

Section 12: Students' Union: Code of Practice

Approved by the Board of Governors 2 July 2021

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

12.1 Introduction

This code of practice has been published by the Board of Governors of Northumbria University in accordance with the requirements of section 22 (3) of the Education Act 1994 (The Act).¹

The Act requires Northumbria University (the University) and Northumbria Students' Union (the Union) to comply with a specified set of measures relating to the operation of the Union. These measures relate to its: Memorandum and Articles; membership; elections; service of its sabbatical officers; finances; affiliations; complaints procedure; and notification requirements.

This code sets out clearly the arrangements specified by the Board of Governors to secure observance of the Act, and is subject to periodic review.

12.2 Memorandum and Articles

The Union has been established, and conducts and manages its affairs in accordance with its Memorandum and Articles approved by the Board of Governors and the Board of Trustees/Directors in accordance with Article (13(i)) of the University's Articles of Government. Amendments to the Union's Memorandum and Articles must be submitted to, and approved by the Board of Governors and the Union's Board of Trustees/Directors before any such amendments can take legal effect.

The Board of Governors and Board of Trustees/Directors will review, and, where necessary, revise the Memorandum and Articles in consultation with the Union, every five years.

12.3 Membership

12.3.1 Overview

¹ Reference is also made to the Union's Board of Trustees which is a separate body responsible for the governance of the Union as a registered charity.

All students registered at the University are automatically members of the Union on enrolment, unless they choose otherwise. Every registered student at the University has the right to choose not to be a member of the Union and/or not to be represented by it, and not to be unfairly disadvantaged by reason of having exercised that right. The Union and the University will publish these rights and make them known to registered students through several media.

12.3.2 Consequences for Non-Membership of the Union

The sole consequences for a registered student of the University of choosing not to be a member of the Union are:

- (a) loss of eligibility to vote in Union elections or referenda
- (b) ineligibility to stand in elections to the ~~Executive Committee~~Student Council of the Union
- (c) ineligibility to hold office in any Union club or society
- (d) ineligibility to hold any elected or appointed representative role of the Union

12.3.3 Withdrawal from Right to Membership

Any student who wishes to withdraw from their right to membership of the Union must indicate their decision in writing to the Union President, or nominee in procedures published by the Students' Union.

12.3.4 Resuming the Right to Membership

Any student who has withdrawn from membership of the Union, and who subsequently wishes to resume their right to membership should indicate their decision in writing to the Union President, or nominee in procedures published by the Students' Union.

12.3.5 Logging Status of Membership

The Chief Executive will ensure that a log of all students who withdraw their right to Union membership, or subsequently resumes their right to membership is maintained, and this should periodically, and no less than annually, be notified to the Head of Legal.

12.4 Elections

12.4.1 Conducting Elections

Election of Sabbatical Officer (and to several other Union posts) will be conducted by secret ballot.

12.4.2 Ensuring Fair and Proper Elections

The Board of Trustees/Directors will appoint a Returning Officer, who shall normally be an NUS representative, to act as Returning Officer responsible for ensuring that the election(s) are fairly and properly conducted. The Returning Officer will be supported in this task by a Deputy Returning Officer who shall be a senior manager of the Union. The Returning Officer will produce a report on the conduct of the election(s) and submit it to the Student Council, the Board of Trustees/Directors and Board of Governors, to confirm the outcome and process for the annual elections.

12.4.3 Duration of Office

No Union member shall hold sabbatical or paid-elected Union Office for more than two years in total.

12.5 Finance

12.5.1 Proper Conduct of Financial Affairs

The Union, through its Board of Trustees/Directors, is responsible for the proper conduct of its financial affairs, and for ensuring that the funds provided to it by the University are used only in accordance with the objects of its Memorandum and Articles, and in accordance with the Act. As well as observing applicable legislation, the Union will develop its own procedures, and make due reference to those of the University including in the areas of Fraud and Corruption and Money Laundering.

12.5.2 Compliance with Requirements

The Union shall require its Chief Executive (a) to satisfy the University at regular intervals to be mutually agreed between the Union and University that it is compliant with all relevant requirements and (b) to advise the Union to change any action or policy it is considering if, in the opinion of the Chief Executive, that action or policy is likely to prove incompatible with the terms of this Code of Practice.

12.5.3 Board of Governors and Board of Trustees

The Union's Chief Executive is accountable to the ~~Board of Governors, and the~~ Board of Trustees/Directors to:

- (a) ensure accounts and accounting records of the Union are maintained in accordance with normal professional accounting principles.
- (b) ensure that a sound system of internal financial management and control is in place for the Union.
- (c) plan and conduct the financial affairs of the Union 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.
- (d) maintain adequate insurance cover for Union assets and public/employer liabilities.
- (e) report regularly through the University's Executive Group and governance system, in order that the University can assure itself that proper financial procedures and controls are in place, can determine and agree its annual subvention to the Union, and can monitor expenditure on behalf of the Board of Governors. As appropriate, the Board of Governors will place reliance on the Union Board of Trustees/Directors which in turn receives assurance from its Audit and Risk Committee.
- (f) ensure that fair written procedures and rules exist for allocating resources to groups, clubs and societies, and that these are observed.

12.5.4 Audited Annual Financial Accounts

The audited annual financial accounts of the Union will:

- (a) be prepared within four months of the close of the preceding financial year. The accounts shall be approved by the Board of Trustees/Directors of the Union on the recommendation of its Audit and Risk Committee.
- (b) be reported through the Board of Governor's committee structure to include evidence of adoption by the Board of Trustees/Directors, and published on the Union website in line with its requirements as a registered charity.
- (c) include a list of all external organisations to which the Union has made donations in the period to which the accounts relate, and a statement of the sums paid to every organisation on the list and a list

of all external organisations to which the Union is/was affiliated, and a statement of the subscriptions/fees/donation made to the organisations on the list, in the period to which the accounts relate.

12.6 Affiliations

12.6.1 External Organisations Approval

All proposals to affiliate to external organisations shall be approved by the Board of Trustees/~~Directors, and~~Directors and shall be submitted for approval to the Annual Student Members Meeting.

12.6.2 Annual Student Members Meeting

The Annual Student Members Meeting should review all current affiliations. If a current affiliation is rejected, by members at the meeting, then a referendum of all members will be held to determine continued affiliation.

12.6.3 Register of Current Affiliations

A register of current affiliations, containing details of subscriptions, fees paid, or donations made, should be maintained by the Union, and available for inspection by all members at the offices of the Union, during office hours.

12.6.4 Annual Report

This Register will be produced by the Union on an annual basis and presented to the Board of Governors through means of an Annual Report of the Students' Union.

12.7 Complaints

12.7.1 Procedure for Complaints

Complaints by any Union member in relation to their dealings with the Union, or in relation to a claim of unfair disadvantage when a student has exercised their right not to be a member of the Union, will be dealt with as follows:

- (a) by the Students' Union's Bye-Law 'Procedure for Complaints Against the Students' Union'
- (b) if the complainant is unsatisfied by (a) then they may appeal to the Board of Trustees/Directors as set out in the bye-law.

- (c) if their complaint is still not satisfied, they may appeal to the University in accordance with the procedure set out in the by-law.

12.7.2 Dealing with Complaints

All complaints will be dealt with promptly and fairly, and when a complaint is upheld, there will be an effective remedy.

12.8 Restriction Imposed by the Law of Charities

The Union is governed by the laws relating to charities and company law. 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 these potential benefits to union members, and the financial resources and commitments of the Union. The ways in which charities may, or may not, legitimately engage in political activities is the subject of advice and legislation by the Charity Commission, Courts of Law, Parliament, and Government departments.

12.9 Freedom of Speech

The Union and its members must observe the University's 'Statement on Academic Freedom and Freedom of Speech', which it is required to publish in accordance with the Education No. 2 Act 1986.

12.10 Publication of this Code of Practice

This code will be published in the *Handbook of Student Regulations* and made available to all students via the Legal Services Team web pages.