

Education Act 1994: Students' Union Code of Practice

Implementing Section 22

Introduction

This code of practice is issued in accordance with the Education Act 1994: Section 22(3) and incorporating the requirements of Section 22(2) sets out the steps taken to ensure compliance.

Under the provisions of the Act, Bath Spa University (the University) and Bath Spa University Students' Union (the Union) have a duty to comply with the requirements concerning the operation of the Union, in particular relating to the Union's constitution, membership, elections, affiliations, paid officers, finances, complaints processes and notification requirements.

This code of practice shall be jointly published annually by the University and the Union, and shall be brought to the attention of all students.

In accordance with requirements, this code of practice shall be kept under review by Bath Spa University Board of Governors (the Board of Governors) and updated as required.

Code of Practice

Each section is referred to alphabetically in accordance with the appropriate paragraph in Section 22(2) of the Education Act.

Constitution

- (a) The Union has a written constitution and by-laws which govern the way it operates. Copies are available from the Students' Union Office or electronically via the website.
- (b) The constitution is subject to approval by General Meeting of the Union and the Board of Governors, and reviewed by the Board of Governors at intervals of no more than five years.

Membership

- (c) Every fully enrolled student of the University shall have the right to be a member of the Union or not. At the start of each academic year all students enrolled with the University are automatically registered as members, unless they opt-out as part of the enrolment process.

Should a student wish to opt-out after the end of the University enrolment process, he/she should send written notice to the Union President in accordance with the Union by-laws.

Once a student has exercised the right to opt-out of membership of the Union, he/she will remain a non-member of the Union for the remainder of the academic year; unless he/she applies to rejoin in accordance with the Union by-laws.

Should a student wish to opt-out in subsequent years, he/she should do so as part of the annual enrolment process.

Students who opt-out of membership of the Union shall not be unfairly disadvantaged with regards provision of facilities, services or otherwise.

Regardless of membership of the Union , all currently enrolled students of the University are entitled, subject to conditions of the Union by-laws, to use Union facilities, to take part in extra-curricular activities including joining Union Clubs and Societies and make use of the Union advice services.

Students who opt-out of membership of the Union are eligible to stand for election as a Student Academic Representative.

However, students who opt-out of membership of the Union shall not be entitled to take part in the democratic processes of the Union, including standing and voting in elections for Union Officer positions or become an officer of a club or society affiliated to the Union.

Appointments of major Union Officers

- (d) All sabbatical officers are defined by the Union as the Major Officers of the Union elected along with all other officer positions, by secret ballot in which all members are entitled to vote. Elections shall be conducted in accordance with the election regulations as set out in the constitution and Union by-laws.

Fair election Process

- (e) The election process of the Union, as set out in the constitution and Union by-laws ensures that elections are fair and properly conducted.

The Vice Chancellor shall nominate a senior member of staff to be an assistant returning officer, who shall ensure on behalf of the Board of Governors that the elections are conducted in accordance with the election regulations. After an election process for officers of the Union, a formal report shall be submitted to the Clerk to the Board of Governors. The report shall prove that the election process was conducted in accordance with the regulations and state the results of the election process.

Paid officers of the Union

- (f) The Union constitution and by-laws stipulate that no person shall hold a sabbatical or paid officer position for more than a total of two years at the University, either consecutive or non-consecutive.

Financial affairs of the Union

- (g) The finances of the Union are properly conducted in accordance with the constitution, by-laws and all legal requirements. Using professional accounting principles, maintaining sound and transparent systems of financial management and control.

Annual Union accounts are drawn up and externally audited.

Annual reports and budget are approved by general meeting of the Union, before being submitted the Board of Governors for approval.

The Union Senior Management includes one senior member of University finance staff nominated by the Vice Chancellor, who has responsibility to report back as needed to the Vice Chancellor as a representative of the Board of Governors.

- (h) The Union publishes annual audited accounts, which are made available to all students on request from the Union Office or electronically on the Union website. The annual accounts are discussed with the Deputy Vice-Chancellor (Finance) as a representative of the Board of Governors and the audited accounts are made available to the Board of Governors.

The Union does not make donations to external organisations, but may pay a fee for affiliation to an external organisation in accordance. (j)

Allocation of resources to clubs and societies

- (i) Resources are allocated to clubs and societies affiliated to the Union in accordance with the procedure set out in the Union by-laws. The procedure is fair and transparent and is freely available electronically on the Union website as well as published annually in the clubs and societies handbook.

The finances of clubs and societies are conducted in accordance with the procedure set out in the Union by-laws.

Affiliation to external organisations

- (j) The Trustees of the Union shall maintain a register of external organisations to which the Union is affiliated, which include details of membership and fees.

In accordance with Union by-laws amendments to the register may be made by the Trustees and/or General Meeting of the Union.

Information regarding a decision to affiliate to an organisation is made available to students and the Board of Governors.

- (k) A list of all Union affiliations to external organisations is published annually as part of the Union report and budget, and is subject to approval by the Annual General Meeting of the Union and the Board of Governors.
- (l) All affiliations of the Union to external organisations are subject to approval annually by General Meeting of the Union. A request to discontinue affiliation from an organisation on the register may be made to a General Meeting of the Union.

In accordance with the Union constitution, a referendum may be called on the question to affiliate or disaffiliate from an external organisation, on the request of 60 Union members or at the request of the Trustees, Student Council or General Meeting of the Union. A referendum shall be conducted in accordance with the constitution and Union by-laws.

Complaints procedure

- (m) The Union has a formal complaints procedure which is freely available along with the other by-laws of the Union electronically on the Union website or on request at the Union Office, and can be accessed by all students or group who are dissatisfied in their dealings with the Union or who are dissatisfied by reason of their having chosen not to be a member of the Union.
- (n) The University also has a formal complaints procedure which is available via the University website and on request from the University complaints officer.

In accordance with University policy and Union by-laws any complaints shall be dealt with in a fair and timely manner and appropriate remedies instituted..

Restrictions imposed on the activities of the Union by charity law

- (4)(b) The Union is subject to charity law and, as such, resources of the Union including that given by the University in the form of an annual grant, shall be used to further the objectives of the Union as outlined in the constitution, in respect of representation and furthering the interests of students as to enhance the educational aims of the University for students while at the University.

Guidance from the Charities Commission shall be followed by the Union to ensure all activities of the Union are fully compliant. For example:

- recreational, leisure and sporting facilities
- formation and running of clubs and societies
- a student newspaper
- affiliations to certain external organisations
- campaigning but only if the issue affects present or future members of the Union as students
- debating issues of common concern
- provision of advice and representational services.

However, Union resources should not be used in support of any particular political party, but may encourage students to develop their political awareness and acquire knowledge of or debate political issues through grants to political clubs or societies at the University.

Expenditure on Union activities, services and facilities must be at a reasonable level, taking into account the likely benefits for students and the overall resources and commitments of the Union.

The restrictions imposed on the activities of the Union by the law relating to charities shall be drawn to the attention of all students annually.

Notification Requirements

In compliance with Section 22 4(b) (c) & 5(a) (b), the following shall be brought to the attention of students at least annually:

- this code of practice, which includes statutory information relating to a students' right not to be a member of the Union and not to be unfairly disadvantaged as a consequence of having exercised the right under Section 22 2 (c), details the arrangements made by the University to provide services for students who are not members of the Union and information about restrictions imposed on the activities of the Union by law relating to charities
- the Universities code of practice for protecting freedom of speech in accordance with provisions of the Education (No 2) Act 1986;

Annual conformity review

The Union shall submit annually a report to the Board of Governors, proving that the Union and other departments of the University have conformed to the requirements of this Code of Practice.