedom of Speech

- 13.1 The Union and its members are bound by the provisions of the Education Act 1986 (No.2) which provides for the maintenance of free speech in Universities and Colleges. The Board of the Union ensures compliance with the Policy and Code of Practice relating to freedom of speech which is published by the University as required by the OfS as part of the PREVENT strategy. Copies are available online on both the University and Students' Union websites.

14 Charity Law

- 14.1 The Union is governed by the laws relating to educational charities.
- 14.2 The Union cannot have a political purpose and must not seek to advance the interests of any political party although it may seek to influence political opinion on issues relating directly to its own stated purposes, provided such activity is within its powers. Expenditure must be at a reasonable level, taking into account the potential benefit to members of the Union. The ways in which charities may, or may not, legitimately engage in political activities is subject to advice and guidance available from the National Union of Students, the Charity Commission and various government departments.

- 14.3 Further information on the restrictions which charity law places upon students' unions is available in a guide published by the National Union of Students entitled "*Trustee Responsibilities & Governance Models for Students' Unions in England and Wales*".

15 Accountability of Union Officers

- 15.1 All elected officers of the Union are accountable to the membership of the Union through its democratic processes identified in the Union Constitution.
- 15.2 The President of the Union is accountable to the Board through the Vice-Chancellor for the observance of the Code of Practice, Union Constitution and for compliance by the Union with all its statutory obligations.
- 15.3 The Chief Executive is accountable to the President of the Students' Union, and through them to the Union Board of Trustees for the overall management of the Union and for compliance by the Union with all its statutory obligations.

16 Publication of this Code of Practice

- 16.1 The University and the Students' Union will publish the Code of Practice online and the University will bring it to the attention of students on an annual basis facilitated through the enrolment process. In addition, printed copies will be made available through Academic Registry and Union offices on request.

17 Review

- 17.1 This Code of Practice will be subject to review every five years. Interim amendments are subject to approval by the Board. Both the Review and any interim amendments will be undertaken in consultation with the Union.

Signed

Signed

Date

Date

Chair, Edge Hill University
Board of Governors

President, Edge Hill Students'
Union

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