

Education Act 1994: Code of Practice adopted by the Board of Governors

The governing body ... shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

The Education Act 1994 sets out the responsibilities of the Board of Governors in respect of the organisation and activities of the Students' Union. The Act requires the Board to prepare and issue a Code of Practice, demonstrating how the various requirements of the Act on this matter are implemented at the University. This Code quotes the relevant sections of the Act (in italics, above and below) and explains how the University has fulfilled its responsibilities.

Section 22(2)

(a) The union should have a written constitution

The University of Lincoln Students' Union has a written constitution. Copies are available from the ULSU office or via its website: <http://www.lincolnsu.com/>.

This constitution consists of Articles and Memorandum of Association and associated Bye-Laws

(b) The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years.

The constitution is reviewed by the Board of Governors at least every five years.

(c) A student should have the right not to be a member of the union, or in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.

Any student is entitled to opt out of ULSU membership, and this right is described on the enrolment form. Regardless of membership of the Union, students are entitled to use the Union building and facilities with no material impact to their experience. To ensure that non-ULSU members are not unfairly disadvantaged, such students are also able to make use of welfare services that the Union offers such as being represented by the Union's officers if required as well as receiving independent advice on a range of issues offered by the Union to its members.

However students who choose not to become members of the Union will not be entitled to take part in Union meetings, stand or vote in Union elections, call a referendum, or join or become officers of clubs and societies funded by, affiliated to or recognised by the Union.

(d) Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.

The procedures relating to elections, as set out in the ULSU constitution and Election Regulations, comply with this requirement.

(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.

The Election Regulations ensure that elections are fairly and properly conducted. They provide for elections to be supervised by an independent Returning Officer, whose appointment is jointly approved by the Students' Union and the University via the Elections Sub-Committee of the Students' Union Trustee Board. Appeals against decisions made by the Returning Officer in cases of complaints about election activities are determined by the Clerk to the Board of Governors. A member of the University Secretariat acts as a Deputy Returning Officer for all Sabbatical Officer elections.

(f) A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.

This is provided for in the Union constitution.

(g) The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body.

The Board of Governors has delegated to the Vice Chancellor the approval of the annual block grant by the University to the Students' Union and the monitoring of its expenditure. The ULSU President and the Vice-Chancellor will annually agree Key Performance Indicators for the Union to demonstrate to the University that it is receiving value for money from the block grant.

The Board of Governors annually receives the audited accounts of the ULSU and the budget for the forthcoming year approved by the ULSU Trustee Board.

(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular, a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations.

The audited accounts are presented annually to the Board of Governors. The reports comply with then requirements of the Act. They are available for inspection through the ULSU office or from the Union's website: <http://www.lincolnsu.com/>.

(i) The procedure for allocating resources to groups or clubs should be fair, and should be set down in writing and freely accessible to all students.

Resources are allocated to clubs and societies by application. Each society submits an application for resources dependent on its membership, previous expenditure and proposed level of activity. These applications are then considered and allocations made. The procedure for allocating funds is available on application to the ULSU Offices.

(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and 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, and any such notice should be made available to the governing body and to all students.

The ULSU's annual financial statements contain:

- (i) a list of the external organisations to which the Students' Union has made donations in the period to which the report relates, and the details of those donations;
- (ii) a list of external organisations to which the Students' Union is affiliated and the details of any subscription, donation or similar fee paid or proposed to be paid to these;
- (iii) the procedure for allocating resources to groups or clubs.

(l) There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.

Under the Union constitution, a referendum may be called on any subject. The Returning Officer of the Union will then organise a secret ballot. The list of affiliated bodies is ratified annually by the membership of ULSU at the Annual All Student Members meeting.

(m) There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.

(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

The ULSU Student Complaints Procedure is available to allow any student to bring a complaint against the Students' Union. Students are able subsequently to request referral of a matter to the University Registrar to rule on any procedural issues.

Section 22(4)(b) – Information for students

Charities laws

The Board of Governors has a responsibility to draw the attention of students to the restrictions imposed on the activities of the Students' Union by the law relating to charities. The ULSU cannot have a political purpose and must not seek to advance the interests of a political party. It may, however, seek to influence opinion on issues relating directly to its own purposes as stated within its constitution, provided such activity is within its powers. Resources provided to the ULSU by the University of Lincoln must be used only for charitable purposes, in representing and furthering the interests of students so as to enhance the educational aims of the University.

Further advice may be obtained from the Charity Commission (<http://www.charity-commission.gov.uk/>).

Freedom of speech

The Memorandum of Understanding stipulates that the Students' Union shall comply with the requirements of the Education Act 1986 in relation to ensuring freedom of speech and to this end shall comply with the University's Policy on Freedom of Speech. This shall include the content of posters, notices, temporary signs and literature distributed on Union premises and where clubs and societies are using other University space.

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