



Code of Practice relating to the Students' Union

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Code of Practice relating to the Students' Union

Background and Purpose

1. In line with Section 22(3) of the *Education Act 1994* (the Act), the University: publishes and maintains this Code of Practice (the Code), which sets out the arrangements in place in relation to the organisation of the University of Essex Students' Union (the SU), through which the University's obligations under the Act are implemented.
2. The Code is approved by the University Council as the governing body, in accordance with its general duty under the Act to take steps to secure that the SU operates in a fair and democratic manner and is accountable for its finances. This duty is set out in the University's Ordinances (Ordinance 29), which should be read in conjunction with the Code.
3. The Code is reviewed by Council at intervals of no more than five years, earlier if required through the regular review process set out in the Code.

Eligibility and Definition of the Students' Union

4. The SU qualifies as a students' union within Section 20 of the Act; no other organisation of students in the University falls within the definition.

Constitution

5. The SU has a written constitution, which is subject to approval by the University Council. It is reviewed by the Board of Trustees of the SU and the University Council at intervals of no more than five years. The constitution is available to all members of the University upon request from the SU and is published on the SU website.

Membership

6. All students of the University become members of the SU when they register at the University unless they exercise their right to opt out of membership. This does not remove their rights to use services provided by the SU. Any person may opt out of being a member of the SU by writing to the Chief Executive of the SU.
7. Non-student members of the University and students who have opted out of SU membership are not entitled to participate in the SU's democratic process and will not be able to vote in or

be eligible to stand in SU elections or hold democratic posts, including those of any club or society.

8. The University is satisfied that the range of services provided by the University and the SU to students who have opted out of SU membership are sufficient to ensure that non-members are not unfairly disadvantaged in line with S.22 of the 1994. As such, no special arrangements by the University are in place for the provision of services specifically for students who opt out.
9. The SU may, from time to time, extend a form of membership to non-students, such as honorary membership, associate membership or similar. This membership status is not normally recognised by the University. The University does not confer upon those members the rights, privileges and access to University properties and facilities enjoyed by full members without express agreement by the Registrar and Secretary. Where permission is granted, the University reserves the right for it to be withdrawn at any time.
10. During the Autumn term, the Chief Executive of the SU submits an annual report to the Registrar and Secretary on the numbers of the students who opted out for the previous academic year.

Elections and office holders

11. All appointments to SU offices are by election by means of a secret ballot in which all Members of the SU are entitled to vote.
12. The University takes appropriate steps to satisfy itself that elections are fairly and properly conducted. An assurance report is prepared by an Independent Returning Officer appointed by the SU to the University's Council, for consideration at the first meeting of Council following receipt of the report, to enable Council to satisfy itself that the elections have been fairly and properly conducted.
13. The SU's constitution provides that no person holds a sabbatical office, or paid, elected SU office, for more than two years in total.

Financial Affairs

14. The SU is audited annually by an independent firm of Chartered Accountants, with a financial report presented to the University Council. The audited accounts are published annually.
15. Copies of the Union's audited accounts are freely available to all students for inspection upon request to the SU. The audited accounts contain:
 - (i) a list of the external organisations to which the Union has made donations in the period to which accounts relate; and

(ii) details and the financial value of those donations.

16. SU financial reports are published annually or more frequently, and made available to the University's Executive Board, the SU's Board of Trustees and all students. Each report contains:

- (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, including the financial value.

17. The SU is required to:

- (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;
- (v) maintain adequate insurance cover for its owned assets, sporting activities, public and employers' liabilities, all third-party risks and any other appropriate risks; and
- (vi) make available to the University or its appropriate officers or agents at any time on request its books and accounting records for inspection.

Allocation of resources

18. Procedures for allocating resources to the SU's clubs and societies are set out in writing in the SU's Financial Policy, which is available upon request.

19. All such procedures are required to be fair.

20. Any changes to the Financial Policy are notified to the Registrar and Secretary as soon as possible and no later than 28 days after any changes have been agreed.

Affiliation to external organisations

21. Affiliation to external organisations includes any form of membership of or formal association with an organisation, the purposes of which are not confined to those connected with the SU.

22. If the SU decides to affiliate to an external organisation, it publishes notice of this decision to

Council and to students, 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

23. The SU at least annually publishes a report of its affiliations to external organisations, stating:

- (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),

24. The report is published on the SU website.

25. The procedures for the review of affiliations to external organisations are set out in writing and a copy of these procedures is available from the SU on request. On the written request of 5% of the membership of the Students' Union, provision shall be made for named affiliations to external organisations to be reviewed. If the above conditions are satisfied, the affiliation will be decided through a secret ballot of the Members of the Students' Union. A ballot in respect of any particular organisation may be requested at intervals of at least one year.

26. The University reserves the right not to recognise any body to which the SU chooses to affiliate 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).

Complaints

27. The SU maintains a complaints procedure available to all students who:

- (i) are dissatisfied in their dealing with the SU; and/or
- (ii) claim to be unfairly disadvantaged by exercising their right to opt out of SU membership.

28. The complaints procedure 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.

29. The complaints procedures are published on the SU website and available to all students upon request from the SU.

30. During the Autumn term, the Chief Executive of the SU prepares an annual report to the Registrar and Secretary on the operation of the complaints procedure and the number and type of complaints received in the previous academic year.

31. All complaints received by the SU that are not subsequently resolved within 40 calendar days are subject to review by the University. Under such circumstances, the SU supplies all relevant and requested information to the University to enable the complaint to be investigated and resolved. The complainant may appeal the outcome to the Academic Registrar or nominee, who refers the appeal to an appropriate independent person, as appointed by Council, for review.

Interpretation

32. Where there is uncertainty or doubt in relation to the interpretation or meaning of any part of the Code, the Registrar and Secretary interprets and confirms the meaning. Where there is an actual or perceived conflict of interest, the Chair of Council nominates three members of Council to review to determine outcome. The decision of the Registrar and Secretary or nominated Council members is final.

Review

33. This Code of Practice was approved by Council on 14 July 2022.

34. The Code is considered annually by the University Steering Group to ensure it remains accurate and fit for purpose and to provide assurance that all its provisions are implemented effectively. Any required changes are recommended to Council for approval.

35. Council will itself consider the Code no later than 13 July 2027.