



## **Code of Practice on the University of York Graduate Students' Association (GSA) in accordance with University Ordinance 3 and the Education Act 1994 (Section II)**

The University of York Graduate Students' Association (GSA) is a company limited by guarantee with charitable status, registered through the Charities Commission as an incorporated organisation.

The University and the Graduate Students' Association shall work together to promote students as partners within the institution, its pedagogy, research culture and students' life at York.

The Graduate Students' Association acts as the Students' Union for all postgraduate students and is considered a students' union for the purposes of the Education Act, any references to the requirements of the Students' Union in this document and the Education Act relate to the Graduate Students' Association.

The Education Act 1994 Part II imposes on the governing bodies of University institutions a range of responsibilities in respect of the organisation and control of Students' Unions. This Code of Practice sets out how its requirements will be satisfied.

In pursuance of the requirements of the Education Act 1994 Part II, the University Council (as governing body) has adopted, and will review from time to time in consultation with the Graduate Students' Association, this Code of Practice with a view to ensuring that the Graduate Students' Association continues to operate according to principles of choice, fairness, democracy and accountability.

In addition to the listed requirements of the Education Act, the University and the Graduate Students' Association ensure that the Graduate Students' Association operates within the restrictions and laws relating to charities. Consequently, the Graduate Students' Association cannot have a political purpose and must not seek to advance the interests of a political party but it may seek to influence opinion on issues relating directly to its own stated purposes, provided such activity is within its powers. The ways in which charities may

legitimately engage in political activities is the subject of advice and legislation from time to time by Charities Commissioners, courts of law, Parliament and government departments.

The University is responsible under section 43 of the Education (no.2) act 1986 for the provision of safeguards to ensure the freedom of speech within the law. The provisions for freedom of speech are made under [University Regulation 10](#) which sets out the requirements relating to meetings and activities on University Premises. Where the Graduate Students' Association is carrying out activities on University premises it does so under the University regulations and in conjunction with the university's expectations including the university's external speaker policy and the University events management system.

### **1. Constitution**

*The Education Act requires that the Students' Union has a written constitution and that the provision of that constitution be subject to approval by the governing body at intervals of not more than five years.*

The Graduate Students' Association has a written constitution (Memorandum and Articles of Association) which complies with the terms of the Education (No.2) Act 1986 and the Education Act 1994. It is subject to the approval of the University Council at intervals of not more than five years. The Graduate Students' Association's constitution (Memorandum and Articles of Association) is made available to all students via the [Graduate Students' Association website](#).

### **2. Membership**

*The Education Act requires that students have the right not to be members of the Students' Union. Students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of having done so.*

(a) All registered postgraduate students of the University, and sabbatical officers of the Graduate Students' Association, shall automatically on registration each academic year be members of the Graduate Students' Association but shall have the right to opt-out from that membership as outlined in the [Graduate Students' Association constitution](#).

(b) A decision to opt-out, once made, shall hold good for the remainder of the academic year. If a student wishes to exercise the right to opt-out from Graduate Students' Association membership, he/she shall inform the GSA President and University Registrar and Secretary in writing, who shall notify the Chief Executive of the student's decision.

### **3. Services for non-members who are students**

(a) The Graduate Students' Association shall provide services for students who choose to opt-out from membership of the Association, by agreement with the University.

(b) Non-members shall be entitled to use the services of the Graduate Students' Association, subject to such rules and regulations as may from time to time be in force, including access to Graduate Students' Association advisory and welfare services.

(c) Non-members shall not be entitled:

(i) to participate in Graduate Students' Association affairs (i.e. participate in democratic meetings, vote in elections, referenda and other ballots, or stand as a candidate for or hold office in the Graduate Students' Association);

(ii) to hold student representative positions within the University which are filled via the Graduate Students' Association.

#### **4. Union Elections**

*The Education Act requires that appointment to major students' union office should be by election in secret ballot in which all members are entitled to vote. The governing body is required to satisfy itself that the students' union elections are fairly and properly conducted. The Act additionally requires that a person may not hold paid elected students' union office for more than two years in total.*

The Graduate Students' Association Officers are elected annually by secret ballot open to all members in accordance with the regulations set out in the Graduate Students' Association Constitution and [election rules](#). Significant changes to these procedures are made under the supervision of the University via the Registrar and Secretary or their nominee.

The Registrar and Secretary (or their nominee) may observe any part of the election process. The Graduate Students' Association uses an external Returning Officer for oversight of elections who signs off on the annual election report which is provided to the University Registrar and Secretary each year including details on the result and conduct of the election. The total period of sabbatical office which any one individual may hold in the Union shall be limited to a maximum of two years.

#### **5. Finance**

*The Education Act requires that financial affairs of the students' union be properly conducted and that appropriate arrangements exist for the approval of the students' union budget and the monitoring of its expenditure by the governing body.*

*The Students' Union is to publish a financial report annually or more frequently. The report is to be made available to the governing body and to all students. It should contain, in particular, a list of external organisations to which the students' union has made donations during the period to which the report refers and details of those donations.*

The financial affairs of the Graduate Students' Association are subject to annual independent examination. The annual accounts and financial statements are submitted to the Charities Commission, Companies House and published on the Graduate Students' Association website.

The Annual Accounts are also included within the Graduate Students' Association Annual General Meeting for review and discussion by the members. They are also provided to the University Registrar and Secretary and Finance Director each year for consideration and review. These should normally be submitted by December each year to reflect the financial year ending the preceding 31<sup>st</sup> July. The Graduate Students' Association will be invited annually to the University's Finance and Policy Committee (a sub-committee of the Council) for a review of its accounts and finances.

Any change of financial oversight is the subject of agreement between the Graduate Students' Association and the Registrar and Secretary. The current independent examiners were selected following a comparison exercise and with agreement of the registrar in 2016.

The Graduate Students' Association provide information on its annual budget for consideration of the University Executive Board each year as part of the University grant discussions and agreement. The University will confirm the grant allocation in writing each year.

## **6. Allocation of resources**

*The Education Act requires that the procedure for allocating resources to groups or clubs should be fair and should be set out in writing for the consideration of any student.*

The Graduate Students' Association's procedures for allocating resources to student groups shall be fair and will apply reasonable criteria for the distribution of funds each year.

Details of the Postgraduate Community fund along with criteria and process for awarding funding are published on the Graduate Students' Association website and reported each year in its annual report. Other funding to student groups is agreed as part of the annual budget setting process and approved by members at the Annual General Meeting.

## **7. Affiliation to external organisations**

*The Education Act requires that if the students' union decides to affiliate to an external organisation it must publish notice of its decision, stating the name of the organisation and*

*details of any subscription, donation or similar fee paid or proposed to be paid. Such notice is to be made available to the governing body and students.*

*The Education Act requires that when a students' union is affiliated to any external organisation that are procedures for the review of affiliations and affiliations are reviewed by members annually or more frequently.*

(a) Decisions taken by the Graduate Students' Association to affiliate to external organisations are recorded in the minutes of the meetings at which such decisions are taken.

(b) A list of external organisations to which the Graduate Students' Association is currently affiliated is submitted annually to an Annual General Meeting for approval by members and included in the annual report which accompanies our audited accounts and annual report.

(c) Challenge may be made to any proposed or ongoing affiliation and should be done in line with the Constitution.

## **8. Complaints Procedure**

*The Education Act requires that there is a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the students' union or claim to have been disadvantaged by reason of having exercised their right not to be a member. This procedure should include the provision for an independent person appointed by the governing body to investigate and report on complaints.*

The Graduate Students' Association has a [complaints procedure](#) for students published on the Graduate Students' Association website and available on request to any member or student who;

(i) are dissatisfied in their dealings with the Graduate Students' Association, or

(ii) claim to be unfairly disadvantaged by reason of their having exercised the right to opt-out from membership of the Graduate Students' Association.

Where a student (or group of students) has been unable to resolve the matter through informal means the formal complaint procedure, as outlined in the procedure is undertaken. If a student exhausts the Graduate Students' Association procedure and remains unsatisfied they can contact the University Registrar and Secretary who shall receive and arrange for the investigation of any such complaints by an independent person..

## **9. Information to Students**

In accordance with the requirements of the Education Act 1994 Part II, the right of students to opt-out of Union membership and the services to which they are entitled shall be made known to all prospective students through reference in the University Prospectuses and on the Graduate Students' Association website.

***Reviewed and approved by the University Council: 8 November 2017***