



## **Code of Practice on the University of York Students' Union (YUSU) in accordance with University Ordinance 4 and the Education Act 1994 (Section II)**

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

The University and the Union shall work together to promote students as partners within the institution, its pedagogy and students' life at York.

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 Students' Union, this Code of Practice with a view to ensuring that the Students' Union 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 Students' Union ensure that the union operates within the restrictions and laws relating to charities. Consequently, the Students' Union 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 Students' Union 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 Union 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 Memorandum and Articles of Association was last approved by Council in March 2017 and is made available to all students via the [Union's 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 students of the University, and sabbatical officers of the Union, shall automatically on registration each academic year be members of the Union but shall have the right to opt-out from that membership as outlined in the YUSU constitution (Memorandum and Articles of Association) and [by-laws](#).

(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 Union membership, they shall inform the Union President in writing and the University Registrar and Secretary, who shall notify the Chief Executive of the student's decision.

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

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

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

(c) Non-members shall not be entitled:

(i) to participate in Union 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 Union);

(ii) to participate in Union Societies' decision-making processes as officers or members of Committees;

(iii) to hold student representative positions within the University which are filled via the Union.

#### **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 Union Officers are elected annually by secret ballot open to all union members in accordance with the regulations set out in the Union Constitution (Memorandum and Articles of Association) 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 Union 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 Union are subject to annual external audit. The annual audited accounts and financial statements are submitted to the Charities Commission, Companies House and published on the Students' Union [web site](#).

The Audited Accounts are also included within the Unions Annual General Meeting for review and discussion by the members with Trustees. 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 proceeding 31<sup>st</sup> July. The Students' Union 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 auditors is the subject of agreement between the Union and the Registrar and Secretary. The current auditors were selected following a tender process including a University nominee in 2015.

The Union provides information on its annual budget for consideration by 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 Union's procedures for allocating resources to clubs and societies shall be fair and will apply reasonable criteria for the distribution of funds to clubs, societies, student media and volunteering each year. Details of the [Student Opportunities by-law](#) are published online and the detailed criteria for funding are set by Societies Committee each year and is available on request to the Student Activities Officer.

## **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 Union 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 Union is currently affiliated is submitted annually to a Union General Meeting for approval by members and included in the annual report which accompanies the Union's 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 (Memorandum and Articles of Association).

## **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 Students' Union has a [complaints procedure](#) for students published on the Union's website and available on request to any member or student 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 from membership of the Union.

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 Union's procedure and remains unsatisfied they can contact the University Registrar and Secretary 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 Students' Union web site.

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